PLYMOUTH CITY COMMISSION
REGULAR MEETING AGENDA
ROTARY PARK - WING & HERALD

Monday, August 1, 2016 - 7:00 p.m.

201 S. MAIN ST., PLYMOUTH, MI 48170 Ph (734) 453-1234 Fax (734) 455-1892 http://www.ci.plymouth.mi.us

1) **CALL TO ORDER**
   a) Pledge of Allegiance
   b) Roll Call

2) **CITIZENS COMMENTS**

3) **APPROVAL OF THE AGENDA**

4) **ENACTMENT OF THE CONSENT AGENDA**
   a) Approval of July 18, 2016 City Commission Regular Meeting Minutes
   b) Special Event: Plymouth Ice Festival, January 6, 7, 8, 2017

5) **COMMISSION COMMENTS**

6) **PUBLIC HEARING**
   a) Sidewalk/Snow Removal Ordinance Amendments - 2nd Reading
   b) Grass/Weeds - Ordinance Amendments - 2nd Reading

7) **OLD BUSINESS**

8) **NEW BUSINESS**
   a) Charter Amendment Resolution

9) **REPORTS AND CORRESPONDENCE**
   a) 2016 Goals Update

10) **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Persons with disabilities needing assistance with this should contact the City Clerk's office at 734-453-1234 Mon-Fri from 8:00am -4:30pm, at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.

Consent Agenda- The items on the Consent Agenda will be approved by one motion as Agenda Item #4. There will be no separate discussion of these items unless a Commissioner or Citizen so requests, in which case that item will then be placed on the regular agenda.

PLEASE NOTE MEETING LOCATION

City of Plymouth 2016 Goals

- Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues) ***Champions: Dalton, Dwyer, Valenti***

- Work Collaboratively with Plymouth Arts & Recreation Complex (PARC) organization, the Plymouth Canton School Board, and the greater Plymouth Community to continue the repurposing of Central Middle School into a high quality Arts & Recreation Complex. ***Champions: Dalton, Deal, Dwyer***

- Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff. ***Champions: Deal, Pobur, Valenti***

- Develop funding plan for future capital improvements ***Champions: Pobur, Wolcott, Wright***

- Work collaboratively with the DDA, community leaders, and other organizations to plan for Plymouth's 150th Birthday in 2017. This includes obtaining funding for new Kellogg Park Fountain and Kellogg Park upgrades. ***Champions: Deal, Wolcott, Wright***

CITY OF PLYMOUTH

CITY COMMISSION MEETING MINUTES

MONDAY, JULY 18, 2016, 7:00 p.m.

CALL TO ORDER:

PRESENT: Mayor Pro-tem Oliver Wolcott, Commissioners Mike Wright, Colleen Pobur, Daniel Dalton, Joe Valenti

ABSENT: Mayor Daniel Dwyer, Commissioner Suzie Deal, excused

Also present was City Manager Paul Sincock, City Attorney Robert Marzano and various City Department Heads.

Mayor Pro-tem Oliver Wolcott spoke about all the incidents that have happened lately in Dallas and Baton Rouge, taking of lives of dedicated Police Officers. He personally asked everyone to take a minute to recognize them, as well as all the City of Plymouth Police Officers that work so hard and are dedicated to protect the citizens of the community.

CITIZEN COMMENTS:

Lee Jasinski, 1380 Maple Street, Plymouth, has lived in the city for over 30 years and is concerned with the lack of trees on some areas of the residential streets in the City of Plymouth. He stated if the city does not have a tree ordinance, they certainly should consider putting one in place.

City Manager Sincock stated there is no tree ordinance concerning private property. He stated city owned trees are regulated. We do not regulate trees on private property. He spoke about the tree program whereby a resident purchases a tree from the city and the city in turn will plant it for them, but they are responsible to maintain it.

Kelly O'Donnell, 718 Burroughs, also spoke about the tree loss in the city and worries about the next 40 years what the city will look like. She feels the city could do more for a tree program and maybe demand more from developers and not allow tree trimmers coming in clear cutting trees. She feels it will affect home values and it is very upsetting to see what these companies have done to trees in our city.

Commissioner Colleen Pobur and Mike Wright feel the Planning Commission should be addressing these tree issues during the amending of the Master Plan. The city does get

involved with the tree issue with commercial developers and have made them put in trees when they remove them.

Commissioner Mike Wright is the liaison to the Planning Commission and stated he would provide the names of the residents that appeared at this meeting and expressed their concerns. He stated he agrees that they need to encourage tree planting in the city.

Ed Krol, 1108 Beech, Plymouth, stated a site plan for a large rebuild on Harvey had two trees on the plan that have disappeared. He has concerns with the disappearance of good trees in the neighborhoods. He provided the site plan to Commissioner Mike Wright to review with the Planning Commission. He spoke about "Music in the Air" on Friday night in Kellogg Park. He was pointing out to the Commissioners that people are setting up chairs and placing blankets around, so if you work or have appointments, you basically miss out on a good spot. He asked the Commission if they might be able to come up with some plan to stop people from doing this because it is not fair to everyone else that attends these concerts.

Commissioner Joe Valenti stated he works across from the park and he watches people about 7:00am on Friday morning start placing their chairs and blankets and feels it isn't fair to others but not sure how to make it equitable to everyone.

Marque Thomas, 802 Coolidge, Plymouth, stated he appreciates Public Safety Officers and what a great job they did at the July 4th Parade. He stated the Planning Commission has done a lot of work but feels they are chasing their tails on a lot of issues. He spoke about all the big homes going up and mixed feelings about that. He spoke about water rate concerns and enforceable water restrictions.

City Manager Sincock stated that several years ago the city diligently enforced water restrictions. The city encouraged residents to run sprinklers during over night hours, which is the best time to use water.

APPROVAL OF THE AGENDA:

3. A motion was made by Commissioner Colleen Pobur and seconded by Commissioner Joe Valenti for approval of the Agenda for Monday, July 18, 2016.

MOTION PASSED

ENACTMENT OF THE CONSENT AGENDA:

4a. Approval of July 5, 2016 City Commission Regular Meeting Minutes
4b. Approval of June, 2016 Bills
4c. Special Event: Stanley Cup Event, 8/14/2016

A motion was made by Commissioner Daniel Dalton and seconded by Commissioner Colleen Pobur for approval of the Consent Agenda for Monday, July 18, 2016.

MOTION PASSED

COMMISSION COMMENTS:

Commissioner Colleen Pobur spoke about the incidents that have transpired in other states concerning the killing of police officers. She stated this is very close to her and emotional to speak about because she has many friends who are Police Officers. She stated it is very difficult to explain what has transpired to two twelve year old kids but it sure makes you appreciate living in a small town like Plymouth where you have great Police Officers and Fire Fighters. She also spoke about the recent Westborn Market opening downtown. She stated it is a very classy store and she has been there about every day and thanked everyone involved for the wonderful job.

Commissioner Joe Valenti thanked Ed Krol for bringing up the issue about the chairs and blankets in the park on Friday nights. He stated his neighbors say it makes it very difficult to use the park on Friday with all the chairs and blankets and this is all about fairness. He stated he agrees with Commissioner Pobur about the great job Westborn Market did and he wanted to acknowledge the Malcolm family for their involvement and with keeping some of the postal history in the construction.

Mayor Pro-tem Oliver Wolcott wanted to provide an update about the charter ballot issue and turned it over to City Attorney Robert Marzano.

City Attorney Robert Marzano stated that the letter from the city with the proposed ballot language for the charter amendment was sent to the Attorney General and he received a call from George Ellsworth from the Attorney General's office. According to Mr. Ellsworth he provided two options for this project. He indicated that the language sent to him would have to be revised and due to the timing deadlines, the city would probably not make the deadline for the November ballot. The second option would be to place a footnote in the charter to indicate if there are any changes they should refer to state election law. That way it would be simpler and not have to go through putting it on the ballot and all the paperwork after the election. He stated all the city would need is a

resolution to rescind the proposed charter language and propose the simpler solution to resolve this issue.

It was the consensus of the City Commission that they feel the second option would be the way to go with rescinding the proposed charter language. Mayor Pro-tem Wolcott stated that the City Attorney would work on this and bring it back on the next Commission Agenda.

OLD BUSINESS:

6a, Zoning Ordinance update for Front Porches (2nd Reading) -

RES. #2016-67

WHEREAS, The City Commission of the City of Plymouth has held a first and second reading of proposed amendments to the Definitions, Single Family, Two Family, Schedule of Regulation, Miscellaneous Provisions (projections into setbacks) and Parking, Loading Requirements of the City of Plymouth Zoning Ordinance; and

WHEREAS, The City of Plymouth Planning Commission has drafted the proposed language and held a Public Hearing to take public comments on the amended language on May 11, 2016; and

WHEREAS, The City of Plymouth Planning Commission voted to forward the proposed text amendments to the Definitions, Single Family, Two Family, Schedule of Regulations, Miscellaneous Provisions and Parking, Loading Requirements to the City Commission for review, approval, adoption and enactment.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the following text amendments to the Definitions, Single Family, Two Family, Schedule of Regulations, Miscellaneous Provisions and Parking, Loading Requirements of the City of Plymouth Zoning Ordinances and further authorizes the City Clerk to publish the text amendments which is the final step to codify the language.

A motion was made by Commissioner Colleen Pobur and seconded by Commissioner Mike Wright for approval of the Resolution.

MOTION PASSED

NEW BUSINESS:

7a. Sidewalk/Snow Removal Ordinance Amendments – 1st Reading -

RES. #2016-68

WHEREAS, From time to time it is necessary for the City to update some of its Ordinances and the City Administration has recommended that the City Commission update what is commonly known as the Sidewalk/Snow Removal Ordinance.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby establish a Public Hearing for public comments on the proposed Ordinance changes on the Sidewalks to be cleared Ordinance for the next regularly scheduled City Commission meeting on August 1, 2016.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt Amendments to the Code of Ordinances for the City of Plymouth, Sections 62-89 through 62-90 at their First Reading before the City Commission.

A motion was made by Commissioner Colleen Pobur and seconded by Commissioner Mike Wright for approval of the Resolution.

MOTION PASSED

7b. Grass/Weed Ordinance Amendments – 1st Reading -

RES. #2016-69

WHEREAS, From time to time it is necessary for the City to update some of its Ordinances and the City Administration has recommended that the City Commission update what is commonly known as the Noxious Weeds Ordinance.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby establish a Public Hearing for public comment on the proposed Noxious Weeds Ordinance Changes for the next regularly scheduled City Commission meeting on August 1, 2016.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt Amendments to the Code of Ordinances for the City of Plymouth, Division 3, Sections 18-751 through 18-756 at their First Reading before the City Commission.

A motion was made by Commissioner Daniel Dalton and seconded by Commissioner Mike Wright for approval of the Resolution.

MOTION PASSED

8. REPORTS AND CORESPONDENCE: None

9. ADJOURNMENT:

Hearing no further comments, a motion was made by Mayor Pro-tem Oliver Wolcott and seconded by Commissioner Colleen Pobur for adjournment of the meeting at 7:45 p.m.

MOTION PASSED

DANIEL DWYER MAYOR	LINDA LANGMESSER CITY CLERK

City of Plymouth
SPECIAL EVENT APPLICATION

>> FEES WILL BE CHARGED FOR ALL SPECIAL EVENTS <<

Complete this application in accordance with the City of Plymouth Special Events Policy, and return it to the City Manager's Office at least 21 Calendar days prior to the starting date of the event.

Sponsoring Organization's Legal Name JAG Entertainment

Ph# 248 817-8836 Fax# 248-817-8836 Email James@myjagentertainment.com Website Plymouthicefestival.com

Address 127 N. Wixom Rd City Wixom State MI Zip 48393

Sponsoring Organization's Agent's Name James Gietzen **Title** Owner

Ph# 248-817-8836 Fax# 248-817-8836 Email James@myjagentertainment.com Cell# 248-863-7043

Address 127 N. Wixom Rd City Wixom State MI Zip 48393

Event Name Plymouth Ice Festival

Event Purpose TO Demonstrate the art of Ice carving and Promote downtown Plymouth

Event Date(s) January 6, 7 and 8th 2017

Event Times Jan 6th 5 to 10pm, Jan 7th 10am to 10pm Jan 8th 10am to 6pm

Event Location Around Kellogg Park

What Kind Of Activities? Ice Carving, Vending and Demonstrations

What is the Highest Number of People You Expect in Attendance at Any One Time? 5000

Coordinating With Another Event? YES ☐ **NO** ☑ **If Yes, Event Name:**

Event Details: (Provide a detailed description of all activities that will take place. Attach additional sheets if necessary.)

This years event will be a three day celebration of winter. Events will include heated vendor area and vendors on Penniman, Ice carvings, cross country corse and dueling chainsaws competition.

1. **TYPE OF EVENT:** Based on Policy 12.2, this event is: *(Weddings Ceremonies – Please Review Section 12.2 f.)*

City Operated ☐ Co-sponsored Event ☐ Other Non-Profit ☐ Other For-Profit ☑ Political or Ballot Issue ☐

2. **ANNUAL EVENT: Is this event expected to occur next year? YES ☑ NO ☐**

If Yes, you can reserve a date for next year with this application (see Policy 12.15). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): _____

Next year's specific dates: January 5th 6th 7th 2018

****See section 12.13 for license & insurance requirements for vendors****

3. **FOOD VENDORS/ CONCESSIONS?** YES ☑ NO ☐ **OTHER VENDORS?** YES ☑ NO ☐

4. **DO YOU PLAN TO HAVE ALCOHOL SERVED AT THIS EVENT?** YES ☐ NO ☑

5. **WILL ALCOHOL BE SERVED ON PRIVATE PROPERTY AS PART OF THIS EVENT?** YES ☐ NO ☑

6. **WILL YOU NEED ELECTRICITY AND/OR WATER?** _____ YES ☑ NO ☐

CITY SERVICES REQUIRED? If needed, please attach a letter indicating all requests for City Services. *(see Attachment B)*

DPW, Police, Fire

7. **AN EVENT MAP** IS ☐ IS NOT ☑ attached. If your event will use streets and/or sidewalks (for a parade, run, etc.), or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also show any streets or parking lots that you are requesting to be blocked off.

8. **EVENT SIGNS:** Will this event include the use of signs? YES ☑ NO ☐
If Yes, refer to Policy 12.8 for requirements, and describe the size and location of your proposed signs: **Please complete a sign illustration / description sheet and include with the application.**

Signs or banners approved by the City of Plymouth for Special Events shall be designed and made in an artistic and workman like manner. THE CITY MANAGER MUST APPROVE ALL SIGNS. SIGNS CANNOT BE ERECTED UNTIL APPROVAL IS GIVEN.

Signs and/or Banners may be used during the event only. Please refer to Special Event Policy for information related to the installation of banners on Downtown Street Light Poles in advance of event. NO SIGNS ARE ALLOWED IN THE PARK IN ADVANCE OF THE EVENT.

9. **UNLIMITED PARKING:** Are you requesting the removal of time limits on parking (see Policy 12.5)?
YES ☑ NO ☐
If Yes, list the lots or locations where/why this is requested:

10. **CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that

a. A Certificate of Insurance must be provided which names the City of Plymouth as an additional named insured party on the policy. (See Policy 12.10 for insurance requirements)

b. Event sponsors and participants will be required to sign Indemnification Agreement forms (refer to Policy 12.12).

c. All food vendors must be approved by the Wayne County Health Department, and each food and/or other vendor must provide the City with a Certificate of Insurance which names the City of Plymouth as an additional named insured party on the policy. (See Policy 12.13)

d. The approval of this Special Event may include additional requirements and/or limitations, based on the City's review of this application, in accordance with the City's Special Event Policy. The event will be operated in conformance with the Written Confirmation of Approval.
(see Policy 12.11 and 12.16)

e. The sponsoring organization will provide a security deposit for the estimated fees as may be required by the City, and will promptly pay any billing for City services which may be rendered, pursuant to Policy 12.3 and 12.4.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

May 19, 2016
Date

Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least twenty (21) days prior to the first day of the event to:

City Manager's Office
City Hall
201 S. Main Street
Plymouth MI 48170

Phone: (734) 453-1234 ext. 203

11. INDEMNIFICATION AGREEMENT

INDEMNIFICATION AGREEMENT

The JAG Entertainment LLC *(organization name)* agree(s) to defend, indemnify, and hold harmless the City of Plymouth, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against or from the Plymouth Ice Festival *(event name)* by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Plymouth or by third parties, or by the agents, servants, employees or factors of any of them.

Signature _____ Date May 19-2016

Witness _____ Date 5-19-2016

EVENT REVIEW **EVENT NAME:** PLYMOUTH ICE FEST 2017

(note: all fees are only initial estimates and can increase upon assessment of services after the close of the event).

MUNICIPAL SERVICES: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** CP

$250 Bathroom Cleaning Fee Per Day of Event? **YES** ☒ **NO** ☐ x 3 DAYS

Regular Time Costs: $ Overtime Costs: $ Equipment & Materials Costs: $

LABOR $7,000
VEHICLES $2,000
SUPPLIES $4,000
VENDORS $1,500

POLICE: **Approved** ☑ **Denied** ☐ (list reason for denial) **Initial** [illegible]

Regular Time Costs: $ Overtime Costs: $ APPROX. 6628 Equipment & Materials Costs: $

COMMAND OFFICERS @ 26 HRS
PATROL OFFICERS @ 54 HRS
PARKING ENFORCEMENT @ 24 HRS

FIRE: **Approved** ☑ **Denied** ☐ (list reason for denial) **Initial** [illegible]

Regular Time Costs: $ Approx 2400 Overtime Costs: $ Equipment & Materials Costs: $

4 Fire fighters Each Day

HVA: **Approved** ☑ **Denied** ☐ (list reason for denial) **Initial** MB/RJS

Regular Time Costs: $ Overtime Costs: $ Equipment & Materials Costs: $

REQUIRE HVA ONSITE STAFFING APPROX $875
AMOUNT WILL BE BASED ON FINAL EVENT SCHEDULE

DDA: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** TB

Regular Time Costs: $ Ø Overtime Costs: $ Equipment & Materials Costs: $

RISK MANAGEMENT: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** MB

Class I – Low Hazard	☐	
Class II – Moderate Hazard	☒	**CERTIFICATE OF INSURANCE NEEDED PRIOR TO EVENT**
Class III – High Hazard	☐	**Naming City of Plymouth as 'Additional Insured'**
Class IV – Severe Hazard	☐	

APPROVED: _____ **NOT APPROVED:** _____ **DATE:** _____

SITE FEE APPLIED TO ALL EVENTS

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Mayor & City Commission

From: Paul J. Sincock – City Manager

CC: *S:\MANAGER\Sincock Files\Memorandum - Snow Removal Ordinance Amendments Final Reading 08-01-16.doc*

Date: 7/28/2016

Re: Public Hearing Ordinance Amendment - Final Reading Sidewalks to be Cleared

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BACKGROUND:

From time to time it is necessary to update our Ordinances. Our person who works 15 Hours a week on Code Enforcement issues has been doing it for over a year now and has suggested a few "housekeeping" changes to the Sidewalks to be cleared Ordinance or more commonly known as snow removal is required Ordinance. Probably the most significant change is updating how we will bill the property owner. Again, some of our "regular" violators attempt to avoid paying due to the process of billing. The revised language makes it much easier for our Ordinance Enforcement person to obtain compliance and spend less time on the phone discussing the issue with our "regulars."

There is an attachment memorandum from Code Enforcement Officer Adam Gerlach and John Buzuvis attached which will provide some additional background information.

The City Commission will need to open a Public Hearing on this matter to hear any public comment on the proposed Ordinance Changes. The City Commission should consider any public comment prior to acting upon a Second and Final Reading of the Ordinance.

RECOMMENDATION:

The City Administration recommends that the City Commission hold the Public Hearing and adopt the Final Reading of the Amendments to the Sidewalks to be Cleared Ordinance. Again, these changes are minor in nature and are really meant to respond to some of our "regulars" who violate this Ordinance. This will be the Final Reading of the Ordinance Changes and we have attached a proposed Resolution for the City Commission to consider regarding this matter. Should you have any questions in advance of the meeting please feel free to contact me.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

Administrative Recommendation

To: Paul J. Sincock, City Manager

From: John Buzuvis, Community Development Director
Adam Gerlach, Code Enforcement Officer

CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations

Date: 7/28/2016

Re: Sidewalks to be Cleared-Public Hearing/2nd Reading

BACKGROUND: As you are aware the City Commission did hold a first reading on the recommended ordinance amendments to the Sidewalks to be Cleared section of the ordinance. The enclosed proposed amendments are an effort to maintain the most up-to-date property maintenance requirements. To this end the administration, in conjunction with the Planning Commission Chairman, has begun reviewing several of the ordinances related to property maintenance. As part of that process the administration is suggesting several amendments to the following sections of the Code of Ordinances: Sidewalks to be Cleared (Sec. 62-89) and Expense of clearing (Sec. 62-90). The amendments are 'housekeeping' in nature and are aimed at clarifying ambiguous parts of the ordinance to better reflect code enforcement best practices. These ordinances have not been amended since 1982. Below is a brief overview of what the amendments will accomplish

Sidewalks to be Cleared (Sec.62-89):

- Clarify language requiring the clearing of sidewalks of snow, ice, dirt and/or debris

Expense of Clearing (Sec.62-90)

- Clarify the billing time frame for property owners to pay the expense of the city having caused the sidewalks to be cleared

RECOMMENDATION:

The administration recommends that the City Commission complete a public hearing, and at the conclusion of the public hearing a second reading of the proposed ordinance amendments. The administration further recommends that the City Commission direct the City Clerk to publish the ordinance amendments as required prior to them taking effect.

A draft of the amendments to Sec. 62-89 and Sec. 62-90 is attached as well as a sample resolution for the City Commission to consider.

Please feel free to contact me should you have any questions in advance of the meeting.

PROPOSED ORDINANCE LANGUAGE

Sec. 62-89. - Sidewalks to be cleared.

Every owner or occupant of any lot or parcel of land adjoining any Right-of-Way ~~street~~ or public place in the city along or across which there ~~shall be~~ is a sidewalk shall, within 24 hours after the same has fallen or formed, remove ~~or cause to be removed~~ any snow or ice which may have fallen or accumulated or dirt or debris on such sidewalks. ~~in front of or along any such lot, land or premises~~ and in case of neglect or refusal ~~so~~ to do so the city manager or his agent may ~~forthwith~~ cause the removal of same and the expense thereof shall be a lien upon such premises.

(Code 1982, § 4.53)

Sec. 62-90. - Expense of clearing.

~~Report of snow or ice or dirt or debris removals shall be made promptly to the clerk by the superintendent of public works, setting forth the names of the owner or occupant of each lot or parcel from the sidewalks of which snow or ice or dirt or debris has been removed, together with the expense thereof. Upon receiving such report the clerk shall give notice of such expense to the owner of the premises and demand payment thereof to the treasurer within 35 days. Such notice shall be given by first class mail sent to the last known address of the owner and occupant (as shown on the assessment roll of the city) or by publication. Where payment is not made within such time limit the clerk shall report this fact to the assessor who shall spread such amounts charged against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of city taxes.~~

The city manager or his agent shall cause to be kept an accurate account of expense incurred for each lot or parcel of land and such expense shall be charged against such lot or premises and collected by giving notice thereof to the owner of the premises. If such expense or charge shall not be paid the same shall be assessed against the premises and collected as provided by section 12.22 of the city Charter.

RESOLUTION

The following Resolution was offered by Comm. _____ and seconded by Comm. _____.

WHEREAS From time to time it is necessary for the City to update some of its Ordinances and

The City Administration has recommended that the City Commission update what is

is commonly known as the Sidewalks to be Cleared Ordinance,

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth did establish and hold a Public Hearing for public comment on the proposed Ordinance Changes on the Sidewalks to be cleared Ordinance in front of the City Commission of August 1, 2016.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth after consideration of any public comment at the Public Hearing does hereby adopt Amendments to the Code of Ordinances for the City of Plymouth, Sections 62-89 through 62-90 at their Final Reading before the City Commission.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Mayor & City Commission

From: Paul J. Sincock – City Manager

CC: *S:\MANAGER\Sincock Files\Memorandum - Noxious Weeds Amendments Final Reading 08-01-16.doc*

Date: 7/28/2016

Re: Public Hearing & Ordinance Amendment - Noxious Weeds Ordinance

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BACKGROUND:

From time to time it is necessary to update our Ordinances. Our person who works 15 hours a week on Code Enforcement issues has been doing it for over a year now and has suggested a few "housekeeping" changes to the Noxious Weeds Ordinance. Probably the most significant change is removing the May 15th and August 1st dates, which some of our "regular" violators of the Ordinance take as they only have to mow the lawns twice a year.

There is an attachment memorandum from Code Enforcement Officer Adam Gerlach and John Buzuvis attached which will provide some additional background information.

The City Commission scheduled the required Public Hearing on these "housekeeping" changes for the meeting of August 1, 2016. The Commission will have to open a Public Hearing on these changes and accept comments from the Public on the proposed changes. If after the Hearing the City Commission would like to move forward with the final adoption of the Ordinance, they may do so at that time.

RECOMMENDATION:

The City Administration recommends that the City Commission open and hold a Public Hearing on the proposed Amendments to the Noxious Weeds Ordinance. After the Hearing the City Commission must duly considered any public comment prior to adopting any proposed changes in the Ordinance.

Again, after the Public Hearing the City Commission can consider the Final Reading of the Ordinance Changes and we have attached a proposed Resolution for the City Commission to consider regarding this matter. Should you have any questions in advance of the meeting please feel free to contact me.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

Administrative Recommendation

To: City of Plymouth Planning Commission

From: John Buzuvis, Community Development Director
Adam Gerlach, Code Enforcement Officer

CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations

Date: 7/28/2016

Re: Noxious Weeds Ordinance Amendments-2nd Reading/Public Hearing

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BACKGROUND:

As you are aware the City Commission did hold a first reading on the recommended ordinance amendments to the Noxious Weeds ordinance. The enclosed proposed ordinance amendments are in an effort to maintain the most up-to-date property maintenance requirements. To this end the administration, in conjunction with the Planning Commission Chairman, has begun reviewing several ordinances related to property maintenance. As part of that process the administration is suggesting several amendments to the Noxious Weeds portion of the City Code of Ordinances (Division 3 Sec. 18-751-775). The amendments are 'housekeeping' in nature and are aimed at clarifying dates, who can enforce and who can cut/remove, or cause the weeds and grass cut/removed and cost of remediation. Sections of this ordinance have been amended as recently as 2006 and other sections have not been amended since 1963.

RECOMMENDATION:

The administration recommends that the City Commission complete a public hearing, and at the conclusion of the public hearing complete a second reading of the proposed ordinance amendments. The administration further recommends that the City Commission direct the City Clerk to publish the ordinance amendments as required prior to them taking effect.

A draft of the amendments to Division 3 Sec. 18-751-775 is attached as well as a sample resolution for the City Commission to consider.
Please feel free to contact me should you have any questions in advance of the meeting.

PROPOSED ORDINANCE LANGUAGE

DIVISION 3. – NOXIOUS WEEDS

Sec. 18-751. - ~~Definitions~~.

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

Noxious weeds includes Canada thistle (Circium arvense), dodders (any species of Cuscuta), mustards (Charlock, black mustard and Indian mustard; species of Brassica, or Sinapis), wild carrot (Daucus carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), quack-grass (Syropyron repens), crab-grass (Digitaria sanguinalis), poison ivy (Rhus toxicodendron), poison sumac (Rhus vernie), ragweed, goldenrod, and all weeds or grasses over eight inches in height, on the average, or other plants or grasses which, in the opinion of the city commission, shall be regarded as a common nuisance.

(Code 1982, § 9.61; Ord. No. 86-3, § 1, 3-17-86; Ord. No. 2006-2, § 2, 7-17-06)

Cross reference— Definitions generally, § 1-2.

Sec. 18-752. - Duty to cut.

It shall be the duty of every owner, occupant, or person having charge of any land within the city to cut down or cause to be cut down and destroyed all grass and/or noxious weeds ~~prior to May 15 in each year and to again destroy same prior to August 1, and~~ as often as may be necessary to prevent same from going to seed or exceeding a height of eight inches, on the average.

(Code 1982, § 9.62; Ord. No. 86-3, § 2, 3-17-86; Ord. No. 2006-2, § 2, 7-17-06)

Sec. 18-753. - Cutting by city.

If any owner, occupant or person having charge of any land within the city shall refuse or neglect to cut and destroy all grass and/or noxious weeds as provided in this division, then the city manager or his agent shall cause the land to be entered upon by city employees or a city contractor for the purpose of cutting and destroying such grass and/or weeds and such entering upon shall not be deemed a trespass.

(Code 1982, § 9.63)

Sec. 18-754. - Costs.

The city manager or his agent shall ~~cause to be kept~~ keep an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of section 18-753 and such expense shall be charged against such lot or premises and collected by giving notice thereof to the owner of the premises. If such expense or charge shall not be paid the same shall be assessed against the premises and collected as provided by section ~~14.26~~ 12.22 of the city Charter.

PROPOSED ORDINANCE LANGUAGE

(Code 1982, § 9.64)

Sec. 18-755. - Notice.

It shall be the duty of the city manager or his agent to post notices in not less than three conspicuous places within the city and to publish a copy of the notice issued under this division at least once in a newspaper of general circulation within the city~~, not less than ten days prior to the time when such weeds must be cut~~ each calendar year, prior to the growing season. In the alternative, the city manager or his agent shall notify by ~~certified~~ first class mail or by posting notice in a conspicuous location on the property, ~~with return receipt requested,~~ the owner, agent or occupant of any lands on which grass and/or noxious weeds are found growing. Such notice shall require that the person having charge of such land cut down or cause to be cut down and destroyed all grass and/or noxious weeds within ~~ten days~~ 24 hours, and shall contain a summary of the provisions of this division. Failure of the city manager or his agent to give notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for, or debt created under, the provisions of this division.

(Code 1982, § 9.65; Ord. No. 86-3, § 3, 3-17-86)

Sec. 18-756. - Penalty.

Any owner, occupant, or person having charge of a lot or parcel of land, who shall refuse or neglect to cut down or cause to be cut down all grass and/or noxious weeds shall, upon conviction, be subject to a fine not to exceed $100.00 for the first offense, $150.00 for the second offense, and $200.00 for the third and each subsequent offense in the given growing season. Such amounts as are paid to the city under the provisions of this division shall be deposited into a special purpose fund to be known as the Noxious Weed Control Fund.

(Code 1982, § 9.66; Ord. No. 86-3, § 4, 3-17-86)

Secs. 18-757—18-775. - Reserved.

RESOLUTION

The following Resolution was offered by Comm. _____ and seconded by Comm. _____.

WHEREAS From time to time it is necessary for the City to update some of its Ordinances and

The City Administration has recommended that the City Commission update what is

is commonly known as the Noxious Weeds Ordinance,

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth did hold and considered comments from a Public Hearing for public comment on the proposed Noxious Weeds Ordinance Changes at the City Commission meeting of August 1, 2016.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt Amendments to the Code of Ordinances for the City of Plymouth, Division 3, Sections 18-751 through 18-756 at their First Reading before the City Commission.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Mayor & City Commission

From: Paul J. Sincock – City Manager

CC: *S:\MANAGER\Sincock Files\Memorandum - Charter Issue related to elections 08-01-16.doc*

Date: 7/28/2016

Re: Charter Issue related to Elections

BACKGROUND:

The City Commission has been discussing the issue related to when a City Commission candidate must file their nomination petitions for election. The Commission will recall that the issue is that our City Charter is in conflict with the State Law on this matter. There are two options available to the City Commission.

Option 1 - which the City Commission has already started and that is to amend the City Charter through a vote of the people in the November election.

Option 2 - would allow the City Commission to adopt a Resolution that would indicate that while the Charter says one thing, the State Law prevails and that date for filing is currently the 15th Tuesday, prior to the August primary election.

Using Option 2 would allow for additional changes in State Law without having to go through and entire Charter Amendment process. In addition, we would need to add a footnote to the existing City Charter that is available on-line and in other locations that would include the new date for filing of petitions.

This matter has been reviewed by the City Attorney and with the State and using Option 2 seems to be the best alternative as it allows for flexibility as State Law changes from time to time. It also avoids a Charter Amendment election every time that the State changes the law on petition filings. In addition, we avoid the issue of having the voters turn down a Charter Amendment that would bring us into compliance with State Law and then enacting the change, despite the election results.

RECOMMENDATION:

The City Administration recommends that the City Commission adopt Option 2 as outlined above and adopt a Resolution that would allow for a footnote to be added to the City Charter that would inform potential candidates for the office of City Commissioner of the filing date as established by State Law. In addition, there is a need to rescind the Resolution of the City Commission of July 5, 2016 that called for a Charter Amendment on this issue.

The City Clerk and the City Attorney have prepared a proposed Resolution for the City Commission to consider on this matter. Should you have any questions in advance of the meeting please feel free to contact me.

RESOLUTION

A motion was made by Commissioner _____ and seconded by Commissioner _____ for approval of the following:

RES. #

WHEREAS, The City Commission did adopt a resolution for a proposed Charter Amendment to Chapter 10, Section 10.9 of the City Charter and language for the same for the November 8, 2016, election at their regular meeting on July 5, 2016.

WHEREAS, a change in the state election law supersedes the City Charter language for the City of Plymouth, and therefore the City of Plymouth needs to amend Chapter 10, Section 10.9, of the City Charter, entitled, "Nomination Petitions." A recent change in state law now requires candidates to file petitions by the 15th Tuesday before the August primary, not the 12th Tuesday before the August primary as currently stated in the City Charter.

WHEREAS, MCL 117.3b(3), which states: "Notwithstanding any charter provision, the city may provide by resolution for any election that is consistent with election law, 1954 PA 116 to 168.982."

NOW THEREFORE BE IT RESOLVED, that the Plymouth City Commission does hereby rescind the resolution it adopted on July 5, 2016, which approved a ballot issue for amending the City Charter, Chapter 10, Section 10.9, entitled, "Nomination Petitions," and instead, pursuant to MCL 117.3b(3), hereby adopts this resolution to amend City Charter, Chapter 10, Section 10.9 to be consistent with the current state election law.

NOW THEREFORE BE IT FURTHER BE RESOLVED, that the upon adoption of this resolution, the City Clerk is hereby directed to add a footnote to the existing City Charter, Chapter 10, Section 10.9, which references the amendment to this section of the City Charter and contains both the new date for the filing of petitions and this resolution number and date of adoption.

AYES:

NAYS:

August 1, 2016

Plymouth City Commission

June 2016 Goal Update

1) Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues)
Goal Champions: Dalton, Dwyer, Valenti

In order to move this goal along, the City of Plymouth developed a formula to apply to outstanding legacy costs and then, in collaboration with the Township Supervisor, we applied to formula to fire department retirement related health care costs. In mid-June, the parties reached a resolution regarding outstanding debt for all related health care claims made by the Township prior to December 31, 2015. On June 20th the City Commission unanimously passed a resolution to pay the township $303,558.22 related to that negotiated agreement. The Township has yet to vote on a corresponding resolution because they have not had a scheduled meeting.

We believe that we have an agreed upon formula to cover future health care costs. The Township has requested that we make those ongoing payments into the Township MERS account and the City team is reviewing that request to determine if it is in the best interest of the city. Once agreement is reached on that last health care matter, we will move forward productively in negotiating an agreement regarding pension costs.

2) Work Collaboratively with Plymouth Arts & Recreation Complex (PARC) organization, the Plymouth Canton School Board, and the greater Plymouth Community to continue the repurposing of Central Middle School into a high quality Arts & Recreation Complex.
Goal Champions: Dalton, Deal, Dwyer

Commissioners Dalton, Deal and Dwyer have met twice with Don Soenen from PARC to open communications and determine ways we can work together to make PARC a success. Our City Commission goal champions have been invited to attend the PARC Board of Director's meetings to further open lines of communication and collaboration. As a result of our meetings with Mr. Soenen, and collaboration with City Administration, we have increased nighttime police patrols in the back PARC lot. We will also provide contact information to the PARC Board of Directors when we determine a road paving vendor for this summer's street repair program so that PARC may potentially use that same paving vendor to pave their parking lot. Steve Anderson has worked collaboratively with Mr. Soenen to make improvements to PARC swim class scheduling and registration which our Parks & Recreation Department now handles for all swim classes at PARC. Commissioner Dalton has lead an effort to bring a Plymouth Chapter of Boys & Girls Club to PARC . The Boys and Girls Club of Oakland and Macomb County has performed its due diligence and concluded that the PARC

property would be ideal for a club location. The next step is securing funding to pay for the Boys & Girls Clubs of Oakland and Macomb County to run the program and we are working with local businesses to fund the project. And lastly, on June 18th five members of the City Commission participated in a "City Commission Day of Service" at the PARC and engaged in a hands-on public service projects and learned more about the PARC itself from members of the PARC board of directors..

3) Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff.
Goal Champions: Deal, Pobur, Valenti

Discussion with the City Manager regarding Succession Planning and identifying transition strategies has begun. The city continues to invest time in training and developing current staff members to assure that in the unexpected absence of a department head, staff members are ready to temporarily step up. By department the Commissioners will be learning more to understand some of the processes already in place. The plan is to compile this information in some form of chart or formal document for the City Commissions better understanding.

4) Develop funding plan for future capital improvements.
Goal Champions: Pobur, Wolcott, Wright

5) Work collaboratively with the DDA, community leaders, and other organizations to plan for Plymouth's 150th Birthday in 2017. This includes obtaining funding for new Kellogg Park Fountain and Kellogg Park upgrades.
Goal Champions: Deal, Wolcott, Wright

Celebrating Plymouth's 150th Birthday has been divided into a two-step process:

1. *Kellogg Park Fountain Upgrades*
2. *A Citywide Celebration*

Kellogg Park Fountain Upgrades

Additional fundraising for the project has begun in earnest. With the large donation now securely in place we have turned our focus on developing a strategy to supplement the remaining efforts through individual, group, and business donations. An online presence, along with marketing materials, and a series of events beginning this fall will be rolled out in the coming weeks. Updated drawings will be ready now in August to present to the necessary boards for their approval, beginning with the DDA. If all goes to plan, the construction is targeted to commence after the Fall Festival in mid- September. The Kellogg Park/Fountain Renovation Project presentation is posted on the DDA's website at www.downtownplymouth.org.

A Citywide Celebration

Plymouth's 150 Birthday Celebration is being planned. Recently, the city signed a contract with Street Marketing, a reputable marketing company, who will assist in the organization and implementation of events. Several celebrations are being planned to invite the community to learn more about the project and how they can be involved. A tentative date of mid-September has been set to announce and "kick off" the project. Landscaping designs for the park are being completed and expected to ready for approval end of August.