

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

JANUARY 25, 1994

94-021 The meeting was called to order at 8:07 p.m., by Council Chairman Daniel S. Paletko.

Roll Call showed the following:

Present: Councilman Robert L. Brown, Councilman David C. Brunell, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski, Council Chairman Daniel S. Paletko.

Absent: Councilman Gary P. Blackburn.

Also Present: Mayor Canfield, Administrative Assistant Zadikian, Corporation Counsel Berry-Harris, Corporation Counsel Assistant Heise, Deputy Clerk Robbins, Treasurer Riley II, Comptroller Barrow, Assessor Welch, Building & Engineering Director Salatka, Police Chief DiPrima, Fire Chief Lewis, Recreation Director Grybel, Public Service Administrator Preston, Community Development Director Oliverio.

The Pledge of Allegiance was led by Mayor Canfield.

Recreation Director Grybel and Mayor Canfield presented ribbons and certificates to the winners of the 1993/94 Dearborn Heights "Focus on Michigan" Photography Contest.

Kyle Roberts, 1st, 2nd and 3rd Place - Youth Division; Dorothy Reuter, 1st and 2nd Place - Senior Division; Edward R. Finley, Sr., 2nd Place - Adult Division; Geraldine H. Crawford, 3rd Place - Senior Division and Tom Lehane, 1st Place - Adult Division were all present to receive their ribbons and/or certificates.

94-022 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that the Agenda for the Regular Meeting of January 26, 1994, be approved as submitted.

Motion adopted.

94-023 Motion by Councilman David C. Brunell, supported by Councilwoman Margaret M. Horvath, that the Minutes from the Regular Meeting of January 11, 1994 be approved as submitted.

Motion adopted.

The Public Hearing to hear objections, if any, for the vacation of the alley north of Warren between Highview and Gulley was addressed by Council Chairman Daniel S. Paletko. The Chairman explained the City Charter required notice of Public Hearings be published twice in the newspaper of record. The newspaper neglected to publish the second notice for tonight's hearing. Therefore, it will be necessary to reschedule and the publish notice of a second Public Hearing. However, since some attendees present wish to speak, they will be allowed to do so this evening.

Deputy Clerk Robbins read the official Notice:

PLEASE TAKE NOTICE that a Public Hearing will be held on Tuesday, January 25, 1994, by the City Council of the City of Dearborn Heights at the Administration Building, 6045 Fenton Avenue, Dearborn Heights, Michigan at 8:00 P.M. for the purpose of hearing objections, if any, for the vacating of the alley 20' wide east/west, north of Warren particularly described as:

Bounded on the North by Lots 499, a vacated alley, Lot 783, a public alley and lot 780, bounded on the South by lots 500 through 512 inclusive, bounded on the West by Gulley, and bounded on the East by Highview. All contained within DEARBORN WARREN SUBDIVISION T2S-R10E, Liber 52, Page 73 Wayne County Records.

Retaining however, the full width for the entire length of the alley proposed to be vacated, which shall be reserved for public utilities as and for access for maintenance and/or installation thereof.

This Notice is published and posted by direction of the City Council under and by virtue of the City Clerk.

All objection in writing shall be presented to the City Clerk on or before 12:00 Noon, E.S.T., Tuesday, January 18, 1994. Published 01/13/94 in the City's official newspaper.

This Notice was posted on January 18, 1994 by the Code Enforcement Officer on the following utility poles: On four poles on the north side facing south between Gulley and Highview; on one pole on the east side of Highview facing west. I have communications from Detroit Water and Sewerage Department and Michcon, no objections. No other communications Mr. Chairman.

Council Chairman Daniel S. Paletko asked if anyone in the audience had any questions and/or comments.

Mr. Dave Nelson, representative for Dr. and Mrs. Scarpace, the petitioners, stated that automobiles were using the alley at high speeds and that the alley serves no public purpose.

Sharon O'Neill, 7228 Gulley stated that the alley has never been maintained. Weeds, liquor bottles all over; people urinating in broad daylight. Stated was concerned with what will happen with the alley when it is closed off, saying any maintenance that was done was done by her husband.

Mayor Canfield asked what Dr. Scarpace's plans were for the alley if it were vacated.

Mr. Nelson stated that to his knowledge the intent was to seal off the alley behind the doctor's office leaving the easements preserved for utilities.

94-024 Motion by Councilman Robert L. Brown, supported by Councilman David C. Brunell, that the Public Hearing be closed.

Motion adopted.

The Public Hearing regarding the vacating of the alley north of Warren between Highview and Gulley closed at 8:37 P.M.

94-025 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that a Public Hearing be held February 22, 1994 at 8:00 p.m., in the Council Chambers located at 6045 Fenton, Dearborn Heights, Michigan, for the purpose of hearing objections, if any, to vacating the alley off Warren Avenue between Gulley and Highview and to refer to the Fire Department, Police Department, Building and Engineering Department and Corporation Counsel.

Motion adopted.

94-026 Motion by Councilman Joseph V. Kosinski, supported by Councilwoman Margaret M. Horvath, that Current Claims 6-1 through 6-12 be approved as submitted.

1. ALEXSIS INC. - Service Fee for 01/01/94-06/30/94. Inv. 1330, dated 01/10/94. From A/C 101-200-724-000 (Workers Compensation) \$16,800.00. General Government.
2. BUSINESS RECORDS CORPORATION - Annual Maint. Agreement & License Fee for Voters Registration. Inv. 801927, dated 12/18/93 and Inv. 809767, dated 12/30/93. From A/C 101-190-932-000 (Repair & Maintenance) \$4,842.93. City Clerk.
3. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Materials Delivered December, 1993. Inv. dated 01/03/94. From A/C 101-200-810-000 (Sanitation) \$112,375.19. General Government.
4. DEARBORN HEIGHTS BUILDING AUTHORITY - Architectural Services for New Community Center. Inv. 5031, dated 12/30/93. From A/C 103-960-936-092 (Community Center) \$2,904.90. Community Development.

5. DEARBORN HEIGHTS BUILDING AUTHORITY - Soil Testing Service for New Community Center. Inv. R01915, dated 12/30/93. From A/C 103-960-932-092 (Community Center) \$7,549.70. Community Development.
6. GARDEN CITY HOSPITAL - Workers Compensation Injury, Jon Atkinson. Ck. request dated 12/29/93. From A/C 101-200-724-000 (Workers Compensation) \$6,415.95. General Government.
7. L.E.T.N. - Service Contract for 1994. Inv. 204660, dated 12/10/93. From A/C 101-300-818-000 (Contractual Services) \$3,400.00 and A/C 101-300-962-010 (State Training) \$2,221.76. Police Department.
8. OAKWOOD HOSPITAL - Workers Compensation Injury, Paul Coleman. Ck. request dated 01/05/94. From A/C 101-200-724-000 (Workers Compensation) \$1,524.13. General Government.
9. PAINTER & RUTHENBERG - Roll-off Service for December, 1993. Inv. 11034, dated 01/01/94. From A/C 101-200-810-000 (Sanitation) \$4,200.00. General Government.
10. STRINGARI, FRITZ, KREGER, AHERN - Legal Services for December, 1993. Inv. dated 12/31/93. From A/C 101-200-817-000 (Professional & Consult) \$621.22. General Government.
11. VARIOUS CLUBS ALLOTMENT - 1994 Senior Citizen Allotments. Ck. request dated 01/18/94. From A/C 101-691-885-000 (Senior Citizens) \$6,012.00. Recreation.
12. WESTLAND TREE SERVICE - Tree Trimming & Removals. From A/C 101-440-820-000 (Tree Trimming & Removals) \$8,136.00. DPW-Highway.

Motion adopted.

- 94-027 Motion by Councilman Robert L. Brown, supported by Councilman Joseph V. Kosinski, that the bid from Jursik Truck Equipment Corporation, 245 Victor, Highland Park, MI. for the purchase of two (2) Monroe Tailgate Salt Spreaders in the amount of \$3,856.00, be approved and payment thereof, per Public Service Administrator Preston. Funds approved in the 1993-94 Highway Budget, Account #101-440-981-000. Two bidders had the same quote however, due to previous service by Jursik and the existence of parts and supplies for other Monroe Spreaders the bid was awarded to them.

Motion adopted.

- 94-028 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that the following resolution regarding State Purchasing Requirements for State Shared Revenues from the State of Michigan be adopted.

Resolved that the Michigan Department of Treasury be notified by certified resolution that the City of Dearborn Heights purchasing policies conform with the requirements of Public Acts 167 and 168 of 1993.

Motion adopted.

- 94-029 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that the City Council concurs with and approves the disposal of unsalvageable telephone equipment as outlined in communication from Christine Hodgins, Mayor's office, dated January 12, 1994.

Motion adopted.

- 94-030 Motion by Councilman Robert L. Brown, supported by Councilwoman Margaret M. Horvath, that the City Council concurs with and approves a budget amendment request to cover the cost of "the Equalizer" software package as follows:

Increase Revenues	Appro. from Fund Balance
# 101-000-699-000	\$6,495.00

Increase Expenses	Assessor's Capital Outlay
# 101-209-981-000	\$6,495.00

per Comptroller Barrow, communication dated January 19, 1994.

Motion adopted.

- 94-031 Motion by Councilman Joseph V. Kosinski, supported by Councilman David C. Brunell, that the City Council concurs with and approves the lot description change for Fogel Warren Drive Subdivision as follows: The south 8 feet of Lot 142 and all of Lot 143 also the west 1/2 adjacent vacated alley; Lots 144 and 145 also west 1/2 adjacent vacated alley. Further, that the newly deficient Lot (6954 DaCosta) will need Zoning Board of Appeals if additions or major structural changes are desired per, Assessor Welch, communication dated January 7, 1994.

Motion adopted.

- 94-032 Motion by Councilman David C. Brunell, supported by Councilman Robert L. Brown, to rescind Council Motion 93-543 (demolition at 5934 Vernon) per, Building & Engineering Director Salatka, communication dated January 13, 1994.

Motion adopted.

- 94-033 Motion by Councilman Joseph V. Kosinski, supported by Councilman David C. Brunell, that the City Council concurs with and approves the disposal of a wood desk, tag #1050, credenza, tag #3898 and a metal cabinet, tag #1271 per, Building & Engineering Director Salatka, communication dated January 17, 1994.

Motion adopted.

- 94-034 Motion by Councilman Joseph V. Kosinski, supported by Councilman David C. Brunell, that the City Council concurs with and approves the trade with C.M.P., Detroit of confiscated weapons for new equipment to be used by the Emergency Response Team as follows: one (1) H&K MP5-SD2, 9MM specialized weapon, one (1) Pro-Tech Ballistic Shield and nine (9) Pro-Tech Ballistic Helmets at no cost to the City per, Police Chief DiPrima, communication dated January 11, 1994.

Motion adopted.

- 94-035 Motion by Councilman David C. Brunell, supported by Councilwoman Margaret M. Horvath, that the City Council concurs with and approves the purchase of nine (9) 9100-11 Mobile Data Terminals from Motorola, at no cost to the City. Police authorized to use Federal Forfeiture Funds in the amount of \$49,365.00 per Police Chief DiPrima, communication dated January 12, 1994. Further that this is a single source consortium price for the Western Wayne County Police Chiefs Association.

Motion adopted.

- 94-036 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that the City Council concurs with and approves the following Community Development Block Grant Program Public Hearing dates and times:

CDBG Public Hearing	March 1, 1994 - 7:00 P.M.
Flood Plain Public Hearing	March 1, 1994 - 7:15 P.M.
Issuance of Findings Hearing	April 5, 1994 - 7:30 P.M.

per Community Development Director Oliverio, communication dated January 14, 1994.

Motion adopted.

WHEREAS, the City of Dearborn Heights hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes application to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT", to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract from any and all claims of every kind for injuries to, or death of any and all persons and, for loss of, or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.
2. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the DEPARTMENT.
4. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not preclude the DEPARTMENT requiring additional performance security or insurance when deemed necessary by the DEPARTMENT.
5. This Resolution shall continue in force from the date hereof until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that John Preston, Public Service Administrator, is hereby authorized to make application to the Michigan Department of Transportation for the necessary permit to work within state trunkline rights of way on behalf of the GOVERNMENTAL BODY.

Per Public Service Administrator Preston, communication dated January 13, 1994. Further, that the Clerk be authorized to sign.

AYES: Councilman Robert L. Brown, Councilwoman Margaret M. Horvath, Councilman Joseph V. Kosinski, Council Chairman Daniel S. Paletko.
NAYS: Councilman David C. Brunell.
ABSENT: Councilman Gary P. Blackburn.

Motion adopted.

- 94-038 Motion by Councilman Robert L. Brown, supported by Councilman Joseph V. Kosinski, that the communication from Chairman Sogioian, Zoning Board of Appeals, regarding the reappointment of Stephen Vigh, to the Sign Board, term to expire September, 1996, be received, contents noted and filed.

Motion adopted.

- 94-039 Motion by Councilman Joseph V. Kosinski, supported by Councilman David C. Brunell, that the City Council concurs with and approves the Special Land Use at 6888 N Telegraph (Dearborn Heights Auto Sales) as recommended by the Planning Commission, at their Regular Meeting subject to the planting of two (2) trees in front yard and paving of parking area at rear half of property, per Building & Engineering Director Salatka, communication dated January 14, 1994.

Motion adopted.

- 94-040 Motion by Councilman Robert L. Brown, supported by Councilwoman Margaret M. Horvath, that the City Council concurs with and approves the appointment of Mayor Ruth A. Canfield, Delegate and Councilman David C. Brunell, Alternate Delegate to the Central Wayne County Sanitation Authority, terms to expire June, 1995.

Motion adopted.

- 94-041 Motion by Councilman David C. Brunell, supported by Councilman Joseph V. Kosinski, that the City Council concurs with and approves the appointment of Mayor Ruth A. Canfield and the reappointment of Daniel S. Paletko, to the Southeast Michigan Council of Governments, terms to expire December 31, 1994.

Motion adopted.

- 94-042 Motion by Councilman David C. Brunell, supported by Councilman Robert L. Brown, that the City Council concurs with and approves the appointment of Councilman Joseph V. Kosinski and City Treasurer John Riley II, to the General Government Pension Commission, terms to expire December, 1995.

Motion adopted.

- 94-043 Motion by Councilman Joseph V. Kosinski, supported by Councilwoman Margaret M. Horvath, that the City Council concurs with and approves the reappointment of Councilman Gary P. Blackburn to the Planning Commission, term to expire December, 1996.

Motion adopted.

- 94-044 Motion by Councilman David C. Brunell, supported by Councilman Robert L. Brown, that the following Pending, Tabled or Referred Council Motions be Referred to File:

CM 92-273 re: City's Fence Ordinance; CM 93-213 re: Billing Rate Schedule for Engineers; CM 93-273 re: Hourly rate increase for Corporation Counsel; CM 93-370 re: Sale of City Owned Property in Dearborn Homes Sub #3; CM 93-376 re: Removal of Traffic Control Devices on Woodshire; CM 93-493 re: Christmas Light Show; CM 93-535 re: School Finance Reform Program Resolution; and CM 93-536 re: Unfunded Federal Mandates Resolution, per Council Chairman Daniel S. Paletko, communication dated January 19, 1994.

Motion adopted.

- 94-045 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that the Permanent Traffic Control Device Request No. T-14, "No Parking from Here to Corner" sign on the east side of Fairwood south of Warren Avenue, be approved.

Motion adopted.

94-046 Motion by Councilman Joseph V. Kosinski, supported by Councilman Robert L. Brown, that the request from James and Peter Cariera, new stockholders in Dearborn Ventures, Inc., 6565 Telegraph, for the transfer of all stock interest in 1993 Class C and SDM licensed business from sole stockholder, Lawrence Bongiovanni be approved and the Liquor Control Commission be so notified.

Motion adopted.

94-047 Motion by Councilman Robert L. Brown, supported by Councilman Joseph V. Kosinski, that the request for renewal of the 1994 business license for Three Kegs Round, Inc., 8120 N Telegraph and Robindale Inn, 25122 Warren, be approved.

Motion adopted.

94-048 Motion by Councilman David C. Brunell, supported by Councilman Joseph V. Kosinski, that tabled Council Motion 94-010 (Dadaou & Stevens Current Claim) be brought on the table.

Motion adopted.

94-049 Motion by Councilman David C. Brunell, supported by Councilwoman Margaret M. Horvath, that tabled CM 94-010 Dadaou & Stevens updated current claim, with the removal of 9.75 hours for status of files, be approved .

Motion adopted.

94-050 Motion by Councilman Joseph V. Kosinski, supported by Councilwoman Margaret M. Horvath, that tabled CM 93-634 Change Order Request #1, from the Bell Company, contractor for the new Community Center Project be brought on the table.

Motion adopted.

94-051 Motion by Councilman Joseph V. Kosinski, supported by Councilwoman Margaret M. Horvath, that the City Council concurs with and approves Change Order Request #1 from the Bell Company, contractor for the New Community Center Project, in the amount of \$81,815.00.

Motion adopted.

94-052 Motion by Councilman Joseph V. Kosinski, supported by Councilman David C. Brunell, that the meeting be adjourned.

Motion adopted.

The meeting adjourned at 9:17 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL