

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MAY 10, 1994

94-231 The meeting was called to order at 8:01 p.m., by Council Chairman Pro Tem Robert L. Brown.

Roll call showed the following:

Present: Councilman Kenneth R. Baron, Councilman Gary P. Blackburn, Council Chairman Pro Tem Robert L. Brown, Councilman David C. Brunell, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski.
Absent: Council Chairman Daniel S. Paletko.
Also Present: Mayor Canfield, Administrative Assistant Zadikian, Corporation Counsel Berry-Harris, Corporation Counsel Assistant Heise, City Clerk Sheridan, Deputy Clerk Robbins, Treasurer Riley II, Comptroller Barrow, Assessor Welch, Building & Engineering Director Salatka, Personnel Director Sullivan, Police Chief DiPrima, Fire Marshall Mazur, Recreation Director Grybel, Public Service Administrator Preston, Community Development Director Oliverio.

The Pledge of Allegiance was led by Administrative Assistant Zadikian.

94-232 Motion by Councilman Blackburn, supported by Councilman Brunell, that the Agenda for the Regular Meeting of May 10, 1994, be approved with the assignment of Tabled CM 94-206 (Fund Transfers 6-A through 6-E).

Motion adopted.

94-233 Motion by Councilwoman Horvath, supported by Councilman Blackburn, that the Minutes from the Regular Meeting of April 26, 1994, be approved as submitted.

Motion adopted.

The Public Hearing to hear objections, if any, to the Special Land Use for property located at 20235 Van Born Road was called to order at 8:06 p.m., by Council Pro Tem Robert L. Brown.

Clerk Sheridan read the Notice of Public Hearing.

PLEASE TAKE NOTICE that a Public Hearing will be held on Tuesday, May 10, 1994, by the City Council of the City of Dearborn Heights at the Administration Building, 6045 Fenton Avenue, Dearborn Heights, MI at 8:00 p.m. for the purpose of hearing objections, if any, for the Special Land Use for J.T.'s Auto Sales proposed used car lot at 20235 Van Born Road. Said property being more particularly described as follows:

The South 83 feet of Lots 654 and 653, on the North side of Van Born Road, Westerly of Ziegler Avenue, DEARBORN HOMES SUBDIVISION, NO. 4, T2S, R10E, Liber 45, Page 2, Wayne County Records, currently zoned as Commercial C-2, General Business District

Written comments may be directed to the City Clerk's office, 6045 Fenton, Dearborn Heights, MI 48127.

This Notice is published and posted by direction of the City Council under and by virtue of the City Clerk. Published 3/24/94 and 3/31/94 in the City's official newspaper. I have received a hand written letter from Mr. George L. Loop objecting to the proposed used car lot because of inadequate space in the parking area. No other communications Mr. Chairman Pro Tem.

Council Chairman Pro Tem Robert L. Brown opened the Public Hearing to the audience for questions and/or comments.

Mickey Cooper, 20032 Van Born, owner of used car lot stated that the building was non-conforming, no parking area, customers will have to park in the street. Basically, this is a slap in the face because rules are established to regulate. He was forced to buy new property because previous lot was too small. Has proof this man is selling cars on this lot already. Should all have the same rules and regulations. Does not conform.

Mr. Esaud Pacheco, petitioner, stated that he has saved for years to open this operation. He's here to start a life and business. He is trying to follow the rules. Interior of his building is beautiful. Feels that Mr. Cooper is scared of competition. He is only trying to make money for his family. Has license from the State of Michigan and doesn't know what else to say.

Ellen Angel 5675 Jackson Street stated that there are two used car lots in the neighborhood now and doesn't want it, feels the car lots are bringing property values down.

Kathleen Taylor stated City doesn't need it. Residents already have a 9 foot wall to look at now.

Sharon Boak, 4938 Campbell Street, stated when approaching the City from the east, Van Born will look like Gratiot Avenue. We do not need another car dealer.

Mike Reid stated that he passes by the area every day, neither for or against. Cal Motor Sales is across the street. Asked if there was an ordinance against over abundance of one type of business.

Building & Engineering Director Salatka stated no. This issue has been before the Zoning Board and Planning Commission and been approved.

Mickey Cooper stated that he objected to the statement that he was afraid of competition.

Frank Calvotta, owner of another car lot next to Mickey Cooper's stated there is no way he can operate in that area. Very limited area, no retainer wall or space for dumpsters.

Council Chairman Pro Tem Brown asked if there were any other comments. Hearing none, he asked that a motion be made to close the Public Hearing.

94-234 Motion by Councilman Blackburn, supported by Councilman Kosinski, that the Public Hearing be closed.

Motion adopted.

The Public Hearing for Special Land Use at 20235 Van Born Road closed at 8:27 p.m.

94-235 Motion by Councilman Blackburn, supported by Councilman Kosinski, that Current Claims 6-1 through 6-18 be approved as submitted.

1. AMERITECH - (2) TDD Telephones with Printers. Inv. MI060360, dated 01/07/94. From A/C 101-200-831-000 (E-911) \$1,627.00. Police Department.
2. ARCOM CONSTRUCTION CO. - Water Main Replacement Project Phase X (on Ziegler between Dartmouth and Annapolis). Certificate #6, dated 04/14/94. Job DHT 2212-36. From A/C 103-960-925-092 (Water Main Replacement) \$30,052.16. Community Development.
3. COMERICA BANK - 1st Installment on Financing Computer Upgrade. Due date 05/01/94. From A/C 101-300-981-000 (Police Capital Outlay) \$24,368.57. Police Department.
4. E & N CEMENT - Pavement Repairs (due to watermain breaks). 2 Inv.'s. dated 04/30/94. From A/C 101-440-880-000 (Road Repairs) \$13,106.30 and from A/C 592-537-818-000 (Contractual Services) \$51,480.98. DPW & Water Departments.
5. GARDEN CITY HOSPITAL - Workers Compensation Surgery - M. Hubert. Ck. req. dated 04/07/94. From A/C 101-200-724-000 (Workers Comp) \$1,524.45. General Government.

6. HINSHON ENVIRONMENTAL - Assistance in Downriver Lawsuit Consent Decree. Inv. dated 02/22/94. From A/C 592-536-817-000 (Professional & Consult) \$329.86. Water Department.
7. MI HAND REHAB CENTER - Workers Compensation Injury - G. Eritano. Ck. req. dated 04/07/94. From A/C 101-200-724-000 (Workers Comp) \$2,900.55. General Government.
8. MICHIGAN MUNICIPAL LEAGUE - Annual Dues 06/01/94-05/31/95. Inv. dated 06/01/94. From A/C 101-200-958-000 (Dues, Membership, Subscript) \$8,614.00. General Government.
9. PLANTE & MORAN - Account Service for March 1994. Inv. 17784-271458, dated 04/18/94 and Inv. 17784-271437, dated 04/18/94. From A/C 101-200-817-000 (Professional & Consult) \$1,215.00 and A/C 592-536-817-000 (Professional & Consult) \$550.00. General Government.
10. PLANTE & MORAN - CDBG Single Audit for 1992-93. Inv. 17784-271457. From A/C 103-960-918-093 (Administration) \$3,800.00. Community Development.
11. RONALD JEDNACZ & CRAIG DERSA - Background Investigation for Firefighter Applicants. Ck req. dated 05/02/94. From A/C 101-335-818-000 (Contractual Services) \$3,450.00. Fire Department.
12. WADE-TRIM/ASSOCIATES - Downriver Sewer Plans & Specs. Inv. 43980, dated 04/20/94. Job DHT 2311-05T. From A/C 592-536-817-000 (Professional & Consult) \$7,219.70. Water Department.
13. WADE-TRIM/ASSOCIATES - NH/RV Project Local Improvements Segment III. Inv. 43799, dated 04/10/94. Job DHT 2214-17/23. From A/C 592-537-973-000 (Sewers Capital Outlay) \$5,512.51. Water Department.
14. WADE-TRIM/ASSOCIATES - Sewer System Evaluation, Downriver Litigation. Inv. 43979, dated 04/20/94. Job DHT 2311-04. From A/C 592-536-817-000 (Professional & Consult) \$4,569.20. Water Department.
15. WADE-TRIM/ASSOCIATES - WW Grainger Water Main. Inv. 43884, dated 04/12/94. Job DHT 2353-02T. From A/C 592-XXX-255-000 (Jobs in Progress) \$398.00. Building Engineering.
16. WAYNE COUNTY - DEPT. OF ROADS - Traffic Signal Maint. for Dec, Jan. and Feb. Inv. 79579, dated 04/20/94, Inv. 79627, dated 04/25/94 and Inv. 79676, dated 04/26/94. From A/C 101-440-925-000 (Traffic Signal Maint) \$8,182.26. DPW-Highway Department.
17. WAYNE COUNTY - General Fund Account - Tax Roll/Tax Bills and Other Assessment Charges. Inv. 35342, dated 06/16/94. From A/C 101-XXX-202-093 (Accounts Payable) \$70,000.00 and from A/C 101-209-813-000 (Bureau of Taxation) \$11,619.61. Assessor.
18. DEARBORN HEIGHTS BUILDING AUTHORITY - Richard Young Recreation Center Project. Cert. #8, dated 04/14/94. Balance due of \$162,019.85 to be paid out of Building Authority Bond Funds. All future payment request will not be on Council Agenda for Council approval. Balance still due to the Bell Company \$1,236,813.00. From A/C 103-960-961-092 (Recreation Center) \$25,282.20 and A/C 274-673-757-093 (Rec Ctr State Grant) \$64,514.95. Community Development.

Motion adopted.

- 94-236 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Comptroller be authorized to advertise for bids, per specifications, for extended technical support on existing hardware and appraisal software, per the request of Assessor Welch, communication dated April 28, 1994.

Motion adopted.

- 94-237 Motion by Councilman Brunell, supported by Councilwoman Horvath, that the City Comptroller be authorized to advertise for bids, per specifications, for vending machine services, per the request of Recreation Director Grybel, communication dated April 29, 1994.

Motion adopted.

- 94-238 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the low bid from Doubleday Bros. & Co., for 25,000 uniform traffic tickets, in the amount of \$2,138.53, and payment thereof, be approved, per Police Chief DiPrima. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion adopted.

- 94-239 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the low bid from Varsity Ford Inc. for one E-150 Econoline Van in the amount of \$10,680.00, from A/C #592-539-981-000 and payment thereof, be approved, per Public Service Administrator Preston, communication dated April 29, 1994. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion adopted.

- 94-240 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City enter into the Delegation Agreement re: the Downriver Sewage Disposal System to protect State Revolving Loan Funding and authorize the Mayor and Clerk sign. Further, that the following resolution be approved.

WHEREAS: The City of Dearborn Heights, Wayne County, Michigan (the "City"), is a community served by the Wayne County Downriver Sewage Disposal System created pursuant to P.A. 185 of 1957, as amended; and

WHEREAS: The City and the County of Wayne (the "County") are both defendants in a certain lawsuit, Civil Action No. 87-70992, United States District Court, Eastern District of Michigan, Southern Division, Honorable John Feikens presiding; and

WHEREAS: Pursuant to the terms and conditions of certain orders entered in the proceedings by the Honorable Feikens, both the City and the County are required to take steps to effectuate the planning, designing, acquiring, constructing and financing of facilities both within the City sewage system and within the County regional sewage system facilities; and

WHEREAS: The City will be required to make certain improvements to its local system which could be eligible for State Revolving Fund loan monies for which application to the State of Michigan needs to be made on or before May 13, 1994; and

WHEREAS: The City desires that the County act as its agent and apply for the State Revolving Fund Loan for its local facilities on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED: That the City hereby authorizes the Mayor and Clerk to enter into a delegation agreement and contract with the County which contract shall be on such terms as the Mayor and Clerk shall determine and shall more fully establish the terms and conditions for the application and use of the State Revolving Fund loan monies if obtained, and also, to establish the terms of the repayment of any such funds obtained for the use and benefit of the Community, all in accordance with applicable federal and state laws, rules and regulations.

Motion adopted.

- 94-241 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Council concurs with and approves Bedford School Walk-A-Thon for Friday, May 13, 1994 from Culver to Annapolis to Croissant to Eton. Further, that the Police Department will provide an escort and assistance per Mayor Canfield, communication dated May 4, 1994.

Motion adopted.

- 94-242 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the communication from Treasurer Riley, dated May 2, 1994 re: the first installment payment to Comerica Bank for the Police Department computer hardware and software finance agreement be received, contents noted and filed.

Motion adopted.

- 94-243 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves a budget amendment request to cover the cost of Workers Compensation injuries for fiscal year 1993-94 as follows:

Decrease Expenses	Contra-Fringe Benefit
# 101-200-998-000	\$ 40,000.00
Increase Expenses	Workers Compensation
# 101-200-724-000	\$ 40,000.00

per Comptroller Barrow, communication dated May 3, 1994.

Motion adopted.

- 94-244 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with and approves a budget amendment request to cover additional cost of financing the Police Department Computer upgrade for fiscal year 1993-94 as follows:

Increase Revenues	Appro. from Fund Balance
# 101-000-699-000	\$ 17,745.00
Increase Expenses	Police Capital Outlay
# 101-300-981-000	\$17,745.00

per Comptroller Barrow, communication dated May 3, 1994.

Motion adopted.

- 94-245 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Council concurs with and approves a Use Agreement on City Owned Property to Mr. Bukowski, 3805 S Beech Daly per Assessor Welch, communication dated May 3, 1994. Further that Mayor Canfield and Clerk Sheridan sign the agreement.

Motion adopted.

- 94-246 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with Assessor Welch to refuse the offer to purchase various tax delinquent properties offered this year, per communication from the State of Michigan.

Motion adopted.

- 94-247 Motion by Councilman Brunell, supported by Councilman Kosinski, that the proposed zoning ordinance amendment to Section 36-258 (3) re: Adult Entertainment Business, be referred to Corporation Counsel to draft the proper ordinance.

Motion adopted.

94-248 Motion by Councilman Kosinski, supported by Councilman Baron, that the City Council concurs with and approves prohibiting the selling of any products by either a profit or non-profit organization on the grounds of the Canfield Community Center to include Beech-Daly Road that is adjacent to the festival grounds; unless otherwise approved by the Spirit '94 Festival Committee. This to be in effect June 15, 16, 17, 18, 19 and July 4 and 5, 1994 per Recreation Director Grybel, communication dated April 27, 1994.

Motion adopted.

94-249 Motion by Councilman Baron, supported by Councilman Blackburn, that the City Council concurs with and approves the 1994-95 TIFA Budget in the amount of \$700,000.00 per Community Development Director Oliverio, communication dated April 28, 1994.

Motion adopted.

94-250 Motion by Councilman Baron, supported by Councilman Blackburn, that the City Council concurs with and approves the TIFA Amendment to the 1993-94 Budget to include the Bank Stabilization Project and to include it with the 1994-95 CDBG Project per Community Development Director Oliverio, communication dated May 2, 1994.

Motion adopted.

94-251 Motion by Councilman Kosinski, supported by Councilman Brunell, that proposed Ordinance H-94-2, AN ORDINANCE PROVIDING THAT THE CODE OF THE CITY OF DEARBORN HEIGHTS BE AMENDED BY ADDING SECTION 36-27 OF CHAPTER 36, ARTICLE II (Rezoning of property located on the south side of Michigan Avenue between Beech Daly and Gulley Road from C-2 General Business District to C-3 Commercial District) be considered read for the second time, to become effective upon publication in the City's official newspaper as provided by law.

Motion adopted.

94-252 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that proposed Ordinance H-94-3, AN ORDINANCE PROVIDING THAT THE CODE OF THE CITY OF DEARBORN HEIGHTS BE AMENDED BY AMENDING SUB SECTION (4) TO SECTION 36-86 PROVIDING FOR RESEARCH REQUIREMENTS IN DIVIDING PLATTED LOTS AND OBLIGATIONS THEREOF be considered read for the second time, to become effective upon publication in the City's official newspaper as provided by law.

Motion adopted.

94-253 Motion by Councilman Kosinski, supported by Councilman Blackburn, that a Truth in Taxation Public Hearing be held on Monday, June 6, 1994 at 7:00 p.m. per Assessor Welch, communication dated April 29, 1994.

Motion adopted.

94-254 Motion by Councilman Kosinski, supported by Councilman Baron, that the City Council concurs with and approves adopting the following language re: Truth in Taxation as follows:

For purposes of compliance with the requirements for the Truth in Taxation Public Hearing, be it resolved that the proposed 1994 Charter operational millage rate for the City of Dearborn Heights not exceed 7.0168.

per Assessor Welch, communication dated April 29, 1994.

Motion adopted.

94-255 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves setting a fee of \$60.00 per split request plus \$10.00 for each resulting parcel split in conjunction with Ordinance H-94-3 (Dividing Platted Lots) per Assessor Welch, communication dated April 28, 1994.

Motion adopted.

94-256 Motion by Councilman Brunell, supported by Councilman Blackburn, that the following resolution re: State-owned Tax-reverted Lands be approved.

RESOLVED BY: The Members of the City Council, City of Dearborn Heights, Wayne County, Michigan

WHEREAS, Act 223, P.A. 1909, as last amended by Act 196 P.A. 1970 provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and

WHEREAS, The City of Dearborn Heights (Township of Dearborn) acquired the attached list of parcels for public purposes and when they ceased to be used for public purposes, they shall revert to the State of Michigan.

NOW THEREFORE BE IT RESOLVED that the City of Dearborn Heights is authorized to make application to the State of Michigan, Department of Natural Resources, Real Estate Division for release of the reverter restriction on said land, and

FURTHER BE IT RESOLVED that the City of Dearborn Heights shall set up necessary procedures and controls to provide for the proper distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Motion adopted.

94-257 Motion by Councilman Blackburn, supported by Councilman Brunell, that the Resolution from the City of Lincoln Park re: regional cooperation on programs and projects of county be received, contents noted and filed.

Motion adopted.

94-258 Motion by Councilman Brunell, supported by Councilwoman Horvath, that the City Council concurs with and approves the St. Albert the Great Festival Parade on Saturday, August 27, 1994. Further, that the Police Department will provide an escort and assistance during the parade.

Motion adopted.

94-259 Motion by Councilman Brunell, supported by Councilman Kosinski, that the request for renewal of the 1994 business license for Warren Valley Golf & Banquet Center, 26116 Warren Avenue be approved.

Motion adopted.

94-260 Motion by Councilman Brunell, supported by Councilman Kosinski, that tabled C.M. 94-206 Fund Transfers 6-A thru 6-E be brought back on the table.

Motion adopted.

94-261 Motion by Councilman Blackburn, supported by Councilman Baron, to approve Fund Transfers 6A through 6E.

94-262 Motion by Councilman Kosinski, supported by Councilwoman Horvath, to amend motion to exclude all transfers with the exception of 6D, a transfer of \$10,000.00 from Salaries (101-371-706-000) to Contractual Services (101-371-810-000) in the amount of \$10,000.00.

Motion adopted as amended.

94-263 Motion by Councilman Baron, supported by Councilman Blackburn, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 9:42 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL