MINUTES – JULY 23, 2013
REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

13-209 The meeting was called to order at 8:05 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present:	Councilman Ned Apigian, Council Chairwoman Pro-Tem Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Lisa Hicks-Clayton, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski.
Absent:	None.
Also Present:	City Clerk Prusiewicz, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz, Assessor McDermott, Building Inspector Watland, Community & Economic Development Director Amen, Comptroller Macari, Corporation Counsel Miotke, 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 Sgt. Bert Wells and Cpl. Kenneth Serwatowski.

State Representative David Knezek and Mayor Paletko presented Proclamations to Sgt. Bert Wells and Cpl. Kenneth Serwatowski for rescuing a woman from a burning house.

13-210 Motion by Councilwoman Badalow, seconded by Councilwoman Hicks-Clayton, that the Agenda for the Regular Meeting of July 23, 2013, be approved with the corrected amount on item 6-2.

Motion unanimously adopted.

13-211 Motion by Councilman Apigian, seconded by Councilman Kosinski, that the Minutes from the Regular Meeting of July 9, 2013, be approved as submitted.

Motion unanimously adopted.

13-212 Motion by Councilman Berry, seconded by Councilman Kosinski, that Current Claims 6-1 through 6-36, be approved with the corrected amount on item 6-2.

Motion unanimously adopted.

1.	AccuMed billing, Inc.	Payables	$ 4,815.98	Fire
2.	AWE Digital Learning Solutions	Payables	$ 3,150.00	Library
3.	Broadspire	Work Comp	$ 58,993.00	Gen Govt
4.	Central Wayne County Sanitation Auth	Payables	$ 65,375.49	Gen Govt
5.	Contractor's Connection	Payables	$ 2,914.25	Water
6.	Dearborn, City of	Payables	$ 54,896.11	Water
7.	Dornbos Sign	Payables	$ 5,908.59	Hwy
8.	E & N Cement	Road Rep	$ 47,364.65	DPW
	E & N Cement	Cont Serv	$ 42,940.20	DPW
9.	E & N Cement	Payables	$ 83,582.30	Water
10.	Eager Beaver Landscaping	Payables	$ 5,068.05	DPW
11.	Hydro Designs, Inc.	Payables	$ 2,491.00	Water
12.	J.L.S. Property Maintenance	Payables	$ 3,618.49	DPW
13.	Lemmon Oil Company	Payables	$ 23,086.00	Water
14.	The Library Network	Network	$ 2,407.66	Library
15.	Maxwell Lawn Care Services, Inc	Payables	$ 1,795.51	DPW
16.	McKenna Associates, Inc.	Payables	$ 2,200.50	Planning
17.	Michigan Meter Tech Group, Inc	Payables	$ 7,418.00	Water
18.	Municipal Code Corporation	Payables	$ 3,893.27	City Clerk
19.	Munn Tractor Sales	Payables	$ 4,194.30	Water
20.	Nagel Construction, Inc	Cont Serv	$ 20,266.41	Water
21.	New Image Building Services, Inc.	Cont Serv	$ 2,214.00	Library
22.	Peltz Sodding, Inc	Payables	$ 2,761.50	Water
23.	Quad-Tran of Michigan	Payables	$ 4,500.00	Dist Court
	Quad-Tran of Michigan	Payables	$ 1,311.50	Dist Court
	Quad-Tran of Michigan	Payables	$ 1,870.82	Dist Court
24.	Review Works	Payables	$ 6,148.79	Gen Govt
25.	State of Michigan – 2nd Injury Fund	Work Comp	$ 2,115.21	Gen Govt
26.	State of Michigan – SET Fund	Work Comp	$ 1,693.77	Gen Govt
27.	Miotke, Gary	Payables	$ 11,190.00	Corp Coun
28.	Secrest, Wardle	Payables	$ 10,608.24	Corp Coun
29.	SysTemp Corporation	Payables	$ 2,568.95	PD/Court

30. Tax Management Associates, Inc	Cont Serv	$	2,100.00	Assessor
31. W.L. Bowles	Payables	$	2,520.00	Water
32. WWCFDMAA	Dues	$	8,355.14	Fire
33. Wade Trim & Assoc	Payables	$	85,844.00	DPW/Hwy
34. Wade Trim & Assoc	Payables	$	10,140.00	Water
35. Wade Trim & Assoc	Payables	$	2,915.00	DPW
Wade Trim & Assoc	Payables	$	218.75	Bldg
36. Wayne County	Payables	$	1,868.52	DPW-Hwy

Motion unanimously adopted.

13-213 Motion by Councilman Berry, seconded by Councilwoman Badalow, that the request from the City Clerk to solicit bids for security glass be referred to the Building Security Commission to report back to City Council.

Motion unanimously adopted.

13-214 Motion by Councilman Kosinski, seconded by Councilwoman Hicks-Clayton, to concur with the appointment of Mr. Tom Kramarz, to the Board of Review, term to expire in July, 2016. Per Mayor Paletko, communication dated July 11, 2013.

Motion unanimously adopted.

13-215 Motion by Councilwoman Horvath, seconded by Councilman Apigian, to approve the renewal of the Service Agreement with Johnson Controls for HVAC service at City Hall and other City Building, same service and price as last year's contract. Further authorize the Mayor to sign the agreement. Per Public Service Administrator Zimmer, communication dated July 15, 2013.

Motion unanimously adopted.

13-216 Motion by Councilman Berry, seconded by Councilwoman Badalow, to approve the City purchase of the following tax foreclosed property from the Wayne County Treasurer:

32H614 LOT 614 ROUGELVANIA SUB NO. 2 T2S R10E L55 P33 WCR

for $1,443.82, per Assessor McDermott's communication.

Motion unanimously adopted.

13-217 Motion by Councilman Berry, seconded by Councilwoman Badalow, that the City approves the First Amendment to Sublease Agreement with Wayne County regarding the sublease of space in the Dearborn Heights Justice Center and authorizes Mayor Paletko to execute it on behalf of the City. Per Corporation Counsel Miotke, communication dated July 16, 2013.

Motion unanimously adopted.

13-218 Motion by Councilman Kosinski, seconded by Councilman Berry, that the City accepts and approves the letter and quotation from Motorola Solutions, Inc., dated April 15, 2013, for the purchase and installation of one dispatch console for the price of $37,766.45. Monies to come from the 9-1-1 Account. Per Corporation Counsel Miotke, communication dated July 16, 2013.

Motion unanimously adopted.

13-219 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City approves the Parkland Park Agreement with Wayne County regarding the continued operation, maintenance, and improvement of Parkland Park by the City and authorizes Mayor Paletko to execute it on behalf of the City. Per Corporation Counsel Miotke, communication dated July 16, 2013.

Motion unanimously adopted.

13-220 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the "Communications Systems Agreement" between Motorola Solutions, Inc. and the City to purchase and install a new 911 system is approved by the City and that Mayor Paletko is authorized to execute the Agreement on behalf of the City. Per Corporation Counsel Miotke, communication dated July 16, 2013.

Motion unanimously adopted.

13-221 Motion by Councilwoman Horvath, seconded by Councilman Apigian, to approve the request to have the Recreation Director open the splash pad on days where the temperature is above 90 degrees, per Councilwoman Horvath, communication dated July 23, 2013.

Ayes: Councilman Apigian, Council Chairman Baron, Councilman Berry, Councilwoman Horvath, Councilman Kosinski
Nays: Councilwoman Badalow, Councilwoman Hicks-Clayton
Absent: None

Motion adopted.

13-222 Motion by Councilman Berry, seconded by Councilman Kosinski, to approve the following Resolution regarding paying for the operation of the City's libraries:

RESOLUTION PROPOSING AMENDMENT TO DEARBORN HEIGHTS CITY CHARTER SECTION 10.1, APPROVING BALLOT LANGUAGE DESIGNATING PURPOSE OF PROPOSED AMENDMENT, APPROVING PUBLICATION AS WELL AS TEXT FOR PUBLICATION, AND DIRECTING AS WELL AS AUTHORIZING CITY CLERK TO TAKE ACTIONS NECESSARY TO SUBMIT PROPOSED AMENDMENT TO ELECTORS

BE IT RESOLVED, that it is hereby proposed that the Charter of the City of Dearborn Heights, Michigan, be amended by amending Charter Section 10.1 to permit the levy by the City of an additional ad valorem tax in an amount not to exceed 0.95 mills, commencing in 2013, for the exclusive purpose of paying for the operation of the City's libraries.

BE IT FURTHER RESOLVED, that the text of Charter Section 10.1 shall be as follows if the proposed amendment is adopted by the electors:

Section 10.1. General Powers.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed 8.5 mills of the value of all real and personal property in the City as equalized by the State, exclusive of any levy required for the payment of principal and interest on outstanding bonds of the City and exclusive of any levy authorized by statute to be made beyond the Charter tax rate limitation. In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed one (1) mill for fifteen (15) years, the first year of levy to be 1986, for the purpose of paying any of the City's contractual obligations to the Central Wayne County Sanitation Authority, including specifically the City's share of the cost of new clean-air facilities.
(Amended by electors on 7-30-85)

In addition to all other taxes that the City is authorized to levy under this Charter, the City shall have the power to levy 2 mills of the assessed valuation of all real and personal property in the city as equalized by the State, to be used exclusively for police and fire protection.
(Amended by electors on 8-6-74; amended by electors on 7-30-85)

In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed 0.95 mills of the assessed valuation of all real and personal property in the City as equalized by the State, the first year of levy to be 2013, to be used exclusively for the operation of the City's libraries.

BE IT FURTHER RESOLVED, that the purpose of the proposed amendment shall be designated on the ballot as follows:

"Shall Section 10.1 of the Charter of the City of Dearborn Heights, Wayne County, Michigan, be amended so as to permit the levy by the City of an additional ad valorem tax in an amount not to exceed 0.95 mills, commencing in 2013, for the exclusive purpose of paying for the operation of City libraries? If approved and levied in its entirety, this millage would raise an estimated $1,076,350.00, in the first year; 0.95 of one mill represents 95 cents per $1,000 of taxable valuation on all taxable property in the City. "

BE IT FURTHER RESOLVED, that the text of the proposed Charter amendment and the text of the existing Charter provision that are to be published in full pursuant to State law shall be published as follows:

City Charter Chapter X, Section 10.1 Proposed Text:

Section 10.1. General Powers.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed 8.5 mills of the value of all real and personal property in the City as equalized by the State, exclusive of any levy required for the payment of principal and interest on outstanding bonds of the City and exclusive of any levy authorized by statute to be made beyond the Charter tax rate limitation. In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed one (1) mill for fifteen (15) years, the first year of levy to be 1986, for the purpose of paying any of the City's contractual obligations to the Central Wayne County Sanitation Authority, including specifically the City's share of the cost of new clean-air facilities.
(Amended by electors on 7-30-85)

In addition to all other taxes that the City is authorized to levy under this Charter, the City shall have the power to levy 2 mills of the assessed valuation of all real and personal property in the city as equalized by the State, to be used exclusively for police and fire protection.
(Amended by electors on 8-6-74; amended by electors on 7-30-85)

In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed 0.95 mills of the assessed valuation of all real and personal property in the City as equalized by the State, the first year of levy to be 2013, to be used exclusively for the operation of the City's libraries.

City Charter Chapter X, Section 10.1 Current Text:

Section 10.1. General Powers.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed 8.5 mills of the value of all real and personal property in the City as equalized by the State, exclusive of any levy required for the payment of principal and interest on outstanding bonds of the City and exclusive of any levy authorized by statute to be made beyond the Charter tax rate limitation. In addition to any tax authorized by the foregoing provisions of this section, the City shall have the power to levy an additional ad valorem tax in an amount not to exceed one (1) mill for fifteen (15) years, the first year of levy to be 1986, for the purpose of paying any of the City's contractual obligations to the Central Wayne County Sanitation Authority, including specifically the City's share of the cost of new clean-air facilities.
(Amended by electors on 7-30-85)

In addition to all other taxes that the City is authorized to levy under this Charter, the City shall have the power to levy 2 mills of the assessed valuation of all real and personal property in the city as equalized by the State, to be used exclusively for police and fire protection.
(Amended by electors on 8-6-74; amended by electors on 7-30-85)

BE IT FURTHER RESOLVED that the City Clerk shall forthwith transmit a certified copy of this Resolution containing the proposed amendment to the Governor of the State of Michigan for his approval and shall forthwith transmit a certified copy of this Resolution containing the foregoing ballot language designating the purpose of said proposed amendment to the Attorney General of the State of Michigan for his approval as required by law.

BE IT FURTHER RESOLVED, that the proposed Charter amendment shall be and the same is ordered to be submitted to the qualified electors of the City at the General Election to be held on the 5th day of November, 2013, and the City Clerk is hereby directed to give notice of election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such Charter amendment to the vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed amendments shall be published in full at least once in the official newspaper of the City of Dearborn Heights at least ten days prior to said election to be held on the 5th day of November, 2013.

Motion unanimously adopted.

13-223 Motion by Councilwoman Horvath, seconded by Councilman Berry, to approve the following Resolution regarding Charter Amendment Adoption by Reference:

RESOLUTION PROPOSING AMENDMENT TO DEARBORN HEIGHTS CITY CHARTER SECTION 7.5, APPROVING BALLOT LANGUAGE DESIGNATING PURPOSE OF PROPOSED AMENDMENT, APPROVING PUBLICATION AS WELL AS TEXT FOR PUBLICATION, AND DIRECTING AS WELL AS AUTHORIZING CITY CLERK TO TAKE ACTIONS NECESSARY TO SUBMIT PROPOSED AMENDMENT TO ELECTORS

BE IT RESOLVED, that it is hereby proposed that the Charter of the City of Dearborn Heights, Michigan, be amended by amending Charter Section 7.5 to permit the adoption by reference of any law, code, regulation, or rule without publishing the law, code, regulation, or rule in full provided that it has been promulgated or adopted by the State of Michigan, by a department, board, or other agency of the State of Michigan, or by an organization or association that is organized and conducted for the purpose of developing the code, and provided further that the law, code, regulation, or rule is already a public record as that term is understood under the statutory or common law of the State of Michigan.

BE IT FURTHER RESOLVED, that the text of Charter Section 7.5 shall be as follows if the proposed amendment is adopted by the electors:

Section 7.5. Technical And Other Codes: Adoption By Reference.

(a) The Council may adopt any plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code or code pertaining to inflammable liquids and gases as well as hazardous liquids, which have been promulgated by the State of Michigan, or by any department, board, or other agency thereof, or by any organization or association which is organized and conducted for the purpose of development of such code or codes by reference thereto in an adoptive ordinance and without publishing such code in full; providing, that such code is clearly identifiable in said ordinance and that the purpose of said code shall be published with the adopting ordinance provided, that printed copies thereof shall be kept in the office of the City Clerk, available for inspection by and distribution to the public at all times; provided further, that the publication shall contain a notice to the effect that a complete copy of said code is available for public use and inspection at the office of the city clerk.

(b) The Council may adopt any law, code, regulation, or rule that has been promulgated or adopted by the State of Michigan, by a department, board, or other agency of the State of Michigan, or by an organization or association that is organized and conducted for the purpose of developing the code, by reference to the law, code, regulation, or rule in an adopting ordinance and without publishing the law, code, regulation, or rule in full provided the law, code, regulation, or rule is already a public record as that term is understood under the statutory or common law of the State of Michigan. The law, code, regulation, or rule shall be clearly identified in the ordinance and its purpose shall be published with the adopting ordinance. Printed copies of the law, code, regulation, or rule shall be kept in the office of the City Clerk, available for inspection by, and distribution to, the public at all times. The publication shall contain a notice stating that a complete copy of the law, code, regulation, or rule is made available to the public at the office of the City Clerk in compliance with State law requiring that records of public bodies be made available to the general public. Except as otherwise provided by State law, the City shall not enforce a provision adopted by reference for which the maximum period of imprisonment is greater than 93 days.

BE IT FURTHER RESOLVED, that the purpose of the proposed amendment shall be designated on the ballot as follows:

"The purpose of this amendment to Dearborn Heights City Charter Section 7.5 is to permit the adoption by reference of any law, code, regulation, or rule without publishing it in full provided that it has been promulgated or adopted by the State of Michigan, by a department, board, or other agency of the State of Michigan, or by an organization or association that is organized and conducted for the purpose of developing the code, and provided further that the law, code, regulation, or rule is already a public record under Michigan law. Shall the amendment, as proposed, be adopted?"

BE IT FURTHER RESOLVED, that the text of the proposed Charter amendment and the text of the existing Charter provision that are to be published in full pursuant to State law shall be published as follows:

City Charter Chapter VII, Section 7.5 Proposed Text:

Section 7.5. Technical And Other Codes: Adoption By Reference.

(a) The Council may adopt any plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code or code pertaining to inflammable liquids and gases as well as hazardous liquids, which have been promulgated by the State of Michigan, or by any department, board, or other agency thereof, or by any organization or association which is organized and conducted for the purpose of development of such code or codes by reference thereto in an adoptive ordinance and without publishing such code in full; providing, that such code is clearly identifiable in said ordinance and that the purpose of said code shall be published with the adopting ordinance provided, that printed copies thereof shall be kept in the office of the City Clerk, available for inspection by and distribution to the public at all times; provided further, that the publication shall contain a notice to the effect that a complete copy of said code is available for public use and inspection at the office of the city clerk.

(b) The Council may adopt any law, code, regulation, or rule that has been promulgated or adopted by the State of Michigan, by a department, board, or other agency of the State of Michigan, or by an organization or association that is organized and conducted for the purpose of developing the code, by reference to the law, code, regulation, or rule in an adopting ordinance and without publishing the law, code, regulation, or rule in full provided the law, code, regulation, or rule is already a public record as that term is understood under the statutory or common law of the State of Michigan. The law, code, regulation, or rule shall be clearly identified in the ordinance and its purpose shall be published with the adopting ordinance. Printed copies of the law, code, regulation, or rule shall be kept in the office of the City Clerk, available for inspection by, and distribution to, the public at all times. The publication shall contain a notice stating that a complete copy of the law, code, regulation, or rule is made available to the public at the office of the City Clerk in compliance with State law requiring that records of public bodies be made available to the general public. Except as otherwise provided by State law, the City shall not enforce a provision adopted by reference for which the maximum period of imprisonment is greater than 93 days.

City Charter Chapter VII, Section 7.5 Current Text:

Section 7.5. Technical Codes: Adoption By Reference.

The Council may adopt any plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code or code pertaining to inflammable liquids and gases as well as hazardous liquids, which have been promulgated by the State of Michigan, or by any department, board, or other agency thereof, or by any organization or association which is organized and conducted for the purpose of development of such code or codes by reference thereto in an adoptive ordinance and without publishing such code in full; providing, that such code is clearly identifiable in said ordinance and that the purpose of said code shall be published with the adopting ordinance provided, that printed copies thereof shall be kept in the office of the City Clerk, available for inspection by and distribution to the public at all times; provided further, that the publication shall contain a notice to the effect that a complete copy of said code is available for public use and inspection at the office of the city clerk.

BE IT FURTHER RESOLVED that the City Clerk shall forthwith transmit a certified copy of this Resolution containing the proposed amendment to the Governor of the State of Michigan for his approval and shall forthwith transmit a certified copy of this Resolution containing the foregoing ballot language designating the purpose of said proposed amendment to the Attorney General of the State of Michigan for his approval as required by law.

BE IT FURTHER RESOLVED, that the proposed Charter amendment shall be and the same is ordered to be submitted to the qualified electors of the City at the General Election to be held on the 5th day of November, 2013, and the City Clerk is hereby directed to give notice of election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such Charter amendment to the vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed amendments shall be published in full at least once in the official newspaper of the City of Dearborn Heights at least ten days prior to said election to be held on the 5th day of November, 2013.

Motion unanimously adopted.

13-224 Motion by Councilwoman Badalow, seconded by Councilman Berry, that Proposed **Ordinance H-13-02, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 20-257 CONCERNING THE ILLEGAL TRANSPORTATION OF MARIHUANA**, be considered read for the first time.

Motion unanimously adopted.

13-225 Motion by Councilwoman Hicks-Clayton, seconded by Councilman Apigian, that Proposed Ordinance **H-13-03, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 20-303, SECTION 20-304, SECTION 20-305, AND SECTION 20-306, ALL OF WHICH CONCERN FIREWORKS**, be considered read for the first time and be referred to a Study Session.

Motion unanimously adopted.

13-226 Motion by Councilwoman Badalow, seconded by Councilman Kosinski, that Permanent Traffic Control Device No: T-233; Stop Sign, North and South Bound Hazleton, and Permanent Traffic Control Device No: T-234; No Left turn, EB Ford, Heights Center, just west of Applebee's, be approved.

Motion unanimously adopted.

13-227 Motion by Councilwoman Horvath, seconded by Councilwoman Hicks-Clayton, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 10:04 p.m.

WALTER J. PRUSIEWICZ
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

EVE SCHAFER
COUNCIL SECRETARY