

CITY OF WOODHAVEN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
CITY COUNCIL MEETING OF MARCH 18, 2014

Regular City Council Meeting of March 18, 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, Dan Duderstadt, Randy Odette, Chris Papineau Sharon Bono-Beaton, Jeffrey Harris

ALSO PRESENT: Angie Shurkus, Deputy Clerk, Mark Kibby, City Administrator, Pat Kruse, City Attorney Janet Sikes, Fire Chief, Tim Neighbors, Director of Public Service and Water, John Hennessey, Hennessey Engineers, J.P. Cacciaglia, DDA & Economic Development Director, Kathy Oehring, Treasurer, Kathy D'Angelo, Director of Parks and Recreation, Vince Price, Police Chief, John Enos, Director of Building and Planning, Duane Ratliff, Deputy Police Chief

14-027 Moved by Bono-Beaton, seconded by Councilman Randy Odette, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of City Council Meeting minutes of March 4, 2014.
- C. Approval of Special City Council Meeting minutes of March 6, 2014.
- D. General Fund Obligations in the amount of \$236,985.01 be approved for payment.
- E. Major Street Fund Obligations in the amount of \$1,292.37 be approved for payment.
- F. Local Street Fund Obligations in the amount of \$1,005.34 be approved for payment.
- G. Community Activities Fund Obligations in the amount of \$400.00 be approved for payment.
- H. Garbage and Rubbish Fund Obligations in the amount of \$43,514.16 be approved for payment.
- I. Building Department Fund Obligations in the amount of \$6,713.55 be approved for payment.
- J. Police Department Forfeitures Fund Obligations in the amount of \$2,620.03 be approved for payment.
- K. Debt Services Fund Obligations in the amount of \$194,759.38 be approved for payment.
- L. Bond Debt Services Fund Obligations in the amount of \$155,043.75 be approved for payment.
- M. Water and Sewer Fund Obligations in the amount of \$3,405.08 be approved for payment.
- N. Motor Pool Fund Obligations in the amount of \$6,467.53 be approved for payment.

MOTION CARRIED UNANIMOUSLY.

14-028 Moved by Duderstadt, seconded by Harris, to approve the following amendment to Woodhaven Code of Ordinances:

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

**THE CITY OF WOODHAVEN ORDAINS:**

BE IT HEREBY RESOLVED THAT THE CITY OF WOODHAVEN, BY ACTION OF THE CITY COUNCIL, ADOPTS THE FOLLOWING AMENDMENT TO THE WOODHAVEN CODE OF ORDINANCES CHAPTER 106 – VEGETATION, ARTICLE II NOXIOUS WEEDS BY MAKING THE FOLLOWING CHANGES:

The existing Chapter 106, Article II, sections 106-31 through 106-39, shall be deleted in its entirety and replaced by the following:

## **ARTICLE II. - NOXIOUS WEEDS**

### **Sec. 106-31. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Noxious weeds* includes excessively grown over 8 inches Canadian thistle, dodders, mustard, wild carrot, bind weed, perennial snow thistle, hoary alyssum, ragweed, goldenrod, poison ivy and poison sumac. It shall also include any other weeds and grass over eight inches high. The purpose of this article is to remove noxious weeds, weeds and grass which may create a condition detrimental to the public health and welfare and/or cause blight on the area.

### **Sec. 106-32. - Prohibition of noxious weeds; exceptions.**

Unless prohibited by statute preserving wetlands or nature areas, no owner of any lot, place, or area within the city, or the agent of such owner, shall permit on such lot, place, or area, or upon any sidewalk abutting the same, any noxious weeds, as defined as section 106-31, that may be growing, lying or located thereon. Provided, however, that such growth shall be permitted if it shall not encroach closer than 50 feet of any public highway, street, sidewalk, adjoining lot or premises.

### **Sec. 106-33. - Notice to destroy.**

It shall be the duty of the city clerk to give general notice to the public of the requirements of this article by publishing a notice in a newspaper of general circulation in the city on or before April 15 of each year. This notice shall be substantially in the following form:

“Notice is hereby given that all excessively grown over 8 inches noxious weeds, as defined by the city Code section 106-31, growing and all dead grass and weeds or grass over eight inches in height on any land within the City of Woodhaven, County of Wayne, State of Michigan, must be cut down, destroyed and removed, and when as frequently as growth exceeds maximum height, to prevent such weeds from reaching a situation detrimental to the public health and welfare. Provided, however, that such growth shall be permitted if it shall not encroach closer than 50 feet of any public highway, street, sidewalk, adjoining lot or premises.

“Failure to comply with this Notice in a timely manner, by allowing such growth shall make any party so failing liable for the costs of cutting, destroying and removing said noxious weeds and dead grass and brush by said city, said costs to be levied and collected against said lands in the same manner as prescribed by the City Charter and city Code.

”Excluded from this ordinance are lands specifically designated as wetlands or nature areas by the State of Michigan or federal agency, if cutting is prohibited by them.”

### **Sec. 106-34. - Action upon noncompliance with notice.**

Upon the failure, neglect or refusal of any owner or agent notified under section 106-33 to cut, destroy or remove weeds, grass or deleterious, unhealthy growths, or other noxious matter growing, lying or located upon such owner's property, or upon the sidewalk abutting the same, the city, acting through its employees, agents, or contractors, is hereby authorized and empowered to enter on the property to effect the removal of obnoxious growth and pay the cost for the cutting, destroying and/or removal of such weeds, grass or deleterious growths or other noxious matter.

**Sec. 106-35. - Cost of removal included in owner's tax bill.**

When the city has effected the removal of obnoxious growth or has paid for its removal, the actual city cost incurred therefor plus accrued interest at the rate of five percent per annum or the legal rate if interest adopted by the state, whichever is greater, from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the city, and such charge shall be due and payable by such owner at the time of payment of such tax bill.

**Sec. 106-36. - Recorded statement of cost of removal constitutes lien.**

Where the full amount due the city under this article is not paid by such owner within 30 days after the cutting, destroying or removal of weeds, grass or deleterious, unhealthful growths, or other noxious matter, as set forth in this article, then, and in that case, the chief of police shall cause to be recorded in the office of the city assessor a sworn statement showing the cost and expense incurred by the city for the work and the date, place or property on which such work was, and the recordation of such sworn statement shall constitute a lien and charge against the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty as in the event the same is not paid in full on or before the date the tax bill upon which charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions thereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

**Sec. 106-37 – 106-39. - Reserved.**

AYES: Duderstadt, Harris, Mayor Odette, Penix, Papineau, Councilman Randy Odette

NAYS: Bono-Beaton

ABSENT: None

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on March 4, 2014 and adopted on March 18, 2014. The effective date of this ordinance shall be the 28<sup>th</sup> day of March, 2014.

Mayor Odette Introduced an Amendment to the Ordinance for the City of Woodhaven Code of Ordinances; amending Section 102-261 to Authorize the Superintendent of the Water and Sewer Department, with the Approval of the City Administrator, to adjust Sewer Rates to the users whenever the cost is Increased by the Operator.

14-029 Moved by Mayor Odette, seconded by Penix, the following resolution was offered:

**SUPPORT OF T.I.G.E.R. GRANT BY WAYNE COUNTY  
ROAD COMMISSION FOR GRADE SEPARATION ON ALLEN RD**

**WHEREAS**, the City of Woodhaven, a Downriver community in Wayne County whose total population exceeds 12,500, has joined in an effort to improve local government and enhance the quality of life for area residents through municipal cooperation; and

**WHEREAS**, the City of Woodhaven fully supports the construction of a grade separation on Allen Road under the Canadian National Rail line in the County of Wayne and fully supports Wayne County Road Commission's submission of a Department of Transportation National Infrastructure Investments Grant (referred to as T.I.G.E.R. Discretionary Grants) application for the above project; and

**WHEREAS**, delays at the crossing have a negative impact on jobs and commerce of the area; Ford and Chrysler operate major assembly operations in the area and one of the largest consumer shopping districts in the area with over 1.6 million sq/ft of retail space; and

**WHEREAS**, 16-18 trains up to 10,000 ft in length pass daily on their way into Canadian National's largest Train Yard in the Metro Detroit Area, which causes commerce delays up to 45 minutes per train crossing; and

**WHEREAS**, Allen Road is the first major arterial road east of I-75 (109,000 vehicles travel I-75 daily), and Allen Road is used as an Emergency/Alternate route when accidents or construction affect/close the freeway; and

**WHEREAS**, there are over 29,000 vehicles a day that travel on Allen Road, which serves as a major north-south community road, and has a major impact on the residents in the area; delays at the crossing have a negative impact on jobs and commerce of the area; and

**WHEREAS**, the Life & Safety of Downriver area residents is greatly impacted by the train crossing in getting to the area's only Level 2 Trauma Hospital; and

**WHEREAS**, there have been 6 fatalities and 74 injuries and 175 accidents on that section of Allen Road in Woodhaven over the past several years; and

**NOW THEREFORE BE IT RESOLVED**, that the City of Woodhaven fully supports the application of the Wayne County Road Commission to the United States Department of Transportation for a T.I.G.E.R. Discretionary Grant for the above referenced project, and strongly recommends approval of that application for the Economic, Safety, Environmental, and Quality of Life improvements that project would provide and is aware the City of Woodhaven and its Downtown Development Authority will share in the cost of and will cost approximately 2.25 million dollars from those agencies.

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

NAYS: None

ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

14-030 Moved by Harris, seconded by Mayor Odette, the following resolution was offered:

**CITY OF WOODHAVEN RESOLUTION  
FOR CHARITABLE GAMING LICENSES**

The Michigan Academy of General Dentistry, County of Wayne, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses be considered for approval.

AYES: Mayor Odette, Harris, Papineau, Bono-Beaton, Councilman Randy Odette

NAYS: Penix

ABSENT: None

**RESOLUTION DECLARED ADOPTED, CONTINGENT ON APPROVAL BY CITY ATTORNEY.**

Mr. Enos explained other courses of action that will take place to advertise the City policy on Noxious Weed Ordinance.

14-031 Moved by Mayor Odette, seconded by Councilman Randy Odette, to approve the Trenton Resident's membership to the WOOFhaven Dog Park be charged the Woodhaven resident rate. MOTION CARRIED UNANIMOUSLY.

14-032 Moved by Bono-Beaton, seconded by Mayor Odette, to adopt the City of Woodhaven Title VI Non-Discrimination Plan; designate Mark Kibby, City Administrator, as the Title VI Coordinator; and authorize the Mayor and City Administrator to sign the documents on behalf of the City. MOTION CARRIED UNANIMOUSLY.

Two (2) bids for the CDBG Senior Center Addition were received from the following companies and publicly opened in the City Clerk's office on Monday, March 17, 2014, at 10:00 a.m.:

All Phaze Construction	\$124,000.00	Sole Building Co, Inc.	\$113,000.00
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14-033 Moved by Mayor Odette, seconded by Councilman Randy Odette, to award the bid for the CDBG Senior Center Addition to Sole Building Co, Inc., with a total amount not to exceed \$113,000.00, based on the recommendation of Hennessey Engineers, Inc. MOTION CARRIED UNANIMOUSLY.

14-034 Moved by Mayor Odette, seconded by Papineau, to approve the purchase of a Milo Range 2000 Video Simulator Training System, for a total cost not to exceed \$13,800.00, from line item 265-346-958.920 of the 2013/14 Police Department Budget. MOTION CARRIED UNANIMOUSLY.

Ms. Kelly Faber, Program Director from The Senior Alliance, gave a brief overview of the services they have provided to the residents of Woodhaven.

14-035 Moved by Odette, seconded by Penix, to convene in Closed Session at 7:27 p.m. for the purpose of discussing contract negotiations, and any other purpose allowed by law and matters covered under attorney client opinion. MOTION CARRIED UNANIMOUSLY.

14-036 Moved by Mayor Odette, seconded by Councilman Randy Odette, to reconvene the regular Council meeting at 8:06 p.m. MOTION CARRIED UNANIMOUSLY.

Mayor Patricia Odette adjourned the Woodhaven City Council Meeting at 8:06 p.m.

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Patricia Odette, Mayor

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Angie Shurkus, Deputy Clerk

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