

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MAY 12, 2009

09-178 The meeting was called to order at 8:05 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present: Councilwoman Elizabeth J. Agius, Councilwoman Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilman Bob Brown, Councilwoman Margaret M. Horvath, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley (arrived at 8:08 pm), Assessor McDermott, Building & Engineering Director Sobh, Comptroller Barrow, Corporation Counsel Miotke, Deputy Clerk Pawlukiewicz, Emergency Management Director Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director McCaffrey, Mayor's Assistant Kramarz, Police Chief Gavin, Public Service Administrator Franzil, Recreation Director Grybel.

The Pledge of Allegiance was led by Councilwoman Horvath.

09-179 Motion by Councilman Brown, seconded by Councilwoman Badalow, that the Agenda for the Regular Meeting of May 12, 2009, be approved with the addition of Agenda Item 5-A, Corporate Fund Budget Public Hearing.

Motion unanimously adopted.

09-180 Motion by Councilman Berry, seconded by Councilwoman Van Houten, that the Minutes from the Regular Meeting of April 28, 2009, be approved as submitted.

Motion unanimously adopted.

The 2009-2010 Corporate Fund Budget opened at 8:08 pm. Council Chairman Baron asked the City Clerk to read the Notice of Public Hearing.

City Clerk Dudzinski "Please take notice that a Public Hearing will be held on Tuesday, May 12, 2009 at 8:00 p.m. in the Council Chambers located at 6045 Fenton, Dearborn Heights, Michigan, for the purpose of hearing objections, if any, to the proposed budget for the City of Dearborn Heights for fiscal year 2009-2010.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing. A copy of the budget will be available for inspection at the office of the City Clerk, 6045 Fenton, Dearborn Heights, Michigan.

This notice is published and posted by direction of the City Council under and by virtue of the City Clerk.

Councilman Brown "Just for discussion it has been published appropriately?"

Council Chairman Baron "Yes, April 8 and April 15, 2009. Is there anyone in the audience who wishes to speak?"

Mayor Paletko "One comment for the public, the budget is balanced and no utilization of fund balance has been used in order to balance this particular budget. No intended layoffs or reductions of head count and I think we are the only community in Wayne County that I am aware of that is not using fund balance to balance the current budget. I guess I am kind of blowing my own horn but I think it shows the fiscal responsibility of all of us that we are in better shape than everybody else is at this point."

Councilman Brown "Mr. Chairman actually I have heard from two officials now from two different communities that they are actually laying off people."

Council Chairman Baron asked if anyone in the audience had any questions or comments, hearing none, a motion to close the Public Hearing was offered.

09-181 Motion by Councilwoman Van Houten, seconded by Councilman Brown, to close the 2009-2010 Corporate Fund Budget Public Hearing.

Motion unanimously adopted.

The Corporate Fund Budget Public Hearing closed at 8:10 pm.

Minutes MAY 12, 2009 Continued

09-182 Motion by Councilman Brown, seconded by Councilwoman Agius, that Fund Transfer 6-A and Current Claims 6-1 through 6-24, be approved as submitted.

A. \$1,303.00 Transferred from Fire Repair/Maint. (A/C 101-335-932-000) to Fire Capital Outlay (A/C 101-335-981-500) to replace a piece of existing exercise equipment.

1. BS&A SOFTWARE – Cash Receipting, Tax System, Dog License, Business License Annual Services Support – Inv. 58350, 58249, 59258, 58459 dated 05/01/2009 and Inv. 60407 dated 05/04/2009 from A/C 101-253-818-000 (Contract Services) \$2,450.00; A/C 101-215-818-000 (Contract Services) \$1,750.00; A/C 101-258-932-000 (Repair/Maint.) \$1,750.00 and A/C 592-536-932-000 (Repair/Maint.) \$6,300.00. Treasurer/Clerk/Data Processing
2. COMPUTER TECHNOLOGIES, INC. – Data Processing – Inv. 70416 dated 05/01/09; 70411 dated 04/24/09; P70416 dated 04/24/09; P70412 dated 04/23/09 and P70418 dated 04/28/09 from A/C 101-258-932-000 (Repair/Maint.) \$4,427.50; A/C 592-536-932-000 (Repair/Maint.) \$4,277.50 and A/C 101-258-981-000 (Capital Outlay) \$1,410.00. Data Processing
3. E&N CEMENT – Pavement Repairs – Inv. dated 05/05/09 from A/C 592-537-818-000 (Contract Services) \$83,119.99. Water Dept.
4. LIBERTY GROUP-Michigan, Inc. – Liability Insurance Spirit Festival – Ck. Req. dated 05/05/09 from A/C 101-691-891-000 (Spirit) \$3,850.00. Recreation
5. MANDO CONSTRUCTION INC. – Van Houten Park Comfort Station Cert. #2 dated 05/04/09 from A/C 103-960-938-206 (Van Houten Park) \$37,123.87 and A/C 103-960-938-207 (Van Houten Park) \$17,052.13. CDBG
6. NINE – Band for Spirit Festival – Ck. Req. dated 04/23/09 from A/C 101-691-891-000 (Spirit) \$1,800.00. Recreation
7. NAGEL CONSTRUCTION, INC. – Sewer Cleaning Program – Inv. 2597 dated 05/01/09 from A/C 592-540-818-030 (Contract Services) \$12,199.05. Water Dept.
8. O & W, INC. – Check for Beer - Spirit Festival – Ck. Req. dated 05/01/09 from A/C 101-691-891-000 (Spirit) \$5,106.50. Recreation
9. OAKLAND COUNTY – CLEMIS Fees January-March 2009 – Inv. CLM0001753 dated 03/31/09 from A/C 101-300-818-000 (Contract Services) \$14,721.25. Police Dept.
10. PERFORMANCE STAGING INC. – Payment for Set-up and Monitoring – Ck. Req. dated 04/23/09 from A/C 101-691-891-000 (Spirit) \$4,506.00. Recreation
11. PLANTE & MORAN CRESA – City Hall, DPW and Rec Center – Inv. 428880 dated 04/28/09 from A/C 101-200-817-000 (Prof/Consult) \$15,633.47. General Govt.
12. QUAD-TRAN OF MICHIGAN – Data Processing May 2009 – Inv. 5409 and 5408 dated 04/30/09 from A/C 101-130-818-000 (Contract Services) \$4,350.00; A/C 101-130-728-000 (Supplies) \$1,422.45 and A/C 101-200-728-000 (Supplies) \$2,310.84. District Court
13. RKA PETROLEUM – Fuel for Fire Department – Inv. 626507, 626983, 627404, 628893 and 629391 from A/C 101-335-867-000 (Fuel) \$2,511.19. ENC. Fire Dept.
14. REMBRANDT ENTERTAINMENT – Balance of Payment for Performing – Ck. Req. dated 04/23/09 from A/C 101-691-891-000 (Spirit) \$2,000.00. Recreation
15. STATE OF MICHIGAN – MDOT – Telegraph Road Reconstruction – Inv. AP315361 and AP315362 dated 04/21/09 from A/C 202-202-880-300 (Streets) \$2,175.17. Major Streets
16. URBAN & ASSOCIATES – Workers Compensation Injury – Ck. Req. dated 04/14/09 from A/C 101-200-724-000 (Work. Comp.) \$2,537.46. General Govt.
17. WADE-TRIM ASSOCIATES – House Inspection and Building Assistance – Inv. 98275 and 98269 dated 04/16/09 from A/C 101-371-809-000 (Engineering) \$807.50; A/C 101-200-817-000 (Prof/Consult) \$340.00; A/C 274-673-930-091 (NSP) \$425.00; A/C 592-xxx-154-000 (Sewers) \$340.00 and A/C 738-738-818-000 (Contract Services) \$646.00. General Govt.
18. WAYNE COUNTY – ACCOUNTS RECEIVABLE – Traffic Signal Maintenance December 2008 – Inv. 1004000 dated 04/23/09 from A/C 101-440-925-000 (Signals) \$5,150.79. DPW-Highway
19. WAYNE COUNTY – DEPARTMENT OF ENVIRONMENT – Excess Flow and ECPAD – Inv. 245054 dated 05/01/09 and Inv. 250693 dated 04/30/09 from A/C 592-537-927-000 (Ecorse Creek) \$61,754.20 and A/C 592-537-929-000 (Sewage) \$28,965.00. Water Dept.
20. ZURICH INSURANCE CO. – Underground Storage Tank Liability Insurance – Inv. dated 04/29/09 from A/C 592-537-818-000 (Contract Services) \$1,613.00. Water Dept.
21. CUMMINGS, MC CLOREY, DAVIS & ACHO – Labor Issues March 2009 – Inv. 166539, 166541 and 166540 dated 04/20/09 from A/C 101-200-817-000 (Prof/Consult) \$6,650.05. General Govt.
22. GARY MIOTKE – Legal Services April 2009 – Inv. dated 05/05/09 from A/C 101-210-826-000 (Counsel Services) \$9,308.00. See Budget Amendment. Corporation Counsel
23. SECREST, WARDLE, LYNCH...-Legal Services March 2009– Inv. dated 05/05/09

- from A/C 101-210-826-000 (Counsel Services) \$8,132.00. See Budget Amendment. Corporation Counsel
24. WADE-TRIM ASSOCIATES – Prepare 2008 CCR – Inv. 98032 dated 03/18/09 from A/C 592-xxx-154-000 (Sewers) \$1,390.00. Water Dept.

Motion unanimously adopted.

- 09-183** Motion by Councilwoman Agius, seconded by Councilman Brown, that the low bid from Wolverine Truck Sales, 3550 Wyoming, Dearborn, MI. 48120, for one (1) M2106V Dump Truck with Cannon Equipment, in the amount of \$ 103,158.00 and payment thereof, be approved, per Public Service Administrator Franzil, communication dated May 4, 2009. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders. This item is budgeted in the 2008-2009 Water Department Capital Outlay account.

Motion unanimously adopted.

- 09-184** Motion by Councilman Brown, seconded by Councilwoman Agius, that the City Council concurs with and approves the request from St. Sebastian Church, 20710 Colgate, Dearborn Heights, MI 48127 to hold their annual Festival Parade and route on Saturday, May 16, 2009 beginning at 11:00 am beginning in the church parking lot on Merrick and Dartmouth, north on Merrick to Carlisle, west on Carlisle to Monroe, south on Monroe to Annapolis, east on Annapolis to Merrick, north on Merrick to return to church parking lot, per Mayor Paletko, communication dated May 5, 2009 and Christine Bergeron, Festival Chairperson, communication dated April 1, 2009. Further, that the Police and Fire Departments to provide escort and assistance as requested.

Motion unanimously adopted.

- 09-185** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the City Council concurs with and approves the request from River Oaks Elementary School to hold a clean up parade for Thursday, May 21, 2009 at 2:00 pm beginning at the back gate south on River Oaks Drive, then left on Old Colony then left on Brookwood and ending at the playground, per Mayor Paletko, communication dated May 5, 2009 and Sandi Merrow, Community Liaison, communication dated April 21, 2009. Further, that the Police and Fire Departments to provide escort and assistance as requested.

Motion unanimously adopted.

- 09-186** Motion by Councilwoman Van Houten, seconded by Councilman Brown, that the 2010 Census Partner Proclamation be adopted as follows:

Whereas, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs;

Whereas, more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data;

Whereas, census data ensure fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts;

Whereas, the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community;

Whereas, the information collected by the census is protected by law and remains confidential for 72 years;

Now, therefore, we PROCLAIM that the City of Dearborn Heights is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in the community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.

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Create or seek opportunities to collaborate with other like-minded groups in our community, such as Complete Count Committees, to utilize high-profile, trusted voices to advocate on behalf of the 2010 Census.

Per, Mayor Paletko, communication dated May 6, 2009.

Motion unanimously adopted.

- 09-187** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves the reappointments of Robert Connick and Zouher Abdel-Hak to the Zoning Board of Appeals, terms to expire May, 2012, per Council Chair Baron and Zoning Board of Appeals Chairman Dowd, communications dated May 5, 2009.

Motion unanimously adopted.

- 09-188** Motion by Councilman Brown, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Spirit 2009 Primary Sponsorship Agreement between the City of Dearborn Heights and Antonio's of Dearborn Heights, Inc., per Recreation Director Grybel, communication dated May 6, 2009. Further, that the Mayor be authorized to sign the Agreement on behalf of the City.

Motion unanimously adopted.

- 09-189** Motion by Councilwoman Badalow, seconded by Councilman Brown, that the City Council concurs with and approves the Budget Amendment to cover the cost of Counsel Services as follows:

Increase Revenue 101-000-699-000	Appropriate Fund Balance \$50,000.00
Increase Expenditures 101-210-826-000	Counsel Services \$50,000.00

per, Comptroller Barrow, communication dated May 6, 2009.

Motion unanimously adopted.

- 09-190** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the City Council concurs with and approves the Budget Amendments to cover balancing out accounts for year end as outlined in the communication from Comptroller Barrow, dated May 12, 2009.

Motion unanimously adopted.

- 09-191** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves the purchase of one (1) used Lifeline 9500 Commercial Treadmill plus shipping in the amount of \$1,302.39, per Fire Chief Gurka, communication dated May 5, 2009. Further, that the payment be made to Deputy Fire Chief Zalucki as reimbursement for the purchase.

Motion unanimously adopted.

- 09-192** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the request to purchase a Konica Minolta Bizhub C253 Copier with Automatic Document Feeder, for Caroline Kennedy Library, from Konica Minolta-Albin, 46921 Enterprise Court, Wixom, MI 48393, in the quoted amount of \$5,457.00, and payment thereof, per Library Director Mccaffery, communication dated April 27, 2009.

Motion unanimously adopted.

- 09-193** Motion by Councilwoman Van Houten, seconded by Councilman Brown, that the City Council concurs with and approves submission of the Spirit 2009 Festival Liquor License Application as follows:

RESOLVED: "That the City of Dearborn Heights, through the signing of this application by the Mayor and Clerk, make application to the Liquor Control Commission for a Special License for the sale of Beer and Wine, for consumption on the grounds of the Canfield Community Center from Wednesday, June 10, 2009 ending no later than 2:00 am on Sunday, June 14, 2009", per Recreation Director Grybel, communication dated May 4, 2009.

Motion unanimously adopted.

Minutes MAY 12, 2009 Continued

- 09-194** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves Change Order #2 for Van Houten Comfort Station/Storage Facility Renovation Project as submitted by Mando Construction, Inc., 12383 15 Mile Road, Sterling Heights, MI 48312, in the amount of \$1,595.00, per Recreation Director Grybel, communication dated May 4, 2009. Further that the Mayor be authorized to sign the change order on behalf of the City.

Motion unanimously adopted.

- 09-195** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves Change Order #3 for Van Houten Comfort Station/Storage Facility Renovation Project as submitted by Mando Construction, Inc., 12383 15 Mile Road, Sterling Heights, MI 48312, in the amount of \$9,028.00, per Recreation Director Grybel, communication dated May 4, 2009. Further that the Mayor be authorized to sign the change order on behalf of the City.

Motion unanimously adopted.

- 09-196** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves the "Memorandum of Understanding between the Ohio Attorney General Ohio Peace Office Training Academy and the Dearborn Heights Police Department" upon Corporation Counsel's approval with recommendations for changes, per Police Chief Gavin, communication dated May 5, 2009. Further, that Chief Gavin be authorized to sign the Agreement on behalf of the City. Payment of \$4,400.00 be paid upon completion and allocated from the Police Department Training account.

Motion unanimously adopted.

- 09-197** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the Resolution in Opposition to Further Reduction in State Revenue Sharing with Local Municipalities from the City of Riverview, be received, contents noted and filed.

Motion unanimously adopted.

- 09-198** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-09-07, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING EXISTING SECTIONS 22-26, AND 22-51 THROUGH 22-58, AND BY ADDING NEW SECTIONS TO BE NUMBERED 22-59 THROUGH 22-63, IN ORDER TO IMPROVE CHAPTER 22 OF THE CODE PERTAINING TO PEDDLERS AND SOLICITORS, be considered read for the second time and become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 09-199** Motion by Councilwoman Van Houten, seconded by Councilman Brown, that proposed Ordinance H-09-06, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING A NEW "YOUTH TOBACCO ORDINANCE" WHICH SHALL PROHIBIT THE USE OF TOBACCO PRODUCTS BY MINORS, PROHIBIT THE SALE OF TOBACCO PRODUCTS TO MINORS, AND OTHERWISE PROVIDE REGULATIONS RELATED TO MINORS AND TOBACCO, AND WHICH SHALL BE CODIFIED AS SECTIONS 20-420 THROUGH 20-425 UNDER A NEW DIVISION 3 UNDER ARTICLE IX OF CHAPTER 20 OF THE CODE, be considered read for the second time and become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 09-200** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the Business License Renewals for Stitt Post #232, 23850 Military, Denny's Gin Mill, 4901 S Telegraph and Ford Lanes, 23100 Van Born Road, be approved.

Motion unanimously adopted.

- 09-201** Motion by Councilman Berry, seconded by Councilman Brown, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:04 PM

Minutes MAY 12, 2009 Continued

**S. JUDITH DUDZINSKI
CITY CLERK**

**MARIA E. LAWRENCE
COUNCIL SECRETARY**

**KENNETH R. BARON
COUNCIL CHAIRMAN**