

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MARCH 23, 2010

10-088 The meeting was called to order at 8:10 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, Councilwoman Margaret M. Horvath, Councilman Roy Pilot, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz, Assessor McDermott, Building & Engineering Director Sobh, Corporation Counsel Miotke, Deputy Clerk Pawlukiewicz, Deputy Comptroller Macari, Emergency Management Director Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director Mccaffery, Police Chief Gavin, Public Service Administrator Franzil, Recreation Director Grybel.

The Pledge of Allegiance was led by Treasurer John Riley.

10-089 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the Agenda for the Regular Meeting of March 23, 2010, be approved with the removal of 8-B (POAM Contract) and 8-C (DROP) being referred to a Committee of the Whole Study Session Tuesday, March 30, 2010 and the addition of 11-B (Moratorium on Issuance of Permits/Licenses for Sale of Medical Marijuana).

Ayes: Councilwoman Badalow, Council Chairman Baron, Councilwoman Horvath, Councilwoman Van Houten.

Nays: Councilwoman Agius, Councilman Berry, Councilman Pilot.

Absent: None.

Motion adopted.

10-090 Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, that the Minutes from the Regular Meeting of March 9, 2009, be approved as submitted.

Motion unanimously adopted.

10-091 Motion by Councilwoman Agius, seconded by Councilman Berry, that Fund Transfer 6-A and Current Claims 6-1 through 6-24, be approved as submitted.

A. \$6,050.00 Transferred from Fire Training (A/C 101-335-962-000) to Fire Overtime (A/C 101-335-709-000) to accurately reflect training related overtime costs during this fiscal year.

1. 360 Services – Final Payment 2010 Assessment Notices – Inv. 40994 dated 2/26/10 from A/C 101-209-818-000 (Contract Services) \$1,781.53. Assessor
2. ACCUMED BILLING, INC. – Rescue Runs February 2010 – Inv. dated 3/01/10 from A/C 101-000-626-000 (Rescue Runs) \$2,665.87. Fire Dept.
3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – Administration & Operating February 2010 – Inv. dated 2/28/10 from A/C 101-200-810-000 (Sanitation) \$42,172.02. General Govt.
4. COMPUTER TECHNOLOGIES, INC. – Data Processing 2/15/10 – 3/12/10 – Inv. 70561 dated 2/19/10; 70563 dated 2/26/10; 70570 dated 3/05/10 and 70572 dated 3/12/10 from A/C 101-258-932-000 (Repair/Maint) \$3,632.50; A/C 592-536-932-000 (Repair/Maint) \$2,677.50; A/C 738-738-932-000 (Repair/Maint) \$170.00 and A/C 103-960-918-209 (Administration) \$110.00. Data Processing
5. CRUISERS – Repair/Maint of Vehicles – Inv. 23594, dated 2/01/10; 23624 dated 2/08/10 and 23690 dated 2/22/10 from A/C 101-300-932-000 (Repair/Maint) \$1,944.00. Police Dept.
6. CUMMINGS, MC CLOREY, DAVIS & ACHO – Legal Work for Sewer Claims – Inv. 175738, 175737, 175740 and 175739 dated 3/10/10 from A/C 592-537-818-000 (Contract Services) \$3,519.70. Water Dept.
7. DEARBORN ORTHOPEDICS ASSN. – Workers Comp Injury – Ck. Req. dated 2/17/10 from A/C 101-200-724-000 (Work Comp) \$1,565.06. General Govt.
8. FIRE SERVICE MANAGEMENT – Cleaning/Repair Bunker Gear – Inv. 7623 dated 2/25/10 from A/C 101-335-713-000 (Clothing) \$1,755.99. Fire Dept.
9. GABRIEL ROEDER SMITH & COMPANY – Various Valuations for Negotiations – Inv. 110980 dated 3/08/10 – from A/C 101-200-817-000 (Prof/Consult) \$6,000.00. See Budget Amendment. General Govt.

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10. JOHNSON CONTROLS – Labor/Parts for Repair Fire Dept. – Inv. 1002260413 dated 2/26/10 from A/C 101-265-931-000 (Repair/Maint) \$1,901.55. Building Maint
11. MMRMA – Third Installment Liability Insurance – Inv. 92766-3 dated 9/18/09 from A/C 101-200-911-000 (Insurance) \$369,036.00. General Govt.
12. MATT'S AUTO SERVICES – Repair/Maint of Vehicles – Inv. 16854, 16855 and 16856 dated 1/28/10; Inv. 16880 dated 2/05/10; 16908 dated 2/12/10; Inv. 16909 and 16916 dated 2/15/10 from A/C 101-300-932-000 (Repair/Maint) \$2,324.28. Police Dept.
13. MC KENNA ASSOCIATES – Professional Services NSP Program – Inv. dated 3/08/10 from A/C 274-673-930-091 (NSP) \$4,953.47. Misc. Grants
14. NAGEL CONSTRUCTION INC. – Sewer Cleaning Program – Inv. 2748 dated 3/15/10 from A/C 592-540-818-030 (Contract Services) \$22,028.91. Water Dept.
15. NEW IMAGE BUILDING SERVICES – Building Cleaning March 2010 – Inv. 59892 dated 3/01/10 from A/C 738-738-818-000 (Contract Services) \$2,214.00. Libraries
16. NORTH AMERICAN SALT CO. – Inv. 70489056 dated 2/25/10 and Inv. 70489759 dated 2/26/10 from A/C 101-440-782-000 (Road Supplies) \$13,444.97. DPW-Highway
17. PRIORITY ONE EMERGENCY –Part/Services for Vehicles – Inv. 20317 dated 2/16/10 and 20413 dated 2/26/10 from A/C 101-300-932-000 (Repair/Maint) \$1,894.96. Police Dept.
18. R & R FIRE TRUCK REPAIR – Repair/Maint of Vehicles – Inv. 37004 dated 2/11/10 from A/C 101-335-932-000 (Repair/Maint) \$5,632.85. Fire Dept.
19. STATE OF MICHIGAN – MDOT – Telegraph Resurfacing – Inv. AP324110 and AP324111 dated 3/09/10 from A/C 202-202-880-300 (Streets) \$2,378.74. Major Streets
20. THE LIBRARY NETWORK – Monthly Book/Subscriptions – Inv. 40709 dated 3/03/10 from A/C 738-738-981-000 (Capital Outlay) \$4,631.62. Libraries
21. US BANK – Bond Payment Land at Justice Center – Inv. due 4/01/10 from A/C 105-105-998-500 (Interest) \$39,200.00. Building Fund
22. US BANK – Wastewater Disposal Bond Payment – Due dated 5/01/10 from A/C 592-905-991-002 (Phase I) \$565,000.00 and A/C 592-905-995-002 (Interest II) \$13,842.50. Water Dept.
23. WADE TRIM ASSOCIATES – Various Meetings Wastewater/Sewers – Inv. 98625 dated 6/22/09 from A/C 592-xxx-154-000 (Sewers) \$2,361.00. Water Dept.
24. WAYNE COUNTY – Department of Environment - ECPAD & Bond Payment – Inv. 255129, dated 3/03/10 and Inv. 255152 dated 03/04/10 from A/C 592-905-995-002 (WC-SRF) \$10,064.00 and A/C 592-537-927-000 (ECPAD) \$76,191.39. Water Dept.

Motion unanimously adopted.

- 10-092** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Comptroller be authorized to advertise for bids, per specifications, for the City's legal printing for 2010-2011, per Comptroller Barrow, communication dated March 16, 2010.

Motion unanimously adopted.

- 10-093** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Comptroller be authorized to advertise for bids, per specifications, for eleven (11) HP Compaq 6000 Pro NV506UT computers and eleven (11) HP Compaq 19" LCD Monitor LA1905wg or equivalent, for the 20th District Court, per the request of Court Administrator Zeppa, communication dated March 15, 2010.

Motion unanimously adopted.

- 10-094** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves the following contractors for the Grass & Weed Cutting Program:

Ultra Green Lawn, 29541 Eight Mile Road, Livonia, MI 48152; Artistic Landscaping & Lawn, 4104 Clippert, Dearborn Heights, MI 48125 and Brantly Development, 30235 Marshall Court, Westland, MI 48186, per Building & Engineering Director Sobh, communication dated March 17, 2010. Further, the contract will be in effect for two (2) years.

Motion unanimously adopted.

- 10-095** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves Plante & Moran, PLLC, 27400 Northwestern Highway, PO Box 307, Southfield, MI 48037-0307 Professional Services Agreement – Consulting Services Engagement Letter and Proposal to prepare an IT Assessment, at a cost not-to-exceed \$10,000.00, subject to review by Corporation Counsel Miotke, per Mayor

Paletko, communication dated March 17, 2010. Costs for this study to be split between the General Fund (50%), Water & Sewer Fund (40%) and Library Fund (10%). Further, that the Mayor be authorized to sign on behalf of the City.

Motion unanimously adopted.

- 10-096** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves the request from Mr. Randy Step, Event Director, 5700 Jackson Road, Ann Arbor, MI 48103 for Martian Marathon Annual Marathon Run to benefit Leukemia and Lymphoma Society, to be held Saturday, April 10, 2010 beginning at 7:50 am, per Mayor Paletko, communication dated March 18, 2010. Further, that the Police Department close the intersection of Outer Drive and Hines Drive for the morning of the event.

Motion unanimously adopted.

- 10-097** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council establish a Public Hearing on Tuesday, May 11, 2010 at 8:00 p.m. in Council Chambers, located at 6045 Fenton, Dearborn Heights, MI 48127 for the purpose of hearing objections, if any, to the proposed 2010-2011 Corporate Fund Budget, per City Clerk Dudzinski, communication dated March 17, 2010. The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

Motion unanimously adopted.

- 10-098** Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, that Tabled CM 10-065 Credit Card Policy be brought back to the table.

Motion unanimously adopted.

- 10-099** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council adopt the Resolution Establishing a Policy for a City Credit Card Arrangement Pursuant to P.A. 266 of 1995, per Treasurer Riley, communication dated March 17, 2010.

Motion unanimously adopted.

- 10-100** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Credit Card Policy be incorporated into the Policy and Procedures Manual in Section 405-20 #13.

Motion unanimously adopted.

- 10-101** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approves the Budget Amendment to cover the cost of attorney fees and consultant fees for Police & Fire negotiations as follows:

Increase Revenues	Appropriate Fund Balance
#101-000-699-000	\$20,000.00
Increase Expenditures	Prof/Consult Fees
#101-200-817-000	\$20,000.00

Per Comptroller Barrow, communication dated March 18, 2009.

Motion unanimously adopted.

- 10-102** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council concurs with and approves the layout/printing/mailling services from Walt Kempiski Graphics and Grand Blanc Printing for the Spring/Summer 2010 Dearborn Heights Today Newsletter, as follows:

Walt Kempiski Graphics, \$2,300.00; Grand Blanc Printing, \$5,600.00; Ann Wheeler, (Markers Group) Advertising Sales Rep. 30% of ad fees collected, at a cost not-to-exceed \$11,067.59, per Emergency Manager & Public Information Officer Ankrapp, communication dated March 16, 2010.

Motion unanimously adopted.

- 10-103** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the request to prohibit the selling of products and/or services on the grounds of the Canfield Community Center during the Spirit

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2010 Festival unless prior approval is granted by the Spirit 2010 Festival Commission, per Recreation Director Grybel, communication dated March 11, 2010. Further, the area directly related is Beech Daly Road that runs parallel with the festival grounds.

Motion unanimously adopted.

- 10-104** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that Council Chair Baron schedule a study session to discuss Amending City Ordinance Regarding Allowable Materials/Planting between the Sidewalk and Street, per Councilwoman Badalow, communication dated March 17, 2010.

Motion unanimously adopted.

- 10-105** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the City Council concurs with and approves Councilwoman Margaret Horvath be allowed to make contacts, do research and bring back the findings to Council for discussion the possibility of obtaining outside Counsel services for this City Council.

Motion unanimously adopted.

- 10-106** Motion by Councilwoman Badalow, seconded by Councilwoman Horvath, that proposed Ordinance H-10-02, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS AMENDING CHAPTER 36 OF THE CITY CODE PERTAINING TO ZONING, TO PROVIDE FOR THE PERIODIC ADMINISTRATIVE REVIEW FOR FESTIVALS SEEKING A LICENSE WHERE THE FESTIVAL HAS PREVIOUSLY RECEIVED A LICENSE FROM THE ZONING BOARD OF APPEALS AND TO PROVIDE THE ZONING BOARD OF APPEALS WITH THE AUTHORITY TO REVIEW AND APPROVE TEMPORARY USE PERMITS FOR FESTIVALS UPON THE REFERRAL OF THE BUILDING OFFICIAL, AND AMENDING CHAPTER 8 OF THE CITY CODE PERTAINING TO BUSINESS LICENSING, be considered read for the first time.

Motion unanimously adopted.

- 10-107** Motion by Councilwoman Van Houten, seconded by Councilman Pilot, that the City Council adopt the Resolution Imposing a Medical Marijuana Dispensation Moratorium as follows:

WHEREAS the City desires to ascertain the best and safest path to compliance with the Michigan Medical Marijuana Act, PA 2008, initiated law MCL 333.26423(d), in order to protect the public health, safety and welfare; and,

WHEREAS the provisions within Chapter 36 of the City Code of the City of Dearborn Heights were adopted on July 24, 2007 and that these zoning regulations have not kept pace with recent statewide legislation; and

WHEREAS it is within the rights of the City to establish reasonable regulations to control the sale and dispensation of medical marijuana in order to protect the public health, safety and welfare; and,

WHEREAS the City Council determines that it is desirable to immediately forbid the sale or dispensation of medical marijuana until an amendment to the zoning ordinance (Chapter 36 of the City Code) becomes effective and a permitting process is established; therefore it is,

RESOLVED that a moratorium on the issuance of permits or licenses for the sale or dispensation of medical marijuana for a period of six (6) months from the date of this Resolution, or until the effective date of the adoption of proper text amendments to the zoning ordinance (Chapter 36 of the City Code) and any necessary licensing requirements, whichever occurs first is hereby adopted.

Motion unanimously adopted.

- 10-108** Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the City Council concurs with and approves Moroz-Pietrowski, Post 9973, 5312 S Beech Daly, Dearborn Heights, MI 48125 to conduct their annual Buddy Poppy Street Corner Sales within the City limits of Dearborn Heights on May 6, 7 and 8, 2010 at the intersection of Avondale and Gulley, per Poppy Chairman Fox.

Motion unanimously adopted.

- 10-109** Motion by Councilman Berry, seconded by Councilwoman Agius, that the request from StopDatingViolence.org, PO Box 430, Roosevelt, NJ 08555-0430 re: Proclamation for Sexual Assault Awareness Month, be received, contents noted and filed.

Motion unanimously adopted.

- 10-110** Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the request to transfer all rights to renewal of escrowed 2009 Class C licensed business, located at 22738 Ford Road, Dearborn Heights, MI 48127, Wayne County, from Art's Sports Bar, Inc. to Wach-Mark Inc., with license to be held in escrow, be approved and the Michigan Liquor Control Commission be so notified. Req. ID #532099

Motion unanimously adopted.

- 10-111** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the business license renewals for Cariera's Cucina Italiana, 6565 N Telegraph, Confetti Liquor Box, 3932 Pelham; Leo's Coney Island, 26540 Ford Road and Uncle Ray's Place, 24502 Warren, be approved.

Motion unanimously adopted.

- 10-112** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:29 PM

S. JUDITH DUDZINSKI
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

MARIA E. LAWRENCE
COUNCIL SECRETARY