

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

APRIL 24, 2007

07-148 The meeting was called to order at 8:02 p.m. by Council Chair Elizabeth J. Agius.

Roll Call showed the following:

Present: Council Chair Elizabeth J. Agius, Councilwoman Janet S. Badalow, Councilman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Margaret M. Horvath, Councilwoman Margaret M. Van Houten.
Absent: None.
Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Assessor Riedel, Assistant Emergency Management Director Ankrapp, Building & Engineering Director Sobh, Community & Economic Development Director Jamal, Comptroller Barrow, Deputy Clerk Pawlukiewicz, Deputy Comptroller Macari, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director Deller, Police Chief Gust, Public Service Administrator Franzil, Recreation Director Grybel.

The Pledge of Allegiance was led by Community & Cultural Relations Board members.

Councilwoman Van Houten, Community & Cultural Relations Commission Council "ex-officio", Community & Cultural Relations Chairperson Elizabeth Walker and Mayor Paletko presented certificates and prizes to the winners of the Commission's Poster Art Contest. Third place winner, Ali Al Arithy received a certificate and four tickets to the Arab American Museum. The second place winner, Joanne Sabra received a certificate and four tickets to the Arab American Museum and the first place winner Hanin Hamey was presented with a \$50.00 gift certificate to Borders Books.

07-149 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the Agenda for the Regular Meeting of April 24, 2007, be approved with the addition of item 13-E Charter Amendments.

Motion unanimously adopted.

07-150 Motion by Councilwoman Badalow, seconded by Councilman Baron, that the Minutes from the Regular Meeting of April 10, 2007, be approved as submitted.

Motion unanimously adopted.

07-151 Motion by Councilman Baron, seconded by Councilman Berry, that Fund Transfer 6-A and 6-B and Current Claims 6-1 through 6-17, be approved as submitted.

- A. \$3,000.00 transferred from A/C 101-209-981-500 (\$500.00) and A/C 101-209-981-500 (\$2,500.00) to A/C 101-209-728-000 (\$500.00) and A/C 101-209-818-000 (\$2,500.00) to cover the costs of supply order and printing Assessment Notices.
 - B. \$109,626.00 transferred from A/C 101-300-706-000 (\$109,626.00) Salaries to A/C 101-300-717-000 (\$27,000.00) Holiday Pay and A/C 101-300-726-000 (\$82,626.00) Fringe Benefits to cover the shortages.
1. ACCUMED BILLING, INC. - Rescue Runs March 2007 - Inv. dated 04/01/07 from A/C 101-000-626-000 (Rescue) \$6,159.09. Fire Dept.
 2. BROADSPIRE - Adjustment of Fees 12/31/06 - Inv. 10253201 dated 04/12/07 from A/C 101-200-724-000 (Workers Comp.) \$2,808.00. Gen. Govt.
 3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Debt and Services March & April 2007 - Inv. dated 03/31/07 from A/C 101-200-810-000 (Sanitation) \$162,347.59. Gen. Govt.
 4. CONTROL SCREENING LLC - Maintenance Agreement for Security Equipment - Inv. 105652 dated 03/26/07 from A/C 101-130-932-000 (Repairs) \$4,900.00 ENC. District Court
 5. ELECTRICAL POWER & DESIGN - Various Invoices (See Invoice EPD #DHPC-113) from A/C 101-300-818-000 (Contract Serv.) \$34,987.20 and A/C 101-130-818-000 (Contract Serv.) \$13,012.80. Police/Court
 6. HEIGHTS TREE SERVICE - Tree Trimming & Removals - Inv. 113 dated 04/15/07 from A/C 101-440-820-000 (Trees) \$13,379.85. DPW-Highway
 7. HYDRODESIGNS - Cross Connection Program - Inv. 15976 dated 03/30/07 from A/C 592-536-818-000 (Contract Serv.) \$3,074.00. Water Dept.
 8. LASALLE BANK - Bonds & Interest - Inv. dated 03/19/07 from A/C 738-738-998-500 (Interest) \$108,439.93 and A/C 738-738-991-738 (Principal) \$80,640.00. Libraries
 9. LASALLE BANK - Wastewater Disposal Bonds - Inv. dated 03/19/07 from A/C 592-905-995-002 (Principal) \$460,000.00; A/C 592-905-991-002 (Interest) \$49,870.00 and A/C 592-905-999-000 (Paying Agent Fee) \$150.00. Water Dept.
 10. LASERTEC - Printing &

- Mailing Assessment Notices – Inv. 16981 dated 03/30/07 from A/C 101-209-818-000 (Contract Serv.) \$2,112.97. See Budget Amendment. Assessor
11. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 2344 dated 04/13/07 from A/C 592-540-818-030 (Contract Serv.) \$11,284.11. Water Dept.
 12. PLANTE & MORAN – Accounting Services 02/16/07-03/31/07 – Inv. 233950 dated 04/06/07 from A/C 101-200-817-000 (Prof/Consult) \$985.00 and A/C 592-536-817-000 (Prof/Consult) \$740.00. Gen. Govt.
 13. QUAD-TRAN OF MICHIGAN – Data Processing April 2007 – Inv. 5022 and 5023 dated 03/30/07 from A/C 101-130-818-000 (Contract Serv.) \$3,600.00; A/C 101-130-728-000 (Supplies) \$1,341.75 and A/C 101-200-728-000 (Supplies) \$2,725.32. Dist. Court
 14. R & R FIRE TRUCK REPAIR – Repair Pierce Engine – Inv. 31205 dated 03/01/07 from A/C 101-335-932-000 (Repairs) \$4,882.40. ENC Fire Dept.
 15. WADE-TRIM ASSOCIATES – 2006 CCR Report, Phase II CSO, 2004 Flooding Lawsuit, Storm Water Items – Inv. 93045, 93046, 93036 and 93043 dated 03/26/07 from A/C 592-xxx-154-000 (Sewers) \$1,929.90. Water Dept.
 16. WADE-TRIM ASSOCIATES – Eng. Star Academy, House Grades, Right-of-Way Plot Plans – Inv. 93040, 93042, 93041 and 93048 dated 03/26/07 from A/C 101-371-809-000 (Engineering) \$3,246.20. Bldg. Eng.
 17. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – DR Excess Flow 04/07 – Inv. 236563 dated 04/01/07 from A/C 592-537-929-000 (Disposal) \$33,886.00. Water Dept.

Motion unanimously adopted.

- 07-152** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the low bid from A Land Construction, Inc. 22146 Ford Road, for the Approach/Sidewalk/ADA Ramp and Curb Replacement Programs for FY 2007 from June 25, 2007 to October 15, 2007 and FY 2008 from June 2, 2008 to October 15, 2008, in the amounts stated in the Bid Matrix, be approved, per Community & Economic Development Director Jamal, communication dated April 17, 2007. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Aye: Council Chair Agius, Councilwoman Badalow, Councilman Baron, Councilwoman Van Houten.

Nays: Councilwoman Horvath.

Absent: None.

Motion adopted.

- 07-153** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the low bid from Bricco Excavating, Oak Park, MI., for the 2007 Water Main Improvement Project, in the amount of \$434,315.00, be approved, per Public Service Administrator Franzil, communication dated April 18, 2007 and Daniel R. Brooks, PE, Wade Trim Associates, Inc., communication dated April 12, 2007. Further, that the Mayor and City Clerk be authorized to sign the Contract on behalf of the City.

Motion unanimously adopted.

- 07-154** Motion by Councilman Baron, seconded by Councilman Berry, that the City Council concurs with and approves the related costs for the 2007 Water Main Improvement Project to be administered by city engineering firm, Wade Trim Associates, Inc., 25251 Northline Road, P O Box 10, Taylor, MI 48180, as follows:

Field Engineering/Contract Administration	\$37,000.00
Construction Testing	4,500.00
Construction Contingencies	60,000.00

per, Daniel R. Brooks, PE, Wade Trim Associates, Inc., 25251 Northline Road, P O Box 10, Taylor, MI 48180., communication dated April 12, 2007

Motion unanimously adopted.

- 07-155** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the communication from Mayor Paletko dated April 13, 2007 re: Appointment of Elizabeth Stucki, 7881 Robindale as an alternate on the Commission on Disability Concerns and the appointment of Donna Colias, 25747 Princeton, term to expire July 2008, be received, contents noted and filed.

Motion unanimously adopted.

- 07-156** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the communication from Mayor Paletko dated April 18, 2007 re: Reappointment of Bernard Arko, 4740 Jackson to the Commission on Aging, term to expire April 2010, be received, contents noted and filed.

Motion unanimously adopted.

- 07-157** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the City Council concurs with and approves the request from St. Sebastian Parish, 20710 Colgate, to conduct their Spring Festival Parade on May 19, 2007 at 11:00 a.m. beginning at 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 and north on Merrick to return to church parking lot, per Mayor Paletko, communication dated April 18, 2007. Further, that the Police and Fire Departments to provide escort and assistance as requested.

Motion unanimously adopted.

- 07-158** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the Lot Split Request from Mr. Jamal Ghanem, 25433 Avondale, Dearborn Heights, MI 48125 to divide property at 25420 Cherry Hill in Gregory Meadows Sub be denied based on the divided parcels would not be buildable without variances, per Deputy Assessor Cooper, communication dated April 17, 2007.

Motion unanimously adopted.

- 07-159** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves a \$20.00 fee to be added to each property owner's invoice for the marking, documentation processing and administration of the Sidewalk Replacement Program.

Motion unanimously adopted.

- 07-160** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves the proposal from Wade Trim Associates, Inc., 25251 Northline Road, P O Box 10, Taylor, MI 48180 to proceed with the design engineering phase of the DPW Building Roof and Window Rehabilitation Project, in the lump sum amount of \$30,000.00, per Public Service Administrator Franzil, communication dated April 10, 2007.

Motion unanimously adopted.

- 07-161** Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, that the City Council concurs with and approves the Wayne County Department of Public Services Permit to Construct, Operate, Use and/or Maintain Agreement, Operation and Maintenance Agreement and Long Term Maintenance Agreement of Storm Water Management System for Star International Academy, 24425 Hass Avenue, per Public Service Administrator Franzil, communication dated April 18, 2007. Further that the Mayor and City Clerk be authorized to sign on behalf of the City.

Motion unanimously adopted.

- 07-162** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council rescind CM 06-382 (Ford Ranger Purchase).

Motion unanimously adopted.

- 07-163** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves the purchase of one (1) 2007 Ford F150 4 x 2 Super Cab, offered through the City of Detroit bid from Jorgensen Ford, 8333 Michigan Avenue, Detroit, MI 48210, for the total purchase price of \$16,500.00, and payment thereof, per Fire Chief Gurka, communication dated April 16, 2007.

Motion unanimously adopted.

- 07-164** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the Video Franchise Resolution be adopted as follows:

**RESOLUTION
CITY OF DEARBORN HEIGHTS**

STATEMENT OF FACTS

- A. Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006 ("Uniform Act") preempted as unreasonable and unenforceable many provisions of municipal franchise and ordinances regarding companies offering cable television services over lines and other facilities located in the public right-of-way.
- B. The Uniform Act required the Michigan Public Service Commission ("MPSC") to issue an order establishing the standardized form for a uniform local franchise to be used by each

municipality in this state. On January 30, 2007, the MPSC issued an order doing so incorporated into a standardized application form.

- C. Section 5 of the Uniform Act renders all provisions of existing franchises that are inconsistent with or in addition to the provisions of the uniform video service local franchise agreement unreasonable and unenforceable. Among other provisions of existing franchises changed by section 5 of the Uniform Act is the definition of gross revenues set forth in subsections 6-(4)-(7) of the Uniform Act upon which companies pay annual video service provider fees and fees for the support of public, educational and governmental ("PEG") access channels.
- D. Subsection 6(8) of the Uniform Act requires that such companies pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.
- E. Subsection 4(14) of the Uniform Act provides that if municipalities seek to utilize capacity designated on a cable system to provide access for video programming over 1 or more PEG channels that the municipality shall give the provider a written request specifying the number of actual channels in actual use in the municipality as of January 1, 2007.
- F. Subsection 6(1)(b) of the Uniform Act provides that at the expiration of an existing franchise agreement or if there is no existing franchise agreement, the video service provider shall pay an annual video service provider fee in an amount equal to the percentage of gross revenues as established by the municipality not to exceed 5 percent and which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.

NOW THEREFORE IT IS RESOLVED

- 1. Effective January 1, 2007, the Uniform Act required companies paying franchise fees and fees for the support of PEG channels based on a percentage of gross revenues do so based upon the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act.
- 2. Effective January 1, 2007, the Uniform Act required companies offering cable television services to pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.
- 3. The following PEG channels in actual use on January 1, 2007, shall be provided in the municipality as required by subsection 4(14) of the Uniform Act.

Ecumenical

Educational

City

- 4. All applications and any other correspondence for a uniform video service local franchise agreement, to terminate or amend an existing franchise agreement shall be sent by mail (certified, registered or first-class return receipt requested or by nationally recognized overnight delivery service) to the Clerk and to Cable Television Attorney, Neil J. Lehto, Six North Elk Street, Sandusky, Michigan 48471.
- 5. At the expiration of an existing franchise agreement or if there is no existing franchise agreement, all video service providers shall pay an annual video service provider fee in an amount equal to 5 percentage of gross revenues which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.
- 6. The Clerk is directed to send a copy of this Resolution to Comcast by first-class mail, return receipt requested.

Per, Cable Television Attorney, Neil J. Lehto, communication dated April 11, 2007 and Krystina Kramarz, Administrative Assistant, communication dated April 18, 2007.

Motion unanimously adopted.

07-165 Motion by Councilwoman Van Houten, seconded by Councilman Berry, that Tabled CM 07-118, Class C Liquor License Change Request, be brought back on the table.

Motion unanimously adopted.

07-166 Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that CM 07-091,

(Liquor License "Above All Others" , Mr. George Jreij, 6200-6208 N Telegraph), be rescinded and the Liquor Control Commission be so notified.

Motion unanimously adopted.

- 07-167** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the request from KAOS Nightclub and Lounge, Inc., for a new Class C License with Dance Permit, Entertainment Permit to be located at 6200-6208 N Telegraph Road, Dearborn Heights, MI 48127, be approved "above all others" and the Liquor Control Commission be so notified.

Motion unanimously adopted.

- 07-168** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the request from PMAC, LLC, 25950 Ford, Dearborn Heights, MI 48127, Wayne County, to transfer interest in 2006 Class C-SDM licensed business with dance-entertainment permit by adding Gary M. Krupinski as new member thru transfer of 50% membership interest from existing member, Nicolas Wayne Mc Leroy, be approved and the Liquor Control Commission be so notified. ID # 332625

Motion unanimously adopted.

- 07-169** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the communication from Clean Water Action, 205 ½ N Main Street, Ann Arbor, MI 48104, canvassing in the City of Dearborn Heights April 30, 2007 through July 31, 2007, be received, contents noted and filed.

Motion unanimously adopted.

- 07-170** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the business license renewals for Famous Auto Center, 25996 Van Born, Antonio's Cucina Italiana, 26356 Ford, Ford Lanes, 23100 Van Born and Polish Legion of American Vets #16, 25222 Warren, be approved.

Motion unanimously adopted.

- 07-171** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council approve ballot proposals I, II and IV as presented in Agenda Item 13-E, (Proposed Charter Amendments as prepared by Corporation Counsel Miotke, communication dated April 4, 2007) and refer those proposals to the Attorney General's office for approval.

Motion unanimously adopted.

- 07-172** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:50 p.m.

S. JUDITH DUDZINSKI
CITY CLERK

MARIA E. LAWRENCE
COUNCIL SECRETARY

ELIZABETH J. AGIUS, CHAIR
COUNCIL CHAIR