

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, JUNE 1, 2015, 7:00 P.M.

- 1) Call to Order**
- 2) Invocation** – Pastor Dennis Gilbert, Church of the Open Door
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the regular meeting of May 18, 2015
- 7) Approval of Agenda**
- 8) Public Hearings**
 - 7:01 p.m.** To Consider Amendments to the Wyoming Recreation Plan, 2013-2017
 - 7:02 p.m.** To Consider the Amendment of Industrial Development District 231 for Jasper Weller, LLC in the City of Wyoming
 - 7:03 p.m.** To Consider Use of the 2015 Edward Byrne Memorial Justice Grant Funds for Program Activities
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
 - a) Presentations
 1. Kent County Land Bank
 - b) Proclamations
- 11) Petitions and Communications**
 - a) Petitions
 - b) Communications
- 12) Reports from City Officers**
 - a) From City Council
 - b) From City Manager
- 13) Budget Amendments**
 - a) Budget Amendment No. 56 – To Appropriate \$14,772 of Budgetary Authority for Capital Equipment for the District Court and Recognize the Associated Revenue of \$14,772 from the State of Michigan for Drunk Driving/Drug Casflow Assistance
 - b) Budget Amendment No. 57 – To Appropriate \$3,255.31 of Budgetary Authority for Forensic Lab Supplies and Training and Recognize the Additional Revenue of \$1,755.31 from the Associated Reimbursement from the State of Michigan
 - c) Budget Amendment No. 58 – To Appropriate \$54,725 of Budgetary Authority for the Expenditures Related to the Gypsy Moth Suppression Program to be Funded by Special Assessment Rolls 15-794 and 15-795. Revenue will be Recognized in Fund 800 as Payments are Received.
- 14) Consent Agenda**

(All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Council member, that member may request removal from the Consent Agenda.)

- a) To Set Meeting Day and Time for the Retirement Board of the City of Wyoming
- b) To Appoint Jackie Moore as a Member of the Historical Commission for the City of Wyoming
- c) To Authorize the Mayor and City Clerk to Execute an Amendment to the Streetlighting Contract with Consumers Energy Company
- d) To Set a Public Hearing to Establish an Industrial Development District for Huizenga Properties, LLC in the City of Wyoming (June 15, 2015 at 7:01 p.m.)

15) Resolutions

- e) To Amend Industrial Development District 231 for Jasper Weller, LLC in the City of Wyoming
- f) To Approve an Application by the Community Enrichment Commission of the City of Wyoming for a Permit for Discharge of Fireworks
- g) To Adopt Amendments to the City of Wyoming Recreation Plan, 2013 Through 2017
- h) To Authorize the City Manager to Execute an Employment Agreement with the Deputy Fire Chief (Assistant Deputy Director of Fire Services)

16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts

- i) To Authorize the Mayor and City Clerk to Execute an Amendment to the License Agreement with Consumers Energy for the Interurban Trail Rehabilitation Project
- j) To Authorize Extending the Contract with Multi Serve for Cleaning and Disinfecting Services
- k) To Authorize the Purchase of a 2015 Ford SUV Interceptor

17) Ordinances

- 5-15 To Amend Article VII of Chapter 10 of the Code of the City of Wyoming (Property Maintenance Code) (Final Reading)
- 6-15 To Amend Section 90-32 of the Code of the City of Wyoming by Adding Subsection (100) Thereto to Rezone 0.4 Acres from RO-1 Restricted Office to B-1 Local Business (4992 Wilson Avenue) (Final Reading)
- 7-15 To Amend Subsections 3(b), 3(c) and 3(d) of Section 90-50 of the Code of the City of Wyoming (Recreational Vehicles) (First Reading)

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

STAFF REPORT

Date: May 26, 2015

Subject: Use of State of Michigan Reimbursement Funds to support the FSU Drug/Toxicology Laboratory

From: Lt. Mark Easterly

Meeting Date: June 1, 2015

Recommendation:

It is recommended that the City of Wyoming authorize the acceptance of reimbursement payments from the State of Michigan for self-initiated laboratory work; and the Quarterly Transfer of these funds to the Forensic Latent Fingerprinting and Drug Testing accounts as deemed appropriate by City of Wyoming Finance Department for use by the Public Safety FSU Unit for approved laboratory expenses and training.

Sustainability Criteria:

Environmental Responsibility: The Wyoming Department of Public Safety Forensic Science Unit actively engages in the protection of the natural environment and the public health of Wyoming's citizens. There will be no impact to this criterion.

Social Equity: This recommendation will provide service to all residents of the City of Wyoming, and any other individual entered into the Criminal Justice System through the Wyoming Department of Public Safety, without regard to income level or socio-economic status.

Economic Strength: Sustainability is a key feature for this recommendation in that the City of Wyoming directly benefits from having its own Drug/Toxicology Laboratory. For every test that is not transferred to the State Police Crime Laboratory to complete, our laboratory receives a payment from the State of Michigan.

Discussion:

Both the City of Wyoming and the Michigan State Police benefit from the Wyoming Public Safety Department having its own Drug/Toxicology Laboratory. Our Department receives reimbursement from the State for every test that is not sent into the State Police Crime lab. This payment is made to the City of Wyoming on a quarterly basis.

By Michigan Law, this reimbursement is to be strictly used for laboratory supplies and training of laboratory staff.

Budget Impact:

With this recommendation we would ask that the revenue from the State of Michigan laboratory reimbursement received in account 101-641.003 on a quarterly basis, result in a budget amendment to increase account 101-305-31200-973.013 to be used for these expenditures by the Forensic Science Unit. We would further ask that these budget amendments be completed on a Quarterly Basis by the City of Wyoming Finance Department as these funds are received. We would further ask that at year end, any balance that is not spent from this account be reappropriated to the next year's budget.

Currently there is revenue received of \$3,255.31. A budget amendment has been prepared reflecting the process outlined above.

RESOLUTION NO. _____

RESOLUTION TO SET MEETING DAY AND TIME
FOR THE RETIREMENT BOARD
OF THE CITY OF WYOMING

WHEREAS:

1. The Retirement Board currently meets on the fourth Monday of each month at 3:30 p.m.
2. The Retirement Board has proposed changing its meeting schedule to the third Monday of each month at 3:00 p.m.
3. Section 2.113 of the Code of Ordinances states that the days and times of regular meetings of all boards and commission shall be set by City Council resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The regular day and time for meetings of the Retirement Board shall be the third Monday of each month at 4:00 p.m. at City Hall.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on:

Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO APPOINT JACKIE MOORE AS A MEMBER OF THE
HISTORICAL COMMISSION FOR THE CITY OF WYOMING

WHEREAS:

1. Jackie Moore has submitted an application requesting appointment to the Historical Commission for the City of Wyoming.
2. A vacancy exists in an unexpired term ending June 30, 2018.
3. Mayor Jack Poll has recommended that Jackie Moore be appointed as a member of the Historical Commission for the City of Wyoming.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming, Michigan, does hereby confirm the appointment of Jackie Moore to the Wyoming Historical Commission for the unexpired term ending on June 30, 2018.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK
TO EXECUTE AN AMENDMENT TO THE STREETLIGHTING
CONTRACT WITH CONSUMERS ENERGY COMPANY

WHEREAS:

1. The City has entered into a contract with Consumers Energy Company which provides for a Consumers Energy Company owned streetlighting system within certain parts of the City.
2. The City desires to have Consumers Energy Company replace one 400 watt Mercury vapor streetlight and replace it with one 250 watt high pressure sodium streetlight located at 590 44th St SW.
3. The proposed change to a more energy efficient streetlight will result in a slight savings for the City which will be reflected on the monthly energy bills.
4. Consumers Energy will replace this streetlight at no cost to the City but will charge a non-refundable payment of \$100.00 for installation.
5. Consumers Energy has submitted the attached modification to the streetlighting contract to address this change

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized to execute the attached Authorization for Change in Standard Streetlighting Contract and the accompanying Consumers Energy Resolution.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Authorization for Change in Standard Lighting Contract
Consumers Energy Resolution w/ map

Resolution No. _____



**AUTHORIZATION FOR CHANGE IN
STANDARD LIGHTING CONTRACT
(COMPANY-OWNED) FORM 547**

Contract Number: 100000339505

Consumers Energy Company is authorized as of _____, by the City of WYOMING, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of WYOMING, dated 12/1/2012.

Lighting Type:

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge

Notification Number(s):

1029744665

Construction Work Order Number(s):

24559330

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 12/1/2012 shall remain in full force and effect.

City of WYOMING

By:

(Signature)

(Printed)

Its

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of WYOMING, dated 12/1/2012, in accordance with the Authorization for Change in Standard Lighting Contract dated _____,

heretofore submitted to and considered by this commission council board ;and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN
COUNTY OF Kent

I, _____, Clerk of the City of WYOMING, do hereby certify that the foregoing resolution was duly adopted by the commission council board of said municipality, at the meeting held on _____.

Dated:

Municipal Customer Type: City

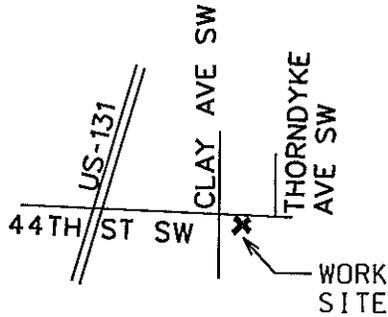
GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	<u>400</u>	<u>MV</u>	<u>Cobrahead</u>	<u>Non-Cutoff</u>	<u>Remove</u>	590 44th St SW Wyoming
1	<u>250</u>	<u>HPS</u>	<u>Cobrahead</u>	<u>Non-Cutoff</u>	<u>Install</u>	590 44th St SW Wyoming

LOCATION 1

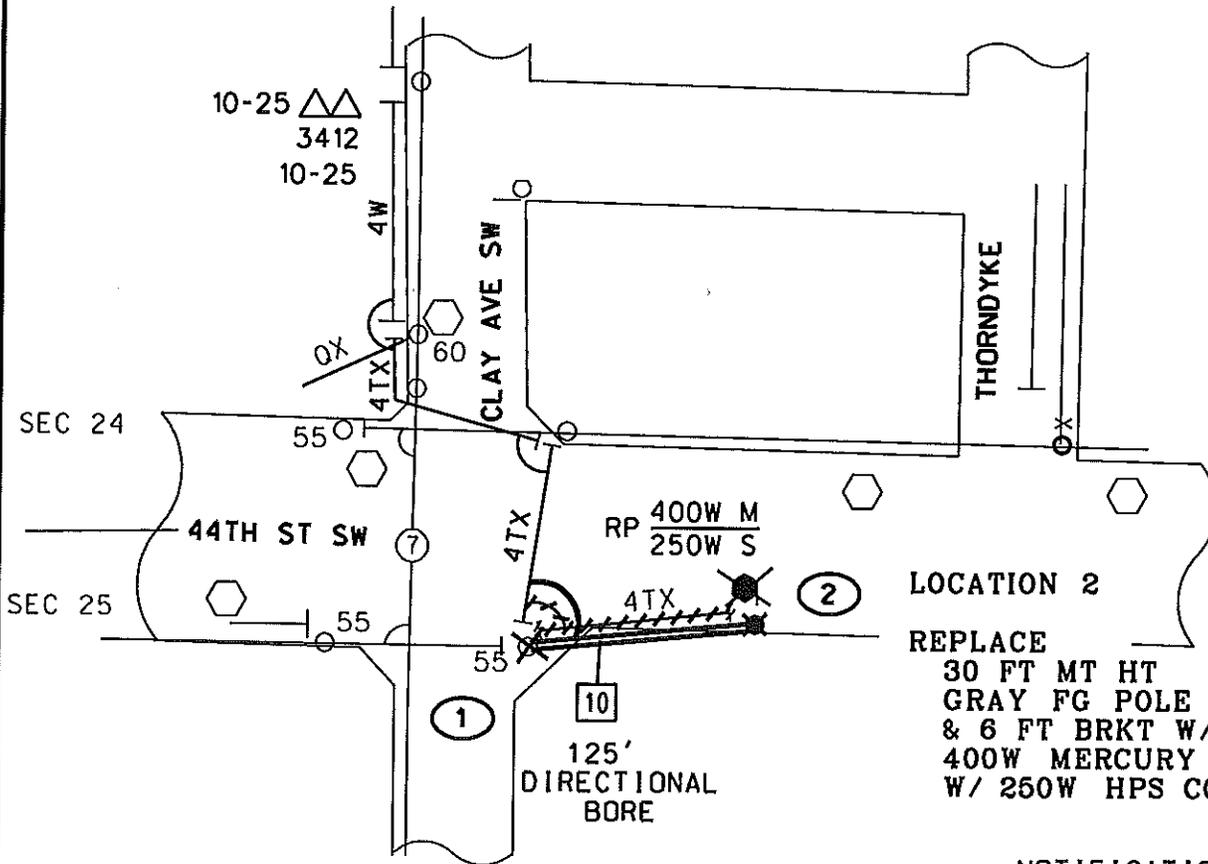
**INSTALL
2/C-10C ST LT
RISER & MOLDING,
W/ DIRECTIONAL BORE
FOR STREET LIGHT FEED.**

**REMOVE
OH ST LT FEED
(COILED AT BASE OF POLE).**



**KENT CO
WYOMING TWP
T06 R12 SEC.25**

**MISS DIG
PERMIT**



**LOCATION 2
REPLACE
30 FT MT HT
GRAY FG POLE
& 6 FT BRKT W/ SAME.
400W MERCURY VAPOR
W/ 250W HPS COBRA.**

NOTIFICATION 1029744665

LINDA VANDENHEUVEL
616-530-4343

WEST KENT
GRA 0061

ORDER NUMBER

 A CMS Energy Company ELECTRIC	DESIGNED BY LAVANDEN	DATE 04/16/15	590 44TH ST SW WYOMING 49548		
	APPROVED BY	DATE	For: CITY OF WYOMING REPLACE MV W/ HPS STREET LIGHT, DOWN SINCE 44TH ST CONSTRUC		
SHEET 1 OF 1		SCALE NONE			
<p>-CONSTRUCTION CERTIFICATION- Work was constructed as Engineered or Changed as Indicated. All Salvageable Material Was Returned to Stores.</p> <p>Signed _____ in Direct Charge of Work</p> <p>Dates: Started _____ Completed _____</p> <p>MISS DIG NUMBER: _____ DATE: _____</p>	TLM NUMBER 0612252104	# OF RODS	OHMS	CONSTRUCTION MEASURE NUMBER 100003331508	
	SUBSTATION HANSEN	WD NO. 1063	ORDER TYPE MAINTENANCE ACTIVITY TYPE DESIGN NUMBER ESIC OHL 10585546		
	CIRCUIT 44TH STREET	CKT NO. 01	LCP NO. 0215	STAKED <input type="checkbox"/> YES <input type="checkbox"/> NO TREES <input type="checkbox"/> YES <input type="checkbox"/> NO	
	ELECTRIC CAD TITLE BLOCK (8-1/2x11) 10-30-2008 SHEET A		DESIGN FILE NAME: 10585546.001		T R S 06 12 25

TAX CODE 419861

RESOLUTION NO. _____

RESOLUTION TO SET A PUBLIC HEARING
TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT FOR
HUIZINGA PROPERTIES, LLC IN THE CITY OF WYOMING

WHEREAS:

1. The City of Wyoming has the authority to establish Industrial Development Districts within the City of Wyoming under the provisions of Act 198 of Public Acts of 1974, as amended.
2. Huizinga Properties, LLC has requested that the City establish an Industrial Development District for its property located at 5920 Clyde Park Avenue SW, Wyoming, MI, 49509.
3. Prior to establishing such districts, it is necessary to first hold a public hearing at which the owners of the affected property and any other resident or taxpayer of the City can be given an opportunity to comment on the establishment of an Industrial Development District.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council shall hold a public hearing on June 15, 2015 at 7:01 p.m., at Wyoming City Hall, 1155 28th Street SW, Wyoming, MI 49509, at which the owners of property located within the proposed Industrial Development District and other residents or taxpayers of the City shall be given an opportunity to comment on the establishment of the proposed district to be comprised of the property described on the attached Exhibit A, which is incorporated by reference, and commonly known as 5920 Clyde Park Avenue, SW, Wyoming, MI 49509.
2. Notice of this hearing shall be given to the applicant, the Assessor, and a representative of each affected taxing unit, and shall be posted in City Hall.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on: June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT: Exhibit A - Legal Description

Resolution No. _____

EXHIBIT A

Legal Description

Address: 5920 Clyde Park SW, Wyoming Michigan, 49509

Tax Parcel No.: 41-17-36-351-015

Legal Description:

411736351015 PART OF SW 1/4 COM 662.99 FT N 1D 57M 57S W ALONG W SEC LINE & 50.05 FT S 89D 23M 05S E ALONG N LINE OF S 1/2 SW 1/4 SW 1/4 FROM SW COR OF SEC TH S 89D 23M 05S E ALONG SD N LINE 1021.35 FT TO WLY LINE OF HWY US131 TH S 2D 21M 12S E ALONG SD WLY LINE 497.23 FT TO N LINE OF S 165 FT OF SW 1/4 SW 1/4 TH N 89D 26M 03S E ALONG SD N LINE 634.45 FT TH N 1D 57M 57S W 447.34 FT TH S 88D 02M 03S W 389.85 FT TO E LINE OF CLYDE PARK AVE TH N 1D 57M 57S W ALONG SD E LINE 67.85 FT TO BEG * SEC 36 T6N R12W 7.75 A. SPLIT/COMBINED ON 11/12/2013 FROM 41-17-36-351-003, 41-17-36-351-010;

RESOLUTION NO. _____

RESOLUTION TO AMEND INDUSTRIAL DEVELOPMENT DISTRICT 231
FOR JASPER WELLER, LLC IN THE CITY OF WYOMING

WHEREAS:

1. The City of Wyoming has the authority to amend Industrial Development Districts within the City of Wyoming under the provisions of Act 198 of Public Acts of 1974, as amended.
2. The City Council established Industrial Development District 231 located at 1500 Gezon Parkway, Wyoming, Michigan, on May 24, 1999 with resolution number 19082.
3. Jasper Weller, LLC has requested that the City amend Industrial Development District 231 to include its property located at 1401 60th Street, 1521 60th Street and 5960 Burlingame Avenue SW, Wyoming, Michigan, as legally described on the attachment.
4. Staff reviewed the request and found that the project to be located within the district will promote the economic health of the community by encouraging private capital investment and creating new employment opportunities in the City of Wyoming.
5. Staff recommends that the City Council amend this district.
6. A public hearing was held on June 1, 2015, at 7:02 p.m., at which time the property owners of real property within the proposed amended district and all residents and taxpayers of the City of Wyoming were afforded the opportunity to be heard.
7. The City Council believes it is in the public interest of the City of Wyoming to amend the district.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council amends Industrial Development District Number Two Hundred Thirty One (231) in the City of Wyoming, Kent County, Michigan, under the provisions of Act 198 of the Public Acts of 1974 as amended, for real and personal property at 1500 Gezon Parkway, 1401 60th Street, 1521 60th Street and 5960 Burlingame Avenue SW, Wyoming, Michigan, as legally described on the attachment.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT: Exhibit A - Legal Descriptions

Resolution No. _____

EXHIBIT A

Legal Descriptions

Address: 1500 Gezon Parkway, Wyoming, MI 49509

Tax Parcel No.: 41-17-35-300-028

Legal Description:

PART OF SW 1/4 COM ON SLY LINE OF GEZON PKWY AT A PT 1326.49 FT S 89D 36M 50S E ALONG E&W 1/4 LINE & 712.50 NFT S 1D 26M 30S E TO E LINE OF W 1/2 SW 1/4 FROM W 1/4 COR TH S 1D 26M 30S E ALONG SD E LINE 1274.90 FT TO S LINE OF N 3/4 W 1/2 SW 1/4 TH N 89D 34M 03S W ALONG SD S LINE 681.30 FT TH N 1D 26M 30S W 250.0 FT TH NELY 137.20 FT ALONG A 60.0 FT RAD CURVE TO LT /LONG CHORD BEARS N 23D 03M 04S E 109.20 FT/ TH NWLY 35.79 FT ALONG A 50.0 FT RAD CURVE TO RT /LONG CHORD BEARS N 21D 56M 56S W 35.03 FT/ TH N 1D 26M 30S W 883.13 FT TO SLY LINE OF GEZON PKWY TH ELY 219.66 FT ALONG SD SLY LINE ON A 2956.25 FT RAD CURVE TO RT /LONG CHORD BEARS N 88D 16M 22S E 219.61 FT/ TH S 89D 35M 35S E 428.56 FT TO BEG * SEC 35 T6N R12W 19.10 A.

Address: 1401 60th Street, Wyoming, MI 49509

Tax Parcel No.: 41-17-35-300-005

Legal Description: Y1170A: E 660 FT OF S 1/2 SW 1/4 SW 1/4 SEC 35 T6N R12W 10 A.

Address: 1521 60th Street, Wyoming, MI 49509

Tax Parcel No.: 41-17-35-300-004

Legal Description:

Y1170B: W 330 FT OF E 990 FT OF S 1/2 SW 1/4 SW 1/4 SEC 35 T6N R12W 5 A.

Address: 5960 Burlingame Avenue SW, Wyoming, MI 49509

Tax Parcel No.: 41-17-35-300-035

Legal Description:

S 1/2 SW 1/4 SW 1/4 EX W 40 FT & EX E 990 FT & EX S 40 FT OF REMAINDER * SEC 35 T6N R12W 4.12 A.

RESOLUTION NO. _____

RESOLUTION TO APPROVE AN APPLICATION BY THE
COMMUNITY ENRICHMENT COMMISSION OF THE CITY OF WYOMING
FOR A PERMIT FOR DISCHARGE OF FIREWORKS

WHEREAS:

1. The Fire Safety Act of 2011 requires that any permits issued under that act for the discharge of fireworks for a variety of purposes requires local legislative body approval.
2. The Community Enrichment Commission has made application to have a public display of fireworks, operated by licensed fireworks operator Melrose Pyrotechnics, Inc., following the Concerts in the Park event on June 30, 2015 at Lamar Park.
3. The Department of Public Safety has reviewed the application and recommends approval.
4. Section 34-109 of the Code of the City of Wyoming allows the City Council to establish a fee for a fireworks permit.

NOW, THEREFORE, BE IT RESOLVED:

1. The Application by the Community Enrichment Commission for a fireworks permit for June 30, 2015 at Lamar Park is approved.
2. The associated fireworks permit fee is waived.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Permit Application

Certificate of Insurance

City of Wyoming, Michigan

SUPPLEMENT TO APPLICATION
FOR FIREWORKS OTHER THAN CONSUMER OR LOW IMPACT
Michigan DLARA – Bureau of Fire Services Form BFS 999 Rev. 1/09/2014

Name of Applicant:	<i>Community Enrichment Commission</i>
Address:	<i>P.O. Box 905</i>
	<i>Wyoming, MI 49509</i>
Date of Event:	<i>6/30/15</i>
Expected Attendance:	<i>2,500</i>

Application must be made 60 days prior to event to allow time for review, recommendation and approval by City Council.

- Completed Form BFS 999
- NA* Permit Application Fee of \$300 payable to the City of Wyoming
- Photocopy of photo ID* of pyrotechnic operator owner and individual(s) who will discharge display. The operator or assistant who will discharge the display is subject to a Breathalyzer test by the Wyoming Police Department prior to the event. ** IDs will be checked prior to event by Bill Aman*
- Photocopy of pyrotechnic operator AFTE license
- Pyrotechnic operator's Certificate of Insurance, with the City of Wyoming, Michigan named as Additional Insured, in the following amounts and types:
See attached
- Scale drawing of the site where display will be held, showing discharge point, location of all buildings, streets, spectator viewing area(s), parking area(s) and location of overhead obstructions, if any.
- NA* If applicable, written permission from the property owner for the date of the event.

I acknowledge that this permit application is complete and correct. I understand that incorrect or incomplete information could result in denial of the permit, and that the application fee is nonrefundable.

Signature of Applicant: *Brandon Sumner*
Title: *Chairman*
Organization, Company or Entity: *Wyoming Community Enrichment Commission*
Date: *5/19/15*

If the permit is approved by the City Council, it will be provided to a Fire Department representative, who will deliver it to the operator and/or applicant at a required meeting to review plans for the event.

Fire Department Recommendation:

- Approval
- Denial

Signature: William J. Arden - Fire Inspector Date: 5-17-15

Police Department Recommendation:

- Approval
- Denial

Signature: James E. Carmody Date: 5/19/15

City Council Action:

- Approval
- Denial

Signature: _____ Date: _____
City Clerk

FIREWORKS DISPLAY PERMIT
 Michigan Department of Energy, Labor, & Economic Growth
 Bureau of Fire Services
 P.O. Box 30700
 Lansing, MI 48909
 (517) 241-8847

2015

Authority: 1988 PA 358 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Act, you may make your needs known to this agency.
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This permit is not transferable. It authorizes the resident wholesale dealer or jobber named below to have in his or her possession fireworks of any type, for sale only to holders of permits for public display or agriculture control.

PUBLIC DISPLAY
 AGRICULTURAL PEST CONTROL

Issued To <i>MELROSE PYROTECHNICS, INC.</i>	Age (18 or over)
Address <i>P. O. BOX 123; 9019 W. BELDING RD. SUITE, BELDING, MI 48809</i>	
Name of Organization, Group, Firm, or Corporation <i>Wyoming Community Enrichment Commission</i>	
Address <i>P. O. Box 905, Wyoming, Michigan 49509</i>	
Number and Types of Fireworks <i>Approximately 1200 aerial display shells ranging in size from 1.5" to 3" in diameter.</i>	
Exact Location of Display <i>Lamar Park, Wyoming, Michigan</i>	
City, Village, Township <i>Wyoming</i>	Date <i>June 30, 2015</i>
Bond or Insurance Filed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Time <i>Dusk</i> Amount <i>\$5,000,000.00</i>

Issued by action of the
 council
 commission
 board of the

 city
 village
 township of _____

(Name of City, Village, Township)

 on the _____ day of _____

(Signature and Title of Council/Commission/Board Representative)

APPLICATION FOR FIREWORKS DISPLAY PERMIT
 Michigan Department of Energy, Labor, & Economic Growth
 Bureau of Fire Services
 P.O. Box 30700
 Lansing, MI 48909
 (517) 241-8847

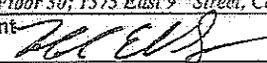
2015

Authority: 1988 PA 358 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Act, you may make your needs known to this agency.
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<input checked="" type="checkbox"/> PUBLIC DISPLAY	<input type="checkbox"/> AGRICULTURAL PEST CONTROL	Date of Application <i>04/21/15</i>
Name of Applicant <i>MELROSE PYROTECHNICS, INC.</i>	Address <i>P.O. BOX 302, KINGSBURY, IN 46345</i>	Age (18 or over)
If a Corporation, Name of President <i>MICHAEL CARTOLANO</i>	Address <i>P.O. BOX 302, KINGSBURY, IN 46345</i>	
If a Non-resident Applicant: Name of MI Attorney or Resident Agent <i>MIKE VAN LOO</i>	Address <i>P.O. BOX 123; 9019-W. BELDING RD. SUITE 3, BELDING, MI 48809</i>	Phone No. <i>(616) 794-0205</i>
Name of Pyrotechnic Operator <i>BRIAN RAUCH</i>	Address <i>P.O. BOX 123, BELDING, MI 48809</i>	Age (18 or over) <i>49</i>
No. Years Experience. No. Displays. <i>18 YEARS 260+</i>	Where <i>MICHIGAN, ILLINOIS, INDIANA</i>	
Name of Assistant: <i>STEVE RAUCH</i>	Address <i>P.O. BOX 123, BELDING, MI 48809</i>	Age <i>41</i>
Name of Other Assistant: <i>MIKE VAN LOO</i>	Address <i>P.O. BOX 123, BELDING, MI 48809</i>	Age <i>46</i>
Exact Location of Proposed Display <i>Lanier Park</i>		
Date of Proposed Display <i>JUNE 30, 2015</i>	Time of Proposed Display <i>Dusk</i>	

No. Of Fireworks	Kind of Fireworks to be Displayed
<i>Approximately 1200</i>	<i>Aerial display shells ranging in size from 1 inch to 3 inches in diameter.</i>

Manner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities)
NO STORAGE NECESSARY. DELIVERED ON DATE OF DISPLAY

Amount of Bond of Insurance (to be set by local gov't) <i>\$5,000,000.00</i>	Name of Bonding Corporation or Insurance Company <i>BRITTON-GALLAGHER & ASSOCIATES</i>
Address of Bonding Corporation or Insurance Company <i>One Cleveland Center, Floor 30; 1375 East 9th Street, Cleveland, Ohio 44114</i>	
Signature of Applicant 	<i>For Melrose Pyrotechnics, Inc.</i>

SEE OTHER SIDE FOR INSTRUCTIONS

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

REGULATORY INFORMATION: FEDERAL BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To	ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number	4-IN-091-24-8A-00529
Chief, Federal Explosives Licensing Center (FELC)	<i>Christopher L. Reers</i>	Expiration Date	January 1, 2018
Name	MELROSE PYROTECHNICS INC		

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
**HEINOLD BLDG. S-1-3 KINGSBURY INDUSTRIAL PARK
KINGSBURY, IN 46345-0000**

Type of License or Permit
24-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement
The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)
MELROSE PYROTECHNICS INC
P O BOX 302
KINGSBURY, IN 46345-

Licensee/Permittee Responsible Person Signature	Position/Title
Printed Name	Date

Previous Edition is Obsolete: MELROSE PYROTECHNICS INC/HEINOLD BLDG. S-1-3 KINGSBURY INDUSTRIAL PARK/46345-0000/4-IN-091-24-8A-00529/January 1, 2018/24-IMPORTER OF EXPLOSIVES
ATF Form 5400.14-3400.13 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card	
License/Permit Name:	MELROSE PYROTECHNICS INC
Business Name:	
License/Permit Number:	4-IN-091-24-8A-00529
License/Permit Type:	24-IMPORTER OF EXPLOSIVES
Expiration:	January 1, 2018
Please Note: Not Valid for the Sale or Other Disposition of Explosives.	

Lamar Park 4" Shells; No Angles

(Option 2)

2561 Porter St. SW, Wyoming, MI
MVL 3/23/15



Operator: Center of Setup Area is 60' NE from corner of parking lot and 35' West of pond.

RESOLUTION NO. _____

RESOLUTION TO ADOPT AMENDMENTS TO THE CITY OF WYOMING
RECREATION PLAN, 2013 THROUGH 2017

WHEREAS:

1. The Michigan Department of Natural Resources (DNR) requires that, as a prerequisite to qualifying for DNR recreation grants, communities must have an adopted five-year Recreation Plan, incorporating the requested projects.
2. A plan amendment is necessary to incorporate the Ideal Park master development plan, adopted by the Wyoming City Council on February 16, 2015, which was necessary to address the significant loss of recreation facilities, trees and other park features due to a tornado in July 2014.
3. The City of Wyoming uses its Recreation Plan in prioritizing recreation program development and use of its limited capital and operating funds. The plan amendment shall make the City of Wyoming eligible for various local, state, and federal grants.
4. On May 15, 2015 the Parks and Recreation Commission gave unanimous support for this plan amendment.
5. Following an 18 day public review and comment period the Wyoming City Council held a public hearing on June 1, 2015 on the proposed amendments to the Wyoming Recreation Plan, 2013-2017.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby adopt the City of Wyoming Recreation Plan, 2013 through 2017, as amended.

Moved by Commissioner:

Seconded by Councilmember:

Motion Carried Yes

 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. Vandenberg, Wyoming City Clerk

Resolution No. _____

RESOLUTION TO RECOMMEND AN AMENDMENT TO THE CITY OF WYOMING
RECREATION PLAN, 2013 THROUGH 2017

WHEREAS:

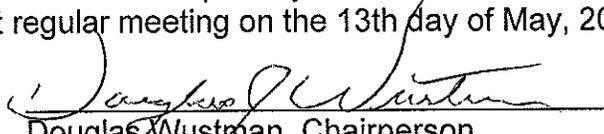
1. The Michigan Department of Natural Resources (DNR) requires that, as a prerequisite to qualifying for DNR recreation grants, communities must have an adopted five-year Recreation Plan, incorporating the requested projects. Wyoming's current plan has been accepted by the DNR and expires on December 31, 2017.
2. A plan amendment is necessary to incorporate the new Ideal Park master plan adopted by the Wyoming City Council on February 16, 2015, which was necessary to address the significant loss of recreation facilities, trees and other natural features due to a tornado.
3. The City of Wyoming uses such plans in prioritizing recreation program development and use of its limited capital and operating dollars.
4. The plan amendment is intended to make the City of Wyoming eligible for various local, state and federal grants, as well as guide improvements for our 690+ acre park system.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming Parks and Recreation Commission does hereby support the City of Wyoming Recreation Plan Amendment as proposed, and recommends the adoption of the plan by the Wyoming City Council.

Moved by Commissioner:	Ken Hornecker	
Seconded by Councilmember:	Ed McGregor	
Motion Carried	Yes	7
	No	0

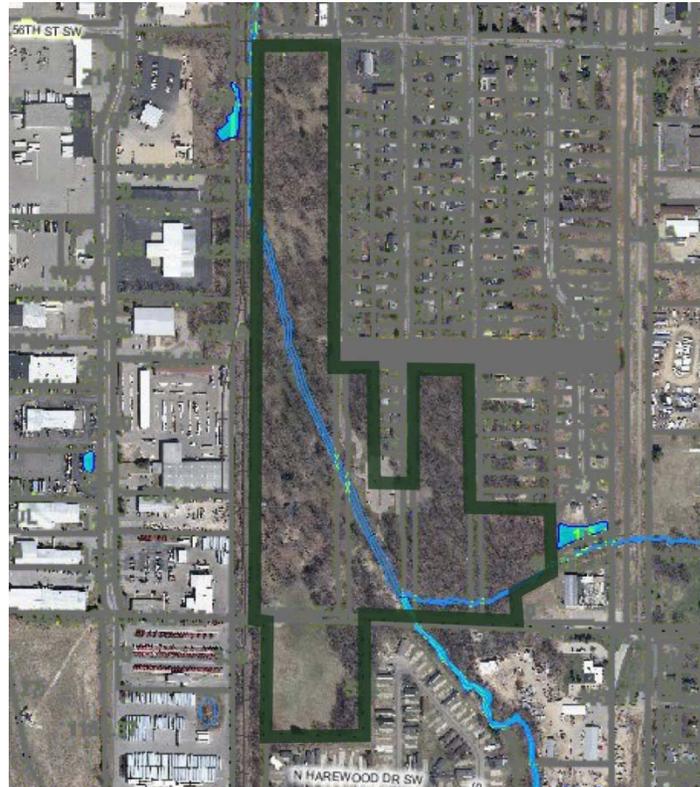
I hereby certify that the foregoing Resolution was adopted by the Parks and Recreation Commission for the City of Wyoming at regular meeting on the 13th day of May, 2015.


Douglas Wustman, Chairperson
Wyoming Parks and Recreation Commission

City of Wyoming Community Recreation Plan Amendment Documents

Replacing pages 43 – 45, adding page 102-B to the approved plan, a full copy of which is available on the City website: http://www.wyomingmi.gov/ParksRec/Documents/COW_Community_Recreation_Plan_FINAL.pdf

Ideal Park



Ideal Park-5843 Crippen Avenue

Portions are Dedicated Park, Resolution 6470, 1971

Ideal Park was initially developed in the 1930's, prior to the incorporation of the City, and is one of the oldest parks within the City. It is located in the southern region of the City with Buck Creek flowing through the middle of the park. The park has historic structures including an art deco style bridge, a log cabin lodge, and stone structures. Historically, the park has been a gathering site for large group picnics and family reunions. Access to the park is at the end of Crippen Street with large parking areas. A paved pathway provides a connection to the Inter-urban Bike Trail.

In April of 2013, the park experienced significant flooding which resulted in the loss of playability on the park's tennis and basketball courts. In July 2014 the park was hit by a tornado, resulting in the loss of over 90% of the park's trees, many of which were 100 to 300 years old and the destruction of the playgrounds and picnic section areas.

Park Size: 41.9 Acres

City of Wyoming Community Recreation Plan Amendment Documents

Replacing pages 43 – 45, adding page 102-B to the approved plan, a full copy of which is available on the City website: http://www.wyomingmi.gov/ParksRec/Documents/COW_Community_Recreation_Plan_FINAL.pdf

Useable Facilities and Resources following Flood (2013) & Tornado (2014):

- Picnic shelter with tables
- Restroom Building
- Entry drive and parking area
- Historic Lodge
- Buck Creek access (limited)
- Two bridges
- Natural surface pathways
- Paved pathway connector to Inter-urban Trail

Universal Access and Americans with Disabilities (ADA) Assessment

*See MDNR definition of and explanation in the Recreation Inventory Section of Plan

Based on the MDNR review requirements, Ideal Park is scored as a 1-None of the facilities/park areas meet accessibility guidelines. The newly adopted master plan provides for accessibility throughout the entire park. As facilities are upgraded or added they will be developed to meet universal accessibility guidelines.

Future Needs to Increase Universal Access

Development of the universally accessible facilities will be completed based on the new master plan.

Future Needs to Increase Universal Access

- Provide access walks to all remaining facilities.
- Implement redevelopment based upon new park master plan.

Ideal Park Capital Development and Planning Needs

Ideal Park was initially developed in the 1930's. Following the flood of 2013 and the tornado of 2014 a new master plan was adopted by City Council on February 16, 2015. Several projects are given below as specific needs within the park and will be implemented as part of the master plan.

- *Historic lodge Retained
- *Art Deco and Existing Foot Bridge Retained
- *Events patio at Lodge
- *Large and small pavilions
- *Large play area
- *Picnic areas
- *Naturalization of creek
- *Seating near creek
- *Pedestrian pathways
- *Bicycle pathways, trailhead, and connections
- *Lawn areas for open play
- *Woodlot preservation and pathways
- *New and improved parking
- *Basketball court
- *Gateway and park entrances
- *Restrooms
- *ADA accessibility
- *Improved park security
- *Replanting of trees
- *Buffer views and noise
- *Maintenance vehicle bridge

City of Wyoming Community Recreation Plan Amendment Documents

Replacing pages 43 – 45, adding page 102-B to the approved plan, a full copy of which is available on the City website: http://www.wyomingmi.gov/ParksRec/Documents/COW_Community_Recreation_Plan_FINAL.pdf



RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN
EMPLOYMENT AGREEMENT WITH THE
DEPUTY FIRE CHIEF (ASSISTANT DEPUTY DIRECTOR OF FIRE SERVICES)

WHEREAS:

1. The City Manager desires to enter into employment agreements with officers and employees in administrative service for the City.
2. Section 4.7 of the City Charter allows the City Manager to "...exercise his judgment in the appointment or employment of officers and employees in the administrative service."
3. The City Manager has negotiated an employment agreement with the Deputy Fire Chief (Assistant Deputy Director of Fire Services).

NOW, THEREFORE, BE IT RESOLVED:

1. The City Manager is authorized to execute an employment agreement with the Deputy Fire Chief (Assistant Deputy Director of Fire Services).
2. The City Manager is authorized to approve future amendments to the agreement that are generally equivalent to the existing City of Wyoming bargaining agreements.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on:

ATTACHMENT:
Employment Agreement

Kelli A. VandenBerg, Wyoming City Clerk

CITY OF WYOMING
EMPLOYMENT AGREEMENT

DEPUTY FIRE CHIEF (ASSISTANT DEPUTY DIRECTOR OF FIRE SERVICES)

THIS AGREEMENT between Brian G. Bennett, of 7003 84th SE, Caledonia, MI 49316 (“Employee”), and the City of Wyoming, a municipal corporation, of 1155 – 28th Street SW, Wyoming, Michigan 49509 (“City”), is made on the following terms:

1. TERM. The City hereby employs the Employee as Deputy Fire Chief (Assistant Deputy Director of Fire Services) of the City. This appointment shall be effective June 8, 2015. The Employee understands that as Deputy Fire Chief (Assistant Deputy Director of Fire Services), he serves at the pleasure of the City Manager, who may terminate the Employee for any reason at any time as provided by the City Charter and City Code.

2. PERFORMANCE. The Employee agrees to perform the duties of Deputy Fire Chief (Assistant Deputy Director of Fire Services) in a competent and professional manner and as set forth in the City Charter, City Code, established policies and regulations of the City and the laws of the State of Michigan. A job description has been provided to the Employee that the City may periodically revise with notice to the Employee. The Employee shall report to and be supervised by the Deputy Director of Fire Services.

3. SERVICE DATE. The Employee’s date of service with the City shall be June 8, 2015. The Employee shall be credited with all earned benefits from his service date and shall accumulate benefits uninterrupted after the effective date of this Agreement.

4. COMPENSATION. The Employee's salary shall be established by the City Manager in accordance with the annual budget authorization, the City Charter, and the City Code. The salary shall be paid in accordance with City payroll procedures.

5. BENEFITS. The Employee shall be provided the same health insurance, health insurance opt-out, pension, holidays, vacation, sick leave, sick leave incentive, bereavement leave, educational benefits, longevity pay, and payout of accrued benefits upon separation from employment as provided to regular employees in the Administrative and Supervisory Association unless otherwise stated herein. Benefits shall be based on a hire date of June 8, 2015. The Employee shall contribute 20% of the premium cost for health insurance as an active employee. The health insurance premium shall be based on the premium recommended by the City's insurer or, if applicable, third-party administrator.

Notwithstanding any other provision of this Agreement, the Employee shall not be eligible for a payout of any accrued benefits upon separation from employment until he has been employed by the City for at least three (3) years.

6. TERMINATION. This Agreement and the Employee's employment pursuant to it may be terminated as follows:

a. By the Employee's resignation. The Employee shall give written notice of the Employee's resignation at least thirty (30) days prior to its effective date. If the Employee fails to do so, any other provision of this Agreement notwithstanding, the City shall have no obligation to pay the Employee for accumulated sick leave or vacation time or any other accrued benefits, the amount of which the City shall be entitled to retain as liquidated damages for the costs it will incur as a result of such sudden resignation.

b. By the City Manager for the reason that the Employee 1) failed to substantially perform the Employee's job duties; 2) committed misfeasance, malfeasance or nonfeasance in the Employee's position; 3) engaged in criminal misconduct; 4) is convicted of any felony; 5) is convicted of a misdemeanor involving bodily harm or dishonesty; or 6) performed a deliberate and wrongful act. In such circumstances, any other provision of this Agreement notwithstanding, the City shall have no obligation to pay the Employee for accumulated sick leave or vacation time or any other accrued benefits.

c. By the City Manager, other than as provided in subsection (b) of this Section. If such action is taken, the City shall pay the Employee, in addition to any other amounts to which the Employee is entitled under this Agreement, an amount equal to six months of the Employee's base salary. Such severance pay will be paid to the Employee over a six-month period by checks issued on regular City paydays and will have appropriate amounts withheld. The Employee's insurance (health, dental, vision and life) shall continue to be paid by the City for the same period. However, if the Employee secures another position of equal or greater pay during the six-month period, the City's obligation to make severance payments and continue insurance will cease. If the Employee takes another position at less pay during the six-month period, the City's obligation will be limited to the difference in pay for the balance of said six-month period. For purposes of this section, "another position" shall include employment, self-employment, independent contracting, or compensation from any source. The aforesaid severance pay and benefits shall be

paid to the Employee contingent upon the Employee executing a waiver and release of all claims satisfactory to the City.

d. Upon termination of the Employee's employment, the Employee shall arrange for the immediate and orderly transfer of the Employee's office and the City-owned personal property, records, documents and other items in the Employee's possession.

e. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate the services of the Employee at any time and for any reason, subject only to the provisions set forth in this Section. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from the Employee's position with the City, subject only to the provisions set forth in this Section.

7. SCOPE AND AMENDMENTS. This Agreement is made in accordance with the provisions of the City Charter and City Code and shall be the sole agreement of the parties, any written or oral contracts to the contrary notwithstanding. By way of illustration and not limitation, any prior agreement or promises, and any collective bargaining agreements, have no application to the Employee or to the employment relationship between the Employee and the City. This agreement may not be modified orally, but only by an agreement in writing signed by the parties.

8. SEVERABILITY. The invalidity or unenforceability of any term in this Agreement shall not affect the validity or enforceability of any other term in this Agreement. If any term in this Agreement is determined to be invalid, unenforceable or

over broad in any respect, that term shall nevertheless be enforceable to the fullest extent permitted by law.

9. APPLICABLE LAW. The terms of this agreement are to be interpreted, construed, enforced, and performed under the laws of the State of Michigan.

10. ASSIGNMENT. Neither party may assign its rights, duties or interests in this Agreement without the prior written consent of the other party.

11. JURISDICTION AND VENUE. To the extent permitted by law, the parties agree that the jurisdiction and venue of any action brought pursuant to or to enforce this Agreement shall be solely in state court in Kent County, Michigan.

12. BINDING. This Agreement shall be binding upon the parties and their heirs, subrogates, successors and assigns.

13. RETURN OF CITY PROPERTY. The Employee agrees that when the Employee's employment ends, the Employee is responsible for returning any City-owned property in the Employee's possession and for paying any expenses or other amounts that the Employee may owe to the City at that time. The Employee authorizes the City to deduct any amount owed from any wage or benefit payments that may be due to the Employee.

14. SHORTENED LIMITATIONS PERIOD. The Employee agrees that any lawsuit or claim against the City arising out of the Employee's employment or termination of employment (including, but not limited to, claims arising under state, federal or local civil rights laws) must be brought within the following time limits or be forever barred: (a) for lawsuits requiring a Notice of Right to Sue from the Equal Employment Opportunity Commission, within 90 days after the EEOC issues that Notice;

or (b) for all other lawsuits, within (i) 180 days of the event(s) giving rise to the claim, or (ii) the time limits specified by statute, whichever is shorter. The Employee waives any statute of limitations that exceeds this time limit.

CITY OF WYOMING

Dated: _____

Curtis Holt
City Manager

Dated: _____

Brian G. Bennett
Deputy Fire Chief
(Assistant Deputy Director of Fire Services)

6/1/15

Engineering/RJH:

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO
EXECUTE AN AMENDMENT TO THE LICENSE AGREEMENT WITH
CONSUMERS ENERGY FOR THE INTERURBAN TRAIL REHABILITATION PROJECT

WHEREAS:

1. The City of Wyoming received a Transportation Alternative Program (TAP) grant for the rehabilitation of the existing Interurban non-motorized trail from 60th Street to 32nd Street in Wyoming.
2. The current trail is a six-foot wide asphalt trail that runs north-south through Wyoming approximately one-quarter mile west of Division.
3. Consumers Energy has submitted an amended License Agreement dated May 4, 2015, allowing the City of Wyoming to widen the existing trail to meet current standards along their right-of-way.
4. The Interurban Rehabilitation project will widen the current trail to a minimum 10 feet (with 2-foot shoulders) in width in areas where the trail is off-street and enhance pavement markings and signage where the trail is on-street.
5. The attached License Agreement amendment increases the trail width through the Consumers Energy right of way to 14 feet, a 10-foot trail with two 2-foot shoulders.
6. The City of Wyoming's annual obligation for the amended license agreement remains unchanged.

NOW, THEREFORE, BE IT RESOLVED:

1. The Major and City Clerk are hereby authorized to execute the attached Amended License Agreement with Consumers Energy for the rehabilitation of the Interurban Trail from 60th Street to 32nd Street through Consumers Energy right-of-way.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT: Amendment to License Agreement

Resolution No. _____



AMENDMENT TO LICENSE
KENT ES0078

THIS AMENDMENT, made this 4th day of May, 2015 between CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201, hereinafter referred to as "Licensor," and City of Wyoming, a Municipal Corporation, 1155 28th St. SW, Wyoming, MI 49509, hereinafter referred to as "Licensee";

WHEREAS, the parties hereto, entered into a certain License dated September 18, 1981, being part of the following described premises:

All that part of the former Michigan Railroad Company right-of- way, 100 feet in width, lying between 50th Street and 60th Street in the SE1/4 of the SE1/4 of Section 25, T6N, R12W, and in the East ½ of Section 36, T6N, R12W, and also that part of a strip of land 66 feet wide lying West of and adjacent to the former Michigan Railroad right-of-way; described as commencing 933.75 feet, N89°44'W along the South line of Section 25 from the Southeast corner of said section, thence N 01°54'W along the Wly line of said former railroad right-of-way 530 feet to the point of beginning of this description, thence N89°44'W, 66.05 feet, thence N 01°54'W, 90 feet; thence S 89°44'E, 66.05 feet; thence N 01°54' W along the Wly line of said former railroad right-of-way to the South right-of-way line of 50th Street, thence N 89°53'E, 36.7 feet along the South line of 50th Street to reference point "A"; thence N 89°53'E, 15 feet; thence S 01°51'W, 220 feet; thence S 04°33'W, 60 feet; thence S 09°51'W, 36 feet; thence S 04°48'W, 60 feet; thence S 01° 52'W, 36 feet; thence S03°52'E, 85 feet; thence S 03°36'E, to the point of intersection with a line extending S 89°44'E from the point of beginning; thence N 89°44'W to the point of beginning. Part of Parcels Y 995AA (41-17-25-476-015) and Parcel Y 976 (41-17-25-232-016), as shown on map dated June 24, 1980, marked Exhibit "A" attached hereto and made a part hereof.

Also a 10-foot wide strip of land, the centerline of which is described as commencing at Reference Point "A" thence S 00°38'E, 392.95 feet to the point of beginning of this description, thence S 02°31'E, 100 feet; thence S 14°42'E, 50 feet; thence S 08°14'E, 80 feet; thence S 01°53'E, 270 feet; thence S 02°36'E, 80 feet; thence S 05°26'E, 90 feet; thence S 02°48'W; 100 feet; thence S 03°27'E, 130 feet to a point which lies S 88°06'E, 53.98 feet from the point of intersection of the Wly line of said former railroad right-of-way and the South line of said Section 25; thence S 02°19'E, 100 feet; thence S 01°38'E, 500 feet; thence S 02°00'E, 727.5 feet to a point on the centerline of 54th Street, said point lying S 89°48'E, 55.43 feet from the point of intersection with the Wly line of said former railroad right-of-way and the centerline of 54th Street; thence S 01°31'30"E, 1,000 feet; thence S 02°13'22"E, 328.46 feet to the centerline of 56th Street; thence S 01°46'30"E, 171.62 feet; thence S 01°00'40"E, 300.03 feet; thence S 01°46'30"E, 1,653.47 feet to Reference Point "B"; thence S 01°46'30"E, 86.68 feet; thence S 02°00'30"E, 371.85 feet; thence Easterly 69.94 feet along a 43 foot radius curve to the left, the long chord of which bears S45°56'30"E, 59.67 feet; thence S 89°52'30"E parallel with the South line of Section 36 to the Easterly line of said railroad right-of -way and the point of ending of this description. Part of Parcel Y 976 (41-17-25-232-016) and Parcel Y 1207-1 (41-17-36-226-029) as shown on map dated July 6, 1981, marked Exhibit "B".

Also a 10-foot wide strip of land, the centerline of which is described as commencing at Reference Point "B"; then Westerly 79.16 feet along a 60 foot radius curve to the right, the long chord of which bears S 36°01'15"W, 73.54 feet; thence S 73°49'W to a point on the Westerly line of a strip of land 66 feet wide lying West of and adjacent to the former Michigan Railroad right-of-way, said point being the point of ending of this description. Part of Parcels Y 1207-1 (14-17-36-226-029) and Y 1206 A-1 (41-17-36-476-022) as shown on map dated July 6, 1981, marked Exhibit "B" attached hereto.

WHEREAS, the parties hereto desire to amend the License, as set forth below;

NOW, THEREFORE, for and in consideration of the covenants herein specified and other good and valuable consideration, the parties hereto mutually agree to the following amendments:

1. Increase the width of the non-motorized bicycle trail from 10 feet to 14 feet.
2. In all other respects, the terms and conditions set forth in the license remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have or have caused this Amendment to be executed in duplicate as of the day and year first above written.

LICENSOR:

LICENSEES:

CONSUMERS ENERGY COMPANY

By _____
Michael L. Friend

West Zone Field Representative

APPROVED AS TO FORM:

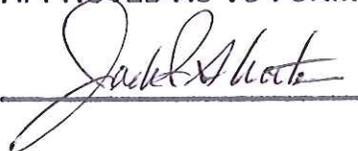


Exhibit A

KENT CO. T.6N. R.12W.

WYOMING TWP. WALKER TWP. Map No. 8
S. PORTION

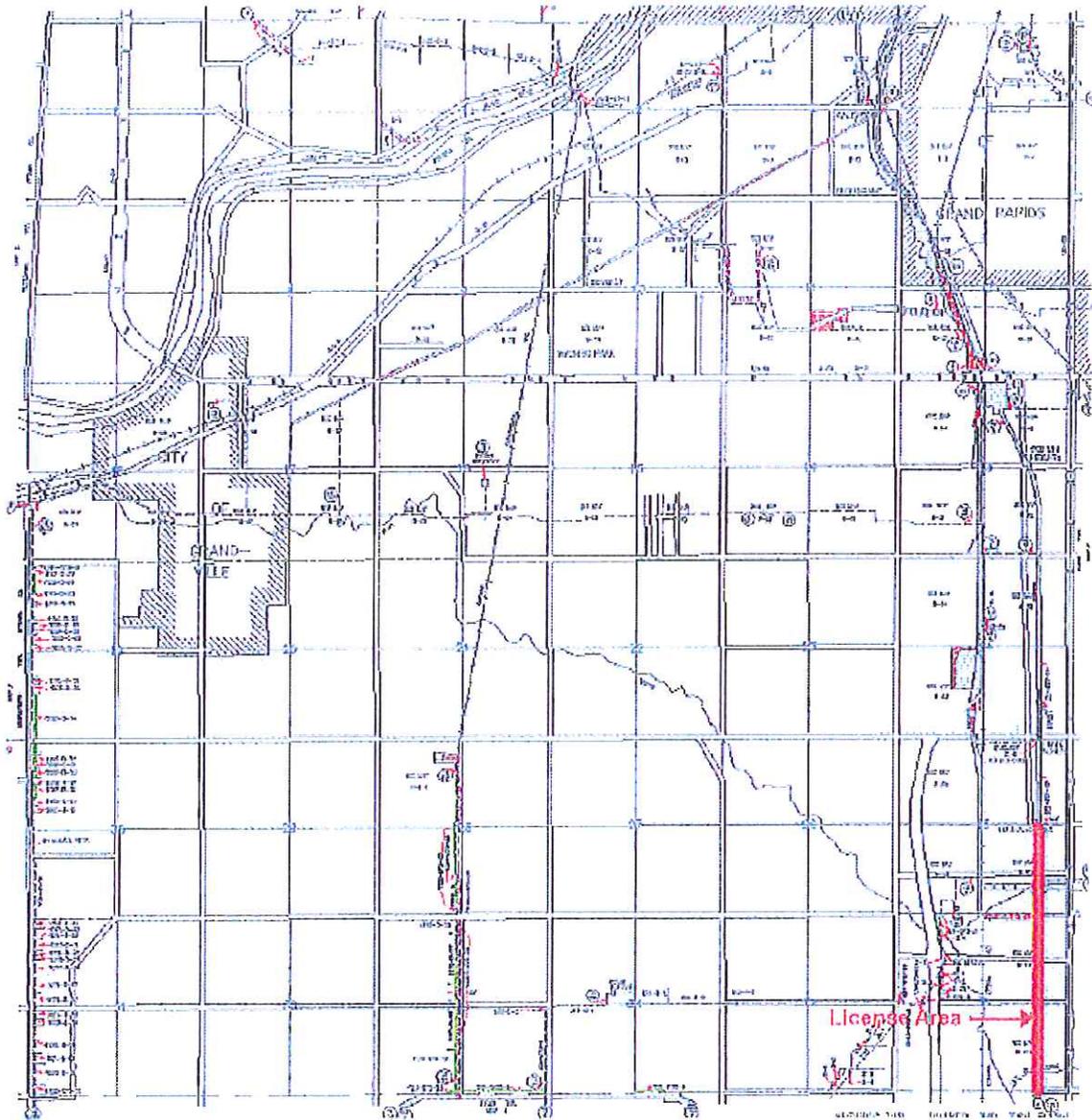


Exhibit A
(continued)

NORTHEAST QUARTER
SECTION 36
T.6N. R.12W.
WYOMING TOWNSHIP
KENT COUNTY

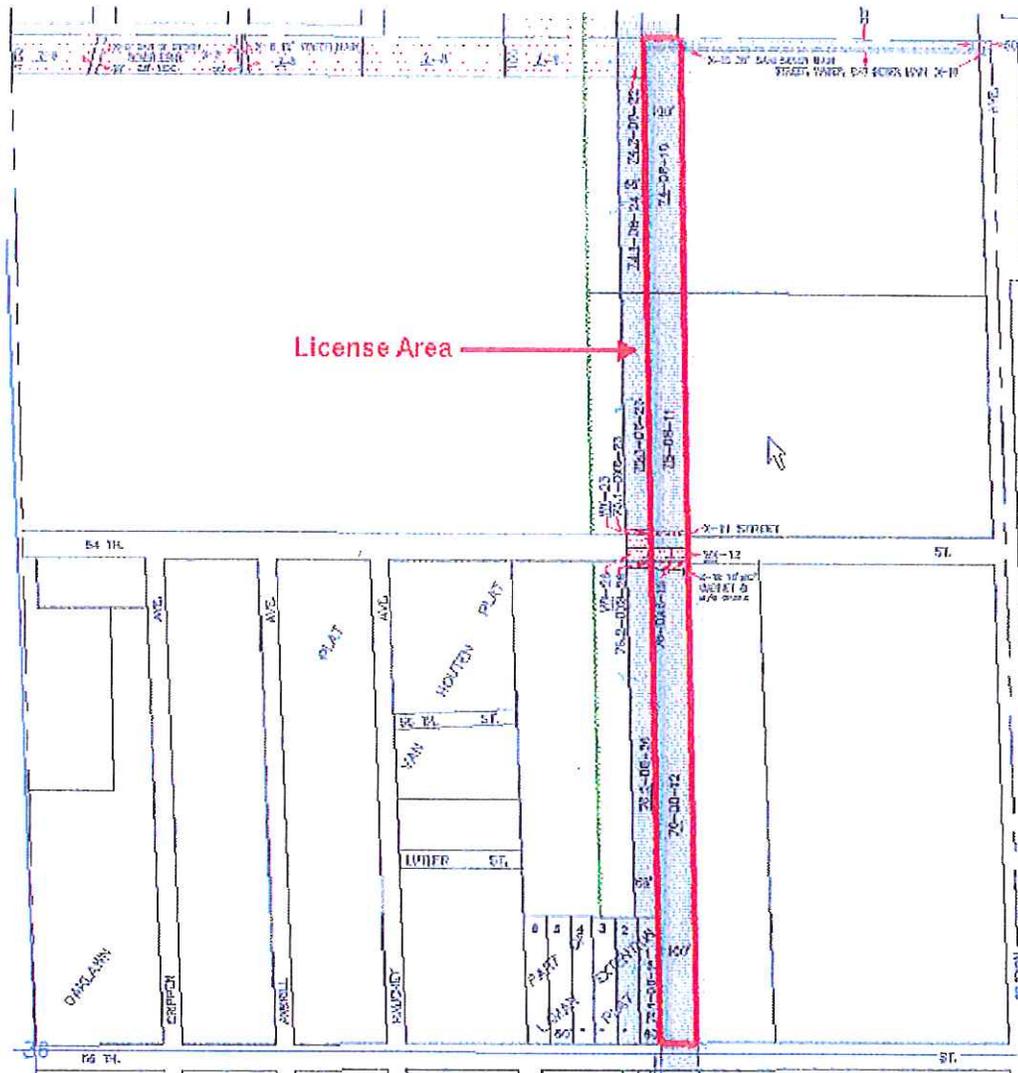
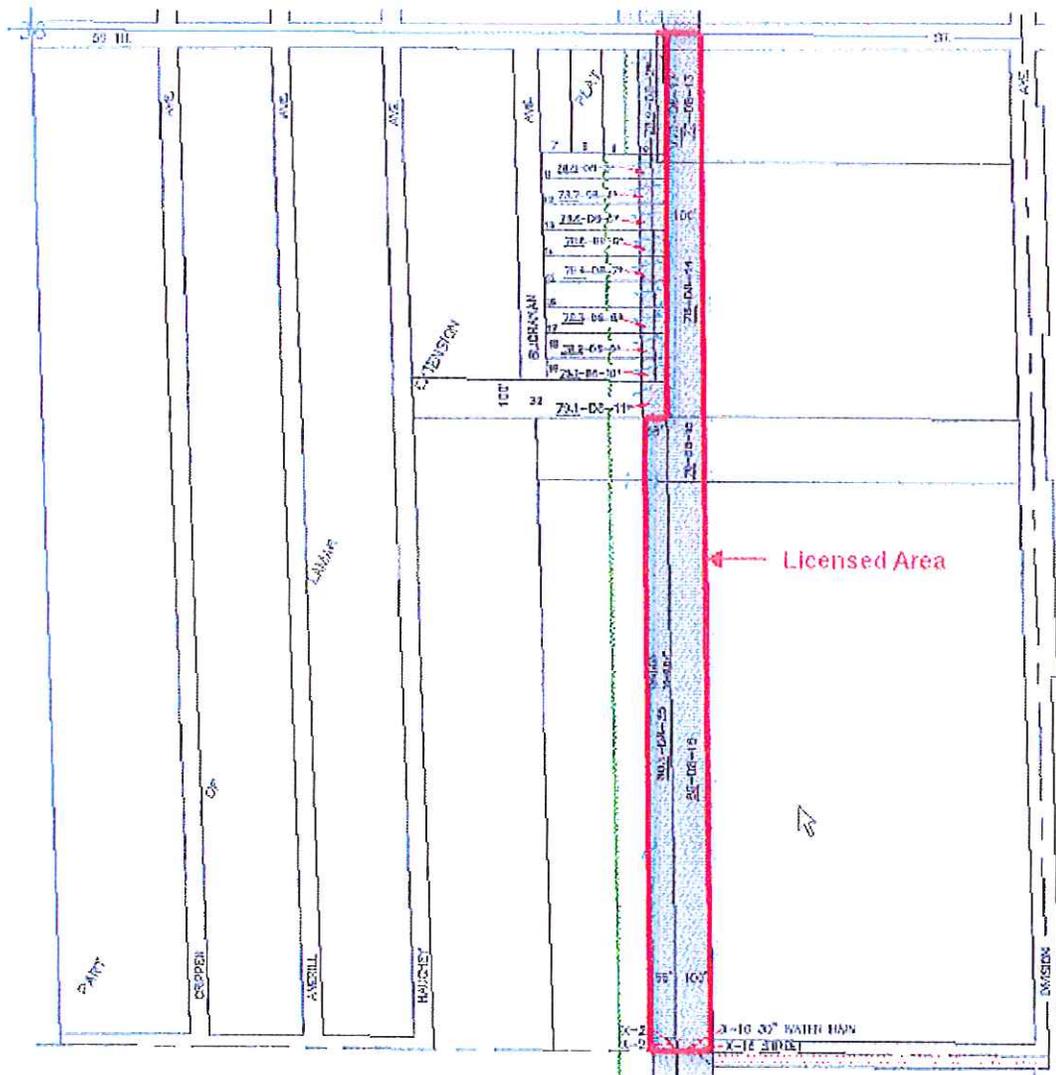


Exhibit A
(continued)

SOUTHEAST QUARTER
SECTION 36
T.6N. R.12W.
WYOMING TOWNSHIP
KENT COUNTY



RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE EXTENDING THE CONTRACT
WITH MULTI SERVE FOR CLEANING AND DISINFECTING SERVICES

WHEREAS:

1. The city has a contract with Multi Serve to provide cleaning and disinfecting services in homes that are affected by a sewer backup or water break.
2. The three year contract allows for two one year extensions if agreed by the city and Multi Serve. This would be the final one year extension period.
3. Multi Serve is providing high quality service to the residents of Wyoming.
4. Multi Serve has submitted the attached letter offering to extend their current bid prices for one year.
5. Sufficient funds are available in the Sewer and Water Funds 590-441-54200-930.000 and 591-441-56700-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council agrees to extend the contract for cleaning and disinfecting services with Multi Serve for one year.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:

Letter



**Repair • Service
Restoration**

May 26, 2015

City of Wyoming
2660 Burlingame SW
Wyoming , MI 49509

Attention: Lisa Barnes

Multi Serve will hold our pricing at current rates and would like to exercise the extension per our bid dated June 14, 2011. We look forward to continuing to provide Mitigation Cleaning services to the City.

Sincerely

Robert C. Frey

Robert Frey
Director of Insurance Restoration

Insurance Restoration • RED & Capital Repairs • Mechanical

Phone: 877.736.4168 ***Fax:*** 616.647.1271 ***Bid Requests:*** bids@multiserve.us

Michigan • Wisconsin • Illinois • Iowa

www.multiserve.us

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PURCHASE
OF A 2015 FORD SUV INTERCEPTOR

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended the City Council authorize the purchase of a replacement Ford SUV Interceptor from Signature Ford in the total amount of \$29,243.00.
2. Michigan Municipal Risk Management Authority (MMRMA) will reimburse the City \$25,370.00 and cost of transferring the existing police equipment to the new vehicle.
3. Funds for the purchase are available in the Motor Pool Capital Outlay Depreciation and Reserve account number 662-441-58500-985000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of a 2015 Ford SUV Interceptor in the total amount of \$29,243.00.
2. The Wyoming City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on June 1, 2015.

ATTACHMENT:
Staff Report

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

DATE: May 26, 2015
SUBJECT: Purchase of Replacement Vehicle
FROM: Ted Seil, Fleet Services Supervisor
Date of Meeting: June 1, 2015

RECOMMENDATION

It is recommended that the City Council authorize the purchase of a 2015 Ford SUV Interceptor from Signature Ford to replace a Ford SUV Interceptor (Unit 088-002) totaled in an accident on May 16, 2015.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is ardently involved in the protection of Michigan's natural resources and the public health and welfare. By carefully researching and specifying specific equipment we will use fewer natural resources by extending the life maintenance cycles and durability of city equipment.

Social Equity

Police vehicles are used to patrol streets and respond to emergency calls within the City. All of the City's residents enjoy equal access to the benefits of the Public Safety Department.

Economic Strength

Police vehicles allow our Public Safety Department to protect the citizens of the city 24 hours a day to maintain peace and sustain public and private property values.

DISCUSSION

On May 16, 2015, while responding to an emergency call, unit 088-002 was involved in a collision resulting in a total loss of the vehicle. The cost of a new vehicle is \$29,243. Michigan Municipal Risk Management Authority will cover \$25,370 and Wyoming is responsible for the difference of \$3,873. MMRMA will also cover the cost of transferring the existing police equipment to the new vehicle.

BUDGET IMPACT

The city's portion of \$3,873 will be paid from the insurance fund.

JRS/sak
3/2/15

ORDINANCE NO. 5-15

AN ORDINANCE TO AMEND ARTICLE VII
OF CHAPTER 10 OF THE CODE
OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Article VII of Chapter 10 of the Code of the City of Wyoming entitled "Property Maintenance Code" is hereby amended to read as follows:

ARTICLE VII
PROPERTY MAINTENANCE CODE

Sec. 10-176. Adoption of Code.

The International Property Maintenance Code/2012 as published by the International Code Council, Inc. is adopted by reference as herein modified for the purposes of protecting the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum maintenance standards for all structures and occupants of all structures; and providing for administration, enforcement and penalties. The International Property Maintenance Code 2012 together with the provisions of this ordinance shall be known and may be cited as the Property Maintenance Code of the City of Wyoming.

Sec. 10-177. References in Code.

References in the International Property Maintenance Code/2012 to "name of jurisdiction" shall mean the City of Wyoming:

Sec. 10-178. Availability of code.

Complete copies of the code are available at the office of the city clerk for inspection and distribution to the public.

Sec. 10-179. Changes in code.

The following sections and subsections of the International Property Maintenance Code 2012 are hereby amended as provided herein and additional sections and subsections are added as indicated. Section numbers used in this ordinance shall refer to the like numbered sections in International Property Maintenance Code/2012.

(1) Section 101.1 is hereby amended to read as follows:

Sec. 101.1 TITLE

These regulations shall be known as the Property Maintenance Code of Wyoming, hereinafter referred to as “this code”.

(2) Section PM-102.3 is hereby amended to read as follows:

Sec. 102.3 APPLICATION OF OTHER CODES.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Michigan Building Code, Michigan Residential Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code and International Fire Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Wyoming Zoning Code.

(3) Section PM 102.6 is hereby deleted.

(4) Section PM 103.1 is hereby amended to read as follows:

Sec. 103.1 RENTAL REGISTRATION AND INSPECTION.

(a) No person shall rent, lease or offer for rent or lease any residential unit or residential property without first registering said unit or property with the City.

(b) A residential unit or property may be rented, leased or offered for rent or lease if:

1. An application is submitted indicating the owner and manager, the number of units and buildings for which application is sought, the type of units intended, any other pertinent data sought by the Code Official.

2. All related program fees are paid based on a fee schedule as adopted by the City. The fees shall be a debt to the City, which may be assessed as a lien against the property until paid.

3. If an inspection is performed on the property based on any rental inspection schedule as adopted by the City all violations disclosed thereby are either corrected or waived by the Housing Board of Appeals.

(c) A registration for properties with four (4) or more units shall be in effect for two (2) years from the date of issue unless revoked for cause by the City.

A certificate for properties with less than four (4) units shall be in effect for four (4) years from the date of issue unless revoked for cause by the city.

Exceptions:

If a property with less than four (4) units is in violation of one or more of the following, the property shall be issued a two (2) year certification.

Safety:

- (1) Smoke detector violations
- (2) Work completed without a permit
- (3) Eminent electrical hazards
- (4) Eminent mechanical hazards
- (5) Eminent building hazards

Cosmetic:

- (1) More than one window with broken or missing glazing
- (2) Peeling paint on more than 25% of the building
- (3) Loose or damaged siding, fascia or soffit materials on the house or garage. Reasonable wear and minor maintenance concerns related to these items shall not disqualify property owners from a four year certification.
- (4) Damaged exterior doors on the house or garage that prevents the door from opening and/or closing, locking, or operating as designed or where more than 25% of the exterior surface area is dented, peeling or otherwise in disrepair.
- (5) Damaged or excessively worn roof/shingles

Other:

In addition to any one (1) of the above, if a property has more than four maintenance code violations the property shall receive a two (2) year certification.

Failure to register and certify a rental unit in accordance with the provisions of this ordinance or failure to pay the program fees is a violation of this code.

d. Suspension or Revocation of registration. Any registration issued by the City under this ordinance may be suspended by the Code Official for cause, and any permit issued by the City may be suspended or revoked by the Housing Board of Appeals for cause. The owner shall have the right to a hearing before the Housing Board of Appeals on any such action of the Code Official, provided a written request therefore is filed with the City Clerk within five (5) days after receipt of notice of suspension. The Housing Board of Appeals may confirm the suspension or revoke or reinstate the license. The action taken by the Housing Board of Appeals shall be final.

e. Cause defined. The term “cause”, as used in this article, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any registration granted under the provisions of this ordinance, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (1) Contrary to the health, safety or welfare of the public.
- (2) Unlawful or fraudulent in nature.
- (3) Unauthorized or beyond the scope of the registration.
- (4) Forbidden by the provisions of this ordinance, or any duly established rule or regulation of the City applicable to housing.
- (5) A nuisance on the registered property.

f. Inspections. In order to safeguard the health and welfare and safety of the public, the Code Official or his representative is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this Code. Inspections may be made at any time on individual or multiple units as a result of a complaint or if a serious health/safety problem is suspected. Scheduled Inspections will be based on any Rental Inspection Schedule as adopted by the City.

g. Fees. Fees for such licenses and registration shall be set by resolution of the City Council.

Such fees may reflect the cost of processing, inspection, supervision and other related costs of regulations. Fees for not complying with the rental program shall be established by resolution of the City Council.

(5) Section 103.2 is hereby amended to read as follows:

Sec. 103.2 VACANT STRUCTURE AND ABANDONED STRUCTURE.

(a) No person shall occupy or allow to be occupied, any building that is posted as an Abandoned Structure without first obtaining approval for occupancy of said building.

(b) An Abandoned Structure may be occupied if:

- (1) An application is submitted indicating the owner of the property, if the property is to be owner occupied or a rental property, and any other pertinent data sought by the code official.
- (2) All related inspection service fees are paid based on a fee schedule as adopted by the City Council. The fees shall be a debt to the city, which may be enforced by the City against the property owner. The City may place such charges on the tax roll to be added to the taxes for the property for the next year.
- (3) If an inspection is performed on the property based on a fee schedule as adopted by the City, and all violations disclosed thereby are either corrected or waived by the Housing Board of Appeals.

(6) Section 104.7 is hereby added to read as follows:

Sec. 104.7 LIABILITY.

The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(7) Section 104.8 is hereby added to read as follows:

Sec. 104.8 FEES.

The fees for activities and services performed by the department carrying out its responsibilities under this code shall be as established by resolution of the City Council.

(8) Section 106.2 is hereby amended to read as follows:

Sec. 106.2 PENALTY.

Violation of any provision of this Article shall be a “municipal civil infraction” with civil fines as provided in Sec. 1-27 of the City Code.

(9) Section 106.4.1 is hereby added to read as follows:

Sec. 106.4.1 CLEAN UP/DEMOLITION COSTS.

Should it become necessary for the City to either perform or hire, weed cutting, clean up or demolition on any property, all costs shall be assessed against said property as follows:

1. Clean up/Weed Abatement: cost plus 100%
2. Demolition: cost plus 50%

(10) Section 106.5 is hereby amended to read as follows:

Sec. 106.5 RIGHT OF ENTRY.

At any time after written notice of violation is provided to a property owner and/or properly posted on the property, an employee of the City or any contractor employed by the City shall have the right to enter onto private property to perform any clean up, removal, demolition or any other action reasonably necessary to bring the property into compliance with the provisions of this code.

(11) Section 107.1 is hereby amended to read as follows.

Sec. 107.1 NOTICE.

(a) **General.** Unless specifically provided herein, notice shall be given in accordance with Section 1-25 of the City Code.

(b) **Dangerous Buildings.** Notice of dangerous buildings and/or structure unfit for human occupancy shall be as follows:

1. Delivery in accordance with provisions of City Code Section 1-25.
2. If reasonable efforts under subsection (1) of this section have not been successful, then by posting a copy of the notice, for 24 hours in poster or letter form in a conspicuous place on the premises to be repaired or demolished.

(12) Section 107.2 is hereby amended to read as follows:

Sec. 107.2 UNAUTHORIZED TAMPERING.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or

tampered with, or removed without authorization from the code official.

(13) Section 107.3 is hereby amended to read as follows:

Sec. 107.3 PENALTIES.

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.2.

(14) Section 107.4 is hereby amended to read as follows:

Sec. 107.4 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(15) Section 108.1.5 is hereby amended to read as follows:

Sec. 108.1.5 DANGEROUS STRUCTURE OR PREMISES.

For the purpose of this code, any structure or a premise that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel construction, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance, hazard or blighting influence to the public, as determined by the Planning Department, Building Inspections Department and Housing Board of Appeals.

12. Whenever the Code Official estimates the cost of placing the building in safe and sanitary condition exceeds 50% of real value as determined by the City Assessor.

13. Any natural structure, because of dilapidation, deterioration, decay or removal of some portion of the structure or ground necessary for the support is likely to collapse, fail or give way.

(16) Section 108.1.6 is hereby added to read as follows:

Sec. 108.1.6 NOTICE OF DANGEROUS AND UNSAFE CONDITION.

Whenever the Code Official has declared a building as dangerous, he shall give a written notice of such declaration and the required repairs or demolition of the building to the owner of the building. Such notice shall include the following:

1. A description or address for the real estate.
2. A statement of the violations, referring to the sections of this article or any other section of the City Code.

3. A statement obligating the owner to bring the building into complete compliance with this code and all other applicable sections of the City Code, or to demolish and remove the building.
4. A reasonable time limit for the completion of the repair or demolition, not to exceed 90 days.
5. A statement requiring the owner to state his intentions as to the repair or demolition order within ten days. The owner shall so state his intentions in writing to the City within such ten-day period. Failure to respond shall be considered a negative response which may result in the City implementing accelerated compliance measures.

(17) Section 108.3 is hereby amended to read as follows:

Sec. 108.3 NOTICE.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.1. The notice shall be in the form prescribed in Section 108.1.6

(18) Section 110.2 is hereby deleted.

(19) Section 111.1 is hereby amended to read as follows:

Sec. 111.1 HOUSING BOARD OF APPEALS CREATION.

The Housing Board of Appeals is hereby created and is referred to in this article as the Housing Board.

(20) Section 111.2 is hereby amended to read as follows:

Sec. 111.2 MEMBERSHIP.

The housing board shall consist of five persons appointed by the city council who shall be experienced in the building and housing field by having a background as a professional engineer, architect, member of a building construction trade, industry, banking and finances, with experience in home mortgages, real estate sales or such other persons as the city council may deem able to serve the best interests of the city.

(21) Section 111.3 is hereby amended to read as follows:

Sec. 111.3 APPOINTMENT; TERMS, VACANCIES.

Each member of the housing board shall be appointed for a term of five years, except that for the first appointments members shall be appointed for one, two, three, four and five years, respectively. All vacancies shall be filled for the unexpired term.

(22) Section 111.4 is hereby amended to read as follows:

Sec. 111.4 PROCEDURAL RULES; OFFICERS; MINUTES.

The housing board shall adopt its own procedural rules. There shall be a chairman, vice-chairman and secretary. The secretary shall keep minutes of each meeting, and a copy shall be given to the city clerk.

(23) Section 111.4.1 is hereby deleted.

(24) Section 111.5 is hereby amended to read as follows:

Sec. 111.5 APPEALS PROCEDURE.

Any person who is aggrieved with the ruling or decision of any city official which relates to the interpretation or enforcement of any of the provisions of this code may appeal such ruling or decision to the housing board. Such appeal shall be in writing on the form supplied by the city and shall be filed within ten days of such ruling or decision.

(25) Section 111.6 is hereby amended to read as follows:

Sec. 111.6 POWERS AND DUTIES.

The housing board shall hear, review and decide appeals from any order, requirement, decision or determination made by any city official charged with the enforcement of this code. The housing board may grant variances from the terms of the housing code as will not be contrary to the public interest, where owing to special conditions, as demonstrated by facts presented to or obtained by the housing board, a literal enforcement of the provisions of this code would result in unnecessary hardship. In exercising its powers, the housing board may reverse, modify or affirm, wholly or in part, the order requirement, decision or determination appealed from, and to that extent shall have all the powers of the city official from whom the appeal was taken.

(26) Section 111.7 is hereby amended to read as follows:

Sec. 111.7 CONDITIONS TO BE MET FOR VARIATIONS, REVERSALS OR MODIFICATIONS.

No variation, reversal or modification of provisions of this code shall be made by the housing board unless all of the following conditions are met:

1. There are exceptional or extraordinary circumstances or conditions related to the property or to the intended use which would cause unreasonable hardship by the strict enforcement of the terms of the housing code, or that the appellant would be deprived of a substantial property right.
2. Property values in the near vicinity will not be adversely affected.
3. The public health, safety or welfare of any person or any property will not be jeopardized.

(27) Section 111.8 is hereby amended to read as follows:

Sec. 111.8 FINDING OF FACTS.

The housing board in granting or denying an appeal shall make findings of facts to each part of section 111.7 of this code and such findings shall be recorded in the minutes. Any appeal granted without such finding shall be void. If there is doubt as to whether an appeal should be granted, then such doubt shall be resolved in denying of the appeal.

(28) Section 111.9 is hereby added to read as follows:

Sec. 111.9 BINDING CLAUSE.

Where an appeal has been granted by the housing board, the variations or modifications allowed shall apply to any similar requirements in other sections of this Code.

(29) Section 111.10 is hereby added to read as follows.

Sec. 111.10 COURT REVIEW.

Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a review to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of office of the Code Official.

(30) Section 112.4 is hereby amended to read as follows:

Sec. 112.4 FAILURE TO COMPLY.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a civil infraction citation and the penalties prescribed by this code.

(31) Section 201.3 is hereby amended to read as follows:

Sec. 201.3 TERMS DEFINED IN OTHER CODES.

Where terms are not defined in this code and are defined in the Michigan Building Code, Michigan Residential Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code or International Fire Code, such terms shall have the meanings ascribed to them as stated in those codes.

(32) The following definitions are hereby added to Section 202:

ABANDONED STRUCTURE. A structure that has been vacant for 30 or more days and meets any of the following criteria:

1. Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity.

2. Has been boarded for at least 60 days.
3. Has taxes in arrears for a period of time exceeding 365 days.
4. Has a utility or utilities disconnected.
5. Is not maintained in compliance with the Property Maintenance Code.

BLIGHT Any deteriorated condition of land or structure that contributes to a decrease in the aesthetics or overall desirability of the property.

BOARDING HOUSE, LODGING HOUSE, TOURIST HOUSE. A building having one kitchen and used for the purpose of providing meals or lodging, or both meals and lodging, to persons other than members of the family occupying such dwelling. In the case of single-family and two-family dwellings, the number of roomers or boarders shall not exceed one per dwelling unit.

CODE ENFORCEMENT ACTIVITY. – All activities performed by city staff or designee to locate, identify and abate violations of city code.

NATURAL STRUCTURE. Any structure that is created or grown from natural sources.

NOXIOUS WEEDS. Means an annual, biennial or perennial plant designated by the Michigan Commissioner of Agriculture as injurious to public health, the environment, public roads or other property.

ONE-FAMILY DWELLING. A building containing one (1) dwelling unit with not more than one lodger or boarder.

PUBLIC NUISANCE. Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of a premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has uncontrolled growth of weeds; or
8. Any natural or man-made structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

RANK VEGETATION. Means uncultivated plants growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.

VACANT STRUCTURE. A structure that is vacant and does not meet the definition of the Abandoned Structure or Dangerous Building.

(33) Section 301.4 is hereby added to read as follows:

Sec. 301.4 ANIMALS AND BEES.

No horse, cow, calf, swine, sheep, goat, chickens, bees, pigeons, geese, ducks, rabbits, or any protected wild animal shall be kept in any dwelling, nor shall any such animals or bees be kept on the same lot or premises with a dwelling, except under conditions prescribed by the code official so as not to constitute a nuisance to any neighbors or property and so as not to constitute any nuisance, health or safety hazard.

(34) Section 302.4 is hereby amended to read as follows:

Sec. 302.4 WEEDS.

All premises and exterior property shall be maintained free from weeds in excess of twelve (12) inches in height. All noxious weeds and rank vegetation shall be prohibited. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.2 and as prescribed by the City. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Fees for such action shall be charged in accordance with section 106.4.1

(35) Section 302.8 is hereby amended to read as follows:

Sec. 302.8 MOTOR VEHICLES.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored outdoors on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work,

provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(36) Section 304.1.1 is hereby amended to read as follows:

Sec. 304.1.1 UNSAFE CONDITIONS.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Michigan Building Code or the Michigan Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are

anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

(37) Section 304.13.1 is hereby amended to read as follows:

Sec. 304.13.1 GLAZING.

Every window sash shall be fully supplied with approved glazing.

(38) Section 304.14 is hereby amended to read as follows:

Sec. 304.14 INSECT SCREENS.

During the period from *April 1st to October 31st* every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(39) Section 305.1.1 is hereby amended to read as follows:

Sec 305.1.1 UNSAFE CONDITIONS.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Michigan Building Code, the Michigan Residential Code or the Michigan Rehabilitation Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

(40) Section 305.7 is hereby added to read as follows:

Sec. 305.7 FLOORS.

Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. All floor surfaces throughout a dwelling unit shall be maintained in a sound condition, securely fastened, free of holes, tears or open areas, and kept in such a manner so as not to contribute to unsafe or unsanitary conditions.

(41) Section 305.8 is hereby added to read as follows:

Sec. 305.8 FREE FROM DAMPNESS.

Every building, basement and crawl space shall be maintained to prevent conditions conducive to decay or deterioration of the structure.

(42) Section 306.1.1 is hereby amended as follows:

Sec. 306.1.1 UNSAFE CONDITIONS.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Michigan Building Code, Michigan Residential Code, Michigan Rehabilitation Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1 Collapse of footing or foundation system;
 - 1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural

- element due to a chemical reaction from the soil;
 - 1.4 Inadequate soil as determined by a geotechnical investigation;
 - 1.5 Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1 Deterioration;
 - 2.2 Ultimate deformation;
 - 2.3 Fractures;
 - 2.4 Fissures;
 - 2.5 Spalling;
 - 2.6 Exposed reinforcement; or
 - 2.7 Detached, dislodged or failing connections.
 3. Aluminum that has been subjected to any of the following conditions:
 - 3.1 Deterioration;
 - 3.2 Corrosion;
 - 3.3 Elastic deformation;
 - 3.4 Ultimate deformation;
 - 3.5 Stress or strain cracks;
 - 3.6 Joint fatigue; or
 - 3.7 Detached, dislodged or failing connections.
 4. Masonry that has been subjected to any of the following conditions:
 - 4.1 Deterioration;
 - 4.2 Ultimate deformation;
 - 4.3 Fractures in masonry or mortar joints;
 - 4.4 Fissures in masonry or mortar joints;
 - 4.5 Spalling;
 - 4.6 Exposed reinforcement; or
 - 4.7 Detached, dislodged or failing connections.
 5. Steel that has been subjected to any of the following conditions:
 - 5.1 Deterioration;
 - 5.2 Elastic deformation;
 - 5.3 Ultimate deformation;
 - 5.4 Metal fatigue; or
 - 5.5 Detached, dislodged or failing connections.
 6. Wood that has been subjected to any of the following conditions:
 - 6.1 Ultimate deformation;
 - 6.2 Deterioration;
 - 6.3 Damage from insects, rodents and other vermin;
 - 6.4 Fire damage beyond charring;
 - 6.5 Significant splits and checks;
 - 6.6 Horizontal shear cracks;
 - 6.7 Vertical shear cracks;
 - 6.8 Inadequate support;
 - 6.9 Detached, dislodged or failing connections; or
 - 6.10 Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- (43) Section 308.3.1 is hereby deleted
- (44) Section 308.3.2 is hereby deleted

(45) Section 401.3 is hereby amended to read as follows:

Sec. 401.3 ALTERNATIVE DEVICES.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Michigan Building Code, and Michigan Residential Code, shall be permitted.

(46) Section 502.5 is hereby amended to read as follows:

Sec. 502.5 PUBLIC TOILET FACILITIES.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Michigan Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(47) Section 505.1 is hereby amended to read as follows:

Sec. 505.1 GENERAL

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Michigan Plumbing Code.

(48) Section 602.2 is hereby amended to read as follows:

Sec. 602.2 RESIDENTIAL OCCUPANCIES.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Michigan Building Code or the Michigan Residential Code or the Michigan Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

(49) Section 602.3 is hereby amended to read as follows:

Sec. 602.3 HEAT SUPPLY.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain the room temperatures specified in Section 602.2 in this code.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Michigan Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(50) Section 602.3.1 is hereby added to read as follows:

Sec. 602.3.1 NONRESIDENTIAL STRUCTURES.

Every enclosed occupied work space shall be supplied with sufficient heat to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

(51) Section 602.4 is hereby amended to read as follows:

Sec. 602.4 ROOM TEMPERATURE MEASUREMENT.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

(52) Section 602.5 is hereby deleted.

(53) Section 604.2 is hereby amended to read as follows:

Sec. 604.2 SERVICE.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Michigan Building Code, the Michigan Residential Code and/or Michigan Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

(54) Section 604.3.1.1 is hereby amended to read as follows:

Sec. 604.3.1.1 ELECTRICAL EQUIPMENT.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Michigan Building Code and/or the Michigan Residential Code or the Michigan Electrical Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report

from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

(55) Section 604.3.2.1 is hereby amended to read as follows:

Sec. 604.3.2.1 ELECTRICAL EQUIPMENT.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the Michigan Electrical Code and or the Michigan Building Code and Michigan Residential Code

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(56) Section 702.3 is hereby amended to read as follows:

Sec. 702.3 LOCKED DOORS

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Michigan Residential Code and the Michigan Building Code.

(57) Section 704.1 is hereby amended to read as follows.

Sec. 704.1 GENERAL.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an openable condition at all times in accordance with the International Fire Code, the Michigan Building Code, the Michigan Residential Code and the Michigan Mechanical Code.

(58) Section 704.1.1 is hereby amended to read as follows:

Sec. 704.1.1 AUTOMATIC SPRINKLER SYSTEMS.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25, the Michigan Building Code and Michigan Residential Code.

(59) Section 704.2 is hereby amended to read as follows.

Sec. 704.2 SMOKE ALARMS.

Single- or multiple-station smoke alarms shall be installed and maintained in Group R-2, R-3 or R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code, Michigan Building Code and Michigan Residential Code.

(60) Section 704.3. is hereby amended to read as follows.

Sec. 704.3 POWER SOURCE.

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a batter backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where

no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes. Where allowed, battery powered smoke detectors shall be energized with not less than a five year battery.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2015.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2015.

Kelli A. VandenBerg
Wyoming City Clerk

Ordinance No. 5-15

5/4/15
Clerk/RG

ORDINANCE NO. 6-15

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF THE
CITY OF WYOMING BY ADDING SUBSECTION (100) THERETO

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is hereby amended by adding Subsection (100) thereto, to read as follows:

(100) To rezone 0.4 acres from RO-1 Restricted Office to B-1 Local Business (4992 Wilson Avenue)

LEGAL DESCRIPTION:

THE WEST 183 FEET OF THE SOUTH 140 FEET OF THE NORTH 1/2 OF THE
SOUTHWEST 1/4 OF SECTION 29, TOWN 6 NORTH, RANGE 12 WEST; CITY OF
WYOMING, KENT COUNTY, MICHIGAN. SUBJECT TO AN EASEMENT FOR HIGHWAY
PURPOSES OVER THE WEST 33 FEET THEREOF.

Section 2. This ordinance shall be in full force and effect on the ____ day of June, 2015.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the _____ day of June, 2015.

Kelli A. Vandenberg
Wyoming City Clerk

Ordinance No. 6-15



April 28, 2015

Ms. Kelli Vandenberg
City Clerk
Wyoming, MI

Subject: Request to rezone 0.4 acres from RO-1 Restricted Office to B-1 Local Business. The property is located at 4992 Wilson Avenue.

Recommendation: To approve the proposed rezoning.

Dear Ms. Vandenberg:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on April 21, 2015. A motion was made by Woodruff, supported by Micele, to recommend to City Council approval of the subject rezoning. After discussion, the motion passed unanimously. While a more detailed review is available in the Planning Commission minutes, the following is provided as basic background information:

The petitioners propose to rezone this property to accommodate its development as a two-tenant and 3000 square foot retail center (see attached exhibits). If the rezoning is approved, the petitioners will then seek special use and site plan approval from the Planning Commission for the project.

The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies this site (see attached) as being appropriate for Community Commercial purposes. This is the same designation as the surrounding commercial developments.

Prior to 2004, the developers of the Wilsontown Shopping Center had sought to acquire this property to combine with their development. This did not occur, and the access drive to the shopping center was constructed along the property's north property line. This contention between the property owners blocked the ability to share access. Subsequently in June 2004, this property was rezoned from ER Estate Residential to RO-1 Restricted Office. The rationale for the rezoning was that the property would be poorly suited for residential purposes. In addition, because of its small size and lack of shared access, its ability to be developed for commercial purposes would be greatly restricted, given the need for the front yard greenbelt, parking and setback requirements. A small office building with limited parking needs was considered to be all that would be feasible on the site (see attached 2004 conceptual plan). This rezoning also occurred prior to Wilson Avenue being widened to four lanes.

- MAYOR
Jack A. Poll
- AT-LARGE COUNCILMEMBER
Sam Bolt
- AT-LARGE COUNCILMEMBER
Kent Vanderwood
- AT-LARGE COUNCILMEMBER
Dan Burrill
- 1ST WARD COUNCILMEMBER
William A. VerHulst
- 2ND WARD COUNCILMEMBER
Richard K. Pastoor
- 3RD WARD COUNCILMEMBER
Joanne M. Voorhees
- CITY MANAGER
Curtis L. Holt

The petitioners have now obtained a working agreement to have access to the Wilsontown Shopping Center driveway. If the rezoning is approved, the property owners will finalize this agreement to allow the development to proceed. The petitioners have voluntarily offered to enter into a Development Agreement (see attached) with the City Council to commit to the proposed development plan.

This property is unsuitable for rezoning to the PUD-2 Commercial Planned Unit Development district which borders the site to the north and east. The PUD-2 district was expressly created to address the development of the Wilsontown Shopping Center. The PUD-2 district requires properties to be a minimum of one acre and a 200 foot building setback is required from residential properties. The B-1 district requires properties to be a minimum of 6,500 square feet (0.15 acres) with a 20 foot minimum building setback from residentially zoned properties.

The properties to the south along the east side of Wilson Avenue to 52nd Street are identified in the Land Use Plan as being appropriate for Office Service. Dating back to before development of the Land Use Plan, those property owners have desired commercial zoning. The Land Use Plan was developed to create a balance of commercial, office and multifamily uses where appropriate along the Wilson Avenue frontage.

The 16 acres across Wilson Avenue and to the southwest was rezoned in January 2015 to accommodate 192 apartments (14 acres) and a small office development (2 acres).

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

This area of Wyoming and Grandville is one of the predominant commercial centers in West Michigan. The proposed rezoning and subsequent development is small in scale, and would integrate well into the Wilsontown Shopping Center development. The development would contribute to the area's economic strength, and would provide employment through construction and ongoing business activities. The proposed rezoning conforms to the City of Wyoming Sustainability Principles.

The Development Review Team suggested the Planning Commission recommend to the City Council approval of the rezoning.

At the public hearing there was one speaker who was concerned over how this rezoning may influence future land use to the south along Wilson Avenue.

Postema requested to abstain from the voting due to a conflict of interest. That request was approved by the Commission. A motion was made by Woodruff, supported by Micele, to recommend to City Council approval of the proposed rezoning. The motion carried unanimously.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

cc: Curtis Holt, City Manager
Rebecca Rynbrandt, Director of Community Services

Terms of a Development Agreement for 4992 Wilson Avenue:

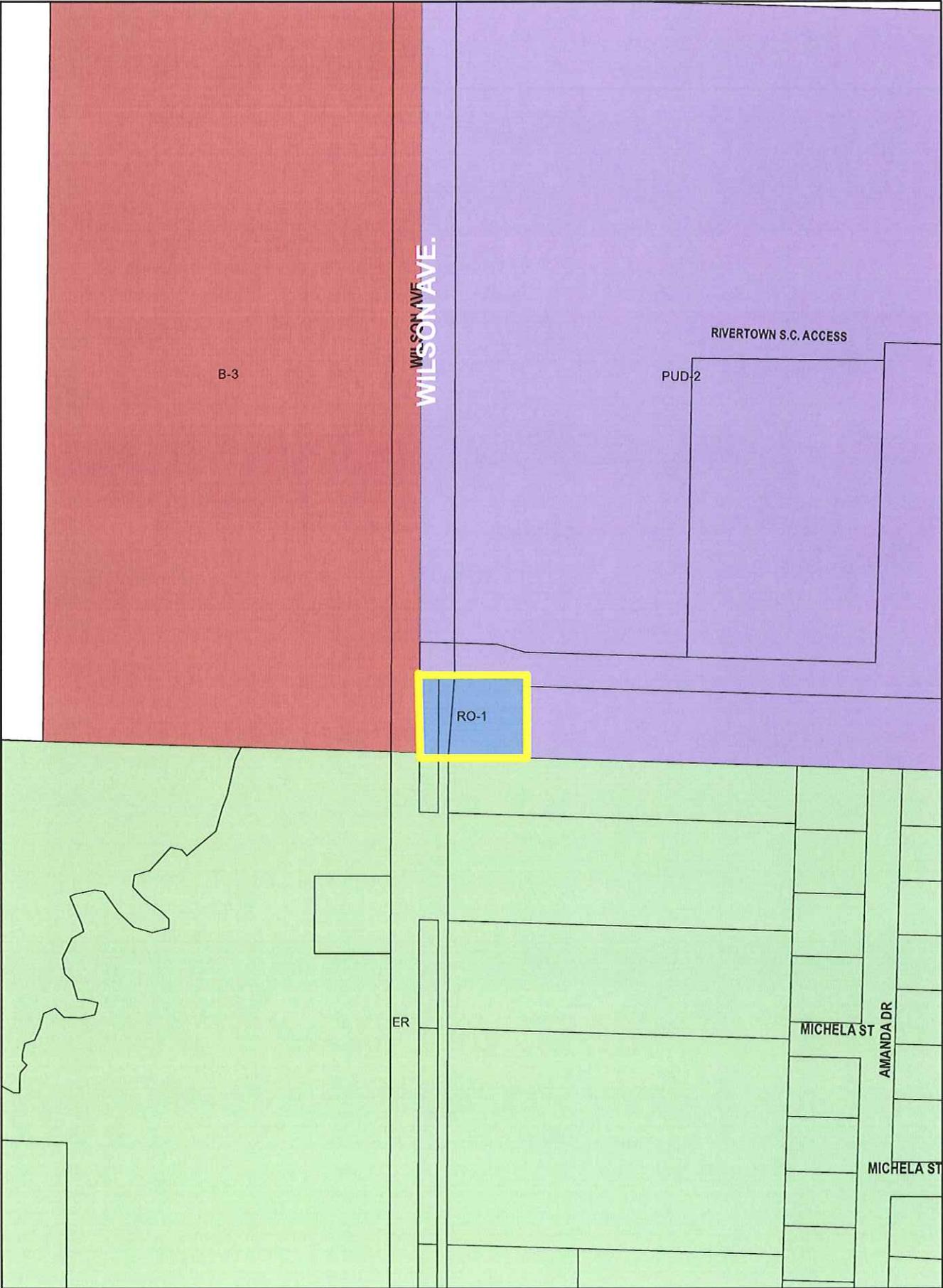
The developer offers to the City of Wyoming an agreement to develop the site at 4992 Wilson Avenue as follows:

Upon successful completion by the City of Wyoming of rezoning to B-1, site plan approval and approval of the special use permit for a drive through, and granting of necessary variances the developer agrees to the following conditions:

The Site shall be developed in general conformance to the submitted site plan, subject to City of Wyoming review comments. Minor deviations shall be permitted to adjust for unforeseen field conditions, City of Wyoming requirements and other similar requirements necessary for the successful construction of the proposed project.

The developer will obtain the necessary easements from the Wilsontown Development and Home Depot to complete the driveway access system shown on the proposed site plan.





B-3

WILSON AVE.

RIVERTOWN S.C. ACCESS

PUD-2

RO-1

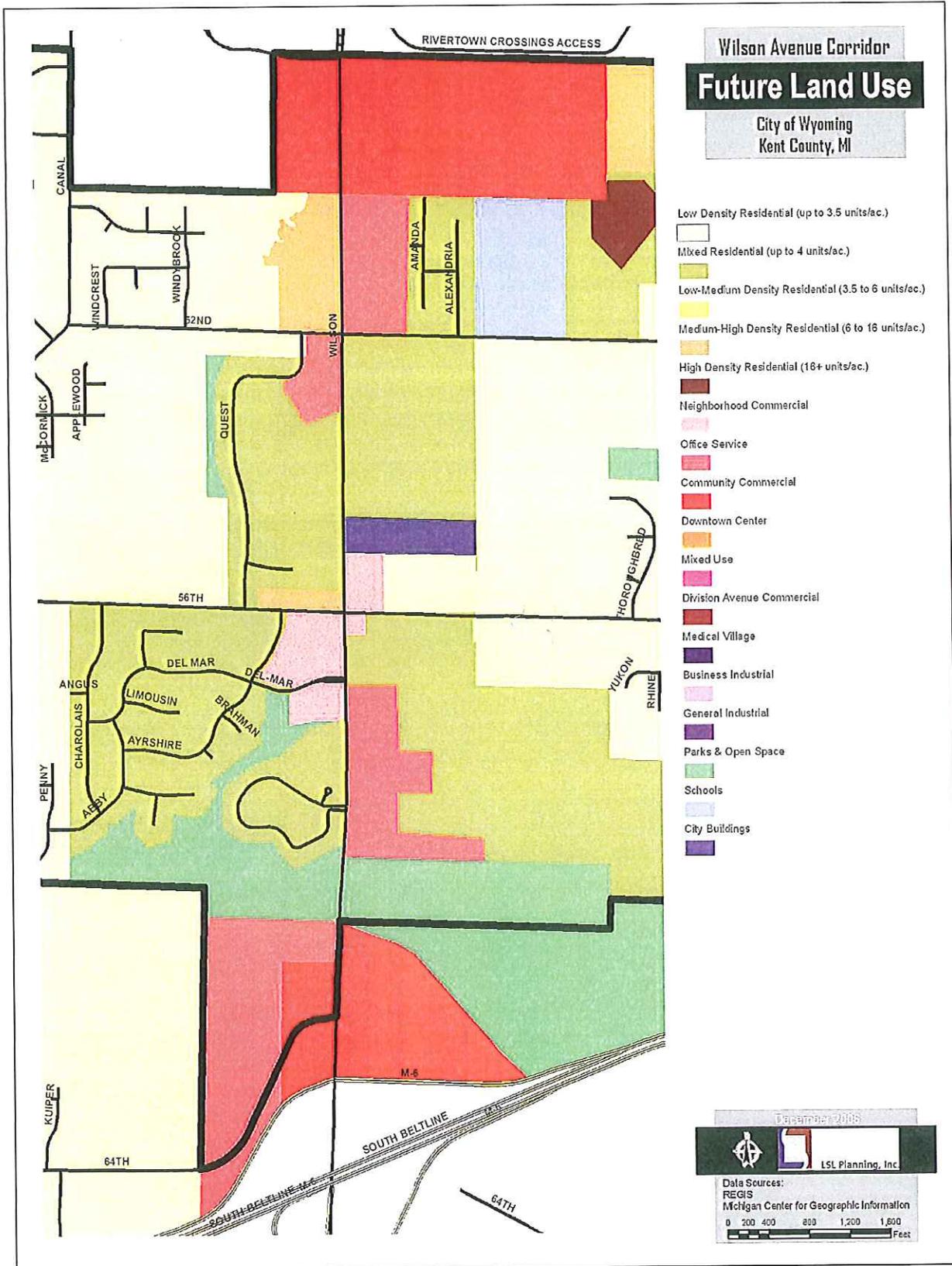
ER

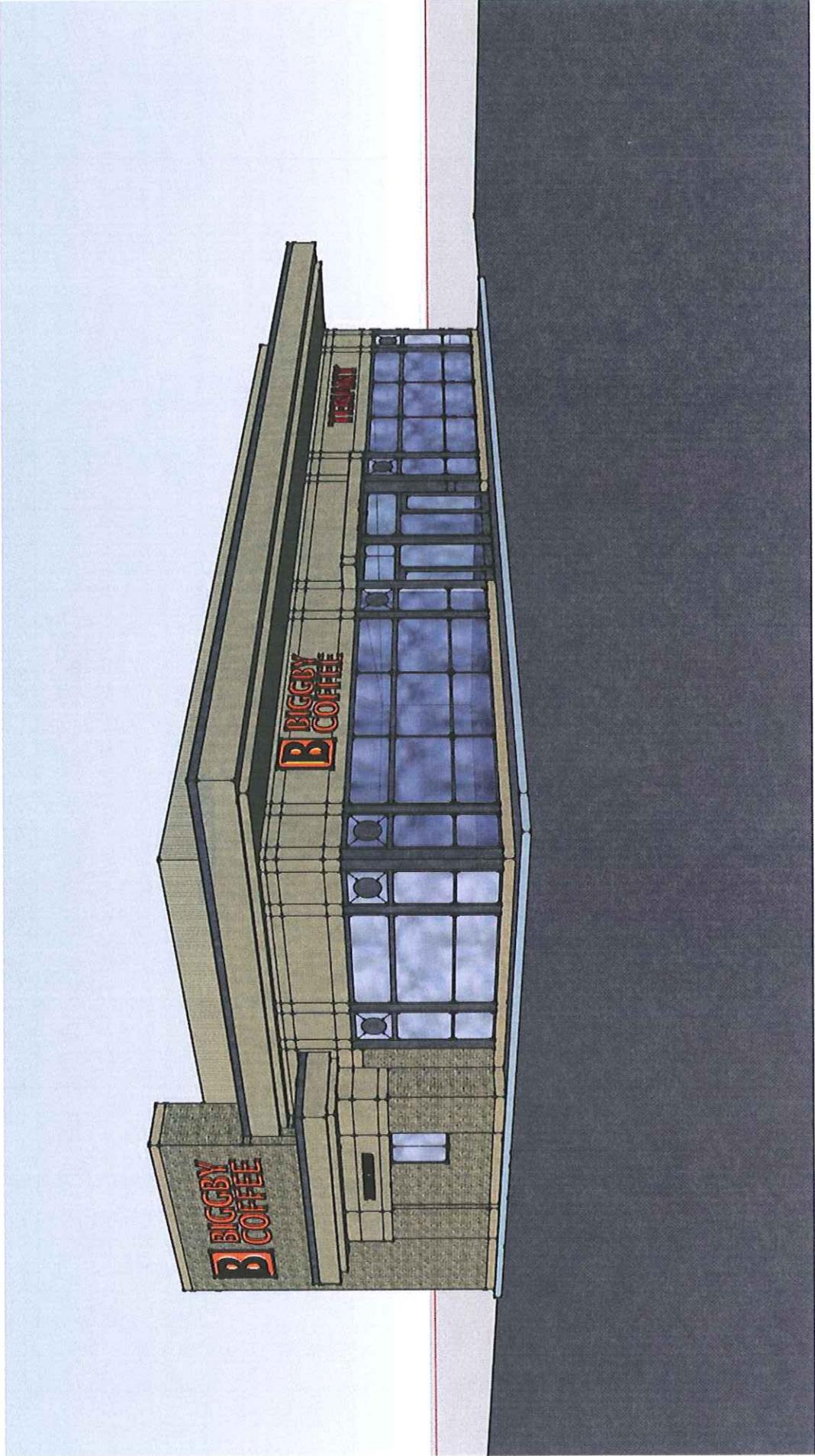
MICHELA ST

AMANDA DR

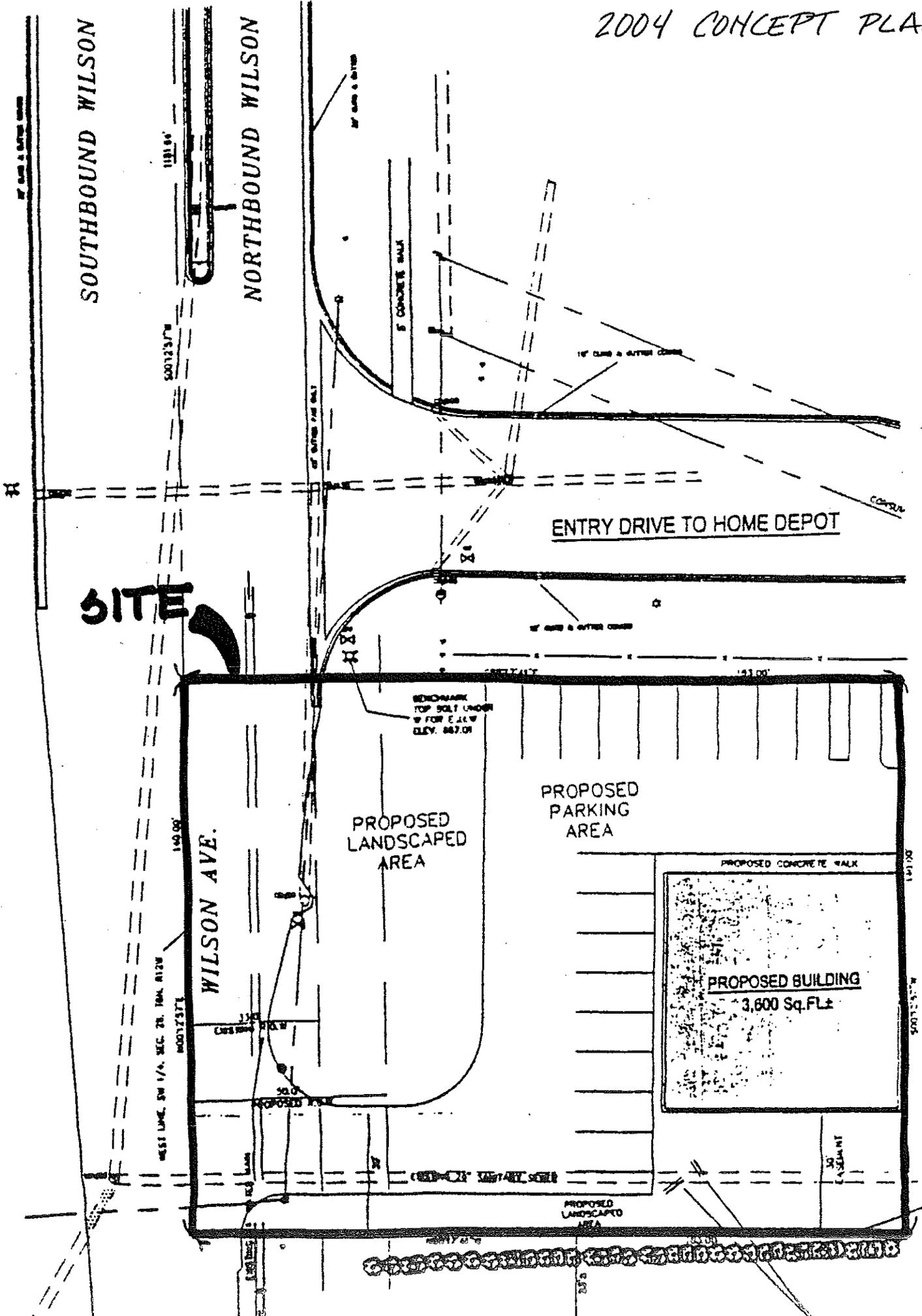
MICHELA ST

FUTURE LAND USE
CITY OF WYOMING LAND USE PLAN 2020





2004 CONCEPT PLAN



SOUTHBOUND WILSON

NORTHBOUND WILSON

SITE

ENTRY DRIVE TO HOME DEPOT

WILSON AVE.

PROPOSED LANDSCAPED AREA

PROPOSED PARKING AREA

PROPOSED BUILDING
3,600 Sq. Ft.

MONUMENT TOP BOLT UNDER W FOR E.A.W. ELEV. 887.00

WEST LINE SW 1/4 SEC. 28. T8N. R12W. MOODYSTE

1191.66'

500123.7'

149.00'

PROPOSED CONCRETE WALK

SO EASEMENT

PROPOSED LANDSCAPED AREA



ORDINANCE NO. 7-15

AN ORDINANCE TO AMEND SUBSECTIONS (3)b, (3)c
AND (3)d OF SECTION 90-50 OF THE CODE OF
THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-50(3)b of the Code of the City of Wyoming is hereby amended to read as follows:

b. No more than one recreational vehicle, and one utility trailer, may be kept or stored outdoors at any one time.

Section 2. That Section 90-50(3)c of the Code of the City of Wyoming is hereby amended to read as follows:

c. Storage of recreational vehicles and trailers shall be in the rear yard only. Where there is no access available to the rear yard, such vehicles may be located on the side yard, provided that they are parked or stored at least three feet from the side lot line, that such vehicles are parked and stored at least 12 feet from the residential dwelling on the adjoining property, and that such vehicles shall not exceed 32 feet in length or 12 feet in total height.

Section 3. That Section 90-50(3)d of the Code of the City of Wyoming is hereby amended to read as follows:

d. The recreational vehicles and trailers shall be in good repair.

Section 4. This ordinance shall be in full force and effect on the _____ day of _____, 2015.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2015.

Kelli A. Vandenberg
Wyoming City Clerk



- MAYOR
Jack A. Poll
- AT-LARGE COUNCILMEMBER
Sam Bolt
- AT-LARGE COUNCILMEMBER
Kent Vanderwood
- AT-LARGE COUNCILMEMBER
Dan Burrill
- 1ST WARD COUNCILMEMBER
William A. VerHulst
- 2ND WARD COUNCILMEMBER
Richard K. Pastoor
- 3RD WARD COUNCILMEMBER
Joanne M. Voorhees
- CITY MANAGER
Curtis L. Holt

May 20, 2015

Ms. Kelli Vandenberg
City Clerk
Wyoming, MI

Subject: Request to amend Zoning Code Section 90-50 Repairs to:
parking and storage of vehicles in residential districts.

Recommendation: To approve the proposed amendments.

Dear Ms. Vandenberg:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on May 19, 2015. A motion was made by Hegyi, supported by Arnoys, to recommend to City Council approval of the amendments. After discussion, the motion passed unanimously. While a more detailed review is available in the Planning Commission minutes, the following is provided as basic background information:

The Building Inspections Department responds to ordinance compliance inquiries and complaints regarding recreational vehicles and trailers kept on residential properties. In administering the regulations, it has been determined that the Zoning Ordinance is unclear as to how utility trailers are considered. In 2011, the Zoning Ordinance was amended with an updated and expanded section pertaining to definitions. These amendments identified what is considered a recreation vehicle. The proposed amendment clarifies that in addition to a recreation vehicle, a utility trailer is allowable on residential properties. In addition, because motorized homes and travel trailers are being manufactured taller, the height limit is proposed to be increased from nine (9) to twelve (12) feet.

PROPOSED ORDINANCE AMENDMENTS (amendments in **bold**):

Section 90-50 Repairs to: parking and storage of vehicles in residential districts.

(3) b. No more than one recreational vehicle, **and one utility trailer**, may be kept or stored outdoors at any one time.

c. Storage of recreational vehicles and trailers shall be in the rear yard only. Where there is no access available to the rear yard, such vehicles may be located on the side yard, provided that they are parked or stored at least three feet from the

side lot line, that such vehicles are parked and stored at least 12 feet from the residential dwelling on the adjoining property, and that such vehicles shall not exceed 32 feet in length or **12 feet in total height**.

d. The recreational vehicles **and trailers** shall be in good repair.

The Development Review Team suggested the Planning Commission recommend to the City Council approval of the amendments.

No one spoke at the public hearing and there were no letters received. A motion was made by Hegyi, supported by Arnoys, to recommend to City Council approval of the proposed amendments. The motion carried unanimously.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

cc: Curtis Holt, City Manager
Rebecca Rynbrandt, Director of Community Services