

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

JUNE 23, 1998

98-278 The meeting was called to order at 8:20 p.m. by Council Chairman Joseph V. Kosinski.

Roll Call showed the following:

Present: Councilman Kenneth R. Baron, Councilwoman Janet L. Blackburn, Councilwoman Margaret M. Horvath, Council Chairman Joseph V. Kosinski, Councilman Gregg Zulinski.
Absent: Councilman Daniel S. Paletko (arrived at 8:23 p.m.), Councilwoman Margaret Van Houten.
Also Present: Mayor Canfield, Executive Assistant Heise, Corporation Counsel Sunisloe, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Financial Analyst Clark, Assessor Welch, Building & Engineering Director Opalewski, Police Captain Lazar, Fire Marshall Mazur, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by the participants in the "Diamond Skills Competition".

Recreation Director Grybel and Mayor Canfield presented ribbons to:

Batting Champs: Seven/Eight Year Olds - Danny Maine; Nine/Ten Year Olds - Andrew Davis; Eleven/Twelve Year Olds - Philip Harrell; Twelve/Thirteen Year Olds - John Hubbard.

Fielding/Throwing Champs: Seven/Eight Year Olds - Charles West; Nine/Ten Year Olds - Alex Cowart; Eleven/Twelve Year Olds - Philip Harrell; Twelve/Thirteen Year Olds - John Hubbard.

Base Running Champs: Seven/Eight Year Olds - Danny Maine; Nine/Ten Year Olds - Alex Cowart; Eleven/Twelve Year Olds - Shane Schultz; Twelve/Thirteen Year Olds - Jeff McMichael.

All Around Champs: Seven/Eight Year Olds - Danny Maine - 1st Place; Charles West - 2nd Place; Danielle Sulewski - 3rd Place. Nine/Ten Year Olds - Alex Cowart - 1st Place; Andrew Davis - 2nd Place; Ben Davis - 3rd Place; Eleven/Twelve Year Olds - Philip Harrell - 1st Place; Tyler Elkins - 2nd Place; Shane Schultz - 3rd Place; Thirteen/Fourteen Year Olds - John Hubbard - 1st Place; Jim Brennon - 2nd Place; Jeff McMichael - 3rd Place. John Hubbard also won Sectional Competition at Oak Park.

Twenty six kids participated in this year's event which was held Saturday, May 16, 1998 at Swapka Park in Dearborn Heights. The All-Around and Individual Event Champions participated in the Sectional Competition on Saturday, June 6 at 10:00 a.m. at Morton Colburn Field in Oak Park.

98-279 Motion by Councilman Zulinski, seconded by Councilwoman Blackburn, that the Agenda for the Regular Meeting of June 23, 1998, be approved as submitted.

Motion adopted.

98-280 Motion by Councilman Baron, seconded by Councilman Zulinski, that the Minutes from the Regular Meeting of June 9, 1998 be approved as submitted.

Motion adopted.

98-281 Motion by Councilwoman Horvath, seconded by Councilman Baron, that Current Claims 6-1 through 6-13, be approved as submitted with change to Claim 6-2 from \$14,093.66 to \$13,093.66.

1. E & N CEMENT - Pavement Repairs - Two (2) Inv.'s dated 06/13/98 from A/C 101-440-880-000 (Road Repairs) \$58,992.82 and from A/C 592-537-818-000 (Contractual Services) \$14,991.55. DPW-Water.
2. NAGEL CONSTRUCTION - Sewer Cleaning Project - Inv. 1111 dated 06/05/98 from A/C 592-540-818-000 (Contractual Services) \$13,093.66. Water Dept.
3. OLSON CEMENT - Second Installment Sidewalk Program - Inv. dated 06/15/98 from A/C 101-200-963-000 (Sidewalks) \$87,662.50. Building/Eng.
4. PAINTER & RUTHENBERG - Roll-Off Services & Newsprint - Inv. 19187 and 19188 dated 06/02/98 from A/C 101-200-810-000 (Sanitation) \$4,906.00. General Govt.
5. QUAD-TRAN OF MICHIGAN - Data Processing June 1998 - Inv. 2871 dated 05/29/98 from A/C 101-130-818-000 (Contractual Services) \$3,135.00 and A/C 101-130-728-000 (Office Supplies) \$956.50. District Court.
6. RIC-MAN CONSTRUCTION COMPANY - Downriver Relief Sewer Project - Cert. #9 dated 06/12/98 from A/C 592-XXX-154-000 (Sewers) \$1,513,110.89. Water Dept.
7. RIC-MAN CONSTRUCTION COMPANY - Doxtator Relief Sewer Project - Cert. #3 dated 06/12/98 from A/C 592-XXX-154-000 (Sewers) \$144,879.10. Water Dept.
8. WADE-TRIM/ASSOCIATES - Inspection Days Downriver Relief Sewer - Inv. 57838 dated 06/12/98 from A/C 592-XXX-154-000 (Sewers) \$20,632.25. Water Dept.
9. WADE-TRIM/ASSOCIATES - Inspection Days Doxtator Relief Sewer - Inv. 57839 dated 06/12/98 from A/C 592-XXX-154-000 (Sewers) \$3,783.69. Water Dept.
10. WAYNE COUNTIES LIBRARIES - Adjusted Billing for Libraries - Inv. 978047 dated 06/08/98 from A/C 101-738-827-100 (Library Network) \$25,219.26. Libraries.
11. WAYNE COUNTY - GENERAL FUND ACCOUNT - Assessment Admin/Tax Billing - Inv. 41490 dated 05/18/98 from A/C 101-209-813-000 (Bureau of Taxation) \$28,376.23. Assessor.
12. WAYNE OAKLAND CONTRACTING - Parkland Park Improvements - Cert. #4 dated 05/29/98 from A/C 103-960-924-097 (Parkland Park) \$10,687.90. Community Devel.
13. WESTLAND TREE SERVICE - Tree Trimming & Removal - Inv. dated 06/15/98 from A/C 101-440-820-000 (Tree Trimming) \$4,873.98. DPW-Highway.

Motion adopted.

98-282 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that the City Comptroller be authorized to advertise for bids, per specifications, for carpeting for the Comptroller's office, per the request of Comptroller Barrow, communication dated June 9, 1998.

Motion adopted.

98-283 Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the lowest bidder meeting all specifications Goggan and Associates, Inc., 15783 US 12, Union, MI 49130, for one (1) Type I Medium Duty Rescue Squad, in the amount of \$131,975.00, plus trade-in allowance of \$7,000.00 for Rescue Vehicle 1233, for a net amount of \$124,975.00 and payment thereof, be approved, per Acting Fire Chief Barnett, communication dated June 15, 1998. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion adopted.

- 98-284** Motion by Councilman Baron, seconded by Councilman Zulinski, that the low bid from Honeywell, Inc., 49116 Wixom Tech Drive, Wixom, MI 48393-3563, for the replacement of the fire alarm systems at Berwyn and Eton Senior Citizen Centers, in the amount of \$13,244.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated June 11, 1998. Monies to fund this project to be allocated from CDBG program account. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion adopted.

- 98-285** Motion by Councilman Zulinski, seconded by Councilwoman Horvath, that the City Council concurs with and approves the contract agreement with the Michigan Department of Transportation (MDOT) and the City of Dearborn Heights for the milling of existing surface, concrete base repair and bituminous resurfacing with curb and gutter, sidewalk rehabilitation and drainage structure adjustment along Beech Daly Road from Cherry Hill to Ford and Cherry Hill Road from Beech Daly to Gulley, at a cost sharing cost to the City of \$123,601.00, per Mayor Canfield, communication dated June 17, 1998. Further, that the Mayor and City Clerk sign on behalf of the City. Monies for this project to be provided for in the 1998-99 Major Road account. (MDOT Contract # 98-5251).

Motion adopted.

- 98-286** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the City Council concurs with and approves the doing away with the past practice of a bid bond requirement for motor vehicles and single axle truck purchases per, Councilwoman Horvath, communication dated June 15, 1998. Further, that the Policy & Procedures manual be updated to reflect this change.

Motion adopted.

- 98-287** Motion by Councilwoman Blackburn, seconded by Councilwoman Horvath, that the City Council concurs with and approves the NTH Consultants plans and specifications dated June 17, 1998 and authorizes NTH Consultants to seek bids for the Canfield Ice Arena Roof Replacement Project per, Executive Assistant Heise, communication dated June 17, 1998.

Motion adopted.

- 98-288** Motion by Councilman Zulinski, seconded by Councilwoman Blackburn, that the City Council concurs with and approves the 1996-2000 Contract with the Dearborn Heights Police Officers Association (DHPOA) per, Executive Assistant Heise, communication dated June 15, 1998. Further, that the Mayor and City Clerk be authorized to sign the agreement on behalf of the City.

Motion adopted.

- 98-289** Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the City Council concurs with and approves the contract extension of the 1994-98 Carpenters District Council Detroit and Southeastern Michigan United Brotherhood of Carpenters and Joiners of American, AFL-CIO Collective Bargaining Agreement per, Executive Assistant Heise, communication dated June 10, 1998. Further, that the Mayor and City Clerk be authorized to sign the contract extension on behalf of the City.

Motion adopted.

98-290 Motion by Councilman Zulinski, seconded by Councilwoman Horvath, that the City Council concurs with and approves the request from Dynasty Lawn Care, 14847 Oldham, Taylor, MI 48180 to increase the lawn debris/brush removal fees from \$45.00 per cubic yard to \$77.50 per cubic yard due to increased fees at the disposal site per, Executive Assistant Heise, communication dated June 16, 1998.

AYES: Councilwoman Blackburn, Councilwoman Horvath, Council Chairman Kosinski, Councilman Paletko, Councilman Zulinski.
NAYS: Councilman Baron.
ABSENT: Councilwoman Van Houten.

Motion adopted.

98-291 Motion by Councilman Paletko, seconded by Councilman Baron, that the communication from Comptroller Barrow, dated June 5, 1998 re: The 1997-98 Confiscated Drug Fund be referred to the next regularly scheduled Council Meeting, July 14, 1998.

Motion adopted.

98-292 Motion by Councilman Paletko, seconded by Councilman Zulinski, that the City Council concurs with and approves a Budget Amendment to cover the cost of Fire Department paramedic training as follows:

INCREASE REVENUES	AMBULANCE RUNS
A/C # 101-000-626-335	\$165,000.00
INCREASE EXPENDITURES	PARAMEDIC TRAINING
A/C # 101-335-962-335	\$ 165,000.00

per, Comptroller Barrow, communication dated June 5, 1998.

Motion adopted.

98-293 Motion by Councilman Paletko, seconded by Councilman Zulinski, that the City Council concurs with and approves a Budget Amendment to cover Department Head raises as follows:

DECREASE EXPENDITURES	DEPT. HEAD EVALUATIONS
A/C # 101-200-706-999	\$ 9,871.00

INCREASE EXPENDITURES:

A/C # 101-171-706-000	MAYOR OFFICE SALARIES	\$ 4,851.00
A/C # 101-209-706-000	ASSESSOR SALARY	1,600.00
A/C # 101-223-706-000	COMPTROLLER SALARY	1,565.00
A/C # 101-226-706-000	HUMAN RESOURCE SALARY	1,855.00

per, Comptroller Barrow, communication dated June 5, 1998.

Motion adopted.

98-294 Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the City Council concurs and approves year-end Budget Amendments for the 1997-98 Corporate Fund Budget with the exception of A/C 101-101-728-000 (Council Office Supplies) \$310.00 as follows:

INCREASE REVENUES:

A/C # 101-000-699-000 APPRO. FROM FUND BALANCE \$113,550.00

INCREASE EXPENDITURES:

A/C # 101-190-709-000	ELECTION PART-TIME	10,000.00
# 101-190-730-000	ELECTION SUPPLIES	925.00
# 101-209-709-000	ASSESSOR PART-TIME	2,500.00
# 101-209-818-000	ASSESSOR CONT. SERVICES	3,700.00
# 101-209-981-000	ASSESSOR CAPITAL OUTLAY	1,700.00
# 101-265-709-000	BLD MAINT. PART-TIME/OVERTIME	25,000.00
# 101-300-825-000	POLICE TUITION REIMBURSEMENT	9,000.00
# 101-335-709-000	FIRE OVERTIME	30,000.00
# 101-371-709-000	BLD/ENG OVERTIME	5,000.00
# 101-371-932-000	BLD/ENG REPAIR	1,500.00
# 101-440-709-000	DPW OVERTIME	12,000.00
# 101-809-817-000	CABLE PROFESSION	12,000.00
# 101-858-730-000	CITY BEAUTIFUL SUPPLIES	225.00

per, Comptroller Barrow, communication dated June 5, 1998.

Motion adopted.

- 98-295** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the City Council concurs with and approves a Budget Amendment to cover the cost of second payment for 1998 Sidewalk Replacement Program as follows:

INCREASE REVENUES	SIDEWALK PROGRAM
A/C # 101-000-628-000	\$58,000.00
INCREASE EXPENDITURES	SIDEWALK PROGRAM
A/C # 101-200-963-000	\$58,000.00

per, Comptroller Barrow, communication dated June 16, 1998.

Motion adopted.

- 98-296** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the City Council concurs with and approves the sale and Lot Split request in FRISCHKORN'S ROUGE PARK SUBDIVISION, ID # 33-023-01-0376-000, including the adjacent vacated alley, creating the following descriptions:

- 1) Lot 376, except the west 9 feet to Michael J. Pallen, 6479 Heyden for a sum of \$1,800.00 and;
- 2) The west 9 feet of Lot 376 to Mark Lawrence, 6463 Heyden for a sum of \$600.00 per, Assessor Welch, communication dated June 3, 1998. Further, both sales to be consummated at the same time to avoid a "no-man's land" parcel; purchasers to assume all costs of sale and purchase will become null and void if the sale is not consummated by September 1, 1998 and property returned to inventory of City owned parcels.

Motion adopted.

- 98-297** Motion by Councilman Paletko, seconded by Councilman Zulinski, that CM 98-154 (Bid Award to COPS for ten (10) emergency light bars) be rescinded.

Motion adopted.

- 98-298** Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the second low bid from Winder Police Equipment, Inc., Dearborn Heights, MI, for ten (10) emergency light bars, at a cost of \$9,995.00 be approved, and payment thereof, per,

RESCINDED
5-25-99 PER
CM 99-237
Mel

Police Captain Gust, communication dated June 16, 1998.

Motion adopted.

- 98-299** Motion by Councilman Baron, seconded by Councilman Paletko, that proposed ordinance H-98-11, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING ARTICLE 6, SECTIONS 32-804 THROUGH 32-825 OF CHAPTER 32 SAID CODE, PROVIDING FOR THE PARKING, STORAGE AND CARE OF VARIOUS TYPES OF VEHICLES WITHIN THE CITY, be considered read for the first time.

Motion adopted.

- 98-300** Motion by Councilman Paletko, seconded by Councilman Baron, that Ordinance numbers H-98-08, (RV Parking & Storage) and H-98-09, (Prohibited Parking), be referred to file.

Motion adopted.

- 98-301** Motion by Councilman Paletko, seconded by Councilman Zulinski, the City Council adopt the Cable TV Resolution submitted by the Cable TV Regulatory Commission as follows:

WHEREAS, MediaOne (formerly Continental Cablevision) has had an exclusive cable television franchise within the City of Dearborn Heights since 1983; and,

WHEREAS, the Congress did enact the TELECOMMUNICATIONS ACT OF 1996 with the intent that competition within the telecommunications industry would stimulate lower rates to the American consumer; and

WHEREAS, in 1996, MediaOne (then Continental Cablevision) was acquired by U.S. West, one of the Baby Bell companies servicing 14 states in the West and Midwest, for \$5.3 billion in cash and stock plus the assumption of \$5.5 billion in debt; and,

WHEREAS, subsequent to the enactment of the TELECOMMUNICATIONS ACT OF 1996, in addition to mergers between major players within the telecommunications industry, there has been an unrelenting series of program and associated service price increases initiated by MediaOne and passed on to cable television subscribers within its market, including those in Dearborn Heights; and,

WHEREAS, the Mayor, City Council, and Cable TV Regulatory Commission of the City of Dearborn Heights have been inundated with complaints by MediaOne cable subscribers about the seemingly unabated price increases for cable television and television programs subscribers do not want; and,

WHEREAS, an example of the "program bundling" by cable providers arose in February 1997 when MediaOne put through some equipment rate increases and programming changes including the deletion of the popular Canadian educational channel, TV Ontario, which provided programming for all age groups; and,

WHEREAS, the local news media reported as part of MediaOne's (formerly Continental Cablevision) agreement with Scripps-Howard, the parent company of WXYZ-TV, Scripps-Howard's Home and Garden Television (HGTV) had to be added (emphasis added) to Dearborn Heights' lineup by the beginning of 1997. Reportedly, this was in lieu of financial payment to Scripps-Howard for carriage of WXYZ-TV; and,

WHEREAS, the cable television industry at this time had been actively engaged in a 13-year

effort to overturn federal rules requiring cable systems to carry local broadcasts and that on March 30, 1997, the U. S. Supreme Court in a 5-4 decision upheld the federal rules; and,

WHEREAS, in commenting on the deletion of TV Ontario (TVO), MediaOne advised city officials TVO was not a "must carry" station on the MediaOne cable system, yet CBET-TV, a Canadian Broadcasting Corporation is Carried over MediaOne's cable system; and,

WHEREAS, news media reports have indicated several channels - including Fox News, Animal Planet, and Home & Garden TV (the latter two carried over MediaOne's Dearborn Heights cable service) - paid cable companies to get on the dial; and,

WHEREAS, Business Week recently reported cable rates nationally rose an average of 8.5% in 1997 or four times the inflation rate; and,

WHEREAS, in 1997, MediaOne did complete and inaugurate its fiber optic cable upgrade throughout the City of Dearborn Heights; and,

WHEREAS, not all of the capacity of this new fiber optic system is being dedicated to provide greater diversity or better quality programming to Dearborn Heights cable television subscribers who are bearing a significant portion of the cost of the system upgrade; and

WHEREAS, USA Today recently reported the average cable customer is paying an estimated \$1.75 per month to help operators upgrade their systems and offer a host of other interactive services - including high-speed Internet access and telephone services; and

WHEREAS, MediaOne has stated it is reserving unspecified capacity within its new fiber optic system for its own usage (i.e., telephone, Internet, data transmission, etc.) even though many Dearborn Heights cable television subscribers will derive no direct benefit from these services; and,

WHEREAS, in 1998, one of the major cable television programming providers, ESPN, agreed to spend \$600 million a year, or \$4.8 billion, to acquire the entire NFL cable-television package for the next eight years; and,

WHEREAS, the Wall Street Journal did report, if the increase for carrying NFL games were spread evening over the seventy two million homes with cable televisions, each would pay about \$4.65 a year more for ESPN alone; and,.

WHEREAS, on February 12, 1998, during its 6 o'clock evening news, WDIV-TV, NBC's Detroit affiliate, did report that TCI's and MediaOne's cable rates would increase 5% and 9% respectively, with much of this increase attributable to ESPN's National Football League contract; and

WHEREAS, in early 1998, news media reports have indicated for the third year in a row, the nation's 65 million television cable subscribers are getting hit with an average 8% hike in their monthly bills, which is an increase of four times the inflation rate; and,

WHEREAS, at the request of the Dearborn Heights Cable TV Regulatory Commission and the City Council and with the intent of broadening competition within the City, the Mayor's Office did contact two cable television providers, Ameritech New Media and Comcast Cablevision, relative to their interest in providing cable television service for the citizens of Dearborn Heights; and,

WHEREAS, Comcast Cablevision did not respond even though it does provide cable television service to communities abutting Dearborn Heights; and,

WHEREAS, Ameritech did respond and negotiations with it and MediaOne, the current cable franchisee, are ongoing concurrently; and,

WHEREAS, there is general recognition that the Telecommunications Act of 1996 has not brought about the beneficial changes intended to cable television subscribers;

NOW, THEREFORE BE IT RESOLVED, the Dearborn Heights City Council not only concurs with those calling for an immediate freeze of cable television rates, but further recommends the Congress approve the rolling back of these atrocious and outlandish rates to December 31, 1997 levels; and,

BE IT FURTHER RESOLVED, the City Council urges Senator Spencer Abraham, Senator Carl Levin, Congressman John Conyers, Congressman John Dingell, and Congresswoman Lynn Rivers to join with other members of Congress in the expeditious review and amendment of the Telecommunications Act of 1996; and,

BE IT FURTHER RESOLVED, as a part of that review, it is recommended the Congress opt to re-regulate the cable television industry and give broader authority to local municipal franchisers to rein in future cable television rate increases; and,

BE IT FURTHER RESOLVED, with the technological advances made by the cablevision industry, the City Council would further recommend the amending of the Telecommunications Act of 1996 include a proviso whereby the cable television subscriber is provided the mechanism, often referred to as an "a la carte menu," which would ensure said subscriber pays for only those cable television channels he or she is desirous of viewing; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent by the Council to the City Clerks of all Wayne County communities currently served, either in whole or in part, by MediaOne with a request that the respective governing bodies of said communities lend their support to this Resolution; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the aforesaid members of the Michigan delegation to the Congress of the United States, the Chairperson and Ranking Member of the respective U.S. Senate and U.S. House of Representatives committees having jurisdiction over the telecommunications industry, and, the Chairman of the Federal Communications Commission.

AYES:	Councilman Baron, Councilwoman Blackburn, Councilwoman Horvath, Council Chairman Kosinski, Councilman Paletko, Councilman Zulinski.
NAYS:	None.
ABSENT:	Councilwoman Van Houten.

Motion adopted.

98-302 Motion by Councilman Baron, seconded by Councilwoman Horvath, that the request from Arbor Drugs, Inc., Van Born & Beech Daly, Dearborn Heights, MI 48127 for a new SDM license be approved and the Liquor Control Commission be so notified. This approval is subject to inspections by the Building Department, Fire Department and the Michigan Department of Agriculture. #980000987 NLL.

Motion adopted.

98-303 Motion by Councilman Zulinski, seconded by Councilwoman Blackburn, that business license renewals for Cherry Hill Lanes, 300 N Inkster, One Potato Two, 24735 Warren and Dearborn Heights Moose Lodge, 27224 Warren, be approved.

Motion adopted.

98-304 Motion by Councilman Zulinski, seconded by Councilman Baron, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 9:39 p.m.

JOYCE A. ROBBINS
CITY CLERK

JOSEPH V. KOSINSKI, CHAIRMAN
CITY COUNCIL

MARIA E. LAWRENCE
RECORDING SECRETARY