REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

AUGUST 23, 2011

11-289 The meeting was called to order at 8:02 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present:	Councilwoman Elizabeth J. Agius, Councilman Ned Apigian, Councilwoman Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Margaret M. Horvath, Councilwoman Margaret M. Van Houten.
Absent:	None.
Also Present:	City Clerk Prusiewicz, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz, Assessor McDermott, Building & Engineering Director Sobh, Community & Economic Development Director Amen, Comptroller Macari, Corporation Counsel Miotke, Emergency Management Director Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director McCaffery, Police Chief Gavin, Public Service Administrator Zimmer, Recreation Director Grybel.

The Pledge of Allegiance was led by Council Secretary Eve Schafer.

11-290 Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the Agenda for the Regular Meeting of August 23, 2011, with the addition of Item 8-B and Item 9-G, be approved.

Motion unanimously adopted.

11-291 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the Minutes from the Regular Meeting of August 9, 2011, be approved as submitted.

Motion unanimously adopted.

11-292 Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that Current Claims 6-1 through 6-24, be approved as submitted.

1. A LAND CONSTRUCTION – Payment Repairs, Inv. dated Aug 2011 from A/C 592-537-818.000, Contr. Serv., $9,377.50. Water.
2. ACCUMED BILLING, INC. – Ambulance Billing for Jul 2011, Inv. dated 08/01/11 from A/C 101-000-626.000, Ambulance Runs, $6,655.71. Fire.
3. ARTISTIC LANDSCAPING – Grass & Weed Cutting Charges, Various Invs dated Jul and Aug 2011 from A/C 101-200-963.000, Sidewalk/Weed, $8,436.69. Bldg. Eng.
4. BROADSPIRE – Workers Comp. Excess Insurance, 07/01/11 – 06/30/12 from A/C 101-200-724.000, Workers Comp., $27,820.00. Gen. Govt.
5. CENTRAL WAYNE COUNTY SANITATION AUTH. – Waste, ADMIN for Jul 2011, Household Disposal, Inv. 07/11-HHLD, dated 07/31/11, Compost Disposal, Inv. 07/11-Comp. from A/C 101-200-810.000, Sanitation, $57,619.49. Gen. Govt.
6. CMP DISTRIBUTORS – Ammunition, Vests and Misc. Supplies, Inv. 27219, dated 07/01/11 and Inv. 26770, dated 07/01/11 from A/C 101-300-744.000, Ammunition/Targets, $5,420.00. Police.
7. COMPUTER TECHNOLOGIES, INC. – Data Processing, Invs. 70925, 70936, and 70940 from A/C 101-258-932.000 Repairs, $4,386.25 and A/C 592-536-932.000, Repairs, $3,876.88. Data Processing.
8. E & N CEMENT – Pavement Repairs, Inv. dated 08/15/11 from A/C 592-537-818.000, Contr. Serv., $26,320.66. Water.
9. E & N CEMENT – Pavement Repairs, Inv. dated 08/15/11 from A/C 101-440-880.000, Road Repairs, $78,741.49. DPW.
10. LIBRARY NETWORK, THE – Monthly Book & Subscriptions, Inv. 43409, dated 08/23/11 from A/C 738-738-981.000, Capital Outlay, $2,604.86. Gen. Library.
11. MASIMO – Carbon Monoxide Meters, Inv. 1172941 from A/C 274-673-930.088, Fire Grant, $115,882.00. Misc. Grants.
12. MATT'S AUTO SERVICE – Vehicle Repairs Jun/Jul 2011, Various Invs. Blkt PO 12-77 from A/C 101-300-932.000, Repair/Maint Eqpt., $2,292.78. Police.
13. NAGEL CONSTRUCTION – Sewer Cleaning Program, Inv. 2991, dated 08/12/11 from A/C 592-540-818.030, Contr. Serv., $16,396.34. Water.
14. QUAD-TRAN OF MICHIGAN – Data Processing Jul 2011, Postage Jul 2011, Invs. 5800, 5801, 5799, dated 07/29/11 from A/C 101-130-818.000, Contr. Serv., $4,500.00; A/C 101-200-728.000, Office Supplies, $1,544.52; A/C 101-130-728.000, Office Supplies, $1,262.55; and A/C 101-130-932.000, Rpr/Maint. Eqpt., $2,450.00. District Court.
15. STATEWIDE SECURITY TRANSPORT – Prisoner Food & Lodging, Jun 2011 from A/C 101-200-868.000, Prisoner Lodging, $10,614.40. Gen. Govt.

16. ULTRA GREEN – Grass & Weed Cutting Charges, Various Invs. dated Jul/Aug 2011 from A/C 101-200-963.000, Sidewalk/Weed, $3,005.95, Bldg. Eng.
17. US BANK – Prin. & Interest Payment for Justice Center Bond, Inv. dated 10/01/11 from A/C 105-105-996.005, Principal, $190,000.00 and A/C 105-105-998.500, Interest, $35,500.00. Gen. Govt.
18. W.L. BOWLES – Dispose Water Main Break Spoils, Inv. 62811, dated 06/30/11 from A/C 592-202.200, Accts. Payable, $5,880.00. Water.
19. WADE TRIM & ASSOC. – Parkland Park Pump Station, Inv. 047802, dated 07/28/11 from A/C 592-154.000, Sewer System, $6,983.87. Water.
20. WADE TRIM & ASSOC. – Cont. Admin City Hall & Lafayette WM, Inv. 102572, dated 08/10/11 from A/C 592-152.000, Water System, $2,698.75. Water.
21. WADE TRIM & ASSOC. – CDBG ADA Transition Plan and 2011-12 Environmental Review, Inv. 102551, Inv. 102550, dated 08/09/11 from A/C 103-960-918.210, Admin., $7,187.13, CDBG.
22. WAYNE COUNTY DEPT. OF ENVIRONMENT – Excess flow Aug 2011, Inv. 261885 from A/C 592-537-929.000, Sewage, $23,433.00. Water.
23. WAYNE COUNTY DEPT. OF ENVIRONMENT – Principal & Interest Payments, Inv. 261907, dated 08/04/11 from A/C 592-905-993.001, Principal, $43,990.00 and A/C 592-905-993.002, Interest, $21,571.26. Water.
24. WAYNE COUNTY DEPT. OF ENVIRONMENT – Area 3 Sewage Disposal, Inv. 257281 from A/C 592-202.000, Payables, $58,713.83. Water.

Motion unanimously adopted.

11-293 Motion by Councilman Apigian, seconded by Councilwoman Horvath, that the City Comptroller be authorized to advertise for bids, per specifications, for Clean Michigan Initiative (CMI) Rain Garden and Porous Pavement Project at the Richard Young Center, per the request of Daniel R. Brooks, PE, Wade Trim & Associates, communication dated August 1, 2011.

Motion unanimously adopted.

11-294 Motion by Councilwoman Agius, seconded by Councilman Berry, that the second lowest bid from Capozzo & Sons Excavating, Inc., 29191 – 32 Mile Road, Richmond, MI 48062, for Van Houten Park Soccer Field Renovation Project, in the amount of $33,725.00, be approved. Funds available in the C.D.B.G. Program, per Recreation Director Grybel, communication dated August 12, 2011.

Motion unanimously adopted.

11-295 Motion by Councilman Berry, seconded by Councilwoman Horvath, that the City Council concurs with and approves the final agreement between the City of Dearborn Heights and the Michigan Regional Council of Carpenters, from 2011 through 2015, and authorize the Mayor and City Clerk to sign, per Mayor Paletko's communication dated August 17, 2011.

Motion unanimously adopted.

11-296 Motion by Councilwoman Horvath, seconded by Councilman Berry, that the engagement letter from Plante & Moran, PLLC to provide consulting services for the production and distribution of a Request for Proposal for IT services and project management assistance, be referred back to Administration for more detail.

Motion unanimously adopted.

11-297 Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, to open a Hearing of taxing authorities for 5R Processors, LTD, 2727 S. Beech Daly, for a New Personal Property Tax Abatement Request.

Motion unanimously adopted.

Council Chairman Baron opened the Hearing at 8:30 p.m.

The taxing agencies were notified by certified mail, and were afforded the opportunity to respond in writing or in person regarding this tax abatement. City Clerk Prusiewicz informed the Council Chairman that none of the taxing agencies responded in writing. Council Chairman Baron asked for comments concerning the abatement. No comments or objections were heard.

11-298 Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the Hearing be closed.

Motion unanimously adopted.

The Hearing closed at 8:31 p.m.

11-299 Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the request for the Property Tax Abatement Agreement between 5R Processors, Ltd., and the City of Dearborn Heights be granted and the Resolution be approved.

WHEREAS, 5R Processors, Ltd. has filed an Application for Exemption of New Personal Property (hereafter "Application") with the Clerk of the City of Dearborn Heights pursuant to Public Act Number 328 of 1998, as amended (hereafter "Act 328") with respect to property located at 2727 S. Beech Daly, Dearborn Heights, Michigan 48125 (hereafter "the subject property");

WHEREAS, the City Clerk has notified in writing the Assessor of the City of Dearborn Heights and the legislative bodies of each taxing unit that levies ad valorem property tax within the eligible district within the City of Dearborn Heights wherein the subject property is located so that they were afforded an opportunity to be heard at a public hearing to determine whether the Application should be approved or disapproved;

WHEREAS, said public hearing was held on the 23rd day of August, 2011 at a regularly scheduled meeting of the City Council;

WHEREAS, comments on granting the Application were heard and considered;

WHEREAS, the City of Dearborn Heights established a tax increment finance authority and district known as the Tax Increment Finance Authority of the City of Dearborn Heights (hereafter "the T.I.F.A.") on December 29, 1986, following a public hearing, as required by Public Act Number 450 of 1980;

WHEREAS, the T.I.F.A. is an "eligible district" pursuant to Act 328;

WHEREAS, the City of Dearborn Heights is an "eligible local assessing district" pursuant to Act 328;

WHEREAS, it is hereby found and determined by the City Council of the City of Dearborn Heights that 5R Processors, Ltd. is an "eligible business" and an "eligible taxpayer" pursuant to Act 328; and

WHEREAS, the City Council of the City of Dearborn Heights has further determined that granting the Application of 5R Processors, Ltd. will reduce unemployment, promote economic growth, and increase capital investment in the City of Dearborn Heights and the T.I.F.A. district;

NOW, THEREFORE, BE IT RESOLVED that the Application for Exemption of New Personal Property of 5R Processors, Ltd. is hereby approved subject to all of the following conditions:
(1) The period of time for which the exemption of new personal property shall remain in effect shall be five (5) years, beginning December 31, 2011, and ending December 30, 2016.
(2) The Application and this Resolution must be approved by entities and officials of the State of Michigan as required by Act 328, specifically Section 211.9f(2) and (3) of the Michigan Compiled Laws.
(3) 5R Processors, Ltd. must enter into the Property Tax Abatement Agreement (hereafter "Agreement") with the City of Dearborn Heights that is approved below.
(4) The conditions set forth at paragraph 2 in the Agreement must be met and must continue to be met throughout the period applicable to the exemption.

BE IT FURTHER RESOLVED that the Property Tax Abatement Agreement between 5R Processors, Ltd. and the City of Dearborn Heights is approved and that Mayor Paletko and City Clerk Prusiewicz are authorized to execute the Agreement on behalf of the City of Dearborn Heights.

Motion unanimously adopted.

11-300 Motion by Councilman Apigian, seconded by Councilwoman Agius, that the City Council concurs with and approves Change Order #3 for NSP project address 5975 Silvery Lane, in the amount of $59.00, per CEDD Director Amen, communication dated August 12, 2011.

Motion unanimously adopted.

11-301 Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the City Council concurs with and approves draw/final payment request for NSP project address 4160 Lincoln, totaling $46,186.00, payable to Complete Construction Services, Inc., 3750 W. 11 Mile, Berkley, MI 48072, per CEDD Director Amen, communication dated August 12, 2011.

Motion unanimously adopted.

11-302 Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves the agreement with TEAM to provide Employee Assistance Program (EAP) services, and authorize the Mayor to sign the agreement, per Human Resource Director Sobota-Perry, communication dated August 16, 2011.

Motion unanimously adopted.

11-303 Motion by Councilman Apigian, seconded by Councilwoman Agius, that the 12 month Service Agreement with L3 Communications, be referred back to Police Chief Gavin.

Motion unanimously adopted.

11-304 Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approves the ballot language for a Headlee Override, to be placed on the November 8, 2011 Ballot.

CITY OF DEARBORN HEIGHTS HEADLEE OVERRIDE MILLAGE PROPOSAL

Shall the City of Dearborn Heights be authorized to levy the maximum millage rates previously authorized by the City Charter which have been reduced by virtue of the "Headlee Amendment" to the Michigan Constitution? If adopted, this proposal would authorize the City to levy in 2012 and thereafter up to an additional 2.9449 mills on each dollar ($2.9449 per thousand dollars) of taxable value of all property in the City by raising the authorized millage rates for general operations from 6.324 mills to 8.5 mills, for sanitation obligations from 0.7436 mills to 1 mill, and for police and fire protection from 1.4875 mills to 2 mills. If approved and levied in its entirety, this millage would raise an estimated $3,488,400.00, in the first year for the City.

Per Corporation Counsel Miotke, communication dated August 18, 2011.

Ayes: Councilwoman Agius, Councilman Apigian, Councilwoman Badalow, Council Chairman Baron, Councilman Berry, Councilwoman Horvath.
Nays: Councilwoman Van Houten.
Absent: None.

Motion adopted.

11-305 Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves the matching grant offer from MDNR Forestry Management Division, Urban & Community Forestry Program in the amount of $20,000.00, to purchase trees for replanting in our community. Per Public Service Administrator Zimmer, communication dated August 22, 2011.

Motion unanimously adopted.

11-306 Motion by Councilwoman Van Houten, seconded by Councilman Berry, that proposed Ordinance H-11-06, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 20-8 REGARDING THE OBLIGATION OF PERSONS IN CUSTODY TO PAY FOR MEDICAL SERVICES, be considered read for the second time and become effective upon publication in the City's official newspaper as provided by law.

Motion unanimously adopted.

11-307 Motion by Councilwoman Badalow, seconded by Councilman Apigian, that proposed Ordinance H-11-07, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 35-134 REGARDING THE ADOPTION OF THE CITY OF DETROIT WATER MODEL WASTEWATER DISCHARGE ORDINANCE IN ORDER TO UPDATE SECTION 35-134 TO ENSURE THAT IT IS CONSISTENT WITH THE CITY OF DETROIT MODEL WASTEWATER DISCHARGE ORDINANCE AS MOST RECENTLY REVISED, be considered read for the second time and become effective upon publication in the City's official newspaper as provided by law.

Motion unanimously adopted.

11-308 Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 10:09 p.m.

WALTER PRUSIEWICZ
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

EVE SCHAFER
COUNCIL SECRETARY