

CITY OF WOODHAVEN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
CITY COUNCIL MEETING OF JULY 15, 2014

Regular City Council Meeting of July 15, 2014, held at Woodhaven City Hall, 21869 West Road, Woodhaven, Michigan. The meeting was called to order at 7:00 p.m. by Mayor Patricia Odette.

PRESENT: Mayor, Patricia Odette, Council Members, Darrel Penix, Chris Papineau, Randy Odette, Dan Duderstadt, Sharon Bono-Beaton

ABSENT: Council Member, Jeffrey Harris (excused)

ALSO PRESENT: Kristie Keene, City Clerk, Mark Kibby, City Administrator, Tim Neighbors, Director of Public Service and Water, J.P. Cacciaglia, DDA & Economic Development Director, John Hennessey, Hennessey Engineers, Vince Price, Police Chief, Janet Sikes, Fire Chief, John Enos, Director of Building and Planning, Kathy Oehring, Treasurer

14-078 Moved by Mayor Patricia Odette, seconded by Duderstadt, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of City Council Meeting minutes of July 1, 2014.
- C. General Fund Obligations in the amount of \$53,182.48 approved for payment.
- D. Local Highway Fund Obligations in the amount of \$132,324.00 be approved for payment.
- E. Community Activities Fund Obligations in the amount of \$2,169.10 be approved for payment.
- F. Garbage and Rubbish Collection Fund Obligations in the amount of \$184.30 be approved for payment.
- G. Building Department Fund Obligations in the amount of \$7,527.46 be approved for payment.
- H. Police Department Forfeiture Fund Obligations in the amount of \$1,565.55 be approved for payment.
- I. Capital Improvement Fund Obligations in the amount of \$2,225.00 be approved for payment.
- J. Water and Sewer Fund Obligations in the amount of \$6,244.76 be approved for payment.
- K. Recreational Vehicle Storage Fund Obligations in the amount of \$120.00 be approved for payment.
- L. Motor Pool Fund Obligations in the amount of \$15,958.08 be approved for payment.
- M. Trust and Agency Fund Obligations in the amount of \$25,719.00 be approved for payment

MOTION CARRIED UNANIMOUSLY.

14-079 Moved by Mayor Patricia Odette, seconded by Penix, to approve the following amendment to Woodhaven Code of Ordinances:

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF WOODHAVEN**

AN ORDINANCE AMENDING WOODHAVEN CODE OF ORDINANCES, CHAPTER 66, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VIII, OFFENSES INVOLVING UNDERAGE PERSONS, DIVISION 5, ALCOHOL, TOBACCO AND DRUGS

**THE CITY OF WOODHAVEN ORDAINS:**

THE CITY OF WOODHAVEN, BY ACTION OF THE CITY COUNCIL, ADOPTS THE FOLLOWING AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 66, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VIII, OFFENSES INVOLVING UNDERAGE PERSONS, DIVISION 5, ALCOHOL, TOBACCO AND DRUGS

**Sec. 66-676. Use or possession of tobacco products by persons under the age of 18; prohibition; penalty; sale of tobacco products to persons under the age of 18; prohibition, penalty; public health department sign; affirmative defense, rebuttal.**

(a) (1) *Possession of tobacco products by persons under the age of 18.* A person under the age of 18 shall not possess, consume, buy, sell, transfer, deliver or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park or other lands used for a public purpose, in a public, private or charter school or on school property, in a public place of business or amusement, or on other private property without the consent of the property owner or other individual authorized to control and be responsible for the property. A violation of this subsection is a civil infraction, punishable by a fine of \$50.00 for the first offense and a fine of \$80.00 for the second offense. Subsequent offenses are punishable in the discretion of the Court by a fine of not more than \$500.00. The Court may, in addition to or in lieu of a fine, require the person who violates this section to participate in a health promotion and risk reduction assessment program at the violator's expense, or to perform community service in a medical facility.

(2) *Sale or furnishing of tobacco to persons under the age of 18.* A person shall not sell, give, or furnish any cigarette, cigar, chewing tobacco, tobacco snuff, or tobacco in any other form to a person under 18 years of age. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense, and/or up to 90 days in jail.

(b) A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the department of public health that includes the following statement:

"The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties."

(c) If the sign required under subsection (b) is more than six feet from the point of sale, it shall be 5½ inches by 8½ inches, and the statement required under subsection (b) shall be printed in 36-point boldface type. If the sign required under subsection (b) is six feet or less from the point of sale, it shall be two inches by four inches, and the statement required under subsection (b) shall be printed in 20-point boldface type.

(d) The department of public health shall produce the sign required under subsection (b) and have adequate copies of the sign ready for distribution to licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (a) free of charge within 60 days after the effective date of this subsection. Licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (a) shall obtain copies of the sign from the department of public health and distribute them free of charge, upon request, to persons who are subject to subsection (b). The department of public health shall provide copies of the sign free of charge, upon request, to persons subject to subsection (b) who do not purchase their supply of

cigarettes or other tobacco products described in subsection (a) from licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (a).

(e) It is an affirmative defense to a charge pursuant to subsection (a) (2) that the defendant had in force at the time of arrest and continued to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products to persons under 18 years of age, and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the prosecuting attorney. The notice shall be served not less than 14 days before the date set for trial.

(f) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (e) shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.

AYES: Duderstadt, Mayor Odette, Penix, Papineau, Councilman Randy Odette, Bono-Beaton

NAYS: None

ABSENT: Harris

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on July 1, 2014 and adopted on July 15, 2014. The effective date of this ordinance shall be the 25<sup>th</sup> day of July, 2014.

14-080 Moved by Councilman Randy Odette, seconded by Duderstadt, to approve the following amendment to Woodhaven Code of Ordinances:

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF WOODHAVEN**

AN ORDINANCE AMENDING WOODHAVEN CODE OF ORDINANCES CHAPTER 110, ZONING, ARTICLE V. - SUPPLEMENTARY REGULATIONS, DIVISION 3, PARKING REGULATIONS

**THE CITY OF WOODHAVEN ORDAINS:**

THE CITY OF WOODHAVEN, BY ACTION OF THE CITY COUNCIL, ADOPTS THE FOLLOWING AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 110, ZONING, ARTICLE V. - SUPPLEMENTARY REGULATIONS, DIVISION 3, PARKING REGULATIONS

**Section 110-603. Off-street parking space lay-out standards, construction and maintenance.**

Wherever the off-street parking requirements in this chapter require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefore is issued by the building inspector. Application for a permit shall be submitted to the building department in such form as may be determined by the building inspector, and shall be accompanied with two sets of plans for the development and construction of the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<b>Parking Pattern</b>	<b>Maneuvering Lane</b>	<b>Parking Space Width</b>	<b>Total width of one tier of spaces plus maneuvering lane</b>	<b>Total width of two tiers of spaces plus maneuvering lane</b>
0° (parallel parking)	12 ft.	9 ft.*	21 ft.	30 ft.
30° to 53°	12 ft.	9 ft.*	32 ft.	52 ft.
54° to 74°	15 ft.	9 ft.*	36 ft. 6in.	58 ft.
75° to 90°	22 ft.	9 ft.*	42 ft.	62 ft.

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drivers shall be provided for all vehicles. Ingress and egress to a parking lot lying in the area zoned for other than single-family residential use shall not be across land zoned for single-family residential use. The minimum width of an access drive shall be at least 11 feet per lot. Adequate radii shall be provided to permit the turning of cars, emergency vehicles necessary to service the site.
- (5) Drives shared by more than one site shall be required where possible. Cross access easements to facilitate vehicular and pedestrian traffic movement between sites served by shared drives shall be a condition of site plan approval where applicable.
- (6) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- (7) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distance from adjacent property located in any single-family residential district.
- (8) The off-street parking area shall be provided with a continuous decorative obscuring concrete poured wall, masonry wall with brick veneer facing the adjacent property, or berm not less than four feet, six inches in height, measured from the surface of the parking area. This obscuring

device shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between such wall and berm and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, ornamental trees and living ground cover. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- (9) The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. The parking area shall be surfaced within one year of the date of the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (10) The off-street planting area shall have a planting area of at least five feet in width abutting and along any dedicated street right-of-way or easement. This area shall not be used in fulfilling any other landscaped open space requirements in this subsection. This area shall be planted and maintained in a living ground cover and shall be coordinated into the overall landscape planting plan for the site and parking lot. In addition to the preceding open space requirements, other landscaped areas amounting to at least 15 square feet for each parking space shall be provided. These areas shall be distributed about the parking lot and along the building façade to break up the expanse of paving and provide a more attractive setting for the site and building. In the event a covered walkway or other structural features makes the installation of foundation plantings impractical then planter islands in the parking lot shall be so located to provide plant material areas that soften the building façade. A minimum of at least one tree for each six parking spaces or portion shall be provided within the required landscaped areas in this section. Trees shall be at least ten feet in height or a minimum caliper of at least three inches for deciduous trees and five feet in height and 30 inches in spread for evergreens at the time of planting. Such trees shall be distributed about the landscaped areas as to further break up the expanse of parking and provide a more desirable setting for the site and building. See section 110-631 et seq. for additional landscape requirements. The preceding requirements are exclusive of any required greenbelt transition areas or other open areas required under special use permit approvals unless otherwise specified. All required planting areas shall be landscaped in grass, ground cover, shrubs, trees or other living plant material.
- (11) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed on to the parking area only.
- (12) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (13) Pedestrian walkway access shall be provided from sidewalks on abutting thoroughfares to commercial buildings.
- (14) The board of appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

AYES: Duderstadt, Mayor Odette, Penix, Papineau, Councilman Randy Odette, Bono-Beaton  
NAYS: None  
ABSENT: Harris  
MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on July 1, 2014 and adopted on July 15, 2014. The effective date of this ordinance shall be the 25<sup>th</sup> day of July, 2014.

14-081 Moved by Papineau, seconded by Councilman Randy Odette, to approve the following amendment to Woodhaven Code of Ordinances:

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF WOODHAVEN**

AN ORDINANCE AMENDING WOODHAVEN CODE OF ORDINANCES CHAPTER 110, ZONING, ARTICLE V. - SUPPLEMENTARY REGULATIONS, DIVISION 8. SITE PLAN REQUIREMENTS

**THE CITY OF WOODHAVEN ORDAINS:**

THE CITY OF WOODHAVEN, BY ACTION OF THE CITY COUNCIL, ADOPTS THE FOLLOWING AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 110, ZONING, ARTICLE V. - SUPPLEMENTARY REGULATIONS, DIVISION 8. SITE PLAN REQUIREMENTS

**Section 110-741(d)**

- (d) In the process of reviewing the site plan, the planning commission shall consider:
- (6) In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares and/or creating other traffic, and/or land use transitional problems, they may require marginal access streets as defined in the city's subdivision chapter (chapter 58 of this Code) or marginal access drives as defined in this chapter, as follows:
  - a. In approving the site plan, the planning commission may recommend marginal access drives or marginal access streets. For a narrow frontage, which will require a single outlet, the planning commission may recommend that money be placed in escrow with the city so as to provide for such streets or drives equal in length to the frontage of the property involved. Marginal access streets and drives shall be so designed and arranged as to promote efficient and safe traffic and turning movements. Sufficient separation shall be provided between any public roadways and/or drives to provide a proper turning radius which will seek to minimize any interruptions in traffic flow in either traffic way. A marginal access drive shall have a minimum pavement width of 22 feet, back-of-curb to back-of-curb. Landscaping adjacent to marginal access drives or streets shall not obscure the visibility of vehicular and/or pedestrian traffic and freestanding signs between such streets or drives and major or secondary thoroughfares shall not be permitted.

- b. The planning commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the planning commission shall require side lot or rear lot relationships to major thoroughfares.
- c. Drives shared by more than one site shall be required where possible. Cross access easements to facilitate vehicular and pedestrian traffic movement between sites served by shared drives shall be a condition of site plan approval where applicable.

AYES: Duderstadt, Mayor Odette, Penix, Papineau, Councilman Randy Odette, Bono-Beaton  
NAYS: None  
ABSENT: Harris  
MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on July 1, 2014 and adopted on July 15, 2014. The effective date of this ordinance shall be the 25<sup>th</sup> day of July, 2014.

14-082 Moved by Mayor Patricia Odette, seconded by Duderstadt, to approve the purchase of a 2014 Ford F150 Pickup for the Fire Chief. This is a budget item to be purchased from account #101-336-940.995, not to exceed \$26,190.00. Also the purchase of lights, siren, radio installation and graphics to the vehicle not to exceed \$5000.00. This is a budget item to be purchased from account #101-336-776.301. MOTION CARRIED UNANIMOUSLY.

14-083 Moved by Mayor Patricia Odette, seconded by Penix, to approve to appoint the following individuals to the Woodhaven Planning Commission with all terms expiring July 2017:

Re-appoint: Ms. Shirley Stuba  
Re-appoint: Mr. Joseph Camilli  
Re-appoint: Mr. Tim Neighbors

MOTION CARRIED UNANIMOUSLY.

14-084 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, to approve the following individuals to the Woodhaven Zoning Board of Appeals with all terms expiring July 2017:

Re-appoint Ms. Doreen Herk  
Re-appoint Mr. Clifton Stone

MOTION CARRIED UNANIMOUSLY.

Mayor Odette adjourned the Woodhaven City Council Meeting at 7:15 p.m.

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Mayor Patricia Odette

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Kristie Keene, City Clerk