

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MARCH 23, 1999

99-110 The meeting was called to order at 8:13 p.m. by Council Chairman Joseph V. Kosinski.

Roll Call showed the following:

Present: Councilman Kenneth R. Baron, Councilwoman Janet L. Blackburn, Councilwoman Margaret M. Horvath, Council Chairman Joseph V. Kosinski, Councilman Daniel S. Paletko, Councilwoman Margaret M. Van Houten, Councilman Gregg Zulinski.

Absent: None.

Also Present: Mayor Canfield, Executive Assistant Heise, Corporation Counsel Berry-Harris, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Building & Engineering Director Opalewski, Deputy Police Chief Gust, Fire Chief Barnett, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by newly appointed Deputy Police Chief, Michael Gust.

99-111 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that the Agenda for the Regular Meeting of March 23, be approved as submitted.

Motion unanimously adopted.

99-112 Motion by Councilman Baron, seconded by Councilwoman Horvath, that the Minutes from the Regular Meeting of March 9, 1999, be approved as submitted.

Motion unanimously adopted.

The Public Hearing for the Issuance of Findings Floodplains and Wetlands Protection Public Hearing was called to order at 8:17 p.m., by Council Chairman Joseph V. Kosinski.

Council Chairman Kosinski waived the reading of the official Notice of Public Hearing (on file in the City Clerk's office).

Council Chairman Kosinski asked Community Development Director Oliverio for his opening remarks.

Community Development Director Oliverio "Pursuant to the procedure for floodplain management and the protection of wetlands specified in Executive Orders 11988 and 11990, the City of Dearborn Heights, Wayne County, Michigan is required to notify and involve the public of actions proposed to be undertaken within or which may appreciably affect a floodplain. On February 23, 1999 the City of Dearborn Heights convened a Public Hearing at the City Hall to notify the public that the City is considering using Community Development Block Grant (CDBG) funds to finance several projects which lie within the 100-year floodplain. This is the flood area which has a one (1) percent chance of occurrence of any given year. The final projects selected for funding and their locations are:

1. Residential Rehabilitation Program - The city proposes to provide low interest loans for rehabilitating housing units occupied by lower income families (City-wide). The City is allocating \$150,000 of its 1999-2000 allocations for this program.
2. Recreation Center Bond Program - The City is proposing to provide \$244,500 for a bond payment for the Community Recreation Center at Powers (Swapka) Park located at Powers and McKinley Streets in the City's south end. This is a continuing activity.

Minutes - March 23, 1999
Continued

3. Parkland Park Improvements (Phase IV) - This park, located on the City's northeast side off of Ann Arbor Trail, has been only minimally developed, and 43 acres of it, located on the opposite side of the Middle Branch of the Rouge River, have remained completely undeveloped. The 1996 City Recreation Plan and the Parkland Park Master Development Plan, have identified recreational facility deficiencies and potential improvements. These include: football field improvements, river bank stabilization, construction of a skating rink, archery range and playscape, installation of a comfort station, improvements to the existing parking lot and relocation of the park entrance. Some or all of these activities will be undertaken during Phase IV. The City plans to allocate \$200,000 of its 1999-2000 CDBG funds for Phase IV improvements.

Executive Order 11988 required communities to protect the values and benefits of Flood plains and to reduce the risk of flood losses by not conducting, supporting, or allowing action within Flood plains unless it is the only practicable alternative.

The City of Dearborn Heights has conducted an evaluation leading to this conclusion.

The analysis has examined alternative sites, alternative locations and alternative actions. The City has also evaluated the consequences of undertaking the activities with respect to impacts on the natural environment (topography, wildlife habitat, etc.), social concerns (aesthetics, public services), economic aspects (employment, land use pattern), and legal constraints (conformance with local zoning/land use plans).

The City recognizes that other governmental agencies must review and, in some instances, issue permits, prior to the City undertaking work within the floodplain. For example, a floodplain occupation permit is required when anything is built above ground in the floodplain for the Michigan Department of Natural Resources.

The City also has provided notice of its intent to utilize CDBG dollars for projects which may affect the floodplain, to the appropriate agencies having responsibility for floodplain management and wetlands protection. In total, 18 agencies were contacted by mail.

The City has used this evaluation to reconsider its original intention to use CDBG funds for activities located within the floodplain, and find that allowing the proposed projects to be carried out within the floodplain is the only practicable alternative. This finding has been made on the following basis:

1. The projects have few negative impacts;
2. There are no CDBG eligible nonfloodplain sites. For housing rehabilitation activities, the City will give funding priority to nonfloodplain locations. If in the floodplain area, rehabilitation loans are approved, the owner of the property must carry flood insurance in the amount of the loan, for the term of the loan;
3. There are no practicable alternatives to the activities which would accomplish the same purpose as the proposed actions; and,
4. The "no action" alternative would leave essential community development needs going unmet.

All actions undertaken will conform to all applicable local, state and federal floodplain protection standards. We are ready to answer any questions the Council or the public may have relative to how we reached this finding.

Council Chairman Kosinski asked City Clerk Robbins if any communications were received at the Clerk's office.

City Clerk Robbins responded no communications, Mr. Chairman.

Minutes - March 23, 1999
Continued

Council Chairman Kosinski asked if there was anyone in the audience who wished to speak for or against the Floodplain and Wetlands Protection Issuance of Findings, hearing none he asked for a motion to close the Public Hearing.

99-113 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the Public Hearing be closed.

The Public Hearing for the Floodplain and Wetlands Protection Issuance of Findings Public Hearing closed at 8:23 p.m.

99-114 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that Fund Transfer 6-A and Current Claims 6-1 through 6-13, be approved as submitted.

- A. \$20,000 from A/C 101-300-706-000 (Police Salaries) to A/C 101-300-818-000 (Police Contractual Services) to cover the costs of upgrading the Police Department's Computer Mainframe.
1. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Monthly Debt & Operations Requirements - Inv. dated 02/01/99 from A/C 101-200-810-000 (Sanitation) \$168,980.00. General Govt.
 2. COMERICA SECURITIES - Installment on Energy Plan & Street Sweepers - Inv. dated 03/05/99 from A/C 101-200-965-000 (Energy Plan) \$71,927.50 and from A/C 101-200-996-001 (Street Sweepers) \$136,017.50. General Govt.
 3. LAURA BERRY-HARRIS - Legal Services February 1999 - Inv. dated 03/09/99 from A/C 101-210-826-000 (Counsel Services) \$8,984.56. Corp. Counsel.
 4. GARY MIOTKE - Legal Services February, 1999 - Inv. dated 03/09/99 from A/C 101-210-826-000 (Counsel Services) \$2,256.00. Corp. Counsel.
 5. NAGEL CONSTRUCTION - Sewer Cleaning Program - Inv. 1139 dated 02/23/99 from A/C 592-537-818-000 (Contractual Services) \$13,938.86. Water Dept.
 6. NEW WORLD SYSTEMS - Training & Travel - Inv. 84799 dated 02/19/99 from A/C 101-258-818-000 (Contractual Services) and from A/C 592-536-818-000 (Contractual Services) \$1,552.50. General Govt.
 7. QUAD-TRAN OF MICHIGAN - Data Processing March 1999 - Inv. 3046 dated 02/26/99 from A/C 101-130-818-000 (Contractual Services) \$3,200.00 and from A/C 101-130-728-000 (Office Supplies) \$824.10. District Court.
 8. STATEWIDE SECURITY TRANSPORT - Prisoner Food & Lodging January 1999 - Inv. dated 02/28/99 from A/C 101-200-868-000 (Prisoner Food & Lodging) \$4,409.00 General Govt.
 9. WADE-TRIM/ASSOCIATES - Downriver Tech Assistance, Flow Monitor, Relief Sewer - Inv. 60742 dated 02/12/99 from A/C 592-XXX-154-000 (Sewers) \$3,348.40. Water Dept.
 10. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Interest Obligation ECPAD Drain District 20 - Inv. 59856 dated 03/08/99 from A/C 592-905-995-002 (Interest) \$14,730.96. Water Dept.
 11. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Interest Obligation Rouge Valley CSO - Inv. 88547 dated 03/08/99 from A/C 592-905-992-004 (Interest) \$408,645.00. Water Dept.
 12. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Principal & Interest 1961 Sewage Disposal Bonds - Inv. 88552 dated 03/08/99 from A/C 101-200-992-000 (Sewage Disposal Bonds) \$80,969.11. General Govt.
 13. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Principal & Interest Rouge Valley Sewage Disposal - Inv. 88562 dated 03/08/99 from A/C 592-905-991-000 (Principal) \$276,105.00 and from A/C 592-905-995-000 (Interest) \$120,121.40. Water Dept.

Motion unanimously adopted.

- 99-115** Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Street Sweeping Pilot Program Contract with Wade-Trim/Associates, Inc., 25251 Northline Road, PO Box 10, Taylor, MI 48180 per, Mayor Canfield, communication dated March 15, 1999. This program is part of the City's Storm Water Permit Project. Further, that the Mayor and City Clerk sign on behalf of the City.

Motion unanimously adopted.

- 99-116** Motion by Councilman Paletko, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Geographic Information System (GIS) Pilot Program Contract with Wade-Trim/Associates, Inc., 25251 Northline road, PO Box 10, Taylor, MI 48180 per, Mayor Canfield, communication dated March 15, 1999. This program is part of the City's Storm Water Permit Project. Further, that the Mayor and City Clerk sign on behalf of the City.

Motion unanimously adopted.

- 99-117** Motion by Councilwoman Horvath, seconded by Councilman Zulinski, that the City Council concurs with and approves the appointment of George Keith, 7322 Silvery Lane, to the Planning Commission, term to expire May, 2001 per, Mayor Canfield, communication dated March 16, 1999.

Motion unanimously adopted.

- 99-118** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the communication from Mayor Canfield, dated March 15, 1999 re: The appointments of Ileen Raniszewski, 6266 Lafayette, to the Dearborn Heights Housing Commission, term to expire July 2003; Frances Robinson, 6620 Colonial, term to expire July 2002 and the reappointment of Don Nelson, term to expire July 2004, be received, contents noted and filed.

Motion unanimously adopted.

- 99-119** Motion by Councilwoman Horvath, seconded by Councilman Zulinski, that the communication from Mayor Canfield, dated March 15, 1999 re: The appointment of Diane Lewandowski, Building & Engineering Department to the Residential & Rehab Loan Review Board as a representative of that department, be received, contents noted and filed.

Motion unanimously adopted.

- 99-120** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the St. Albert the Great Parish Festival Parade route, scheduled for June 5, 1999 with Police and Fire Departments participation per, Mayor Canfield, communication dated March 15, 1999 and the request from Brian St. Pierre, Chairperson for the parade.

Motion unanimously adopted.

- 99-121** Motion by Councilman Baron, seconded by Councilman Zulinski, that the communication from Chairman Kosinski, dated March 16, 1999 re: Traffic or vehicular directional sign removal, be received, contents noted and filed.

Motion unanimously adopted.

- 99-122** Motion by Councilman Baron, seconded by Councilman Zulinski, that the Land Use & Zoning Authority resolution be adopted as follows:

WHEREAS, US Senate Bill 1256 and US House of Representatives Bill 1534 are now under consideration; and

WHEREAS, these two Bills impose new federal mandates and far reaching federal preemption of local government land use and zoning authority; and

WHEREAS, these two Bills would expand litigation and taxpayers liability against cities and towns into Federal court, and would remove any incentive for a developer to negotiate with a community; and

WHEREAS, the City of Dearborn Heights firmly believes that State and Local governments are the agencies that must protect the public health, safety welfare and the environment on the local level; and

WHEREAS, the City of Dearborn Heights believes the federal courts to be an illogical place to settle disputes about local property cases; and,

WHEREAS, these two Bills would be a detriment to the effectiveness and efficiency of both local and federal governments.

NOW THEREFORE BE IT RESOLVED the Elected Officials of the City of Dearborn Heights are vehemently opposed to SB 1256 and HB 1534 and implore that all elected officials reject these bills that would preempt traditional and historic state and local land use and zoning authority.

FURTHER BE IT RESOLVED that a copy of this resolution be forwarded to the President and Vice President of the United States, all State and Federal officials representing the City of Dearborn Heights, Michigan Municipal League, Conference of Western Wayne and officials of all abutting communities.

Per, Assessor Welch, communication dated March 4, 1999.

Motion unanimously adopted.

- 99-123** Motion by Councilman Baron, seconded by Councilwoman Blackburn, that the City Council concurs with and approves the contract extension with Barrett Paving Materials, Inc., 13501 Huron River Drive, Romulus, MI 48197 for paving materials for the 1999 season, per Public Service Administrator Blackburn, communication dated January 8, 1999. The quoted price for CP-5 Pave 192 cold patch is \$36.70 per ton and \$65.00 per ton for CP-7 UPM cold patch. This reflects an increase of \$1.00 per ton for CP-5 Pave 192 cold patch over the original quote as shown in CM 99-023.

Motion unanimously adopted.

- 99-124** Motion by Councilman Paletko, seconded by Councilman Zulinski, that the City Council authorize the submission of the Grant Application for the Department of Natural Resources Trust Fund and/or under the Clean Michigan Initiative Program for Parkland Park Development per, Community Development Director Oliverio, communication dated March 15, 1999. Further, that the Mayor and City Clerk sign and submit the application on behalf of the City.

Motion unanimously adopted.

- 99-125** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the City Council concurs with and approves contracting with ISMA, Inc., 2103 Burlington, North Kansas City, Missouri, for the hardware and software upgrade for the Police Department's computer system, in the amount of \$17,749, plus approximately \$2,000 for travel and lodging, for a total of \$19,749, and payment thereof per, Police Chief Webber, communication dated March 15, 1999. This expenditure is required for Y2K compliance.

Motion unanimously adopted.

- 99-126** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the request to purchase 25,000 uniform traffic citations from Doubleday Bros., in the amount of \$2,700.00, and payment thereof, be approved, per Police Chief Webber, communication dated March 15, 1999. The price is from a previous bid and will be honored by Doubleday Bros.

Motion unanimously adopted.

- 99-127** Motion by Councilwoman Blackburn, seconded by Councilwoman Horvath, that proposed Ordinance H-99-01, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY REZONING from R-1B, (Single Family Residential District) to M-1, (Light Industrial) for property located on the east line of Silvery Lane and the south line of Ann Arbor Trail for the purpose of constructing a mini-storage facility on a 4.546 acre site by Noland Brothers of Texas, be considered read for the first time.

AYES: Councilman Baron, Councilwoman Blackburn, Councilwoman Horvath, Council Chairman Kosinski, Councilman Paletko, Councilwoman Van Houten.

NO: Councilman Zulinski.

ABSENT: None.

Motion adopted.

- 99-128** Motion by Councilwoman Blackburn, seconded by Councilwoman Horvath, that proposed Ordinance H-99-02, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY REZONING FROM R-1B, (Single Family Residential District) to RMA (Multiple Family Residential District) for property located on the east line of Silvery Lane and the south line of Ann Arbor Trail for the purpose of constructing town-house condominiums on a 6.768 acre site by Tri-Mount Management, be considered read for the first time.

AYES: Councilman Baron, Councilwoman Blackburn, Councilwoman Horvath, Council Chairman Kosinski, Councilman Paletko, Councilwoman Van Houten.

NO: Councilman Zulinski.

ABSENT: None.

Motion adopted.

- 99-129** Motion by Councilman Baron, seconded by Councilman Zulinski, that Traffic Control

Minutes - March 23, 1999
Continued

Device Request T-105, "No Parking with Support Monday - Friday 7:00 a.m. to 5:00 p.m." signs for W/S bound Highview from the corner of Richardson to 6593 Highview, be approved.

Motion unanimously adopted.

- 99-130** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the communication from Sheila Drapala, St. Anselm Church Parish Council President, re: Posting of "No Trespassing" signs on the church private property, be received, contents noted and filed.

Motion unanimously adopted.

- 99-131** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the request to transfer stock interest in a 1998 SDM licensed corporation wherein Joint Stockholders, Silvania and Steve W. Matti transfer 1,500 shares of stock to new stockholder, Angela Patrus for property located at 4650 S Beech Daly, be approved and the Liquor Control Commission be so notified.

Motion unanimously adopted.

- 99-132** Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that business license renewal for Leo's Coney Island, 26540 Ford Road, be approved.

Motion unanimously adopted.

- 99-133** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:30 p.m.

JOYCE A. ROBBINS
CITY CLERK

JOSEPH V. KOSINSKI, CHAIRMAN
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY