REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MARCH 28, 2006

06-097 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, Councilman Bob Constan, Councilwoman Margaret M. Van Houten.

Absent: Councilwoman Margaret M. Horvath.

Also Present: Mayor Paletko, Administrative Assistant Kramarz, City Clerk Dudzinski, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Deputy Comptroller Macari, Assessor Riedel, Building & Engineering Director Sobh, Fire Chief Gurka, Police Chief Gust, Recreation Director Grybel, Public Service Administrator Franzil, Librarian Deller.

The Pledge of Allegiance was led by Council Chair Agius.

06-098 Motion by Councilman Baron, seconded by Councilman Constan, that the Agenda for the Regular Meeting of March 28, 2006, be approved as submitted.

Motion adopted.

06-099 Motion by Councilwoman Badalow, seconded by Councilman Baron, that the Minutes from the Regular Meeting of March 14, 2006, be approved as submitted.

Motion adopted.

06-100 Motion by Councilwoman Van Houten, seconded by Councilman Berry, that Current Claims 6-1 through 6-20, be approved as submitted.

1. ALL PRO EXERCISE – (2) Treadmills and Delivery – Inv. 31212 dated 02/15/06 from A/C 101-692-981-000 (Capital Outlay) $9,140.00. ENC - Recreation.
2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – Monthly Debt and Services February 2006 – Inv. dated 02/28/06 from A/C 101-200-810-000 (Sanitation) $111,627.92. General Govt.
3. COMERICA BANK – Bonds Energy Saving & Police Radios – 2 Invoices dated 03/07/06 from A/C 101-200-831-100 (E-911) $113,085.00 and A/C 101-200-965-000 (Energy Saving) $87,592.50 (See Budget Amendment). General Govt.
4. HEIGHTS TREE SERVICE – Tree Trimming & Removals – Inv. 91 dated 03/19/06 from A/C 101-440-820-000 (Trees) $9,142.50. DPW-Highway.
5. LSL PLANNING, INC. – Partial Payment Recreation Master Plan – Inv. 426-2610-02 dated 02/20/06 from A/C 101-691-818-000 (Contract Services) $4,028.25. Recreation
6. LASERTEC – Assessment Notices and Mailing – Inv. 13980 dated 03/16/06 from A/C 101-209-818-000 (Contract Services) $1,806.17. Assessor
7. LIFE SUPPORT TRAINING INSTITUTE – Paramedic Training Refresher – Inv. 9042 dated 12/22/05 from A/C 101-335-962-000 (Training) $3,200.00. ENC - Fire Dept.
8. MUNICIPAL CODE CORPORATION – Code Book Updates – Inv. 76631 dated 02/28/06 from A/C 101-215-818-000 (Contract Services) $1,614.69. Clerk
9. NAGEL CONSTRUCTION - Sewer Cleaning Program – Inv. 2208 dated 03/17/06 from A/C 592-540-818-030 (Contract Services) $14,478.50. Water Dept.
10. PM TECHNOLOGIES – Replace Hoses for Generator Upgrade – Inv. 7043 dated 11/04/05 from A/C 101-300-818-000 (Contract Services) $1,500.00. Police Dept.
11. PRESSURE VESSEL TESTING – Testing Air Equipment and Compressor – Inv. 3196 dated 03/06/06 from A/C 101-335-818-000 (Contract Services) $1,880.00. ENC – Fire Dept.
12. VILLAGE FORD – Vehicle District Court – Letter dated 03/21/06 from A/C 101-130-981-000 (Capital Outlay) $21,784.00. Court
13. WADE-TRIM/ASSOCIATES – Phase II CSO Sewer Construction Admin. – Inv. 89026 dated 02/28/06 from A/C 592-xxx-154-000 (Sewers) $56,022.46. Water Dept.
14. WADE-TRIM/ASSOCIATES – Storm & Sanitary Sewer Utility Mapping – Inv. 89622 dated 03/17/06 from A/C 592-536-817-000 (Prof/Consult) $10,208.00. Water Dept.
15. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – Alliance of Rouge Community Assessment – Inv. 232069 dated 02/13/06 from A/C 592-xxx-154-000 (Sewers) $8,906.00. Water Dept.
16. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – Bonds for CSO & NHRV System – 2 Invoices 232547 & 232543 dated 03/15/06 from A/C 592-905-992-002 (SRF Interest) $216,441.25; A/C 592-905-991-000 (NHRV Principal $436,875.00 and A/C 592-905-995-000 (NHRV Interest) $55,740.01. General Govt.
17. CUMMINGS, MC CLOREY, DAVIS & ACHO – Legal Services September 2002 – Inv. 37296 dated 10/16/02 from A/C 101-209-826-000 (Counsel Services) $4,075.50. General

Govt.

18. GARY MIOTKE – Legal Services February 2006 – Inv. dated 03/22/06 from A/C 101-210-826-000 (Counsel Services) $6,850.25. Corporation Counsel
19. SECREST, WARDLE, LYNCH...- Legal Services February 2006 – Inv. dated 03/22/06 from A/C 101-210-826-000 (Counsel Services) $8,537.50. Corporation Counsel
20. SOMMERS SCHWARTZ – Legal Services Water Dept. February 2006 – Inv. 195193 dated 03/07/06 from A/C 592-536-817-000 (Prof/Consult) $946.00. Water Dept.

Motion adopted.

06-101 Motion by Councilman Baron, seconded by Councilman Constan, that the lowest bidder meeting all specifications, Wolverine Tractor & Equipment Company, 25900 West Eight Mile Road, P O Box 19336, Detroit, MI 48219-0300, for one (1) Case 621 D-XR Wheel Loader, in the amount of $110,300.00 less trade-in $22,000.00 for a grand total of $88,300.00, and payment thereof, be approved, per Public Service Administrator Frazil, communication dated March 20, 2006. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders.

Motion adopted.

06-102 Motion by Councilwoman Badalow, seconded by Councilman Baron, that the City Council concurs with and approves the various Budget Amendments as listed in the communication from Comptroller Barrow, dated March 28, 2006 needed to balance out accounts for year end.

Motion adopted.

06-103 Motion by Councilwoman Badalow, seconded by Councilman Baron, that the City Council concurs with and approves the Budget Amendment to cover the cost of the final payments on bonds for Energy Plan as follows:

INCREASE REVENUES # 101-00-699-01	APPRO. FUND BALANCE $ 5,185.00
INCREASE EXPENDITURES # 101-200-965-01	ENERGY PLAN SAVINGS $ 5,185.00

per, Comptroller Barrow, communication dated March 22, 2006.

Motion adopted.

06-104 Motion by Councilman Constan, seconded by Councilwoman Badalow, that the City Council concurs with and approves the sale of one (1) 1994 Dodge Ram 3500, VIN 2B5WB35Z4RK548049 at the April Police Auction in "as-in" condition, per Court Administrator Zeppa, communication dated March 20, 2006.

Motion adopted.

06-105 Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Council concurs with and approves the proposed Real Estate Purchase Agreement for the Old Fire Station Property, with proposed Exhibit 1 and three (3) pages containing minor changes, per Corporation Counsel Miotke, communication dated March 22, 2006. Further, that the Mayor be authorized to sign the final version of the Agreement on behalf of the City.

Motion adopted.

06-106 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves the purchase of one (1) SunFire, Model SXBG Broiler/Griddle Range, from Quality Restaurant Equipment, 100 North Franklin Street, Lambertville, New Jersey 08530, in the amount of $2,585.00, and payment thereof, per Fire Chief Gurka, communication dated March 15, 2006.

Motion adopted.

06-107 Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the City Council concurs with and approves the purchase of one (1) 2006 Sewer Jet Truck Model 800-HPR Series II, from Jack Doheny Supplies Inc., 777 Doheny Court, Northville MI 48167, in the amount of $179,685.00 less trade-in $38,000 for a total amount of $141,685.00, and payment thereof, per Public Service Administrator Franzil, communication dated March 20, 2006. This purchase is authorized without competitive bidding as it is based on the low City of Westland bid pricing. Funds were approved in the 2005-06 Water and Sewer Capital Outlay A/C 592-536-981-000.

Motion adopted.

06-108 Motion by Councilman Baron, seconded by Councilman Constan, that the Resolution Consenting to the Transfer of Control of Cable Television Franchise be adopted as follows:

WHEREAS, the City of Dearborn Heights, Michigan ("Municipality") has granted a cable television franchise pursuant to a Cable Television Franchise Agreement effective as of May 11, 1999 (the "Franchise") to WideOpenWest Michigan, LLC (the "Franchisee");

WHEREAS, Franchise is an indirect, wholly owned subsidiary of WideOpenWest Holdings, LLC ("WOW Holdings"); and

WHEREAS, WOW Holdings has entered into an Agreement and Plan of Merger dated December 13, 2005, as amended, pursuant to which Racecar Acquisition, LLC, a wholly owned subsidiary of Avista Capital Partners, LLC (collectively, "Avista"), will indirectly acquire the ownership and control of Franchisee; and

WHEREAS, Franchisee has requested that, in accordance with the requirements of the franchise issued to Franchisee, Municipality consent to the transfer of control as described in the FCC Form 394 ("Transfer Application") as filed by Franchisee with the Municipality (such request referred to herein as the "Transfer of Control"); and

WHEREAS, Municipality intends to consent to the Transfer of Control, subject to acceptance of these terms and conditions, having determined that such consent is consistent with the terms of the Franchise and in the best interest of Municipality.

NOW, THEREFORE, be it resolved:

1. Municipality consents to the Transfer of Control of the Franchise, effective as of the Closing Date pursuant to the Agreement and Plan of Merger. Franchisee shall continue to be responsible for any obligations and liabilities under the Franchise after the Closing Date.

2. This Resolution is deemed effective in accordance with applicable law upon filing with the Municipal Clerk by Franchisee of a fully-executed copy of the acceptance attached as Exhibit A.

3. This Resolution shall expire and be null and void unless the Transfer of Control is completed and the Municipality is so notified in writing by July 31, 2006.

4. This Resolution shall take effect immediately.

5. That the Clerk of Municipality is authorized to enter into, execute and deliver in the name and on behalf of the Municipality a certificate, along with such other documents as may be necessary evidencing this Resolution without further act or resolution of this governing body.

Adopted and approved this 28th day of March, 2006, per Cable TV Regulatory Commission, communication dated March 14, 2006. Further, that the Clerk be authorized to sign the Resolution on behalf of the City.

Motion adopted.

06-109 Motion by Councilman Baron, seconded by Councilman Constan, that the Acceptance of a Non-Exclusive Cable TV Franchise by WideopenWest Michigan, LLC, and Agreement to Comply with and be Bound by all Provisions, Conditions and Requirements of the City of Dearborn Heights, be adopted as follows:

WHEREAS the City of Dearborn Heights, Michigan ("Municipality") has granted a cable television franchise pursuant to a Cable Television Franchise Agreement effective as of May 11, 1999 (the "Franchise") to WideOpenWest Michigan, LLC (the "Franchisee");

WHEREAS, Franchisee is an indirect, wholly owned subsidiary of WideOpenWest Holdings, LLC ("WOW Holdings");

WHEREAS, WOW Holdings has entered into an Agreement and Plan of Merger dated December 13, 2005, as amended, pursuant to which Racecar Acquisition, LLC, a wholly owned subsidiary of Avista Capital Partners, LLC (collectively, "Avista"), will acquire the indirect ownership and control of Franchisee; and

WHEREAS, the Municipality requires Franchisee to file with the Municipality a written acceptance of the Franchise and all the associated requirements and conditions imposed by the Municipal Code and its agreement to be bound by and to comply with and to do all the things required by the Franchise.

NOW, THEREFORE, conditioned upon and effective as of the closing of the transaction contemplated in the Agreement and Plan of Merger described above, Franchisee agrees as follows:

1. To continue to be bound by and obligated under the terms and conditions of the Franchise and to unconditionally accept the Franchise, thereby promising to comply with and abide by all of its terms and conditions.

2. To continue to be bound by and comply in all respects with applicable provisions of the Municipal Code.

3. To continue to be bound by and comply in all material respects with all other applicable local, state and federal laws and regulations. WideOpenWest Michigan, LLC, submitted by the Cable TV Regulatory Commission, March 14, 2006.

Motion adopted.

06-110 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-06-01, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS AMENDING CHAPTER 32, ARTICLE IV OF THE CITY CODE PERTAINING TO PARKING, STORAGE AND MAINTENANCE OF VEHICLES, be considered read for the second time and become effective upon publication in the newspaper of record.

Motion adopted.

06-111 Motion by Councilman Baron, seconded by Councilman Constan, that the Resolution from the City of Lincoln Park re: State Shared Revenue, be received, contents noted and filed.

Motion adopted.

06-112 Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the business license renewals for Confetti Lounge, 3932 Pelham and Mike's Place, 24735 W Warren, be approved.

Motion adopted.

06-113 Motion by Councilman Constan, seconded by Councilman Baron, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 8:35 p.m.

S. JUDITH DUDZINSKI
CITY CLERK

ELIZABETH J. AGIUS, CHAIR
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL SECRETARY