

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

JANUARY 25, 2011

11-013 The meeting was called to order at 8:03 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present: Councilwoman Elizabeth J. Agius, Councilman Ned Apigian, Councilwoman Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Margaret M. Van Houten.

Absent: Councilwoman Margaret M. Horvath.

Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Administrative Assistant Kramarz (arrived at 8:06 pm), Assessor McDermott, Building & Engineering Director Sobh, Community & Economic Development Director Amen, Deputy Comptroller Macari, Corporation Counsel Miotke, Deputy Clerk Pawlukiewicz, Emergency Management Director Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Library Director Mccaffery, Police Chief Gavin (arrived at 8:06 pm), Public Service Administrator Franzil, Recreation Director Grybel, TIFA Administrator Oliverio.

The Pledge of Allegiance was led by recipients of the City Beautiful Holiday Lights competition.

City Beautiful Holiday Lights Competition Certificates and Awards were handed out by Chairwoman Karen Kasprzyk and Mayor Paletko to the Jessie-Upshaw family, Berwyn Street, Scott Rakowski, Heather Lane and the Williams family, Andover Street. The Siriois family, Nightingale Street were not able to attend.

11-014 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the Agenda for the Regular Meeting of January 25, 2011, be approved as submitted.

Motion adopted.

11-015 Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the Minutes from the Regular Meeting of January 11, 2011, be approved as submitted.

Motion adopted.

11-016 Motion by Councilman Berry, seconded by Councilwoman Agius, that Current Claims 6-1 through 6-12, be approved as submitted.

1. ACCUMED BILLING, INC. – Ambulance Billing December 2010 – Inv. dated 01/01/11 from A/C 101-000-626-000 (Ambulance Runs) \$5,918.56. Fire Dept.
2. BELLE TIRE – Tire Purchase and Installation – Inv. 18824241 dated 01/04/11 from A/C 101-335-932-000 (Repairs) \$1,592.00. Fire Dept.
3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – Waste, Admin for December 2010 – Inv. # 12/10 from A/C 101-200-810-000 (Sanitation) \$49,662.31. General Govt.
4. COMPUTER TECHNOLOGIES, INC. – Data Processing – Inv. 70759 dated 01/07/11 and 70760 dated 01/15/11 from A/C 101-258-932-000 (Repair/Maint) \$3,073.75 and A/C 592-536-932-000 (Repair/Maint) \$170.00. Data Processing
5. HYDRODESIGNS, INC. – Cross Connection Program – Inv. 23629-IN dated 12/21/10 from A/C 592-536-817-000 (Prof/Consult) \$2,623.00. Water Dept.
6. JOHNSON CONTROLS – Vestibule Heater Richard Young – Inv. 1-2061393159 dated 12/14/10 from A/C 101-265-931-000 (Building Repair) \$1,576.80. Building Maint
7. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 2904 dated 12/31/10 from A/C 592-540-818-030 (Contract Services) \$12,259.07. Water Dept.
8. NEW IMAGE BUILDING SERVICES, INC. – Cleaning Services – Inv. 66963 dated 01/01/11 from A/C 738-738-818-000 (Contract Services) \$2,214.00. Library
9. OAKLAND COUNTY - CLEMIS System Charges – Inv. CLM0003038 dated 12/31/10 from A/C 101-300-818-000 (Contract Services) \$17,017.00. Police Dept.
10. RKA PETROLEUM – Diesel Fuel Fire Department – Inv. 694695 dated 12/29/10 from A/C 101-335-867-000 (Fuel) \$1,829.91. Fire Dept.
11. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – Drain Assessment 2010 – Inv. 258620 dated 01/10/11 from A/C 101-200-988-000 (Drains) \$6,884.47. General Govt.
12. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – Downriver & Rouge Valley Excess Flow January – March 2011 – Inv. 258570 and 258581 dated 01/05/11 from A/C 592-537-929-000 (Sewage) \$400,279.50. Water Dept.

Motion adopted.

Minutes **JANUARY 25, 2011** Continued

- 11-017** Motion by Councilwoman Agius, seconded by Councilman Apigian, that the City Council concurs with and approves the Dearborn Heights Police Supervisors Association Agreement effective July 1, 2009 through June 30, 2013, per Mayor Paletko, communication dated January 19, 2011. Further, that the Mayor and City Clerk be authorized to sign the agreement on behalf of the City.

Ayes: Councilwoman Agius, Councilman Apigian, Council Chairman Baron, Councilman Berry, Councilwoman Van Houten.

Nays: Councilwoman Badalow.

Absent: Councilwoman Horvath.

Motion adopted.

- 11-018** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the creation of the City of Dearborn Heights Flexible Spending Bank Account for the purpose of paying unreimbursed medical and/or dependant day care claims and authorize Treasurer John J. Riley II and Deputy Comptroller Vince Macari as the City's signatory together with Mr. Jason Goodroe and Mr. Robert Ottman for AFLAC, administrators, per the recommendation of Corporation Counsel Miotke, communication dated January 14, 2011 and Treasurer Riley, communication dated January 19, 2011. Further, that \$8,500.00 be authorized from the General Fund to prefund the Flexible Spending account.

Motion adopted.

- 11-019** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the City Council concurs with and approves the purchase of two (2) Cardiac Monitor/Defibrillators with trade-ins from Physio Control Inc., 11811 Willows Road NE, PO Box 97023, Redmond, WA 98073-9723, for the cost of \$51,265.10, and payment thereof, per Fire Chief Gurka, communication dated January 18, 2011. Further funding for this purchase is as follows: Assistance to Firefighters Grant (AFG) \$28,000.00, Oakwood Hospital Foundation \$16,265.10, TIFA \$3,500.00, and Fire Department Medical Supplies budget \$3,500.00. Council acknowledges the signed prerelease of Purchase Order to Physio Control, Inc., in the amount of \$35,000.00 from Grant Account 1037105770 signed by Mayor Paletko.

Motion adopted.

- 11-020** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council concurs with and approves the updated 2011 Poverty Exemption Policy and Guidelines, the Exemption Application, the Waiver of Confidentiality and Authorization Form to Conduct a Property Inspection, per Assessor McDermott, communication dated January 18, 2011.

Motion adopted.

- 11-021** Motion by Councilwoman Van Houten, seconded by Councilman Apigian, that the City Council concurs with and approves the emergency repair to City Hall Roof Top Unit (RTU) #3, heat exchanger, by Johnson Controls, Inc., PO Box 905240, Charlotte, NC 28290-5240, in the amount of \$2,992.00, and payment thereof, per Building Maintenance Superintendent Zimmer, communication dated January 19, 2011. Funds for this repair are available in Building Maintenance A/C 265-932.

Motion adopted.

- 11-022** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves the 2010-2011 Revenue Reduction as follows:

City Administration from \$164,300 to \$151,900 and Sidewalk Program from \$350,000 to \$162,400, to balance the 2010-2011 Fiscal Year TIFA Budget, per TIFA Administrator Oliverio, communication dated January 10, 2011.

Motion adopted.

- 11-023** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the communication from the Tax Increment Finance Authority re: The TIFA Audit Report for Year Ending June 30, 2010, prepared by Plante & Moran, be received, contents noted and filed.

Motion adopted.

- 11-024** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that proposed Ordinance H-11-02, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING ARTICLE II OF CHAPTER THIRTY THREE OF THE CODE REGARDING TREE REGULATIONS, AND MORE SPECIFICALLY BY AMENDING SECTIONS 33-30, 33-37 AND 33-39 IN ORDER TO IMPROVE THE REGULATION OF TREES, be considered read for the second time and become effective upon publication in the City's official newspaper of record.

Ayes: Councilwoman Agius, Councilman Apigian, Council Chairman Baron, Councilman Berry, Councilwoman Van Houten.

Nays: Councilwoman Badalow.

Absent: Councilwoman Horvath.

Motion adopted.

- 11-025** Motion by Councilwoman Agius, seconded by Councilman Apigian, that the communication from Thomas C. Michaud, Van Overbeke, Michaud & Timmony, PC, Attorneys and Counselors, 79 Alfred Street, Detroit, MI 48201, dated December 30, 2010 re: AFSCME Proposed Pension Changes, City's answers, and the accompanying actuarial reports be received, contents noted and filed, per Human Resource Director Sobota-Perry, communication dated January 18, 2011. Further, that the City be authorized to move along with the Early-Out Program as presented.

Motion adopted.

- 11-026** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the City Council concurs with and approves the Application for Solicitation License for Pvt. John Lyskawa VFW Post #7546 to solicit for their annual Buddy Poppy Sale on May 5, 6 and 7, 2011 at Ford and Telegraph, Warren and Telegraph, Joy and Telegraph and various businesses north of Michigan Avenue per, Robert Luay, 33411 Florence, Garden City, MI 48135.

Motion adopted.

- 11-027** Motion by Councilman Apigian, seconded by Councilwoman Van Houten, that the Business License Renewal for Bone Yard, 7010 N Telegraph, be approved.

Motion adopted.

- 11-028** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 to Jomaa Land Development, 125 Evangeline, Dearborn Heights, MI 48127, for NSP rehabilitation services at 21128 Brooklawn, in the amount of \$22,300.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 10, 2010.

Motion adopted.

- 11-029** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 and #2 to Qualified Construction, Inc., 4706 Product Drive, Suite 5, Wixom, MI 48393, for NSP rehabilitation services at 8436 Colonial, in the amounts of \$2,696.00 and \$6,835.00, for a grand total of \$9,531.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 10, 2011.

Motion adopted.

- 11-030** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 to Re-Construction, Inc., 17250 Redford, Detroit, MI 48219-3258, for NSP rehabilitation services at 24526 Fordson, in the amount of \$11,850.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 10, 2011.

Motion adopted.

- 11-031** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 to Complete Construction, Inc., 3750 W 11 Mile Road, Berkley, MI 48072, for NSP rehabilitation services at 4160 Lincoln, in the amount of \$18,652.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 18, 2011.

Minutes **JANUARY 25, 2011** Continued

Motion adopted.

- 11-032** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 (\$25,712.00); Payment #2 (21,400.00) and Payment #3 (\$20,911.00) to Qualified Construction Corp., 4706 Product Drive, Suite 5, Wixom, MI 48393, for NSP rehabilitation services at 4903 Lincoln, in the total amount of \$68,023.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 18, 2011.

Motion adopted.

- 11-033** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 to Complete Construction, Inc., 3750 W 11 Mile Road, Berkley, MI 48072, for NSP rehabilitation services at 5975 Silvery Lane, in the amount of \$17,848.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 10, 2011.

Motion adopted.

- 11-034** Motion by Councilman Berry, seconded by Councilwoman Agius, that the City Council concurs with and approves Progress Payment #1 and #2 to Qualified Construction Corp., 4706 Product Drive, Suite 5, Wixom, MI 48393, for NSP rehabilitation services at 8273 Silvery Lane, in the amount of \$9,511.00 for #1 and \$4,214.00 for #2, for a grand total of \$13,725.00, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 18, 2011.

Motion adopted.

- 11-035** Motion by Councilwoman Agius, seconded by Councilwoman Berry, that the lowest responsible bidder, Jomaa Land Development 125 Evangeline, Dearborn Heights, MI 48127, for NSP Rehabilitation Project at 5687 Drexel, in the amount of \$105,150.00, be approved, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 10, 2011.

Ayes: Councilwoman Agius, Councilman Apigian, Councilwoman Badalow, Council Chairman Baron, Councilman Berry.

Nays: Councilwoman Van Houten.

Absent: Councilwoman Horvath.

Motion adopted.

- 11-036** Motion by Councilman Apigian, seconded by Councilwoman Agius, that the City Council concurs with and approves the Neighborhood Stabilization Program Fair Housing Policy, drafted by Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 18, 2011. Further, that the Fair Housing Resolution be adopted as follows:

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and,

WHEREAS, under the Michigan Elliot-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the City of Dearborn Heights, Michigan to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Therefore, the City of Dearborn Heights, Michigan does hereby pass the following Resolution:

BE IT RESOLVED THAT THE City of Dearborn Heights, Michigan shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status;

The City of Dearborn Heights, Michigan will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, heights, weight, familial status, or marital status to seek

equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights.

The City of Dearborn Heights, Michigan will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act.

This resolution shall take effect as of the date listed below, per Sarah Traxler, Principal Planner, McKenna Associates Inc., 235 East Main Street, Suite 105, Northville, MI 48167, communication dated January 18, 2011.

Motion adopted.

- 11-037** Motion by Councilman Berry, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 9:40 PM

S. JUDITH DUDZINSKI
CITY CLERK

KENNETH R. BARON
COUNCIL CHAIRMAN

MARIA E. LAWRENCE
COUNCIL SECRETARY