

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

APRIL 24, 2012

12-128 The meeting was called to order at 8:28 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present: Councilman Ned Apigian, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Lisa Hicks-Clayton, Councilwoman Margaret M. Horvath.
Absent: Councilwoman Janet S. Badalow.
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, 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 City Clerk Walt Prusiewicz.

12-129 Motion by Councilman Berry, seconded by Councilman Apigian, that the Agenda for the Regular Meeting of April 24, 2012, be approved as submitted.

Motion adopted.

12-130 Motion by Councilwoman Hicks-Clayton, seconded by Councilman Berry, that the Minutes from the Regular Meeting of April 10, 2012, be approved as submitted.

Motion adopted.

12-131 Motion by Councilwoman Horvath, seconded by Councilwoman Hicks-Clayton, that Current Claims 6-1 through 6-24, be approved as submitted.

<i>No.</i>	<i>Payee</i>	<i>Acct Title</i>	<i>Amount</i>	<i>Dept</i>
1.	AccuMed Billing, Inc.	Ambulance Runs	\$6,962.12	Fire
2.	Ajax Materials Corp.	Road Maint.	\$1,838.40	DPW
3.	Atlas Oil Company	Motor Fuel	\$1,924.38	Fire
4.	Cummings, McClorey, etc	Contractual Serv.	\$9,803.00	General Gov't
5.	Cummings, McClorey, etc	Prof. Consult	\$11,883.25	Water
6.	Detroit Salt Company	Road Maint. Splys	\$30,185.31	Highway
7.	E & N Cement	Contr Service	\$52,854.96	Water
8.	EJ USA, Inc.	Inventory-Piping	\$4,566.22	Water
9.	Gasiorek,Morgan,Greco, etc.	Prof. Consult	\$2,440.20	Water
10.	Giarmarco, Mullins & Horton,PC	Professional Serv	\$1,428.00	Water
11.	Johnson Controls	Repair/Maint Grnd	\$2,216.00	Bldg Maint
12.	Liberty Plumbing	Invent.-Auto Parts	\$2,298.00	Water
13.	Library Network, The	Capital Outlay	\$7,383.01	Gen Library
14.	Library Network, The	LibNetwork	\$16,132.42	Gen. Library
15.	Nagel Construction	Contr Service	\$16,698.56	Water
16.	Nagel Construction	Contr Service	\$12,729.98	Water
17.	New Image Building Serv.,Inc	Contr Service	\$2,214.00	Library
18.	PM Grp Benefit Adv.II, LLC	Contr Service	\$22,500.00	General Gov't
19.	Quad-Tran of Michigan	Contr Service	\$4,500.00	District Court
		Office Supplies	\$1,835.55	District Court
		Office Supplies	\$1,262.55	District Court
20.	Rowley's Wholesale	Invent.-Auto Parts	\$1,845.76	Water
21.	W.L. Bowles Trucking, Inc.	Contr Service	\$3,180.00	Water
22.	Wade Trim & Assoc	Sewer	\$93,723.75	Water

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1.	AccuMed Billing, Inc.	Ambulance Runs	\$6,962.12	Fire
2.	Ajax Materials Corp.	Road Maint.	\$1,838.40	DPW
3.	Atlas Oil Company	Motor Fuel	\$1,924.38	Fire
4.	Cummings, McClorey, etc	Contractual Serv.	\$9,803.00	General Gov't
23.	Wayne County Dept of Environ	Sewage Disposal	\$547,420.80	Water
24.	Wonderlic	Prof. Consult	\$3,350.00	General Gov't

Motion adopted.

- 12-132** Motion by Councilman Berry, seconded by Councilman Apigian, that the low bid from Berkshire Developments, for Demolition of buildings located at 5696 Academy, Dearborn Heights, MI 48125, in the amount of \$16,083.00, be approved. The alternate will be Vanassche Construction, Inc. Demolition procedure should start no later than May 14, 2012, and be completed within 30 days, per Building Director Sobh, communication dated April 11, 2012. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion adopted.

- 12-133** Motion by Councilwoman Horvath, seconded by Councilwoman Hicks-Clayton, that the City Council concurs with and approves the Revised Deficit Reduction Plan as submitted to City Council on April 23, 2012, as follows:

	2011-2012 Amended Budget	2013 Forecast	2014 Forecast	2015 Forecast	2016 Forecast
REVENUES					
Property Taxes	19,372,496	22,028,600	21,575,100	21,575,100	21,575,100
State Shared Revenue	4,754,700	4,954,700	5,054,700	5,154,700	5,254,700
Court Revenue	2,400,000	3,200,000	3,200,000	3,200,000	3,200,000
Reimbursements Other Funds	3,725,000	3,850,000	3,850,000	3,850,000	3,850,000
Other Revenue	5 968,450	6,196,600	5 670,600	5,504,500	5 504,500
REVENUES TOTAL	36 220 646	40 229 900	39,350,400	39,284,300	39,384,300
EXPENSES					
Elected	952,909	913,200	913,200	913,200	913,200
Public Safety	15,442,422	16,574,100	16,048,100	16,048,100	16,048,100
Finance and Admin	568,838	945,800	945,800	945,800	945,800
Building Maintenance	816,687	848,800	848,800	848,800	848,800
Building Engineering	484,922	525,500	525,500	525,500	525,500
Recreation	905,467	884,800	884,800	864,800	884,800
Commission	43,300	42,600	42,600	42,600	42,600
Health Care	5,659,330	6,002,900	6,313,000	6,694,800	6,875,600
Other Fringes	2,001,029	1,993,100	1,993,100	1,993,100	1,993,100
Pensions	3,344,972	3,130,400	3,130,400	3,130,400	3,130,400
Sanitation	3,340,000	3,340,000	3,340,000	3,340,000	3,340,000
General Government	2,570,932	3 025 200	3,025,200	3,025,200	3,025 200
	36 130 808	38,226,400	38,010,500	38,392,300	38,573,100
Surplus/(Deficit)	89,838	2,003,500	1,339,900	892,000	811,200
FUND BALANCE					
Beginning Fund Balance	(5,128,621)	(5,038,783)	(3,035,283)	(1,695,383)	(803,383)
Annual Surplus/(Deficit)	89,838	2,003,500	1,339,900	892,000	811,200
Ending Fund Balance	(5,038,783)	(3,035,283)	(1,695,383)	(803,383)	7,817

Motion adopted.

- 12-134** Motion by Councilman Apigian, seconded by Councilman Berry, that the City Council concurs with and approves the Letter of Understanding between the City of Dearborn Heights and the DPW Supervisors Association and authorize the Mayor and City Clerk to sign. Per Mayor Paletko, communication dated April 12, 2012.

Motion adopted.

- 12-135** Motion by Councilman Apigian, seconded by Councilwoman Horvath, that the City Council concurs with and approves extending the Letter of Understanding between the City of Dearborn Heights and the DPW Supervisors to the qualifying Department Heads with the exception of salaries and the purchase of thirty-six (36) months. Per Mayor Paletko, communication dated April 12, 2012.

Motion adopted.

- 12-136** Motion by Councilman Apigian, seconded by Councilwoman Hicks-Clayton, that the City Council approves St. Sebastian Parish to hold their 2012 Spring Festival Parade on Saturday, May 19, 2012 at 11:00 a.m. The Police and Fire Departments have approved the route and will provide required services. Per Mayor Paletko, communication dated April 16, 2012.

Motion adopted.

- 12-137** Motion by Councilman Berry, seconded by Councilwoman Horvath, that the City Council nominate the following candidates for the City Council vacancy: Lisa Farrens, Joseph V. Kosinski, and Brian J. Peltz.

Council Chairman Baron asked the City Clerk for a Roll Call vote:

Councilwoman Horvath – Joseph V. Kosinski

Councilman Berry – Brian J. Peltz

Council Chairman Baron – Joseph V. Kosinski

Councilman Apigian – Joseph V. Kosinski

Councilwoman Hicks-Clayton – Lisa Farrens

Council Chairman Baron declared four votes were needed to appoint a new Council Member, therefore, the City Council vacancy will have to be on the next agenda.

Motion adopted.

- 12-138** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council approves the purchase and payment to Microcenter for memory in the amount of \$2,207.12. This memory upgrade is necessary to run the BS&A.net software. Also, to approve the purchase and payment to IBackup for 200 GB of storage space in the amount of \$199.50. This is needed to backup existing data to ensure disaster recovery. Per Administrative Assistant Kramarz, communication dated April 17, 2012.

Motion adopted.

- 12-139** Motion by Councilman Berry, seconded by Councilwoman Hicks-Clayton, that the City Council concurs with and approves the Limited Inter-City Agency Agreement between The City of Dearborn Heights and the City of Taylor. This agreement will allow the Police Department to use the Taylor Animal Shelter under the new terms. Further, to authorize the Mayor and City Clerk to sign the agreement.

Motion adopted.

- 12-140** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council concurs with and approves the purchase of 300 R900 remote read units from Michigan Meter Technology Grp., at a one time reduced rate of \$81.00 per unit. Per Public Service Administrator Zimmer, communication dated April 4, 2012.

Motion adopted.

- 12-141** Motion by Councilman Apigian, seconded by Councilman Berry, that the City Council concurs with and approves the three Hustler Lawn Mower overhauls not to exceed \$4,873.61 per machine from Munn Tractor Sales, and payment upon completion. Per Public Service Administrator Zimmer, communication dated April 12, 2012.

Motion adopted.

- 12-142** Motion by Councilwoman Horvath, seconded by Councilwoman Hicks-Clayton, that the City Council concurs with and approves the Spirit 2012 Primary Sponsorship Agreement between the City and Antonio's of Dearborn Heights, Inc. and authorize the Mayor to sign the agreement. This agreement will be in effect only for the 2012 Festival. Per Recreation Director Grybel, communication dated April 16, 2012.

Motion adopted.

12-143 Motion by Councilwoman Horvath, seconded by Councilman Apigian, that the City Council concurs with and approves the Proposed Fees for Certificate of Occupancy Inspections in the Building Department as follows:

1. Increase fees for "Closing Only Letters" from \$150.00 to \$200.00.
2. Increase Certificate of Occupancy Inspections from \$150.00 to \$200.00.
3. Increase fees for Temporary Certificate of Occupancy from \$50.00 to \$100.00.
4. Effective date for change is June 1, 2012.

Further, to refer to Administration the "Violation Penalties" Section 114.4 in the 2009 Michigan Building Code. Per Building Director Sobh, communication dated April 17, 2012.

Motion adopted.

12-144 Motion by Councilman Berry, seconded by Councilwoman Hicks-Clayton, to refer the Brownfield Plan for The Armored Group Redevelopment Project (2727 Beech Daly) back to the Brownfield Redevelopment Authority.

Motion adopted.

12-145 Motion by Councilman Berry, seconded by Councilwoman Horvath, that the City Council concur with and support the resolution **rescinding** all actions taken to approve new personal property exemption application of The Armored Group, LLC., as follows

WHEREAS, The Armored Group, LLC 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 Council of the City of Dearborn Heights adopted Motion 12-018 approving the Application for Exemption of New Personal Property of The Armored Group, LLC; adopting the Resolution Approving New Personal Property Exemption Application Of The Armored Group, LLC (hereafter "Resolution"); approving the Property Tax Abatement Agreement between The Armored Group, LLC and the City of Dearborn Heights (hereafter "Agreement"); and authorizing Mayor Paletko and City Clerk Prusiewicz to execute the Agreement on behalf of the City of Dearborn Heights;

WHEREAS, the Agreement was executed by Mayor Paletko and City Clerk Prusiewicz on behalf of the City of Dearborn Heights, and at least one executed copy of the Agreement was sent to The Armored Group, LLC, but The Armored Group, LLC has failed, neglected, or refused despite a significant lapse of time to send a fully executed copy of the Agreement back to the City indicating its acceptance of the Agreement;

WHEREAS, the Application for Exemption of New Personal Property of The Armored Group, LLC was approved subject to all of the following conditions:

- (1) The period of time for which the exemption of new personal property was to remain in effect was for five (5) years, beginning December 31, 2011, and ending December 30, 2016;
- (2) The Application and the Resolution had to 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) The Armored Group, LLC was required to enter into the Agreement with the City of Dearborn Heights; and
- (4) The conditions set forth at paragraph 2 in the Agreement had to be met and would have to continue to be met throughout the period applicable to the exemption;

WHEREAS, the Agreement contained terms and conditions specifically conditioning the approval of the Application, the Resolution, and the Agreement itself on The Armored Group, LLC not appealing or pursuing any appeal of any real property assessment or any personal property assessment with respect to the property located at 2727 S. Beech Daly, Dearborn Heights, Michigan 48125 at any time during the period that the personal property tax exemption and abatement would be in effect; and

WHEREAS, The Armored Group, LLC appears to be appealing or pursuing an appeal of a real property assessment with respect to the property located at 2727 S. Beech Daly, Dearborn Heights, Michigan 48125 at this time through a related entity during the period that the personal property tax exemption and abatement would be in effect;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dearborn Heights rescinds the approval of Motion 12-018, rescinds the approval of the Application for Exemption of New Personal Property of The Armored Group, LLC; rescinds the approval of the Resolution Approving New Personal Property Exemption Application Of The Armored Group, LLC; rescinds the approval of the Property Tax Abatement Agreement between The Armored Group, LLC and the City of Dearborn Heights; rescinds the authorization of Mayor Paletko and City Clerk Prusiewicz to execute the Agreement on behalf of the City of Dearborn Heights; and rescinds any action taken whether or not expressly referred to herein that in any way approves or supports in whole or in part the Application for Exemption of New Personal Property of The Armored Group, LLC.

BE IT FURTHER RESOLVED that the offer of the City of Dearborn Heights to enter into the Property Tax Abatement Agreement between The Armored Group, LLC and the City of Dearborn Heights is expressly revoked by this Resolution Rescinding All Actions Taken To Approve New Personal Property Exemption Application Of The Armored Group, LLC and is also deemed to be rejected by virtue of the unreasonable delay of The Armored Group, LLC in actually accepting the Agreement and by virtue of The Armored Group, LLC acting in a manner that is inconsistent with acceptance of the Agreement.

BE IT FURTHER RESOLVED that the Resolution Rescinding All Actions Taken To Approve New Personal Property Exemption Application Of The Armored Group, LLC is to be executed by Mayor Paletko and City Clerk Prusiewicz on behalf of the City of Dearborn Heights with copies of it to be sent forthwith by City Clerk Prusiewicz to The Armored Group, LLC and all governmental entities involved in the consideration of the Application for Exemption of New Personal Property of The Armored Group, LLC.

Motion adopted.

- 12-146** Motion by Councilwoman Horvath, seconded by Councilman Apigian, that the Business License Renewal Application for Antonio's Cucina Italiana, 26356 Ford, be approved.

Motion adopted.

- 12-147** Motion by Councilman Apigian, seconded by Councilwoman Hicks-Clayton, that the application for solicitation license from Polish Legion of American Veterans Post 16, for Poppy Sales on May 10, 11, and 12, 2012 be approved.

Motion adopted.

- 12-148** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 9:22 p.m.

WALTER J. PRUSIEWICZ
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

EVE SCHAFFER
COUNCIL SECRETARY