

CITY OF WOODHAVEN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
CITY COUNCIL MEETING OF NOVEMBER 4, 2014

Regular City Council Meeting of November 4, 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, Mayor Pro-tem, Sharon Bono-Beaton, Council Members, Darrel Penix, Chris Papineau, Randy Odette, Dan Duderstadt, Jeffrey Harris

ALSO PRESENT: Kristie Keene, City Clerk, Mark Kibby, City Administrator, Pat Kruse, City Attorney Janet Sikes, Fire Chief, Vince Price, Police Chief, J.P. Cacciaglia, DDA & Economic Development Director, Tim Rooney, Interim Recreation Director, Tim Neighbors, Director of Public Service and Water, John Hennessey, Hennessey Engineers

14-109 Moved by Papineau, seconded by Councilman Randy Odette, to approve the Consent Calendar as presented:

- A. City Council Members Excused Absences.
- B. Approval of Study Session Meeting minutes of October 21, 2014.
- C. Approval of Council Meeting minutes of October 21, 2014.
- D. General Fund Obligations in the amount of \$78,653.93 be approved for payment.
- E. Major Street Fund Obligations in the amount of \$113.24 be approved for payment.
- F. Local Highway Fund Obligations in the amount of \$377.25 be approved for payment.
- G. Community Activities Center Fund Obligations in the amount of \$8,626.91 be approved for payment.
- H. Garbage and Rubbish Collection Fund Obligations in the amount of \$39,363.77 be approved for payment.
- I. Building Department Fund Obligations in the amount of \$3,272.69 be approved for payment.
- J. Police Department Forfeiture Fund Obligations in the amount of \$2,780.25 be approved for payment.
- K. Water and Sewer Fund Obligations in the amount of \$215,610.33 be approved for payment.
- L. Motor Pool Fund Obligations in the amount of \$15,319.55 be approved for payment.

MOTION CARRIED UNANIMOUSLY.

14-110 Moved by Mayor Patricia Odette, seconded by Harris, 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 V, OFFENSES AGAINST PUBLIC PEACE**

**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 V, OFFENSES AGAINST PUBLIC PEACE**

### **Sec. 66-385. Disorderly persons.**

No person shall be a disorderly person. A person is a disorderly person if the person is any of the following:

- (1) A person of sufficient ability who refuses or neglects to support his or her family.
- (2) A common prostitute.
- (3) A window peeper.
- (4) A person who engages in an illegal occupation or business.
- (5) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.
- (6) A person who is engaged in indecent or obscene conduct in a public place.
- (7) A vagrant, being a person who wanders about and lodges or loiters in public restrooms, market places or other public building or place or in the open air in the city and has no permanent place of abode or visible means of maintenance.
- (8) A person found begging in a public place in violation of Section 66-395 of this Code of Ordinances.
- (9) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed.
- (10) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted.
- (11) A person who loiters in or about a police station, jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizance's.
- (12) A person who is found jostling or roughly crowding people unnecessarily in a public place.
- (13) A person who shall willfully assault another or who shall commit assault upon another person, or be engaged in or aid or abet in any fight, quarrel or disturbance.
- (14) A person who shall stand, loiter, or stroll about in any place awaiting or seeking an opportunity to obtain money or property by trick, fraud, or theft, or that aid or abet in such activities.

### **Sec. 66-393. Penalty for violation.**

Except as provided in Section 66-394, any person violating the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-8.

### **Sec. 66-395 Begging.**

(a) **Definitions.** In this Article the following words and phrases shall have the meanings respectively assigned to them:

- 1) “**Beg**” or “**begging**” means an uninvited request or solicitation by words, gestures, and/or signs, for the immediate payment of money, provision of a service, or delivery of property by or from another person in a public place, as defined herein.
- 2) “**Public place**” and “**open to the general public**” means any place to which the general public has access and a right of resort for business, entertainment or for lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include without

limitation the front or immediate area of or adjacent to any store, shop, restaurant, tavern or other place of business and also public grounds, areas, parks, boulevards, medians, sidewalks, highways, publicly owned or operated property, transportation facilities, schools, places of amusement, parking areas, playgrounds, hallways, stairs, lobbies and other common use areas of apartment houses and other multi-user buildings or structures, and any generally accessible area adjacent to any roadway.

3) **Public Peace and Quiet** means:

- a. Conditions usually attendant to, and associated with, the public order, decorum, noise levels and activity of a developed residential or setting or neighborhood at the time and place in issue.
- b. Conditions usually attended to, and associated with, the business or commercial activity with the occupied portions of business or commercial premises, including the exterior and parking areas or the premise, which conditions are conducive to such activity.
- c. Conditions usually attendant to, and associated with the pursuit of lawful occupations where such occupations are commonly engaged in at the time and place in issue.

4) **“Disrupts”** means to interrupt the normal course of harmony or activity under circumstances and to the degree that such disruption is substantial and unnecessary.

(b) Except as otherwise prohibited in this section or Code, it shall be lawful to beg in public places, including on public sidewalks and in public parks.

(c) Except as otherwise provided in this Code, or authorized by law, it shall be unlawful for a person to beg in the following locations:

(1) On property of, or in a building containing, a bank, credit union, or other financial institution that as a principal business, maintains accounts for on-site deposits and withdrawals of cash by customers.

(2) Within 20 feet of an automated teller (ATM) machine.

(3) On an area of private property that is physically or visually separated and distinguishable from public sidewalks, where begging is prohibited by a posted sign that is visible to a reasonably observant person.

(d) Except as otherwise provided in this Code, or authorized by law, it shall be unlawful for a person to beg by engaging in any of the following activities:

(1) Touching the solicited person without that person’s consent.

(2) Blocking or otherwise interfering with the path of the person or persons being solicited, or the entrance to any building, facility, or vehicle, or in a manner that hinders or impedes, in any way, free and uninterrupted pedestrian or vehicle movement.

(3) Making more than one additional request after a refusal by the person being solicited, which shall be deemed harassment of the person being solicited.

(4) With the intent to continue to solicit, following behind, alongside or ahead of a person who walks or otherwise travels by bicycle, automobile or other motorized or non-motorized vehicle away from the solicitor after having been solicited.

(5) Willfully, or while under the influence of alcohol and/or a controlled substance, engaging in conduct which disrupts the public peace and quiet, by means of shouting or talking loudly,

engaging in altercations, the playing of loud or amplified sound of any nature and from any source, the playing of musical instruments, or any other noise that interferes with the peace and comfort of other persons not on the property that is the source of the noise, and for a person that is engaging in such prohibited conduct to refuse to leave a premises when ordered to leave by the owner or lawful occupant of that premises. For purposes of this section, sound levels exceeding the maximum permitted noise levels under Section 66-394 of this Code shall be presumed to disrupt the public peace and quiet.

(6) Conduct, a statement, or gesture during or following refusal of a solicitation that:

(I) Would cause a reasonable person to feel threatened and in fear of harm to his or her person, family, or property.

(II) Is so personally derisive, obscene, lewd, profane, libelous, insulting, or abusive as to inflict injury on, or incite an immediate breach of the peace by, a reasonable person.

(III) Would cause a reasonable person to feel intimidated, coerced, or compelled to make donation.

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

NAYS: None

ABSENT: None

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on October 21, 2014 and adopted on November 4, 2014. The effective date of this ordinance shall be the 14<sup>th</sup> day of November, 2014.

14-111 Moved by Penix, seconded by Bono-Beaton, 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 III, OFFENSES AGAINST PROPERTY, DIVISION 1, GENERALLY**

**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 III, OFFENSES AGAINST PROPERTY, DIVISION 1, GENERALLY, SECTION 66-101, TRESPASS**

**SECTION 66-282 IS AMENDED AS SHOWN BY THE UNDERLINED TEXT BELOW:**

**Sec. 66-101. Trespass.**

Any person who shall willfully enter upon lands or premises of another without lawful authority, or who enters or remains in a school bus, after having been forbidden to do so by the owner or occupant or person who has lawful control of said premises, whether directly or by notice posted thereon, shall be guilty of a violation of this Code. Any person being upon the land or premises of another, or being upon a school bus, upon being notified to depart therefrom by the owner, occupant, or person who has lawful control of

said premises, or the agent or servant of such owner, occupant, or person in lawful control, who without lawful authority neglects or refuses to depart therefrom, shall be guilty of a violation of this Code.

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

NAYS: None

ABSENT: None

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on October 21, 2014 and adopted on November 4, 2014. The effective date of this ordinance shall be the 14<sup>th</sup> day of November, 2014.

14-112 Moved by Mayor Patricia Odette, 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 66,  
OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IV, OFFENSES AGAINST  
PUBLIC MORALS, DIVISION 2, 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 IV, OFFENSES AGAINST PUBLIC  
MORALS, DIVISION 2, DRUGS**

**SECTION 66-282 IS AMENDED AS SHOWN BY THE UNDERLINED TEXT BELOW:**

**Sec. 66-282. Possession, sale, manufacture prohibited generally.**

It shall be unlawful for any person to manufacture, administer, deliver, possess, distribute, prescribe or dispense any controlled substance as defined in article 7 of Public Act No. 368 (MCL 333.7101 et seq., MSA 14.15(7101) et seq.), except as authorized by this division, or as otherwise authorized MCL 333.7101 et seq. or MCL 750.474.

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

NAYS: None

ABSENT: None

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on October 21, 2014 and adopted on November 4, 2014. The effective date of this ordinance shall be the 14<sup>th</sup> day of November, 2014.

14-113 Moved by Bono-Beaton, seconded by Penix, the following resolution was offered:

**RESOLUTION TO APPROVE 33<sup>RD</sup> JUDICIAL DISTRICT COURT BUDGET FOR  
THE PERIOD OF JANUARY 1, 2015 THROUGH DECEMBER 31, 2015**

**WHEREAS**, the governing body for the City of Woodhaven has received the budget submitted by the 33<sup>rd</sup> District Court for the period of January 1, 2015 through December 31, 2015.

**NOW THEREFORE**, the City of Woodhaven hereby resolves that the budget be adopted as submitted.

AYES: Bono-Beaton, Duderstadt, Randy Odette, Papineau, Mayor Patricia Odette, Harris, Penix  
NAYS: None  
ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

Mr. Kibby, City Administrator, notified Mayor and City Council that the city is seeking bids for Shade Systems that will be installed at the Bocce Ball Courts. The bids are due Monday, November 17, 2014 at 10:00 a.m. The award recommendation will be at the December 2<sup>nd</sup> City Council Meeting.

14-114 Moved by Mayor Patricia Odette, seconded by Councilman Randy Odette, to accept the Finance Director/Treasurer Employee Agreement. MOTION CARRIED UNANIMOUSLY.

14-115 Moved by Mayor Patricia Odette, seconded by Duderstadt, to schedule a Public Hearing for December 2, 2014 and January 6, 2015 for the purpose of possible uses for developing projects using the Community Development Block Grant (CDBG) funding. MOTION CARRIED UNANIMOUSLY.

Three bids for printing of the City Brochure “The Pathway” for Winter/Spring and Summer/Fall editions for 2015 were received from the following companies and publicly opened in the City Clerk’s Office on Wednesday, October 29, 2014 at 10:00 a.m.:

<u>Company Name</u>	<u>Price for per Edition</u>	<u>Total Bid Price</u>
Country Printing	\$5,205.00	\$10,410.00
Whipple Printing	\$5,609.00	\$11,218.00
Allegra Marketing	\$5,954.72	\$11,909.44

14-116 Moved by Mayor Patricia Odette, seconded by Bono-Beaton, to award the bid to Country Printing and Automated Mail House to print and deliver the “The Pathway” 2015 Winter/Spring and Summer/Fall for a total amount of \$10,410.00. The cost for printing both editions of the brochure is a budgeted item under the Recreation Department Account No. 101-691-900.510. MOTION CARRIED UNANIMOUSLY.

Mayor Patricia Odette adjourned the Woodhaven City Council Meeting at 7:19 p.m.

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Mayor Patricia Odette

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Kristie Keene, City Clerk