

CITY OF WOODHAVEN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
CITY COUNCIL MEETING OF MAY 20, 2014

Regular City Council Meeting of May 20, 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, Sharon Bono-Beaton, Jeffrey Harris, Randy Odette, Dan Duderstadt

ALSO PRESENT: Kristie Keene, City Clerk, Mark Kibby, City Administrator, Pat Kruse, City Attorney, Janet Sikes, Fire Chief, Tim Neighbors, Director of Public Service and Water, John Enos, Director of Building and Planning, John Hennessey, Hennessey Engineers, Kathy Oehring, Treasurer, Vince Price, Police Chief

14-053 Moved by Harris, seconded by Penix, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of City Council Meeting minutes of May 6, 2014.
- C. Approval of Study Session Meeting minutes of May 12, 2014.
- D. General Fund Obligations in the amount of \$232,926.59 approved for payment.
- E. Major Street Fund Obligations in the amount of \$1,019.64 be approved for payment.
- F. Local Street Fund Obligations in the amount of \$4,009.47 be approved for payment.
- G. Community Activities Fund Obligations in the amount of \$300.00 be approved for payment.
- H. Garbage and Rubbish Fund Obligations in the amount of \$51,535.21 be approved for payment.
- I. Building Department Fund Obligations in the amount of \$9,160.10 be approved for payment.
- J. Police Department Forfeitures Fund Obligations in the amount of \$6,984.80 be approved for payment.
- K. Water and Sewer Fund Obligations in the amount of \$119,522.60 be approved for payment.
- L. Recreational Fund Obligations in the amount of \$7,260.00 be approved for payment.
- M. Motor Pool Fund Obligations in the amount of \$7,145.25 be approved for payment.

MOTION CARRIED UNANIMOUSLY.

Mayor Odette introduced Jr. Mayor, Lauren Heard who is in the Third grade at Yake Elementary School. Jr. Mayor Lauren Heard read her essay on "Why she loves Woodhaven and what she would do if she were the Mayor of Woodhaven".

Mr. Podlewski, Principal at Yake Elementary School introduced Wall-E, a therapy reading dog. Wall-E joined the Yake Elementary staff in 2013 to assist Mrs. Hudson with First and Second graders with their reading. Mr. Podlewski thanked Mayor Odette for her efforts in helping in getting this program started.

14-054 Moved by Bono-Beaton, seconded by Councilman Randy Odette, the following resolution was offered:

**CITY OF WOODHAVEN  
2014-2015 BUDGET RESOLUTION**

**WHEREAS**, a budget having been prepared by the City Finance Director/Treasurer, with assistance from the Administrative Officers and others, and having been submitted to the Council, and a notice of public

hearing on the proposed budgets having been published in a newspaper of general circulation (the date of the public hearing being May 6<sup>th</sup>, 2014 at 7:00 p.m.), and

**WHEREAS**, the City Council has reviewed the budgets and supporting data, and

**IT IS HEREBY RESOLVED** that the budgets for 2014-2015 be as follows:

Operating Budget	\$13,866,386
Major Street Fund Budget	437,015
Local Street Fund Budget	1,020,942
Community Center Building Fund Budget	35,526
Rubbish Collection and Disposal Fund Budget	655,864
Building Inspection Department Fund Budget	293,788
Police Forfeiture Fund Budget	499,314
Debt Services Fund	296,249
Debt Service Fund-Streets	654,525
Water & Sewer Department Fund Budget	4,928,250
R. V. Storage Fund Budget	51,408
Motor Pool Fund Budget	707,399
Downtown Development Authority Fund Budget	4,234,301

as presented by the City Council at the aforesaid public hearing, and a copy of the originally proposed budget having been available for public inspection for a period of at least ten (10) days prior to the aforesaid public hearing, the budget is hereby adopted at the activity level pursuant to the provisions of the Woodhaven City Charter and the laws of the State of Michigan.

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

NAYS: None

ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

14-055 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, the following resolution was offered:

The City Council hereby directs the appropriation of the money needed for the budget heretofore adopted and does by the resolution provide for a levy in the amount of, 20.63 (General Operating 18.0544, Debt Service- Streets 1.2756, City Rubbish 1.3000) per one thousand (1,000) taxable valuation of real and personal property so assessed for public taxation within the City of Woodhaven and that the same levy of millage be raised by taxation as provided by law.

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

NAYS: None

ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

14-055 Moved by Mayor Patricia Odette, seconded by Penix, the following resolution was offered:

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

A RESOLUTION TO ADOPT A PLAN FOR THE REPAIR OR REPLACEMENT OF SIDEWALKS IN THE CITY OF WOODHAVEN AS A PUBLIC IMPROVEMENT PROJECT, TO PROVIDE PROPERTY OWNERS NOTICE OF THE PROGRAM AND AN OPPORTUNITY TO UNDERTAKE REPAIRS, TO PROVIDE FOR COST SHARING OF THE EXPENSES OF SAID PUBLIC IMPROVEMENTS UNDERTAKEN BY THE CITY, TO AUTHORIZE COLLECTION OF PROPERTY OWNERS' SHARE OF EXPENSES UNDER THE PROGRAM, AND TO PROVIDE FOR INITIATION OF THE PROCESS FOR SINGLE LOT ASSESSMENTS AS TO PROPERTY OWNERS' UNPAID SHARE OF EXPENSES, TO DEFRAY THE CITY'S COSTS OF PUBLIC IMPROVEMENTS AS ALLOWED BY LAW.

**WHEREAS** the Woodhaven City Code requires property owners to maintain and repair or replace sidewalks within the City; and,

**WHEREAS** the City Council finds that regular repair and maintenance of the City's sidewalks is in the interests of the public health, safety, and welfare of its residents, and promotes the general welfare of the community, and a safe, wholesome, serviceable, and aesthetically attractive municipality; and

**WHEREAS** the Woodhaven City Charter, Article XIII, and Woodhaven City Code, Chapter 78, authorize the City Council to undertake public improvements and to determine that the whole or any part of the expense of said improvements be defrayed by special assessment upon the property benefited; and

**WHEREAS** Woodhaven City Code, Chapter 78, Article III, provides for the procedures for Single Lot Assessments when any expense is incurred by the City upon or in respect to any single lot or parcel of land, which expense is chargeable against such lot or parcel of land; and

**WHEREAS** the City Engineer has reported to the City Council that due to aging infrastructure in the City, a sidewalk repair, replacement and maintenance plan is in the best interests of the City and its residents and property owners, and has prepared and recommended a plan to implement a repair, replacement and maintenance program to be annually reviewed by the City Council; and

**WHEREAS** the recommended plan relies on funds provided to the City under Public Act 51 of 1951, as Amended (the Major and Local Street funds), for funding the City's expenses in undertaking the necessary sidewalk improvements authorized in accordance with the plan;

**NOW THEREFORE**, the City Council hereby resolves as follows:

1. The City of Woodhaven Sidewalk Repair, Replacement and Maintenance Plan prepared by City Administration, DPS Director and City Engineer (the "Plan") is hereby adopted and authorized for immediate implementation.

2. In connection with the Plan, property owners will be provided notice of the requirements of the Plan, by way of a letter substantially in accordance with the following:

Dear Woodhaven Property Owner:

The Woodhaven City Council has adopted a resolution authorizing the City Engineer to undertake a sidewalk repair and replacement program on an annual basis, beginning this year with **[describe area being addressed this year]**. The City has identified your parcel at **[address and parcel identification]** as requiring repairs or replacement of the sidewalk portions identified by **[flagged squares/diagram below]**. The required work is as follows: **[Insert description of work]**.

Under Chapter 78 of the Woodhaven City Code, sidewalks are to be maintained and repaired by the property owner. If the City undertakes to make the repairs, the expenses are the legal responsibility of the property owner. There are two ways you can comply with the requirement to make the necessary repairs.

**a. Self-Perform the repairs.** Under Woodhaven Code Section 78-76, the City is providing you this notice and an opportunity to make the required repairs within 30 days of the date of this letter, in which case you will be responsible for **100% of the cost** of the repairs through self-performance or a contractor of your selection. ***Your contractor will be required to adhere to the city's concrete specifications, which can be obtained from the DPS department.***

**b. Do nothing and the City will make the Repairs.** If you choose not to repair the identified portion of the sidewalk at your expense, the City will make the necessary repairs and invoice you for **100% of the cost** of the repair, estimated to be \$ 125 per sidewalk square for the first two squares. Upon completion of repairs by the City, the City will send you an invoice. If the invoiced amount is not paid within that time, then the amount due, with interest not to exceed six percent per annum, will be levied as a single lot assessment as provided under Chapter 78, Article III of the Woodhaven Code, to be billed and collected with your property taxes.

We look forward to working with you to preserve and maintain the safety and beauty of our community through this important program.

Very truly yours,

Woodhaven DPS Department

3. The City Treasurer is hereby authorized to invoice the applicable property owners in accordance with the terms of the letter authorized above for the City of Woodhaven's actual expenses in undertaking sidewalk repairs pursuant to the terms of the Plan.

4. The minimum concrete specifications for the sidewalk maintenance program as part of this resolution shall be:

- a. Concrete mix shall have air entrainment of six percent (6.0 %) with a tolerance of 1.5%; a slump between three inches (3") and five inches (5") and design strength of 3,500 psi at 28 days.
- b. Minimum thickness of four inches (4") cured in place, except for sidewalk in driveways which shall have a minimum thickness of six inches (6").

5. Upon completion of the Sidewalk Maintenance Plan, the City Engineer and the City Treasurer shall prepare a report of unpaid expenses, if any, incurred in the program as expenses incurred by the city on single lots, as provided under Woodhaven City Code Chapter 78, Article III, and shall coordinate with the City Clerk to initiate the procedures set forth in Article III for levying said expenses upon the applicable parcels or lots by special assessment roll and resolution of City Council.

AYES: Mayor Patricia Odette, Duderstadt, Harris, Penix, Papineau

NAYS: Bono-Beaton, Councilman Randy Odette

ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

14-056 Moved by Mayor Patricia Odette, seconded by Harris, to approve the following amendment to Woodhaven Code of Ordinances:

**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 46, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, SECTION 46-31, CODE ADOPTED,

SECTION 46-31 IS DELETED AND REPLACED WITH THE FOLLOWING:

**Sec. 46-31. Code adopted.**

A certain document, a copy of which is on file in the office of the clerk of the city, being marked and designated as the current edition of the "International Fire Code," as published by the International Code Council, and as that code may be amended, published or republished from time to time by the International Code Council, is hereby adopted as the fire prevention code of the city, for the control of buildings and structures as provided in such code, and each and all of the regulations, provisions, penalties, conditions, and terms of said International Fire Code are hereby referred to, incorporated, adopted and made a part of this Article as if fully set forth in this section, with the additions, insertions, deletions, and changes, if any, prescribed in section 46-32.

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

NAYS: None

ABSENT: None

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on May 6, 2014 and adopted on May 20, 2014. The effective date of this ordinance shall be the 30<sup>th</sup> day of May 2014.

14-057 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, to approve the following amendment to Woodhaven Code of Ordinances:

**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 46, FIRE PREVENTION AND PROTECTION, ARTICLE IV, OPEN FIRES, SECTION 46-100, PROHIBITED; EXEMPTIONS AND SECTION 46-102, VIOLATION, PENALTY,

**FIRST**, SECTION 46-100 IS AMENDED BY THE ADDITION OF THE UNDERLINED LANGUAGE SHOWN BELOW:

**Sec. 46-100. Prohibited; exemptions.**

A person shall not ignite, cause or permit to be ignited, allow or maintain an open fire. Except as otherwise provided in this article, the following types of open fires are exempt from the prohibitions of this article, provided that such fires are conducted in accordance with the conditions specified by the city and are not injurious to human health, safety or welfare, animal life or property, or unreasonably interfere with the comfortable enjoyment of life or property, or violate any other section of this article or this Code:

- (1) For the control of crop disease when the county agricultural agent declares that this is the only means available, provided that the county agricultural agent has issued a permit for such burning;
- (2) For training firefighters or for research in fire prevention, provided that the city's fire chief or his designee has given written approval;
- (3) For the health, safety and welfare of the community when such fires are ignited by order of the city's fire department;
- (4) For the noncommercial cooking of food for human consumption, provided that the fire shall;
  - a. Be no closer than 50 feet from any structure or 15 feet if in a container approved by the Woodhaven Police and/or Fire Department;
  - b. Not be utilized for waste disposal purposes;
  - c. Use fuel consisting of only charcoal or seasoned dry firewood;
  - d. Be constantly attended until the fire is completely extinguished;
  - e. Be accompanied with water for extinguishing purposes in portable fire extinguishers, buckets, barrels or garden hoses;
  - f. Be protected from spreading fire to foliage, ground cover, landscaping materials and trees;
  - g. Not exceed a size larger than 3 feet wide by 3 feet high;
  - h. Not be ignited (or in the case of an existing fire shall be extinguished) if winds exceed 8 mph;
  - i. Cease and be extinguished immediately, if any type of complaint is lodged to the Woodhaven Police and/or Fire Department about the open burning.
- (5) For the commercial cooking of food for human consumption, provided that the city fire chief or his designee has issued a permit for such activity;
- (6) For ceremonial or recreational purposes if properly controlled by a responsible person and the fuel used is limited to dry wood, dry paper or smokeless fuel, provided that the city fire chief or his designee has issued a permit for such activity; or

(7) For warming of workers who work predominantly in the outdoors if the ambient temperature is lower than 32 degrees Fahrenheit and the fuel is limited to dry wood, dry paper or smokeless fuel, provided that the fire is contained within a noncombustible container.

**SECOND, SECTION 46-102 IS DELTED AND REPLACED WITH THE FOLLOWING:**

**Sec. 46-102. Violation; penalty.**

A violation of any of the provisions of this article shall be a municipal civil infraction, administered in accordance with Chapter 1, Article IV of the Woodhaven Code of Ordinances, and subject to a civil fine of not less than \$75.00.

**THIRD, THE CITY COUNCIL OF THE CITY OF WOODHAVEN DECLARES THAT THIS ORDINANCE IS AN EMERGENCY ORDINANCE PURSUANT TO WOODHAVEN CITY CHARTER SECTIONS 9.3 AND 9.5, AND THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION.**

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

NAYS: None

ABSENT: None

MOTION CARRIED.

Mayor Patricia Odette introduced an amendment to the Ordinance for the City of Woodhaven Code of Ordinances; amending Chapter 66, Offenses and Miscellaneous Provisions, Article V, Offenses against Public Peace, Section 66-393, Penalties for Violation.

14-058 Moved by Mayor Patricia Odette, seconded by Harris, to approve \$112,000.00 for the Sidewalk Maintenance Program Funding. The initial funds will be taken from the ACT 51 Fund for the budget year 2014-2015. The funding for this program will be divided by the following:

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|---|--|
| 1. Funding Resident Sidewalk Repair:              | \$50,000.00 (this is the amount the city will get back from Residents) |
| 2. Funding City Sidewalk repair and installation: | \$50,000.00  |
| 3. Program Administration:                        | <u>\$12,000.00</u>   |
| Program Total:                                    | \$112,000.00   |

MOTION CARRIED.

14-059 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, to **table** the Cooperative Library Services Agreement for further discussion. MOTION CARRIED UNANIMOUSLY.

14-060 Moved by Mayor Patricia Odette, seconded by Papineau, to approve the amendment for Comcast Cable Franchise Agreement, changing the legal name from Comcast of the South, Inc. to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, and authorize the signing of the amendment. MOTION CARRIED UNANIMOUSLY.

14-061 Moved by Mayor Patricia Odette, seconded by Duderstadt, to convene into Closed Session for discussion on Employment Agreements, Collective Bargaining Matters, and any other purposes allowed by law at 7:59 p.m. MOTION CARRIED UNANIMOUSLY.

14-062 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, to reconvene into open Session at 8:43 p.m. MOTION CARRIED UNANIMOUSLY.

Mayor Patricia Odette adjourned the Woodhaven City Council Meeting at 8:44 p.m.

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Patricia Odette, Mayor

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Kristie Keene, City Clerk