

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

DECEMBER 13, 1994

94-599 The meeting was called to order at 8:13 p.m., by Council Chairman Daniel S. Paletko.

Roll Call showed the following:

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

Absent: None.

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

The Pledge of Allegiance was led by Councilman Blackburn.

Parks & Recreation Director Kenneth R. Grybel and Mayor Canfield presented awards to the winners of the annual City of Dearborn Heights Photography Contest. In the Senior Division First and Third Place Awards went to Violet Hallberg, Second Place to Dorothy Reuter.

In the Adult Division, ages 18 to 55, First and Third Place went to Ramona Clingerman, Second Place to Allison Hodgins.

94-600 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the Agenda for the Regular Meeting of December 13, 1994, be approved with the addition of Agenda Item 13D (Customer Water Account).

Motion unanimously adopted.

94-601 Motion by Councilman Zulinski, supported by Councilman Blackburn, that the Minutes from the Regular Meeting of November 22, 1994, be approved as submitted.

94-602 Motion by Councilman Kosinski, supported by Councilman Blackburn, that CM 94-596 from the minutes of November 22, 1994 be revised with the inclusion of the following wording: Motion by Councilman Kosinski, supported by Councilman Blackburn, to consider tabled Council Motion 94-550 requesting City Council to pass a proposed resolution from the office of Mayor Canfield and the City of Allen Park re: Opposition to the dumping of P.C.B.'s into the Allen Park Clay Mine Landfill, and to delete from the resolution the Ford Motor Company rebuttal, dated November 9, 1994 and the Michigan Department of Natural Resources letter, dated May 27, 1994.

Motion unanimously adopted.

94-603 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concur with and approve the amendment to revise CM 94-596 (Allen Park Clay Mine Landfill Resolution).

Motion unanimously adopted.

The Public Hearing to hear objections, if any, to the alley vacation at 4925/4929 S. Telegraph was called to order at 8:32 p.m. by Council Chairman Daniel S. Paletko.

City Clerk Sheridan read the official Notice of Public Hearing.

Please take notice that a Public Hearing will be held on Tuesday, December 13, 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 an alley at 4925/4929 S. Telegraph legally described as:

Lots 318-323 inclusive, DEARBORN-TELEGRAPH TOWNLINE SUB NO. 1, T2S, R10E, Liber 48, Page 64, 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 objections in writing shall be presented to the City Clerk on or before 12:00 Noon, E.S.T., Tuesday, December 6, 1994.

Notices were posted on utility poles in the alley at Powers, on Powers, west of West Point, on Eton, west of West Point and on the northeast corner of Eton at West Point.

Notices of the Public Hearing were sent to Michigan Bell Telephone Co., Detroit Water & Sewerage, Detroit Edison and Michigan Consolidated Gas Co. Communications from the City of Detroit Water and Sewerage Department and Michcon stating no conflict. No other communications Mr. Chairman.

Council Chairman Daniel S. Paletko asked if anyone in the audience had any questions and/or comments. Please state your name and address before speaking.

Mr. Don Coleman, petitioner and owner of the property, a dental office, stated he had to move a wall from the back of the alley and that now the alley is the parking lot.

Council Chairman Paletko stated a vacation will be permanent, cannot be reversed.

Mayor Canfield stated that the consideration has to be the location. Mr. Coleman may be there a long time and it may not affect the City, but may change as a business location.

Mr. Coleman stated prior to buying the business he was made to move the wall from the west side of the alley to the east side of the alley. It is a favorite hot rod spot. He has had several complaints from residents who would like to see the alley closed.

Mayor Canfield agreed it was a problem, we have that type of situation in quite a few places in Dearborn Heights and if they could get the business owners to take care of it that would be wonderful because if it was vacated, it would be their responsibility then to take care of it. But vacating allows the right to close it off and in most cases that is what people do and that causes some difficulty for future people who may be in that location. In her 14 years on the council they have had continual problems with vacating of alleys and how to handle it. They are working on a policy. Assessor Welch has come up with a policy and they are making progress on it. She can understand Mr. Coleman's reasoning, he has the same reason many people do who want to close any alley.

Mr. Coleman stated that he believes this is the only alley left in the southern part of Dearborn Heights. That all the others have been vacated to his knowledge. He stated that there are no more alleys that you can travel through with the exception of this one block.

Council Chairman Paletko stated that the Council will not take action tonight. The earliest it could be taken is two weeks from tonight. They need a chance to consider everything and view the site. As the Mayor indicated, there has been some reluctance by the council to grant alley vacations because it ties the Council's hands in the future, but the Council will look into it.

Hearing no other comments, Council Chairman Daniel S. Paletko asked the Public Hearing be closed.

94-604 Motion by Councilman Brown, supported by Councilman Kosinski, that the Public Hearing be closed.

Motion unanimously adopted.

The Public Hearing closed at 8:38 p.m.

94-605 Motion by Councilman Brown, supported by Councilman Blackburn, that Current Claims 6-1 through 6-23 be approved as submitted with the omission of Current Claims 6-8 and 6-10.

1. BUSINESS FORMS CORPORATION - Maint. Agreement for Voters Tabulation Machine. Inv. 0803967, dated 11/20/94. From A/C 101-190-932-000 (Repair & Maint.) \$5,420.00. Clerk's Office.
2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Materials delivered November, 1994. Inv. 12/01/94. From A/C 101-200-810-000 (Sanitation) \$202,333.37. General Govt.
3. E & N CEMENT - Pavements Repairs. Two Inv's dated 12/01/94. From A/C 101-440-880-000 (Road Repair) \$22,064.95 and from A/C 592-540-818-000 (Contractual Services) \$20,192.15. Highway & Water.
4. FLORENCE CEMENT CO. - Valley Park Sub Reconstruction. Cert. #5, dated 11/14/94; Cert. #6, dated 12/02/94. From A/C 203-203-880-300 (Street Construction) \$438,164.70. Highway.
5. MICHIGAN DEPT. OF PUBLIC HEALTH - Annual Water Fee per Public Act 165. Inv. 01740. From A/C 592-536-818-000 (Contractual Service) \$6,391.00. Water Dept.
6. MICHIGAN HUMANE SOCIETY - Animal Processing for October, 1994. Inv 5198, dated 10/31/94. From A/C 101-200-806-000 (Animal Processing) \$1,664.00. General Govt.
7. M.M.R.M.A. - Third Installment on Liability Insurance. Inv. 56076-03, dated 07/07/94. From A/C 101-200-911-000 (Insurance) \$150,994.00. General Govt.
8. NAGEL CONSTRUCTION CO. - 1994 Sanitary Sewer Cleaning Program. Cert. #1, dated 12/02/94. From A/C 592-540-818-000 (Contractual Services) \$16,060.67. Water Dept.
9. THE SENIOR ALLIANCE, INC. - Dues for Fiscal Year 1995. Inv. FY95-039, dated 11/14/94. From A/C 101-691-885-000 (Senior Citizens) \$3,042.00. Recreation.
10. WADE-TRIM/ASSOCIATES - 1994 Sanitary Sewer Cleaning Program. Inv. 45705, dated 12/02/94. Job DHT 2224-02K. From A/C 592-540-818-000 (Contractual Services) \$3,290.00. Water Dept.
11. WADE-TRIM/ASSOCIATES - Assist City with CSO Permit. Inv. 45681, dated 11/16/94. Job DHT 2344-02T. From A/C 592-536-818-000 (Contractual Services) \$1,489.60. Water Dept.
12. WADE-TRIM/ASSOCIATES - DHT/Downriver SSES RPT Update. Inv. 45053, dated 10/13/94. Job DHT 2311-04. From A/C 592-536-818-000 (Contractual Services) \$280.00. Water Dept.
13. WADE-TRIM/ASSOCIATES - Downriver Sewer Rehab - Construction. Inv. 44975, dated 09/13/94. From A/C 592-536-818-000 (Contractual Services) \$1,339.00. Water Dept.
14. WADE-TRIM/ASSOCIATES - Lewis Manor Sub Contract Administrator - Inv. 44213, dated 06/08/94. Job DHT 2328-06T. From A/C 203-203-880-300 (Street Construction) \$772.00. Highway.
15. WADE-TRIM/ASSOCIATES - Phase I Valley Park Sub Construction. Inv. 44977, 09/15/94; Inv. 45076, 10/14/94; Inv. 45680, 11/16/94. From A/C 203-203-880-300 (Street Construction) \$47,561.40. Highway.

16. WADE-TRIM/ASSOCIATES - Plans & Specs 1994 Water Distribution System. Inv. 43851, 04/08/94; Inv. 44087, 05/13/94; Inv. 44255, 06/10/94; Inv. 44570, 07/15/94; Inv. 44630, 08/10/94. From A/C 592-536-818-000 (Contractual Services) \$21,000.00. Water Dept.
17. WADE-TRIM/ASSOCIATES - Plans & Specs Madison Street Bridge. Inv. 45278, dated 11/10/94. Job DHT 2313-21T. From A/C 103-960-947-094 (Madison Street Bridge) \$4,039.20. Community Devel.
18. WADE-TRIM/ASSOCIATES - Plans & Specs Valley Park Sub. Inv. 43849, 04/12/94; Inv. 44085, 05/12/94; Inv. 44253, 06/14/94; Inv. 44567, 07/15/94; Inv. 44626, 08/17/94 Final. From A/C 203-203-880-300 (Street Construction) \$105,937.65. Highway.
19. WADE-TRIM/ASSOCIATES - Plans & Specs for Red Run Drain. Inv. 44568, 07/15/94; Inv. 44627, 08/10/94; Inv. 44804, 09/06/94; Inv. 45038, 10/14/94; Inv. 45290, 11/15/94. From A/C 592-537-973-000 (Sewers Capital Outlay) \$67,532.80. Water Dept.
20. WADE-TRIM/ASSOCIATES - Smoke Testing-North End. Inv. 44854, 09/15/94; Inv. 45054, 10/13/94; Inv. 45363, 11/15/94. From A/C 592-537-973-000 (Sewers Capital Outlay) \$18,079.90. Water Dept.
21. WADE-TRIM/ASSOCIATES - Valley Park Sub Reconstruction. Inv. 45704, 12/02/94; Inv. 45329, 11/14/94. From A/C 203-203-880-300 (Street Construction) \$11,891.00. Highway.
22. WAYNE COUNTY - DEPT. OF ROADS. Traffic Signal Maint. for October, 1994. Inv. 80825, dated 11/16/94. From A/C 101-440-925-000 (Traffic Signal Maintenance) \$2,796.26. Highway.
23. WESTLAND TREE SERVICE - Tree Trimming & Removals. Inv. 12/05/94. From A/C 101-440-820-000 (Tree Trimming & Removals) \$1,687.42. Highway.

Motion unanimously adopted.

- 94-606 Motion by Councilman Brown, supported by Councilman Blackburn, that Current Claim 6-8 and 6-10 be tabled to a Committee of the Whole Meeting.

Motion unanimously adopted.

- 94-607 Motion by Councilman Brunell, supported by Councilman Blackburn, that the City Comptroller be authorized to advertise for bids, per specifications, for the demolition at 26148 Hass, residential/all buildings and at 4866 Southfield, residential/all buildings, per the request of Building & Engineering Director Salatka, communication dated November 30, 1994.

Motion unanimously adopted.

- 94-608 Motion by Councilman Kosinski, supported by Councilman Brown, that Wade-Trim/Associates be authorized to proceed with design and specifications for the Red Run Sanitary Relief Sewer Project to include both the open cut method and tunneling method, at a cost not to exceed \$15,000.00., per Brian M. Slizewski, engineer, communication dated December 7, 1994.

Motion unanimously adopted.

- 94-609 Motion by Councilman Kosinski supported by Councilman Brown, to rescind Council Motion 94-398 (Bid Award, Kim Construction Company, Downriver Wastewater Collection System 1994 Sanitary Sewer Rehabilitation Project) and to direct Corporation Counsel to review the bid bond forfeiture for the Kim Construction Company and that the second low bidder, D.O.C. Contracting be awarded the bid, in the amount of \$180,205.00 per Wade-Trim/Associates communication dated December 7, 1994.

Motion unanimously adopted.

- 94-610 Motion by Councilman Brunell, supported by Councilman Brown, that the City Council concurs with and approves the reappointment of Mr. Bruce Edwards to the Zoning Board of Appeals, commission to expire May, 1997.

Motion unanimously adopted.

- 94-611 Motion by Councilman Kosinski, supported by Councilman Brown, that the Dearborn Heights Supervisors Association contract agreement be tabled to a response from Mitch Mallon.

Motion unanimously adopted.

- 94-612 Motion by Councilman Brunell, supported by Councilwoman Horvath, that the City Council concurs with and approves an agreement with the Wayne County Office of Nutrition Services for distribution of US government surplus food products at the Berwyn Senior Citizens Center. This agreement is for calendar year 1995. Further, that Mayor Canfield and City Clerk be authorized to sign the agreement, per Administrative Assistant Zadikian, communication dated November 23, 1994.

Motion unanimously adopted.

- 94-613 Motion by Councilman Kosinski, supported by Councilman Zulinski, that the City Council concurs with and approves the Rouge River National Wet Weather Demonstration Project Grant Lease of County Property between Wayne County and the City of Dearborn Heights for the sum of \$1.00, per Corporation Counsel's communication dated November 18, 1994. Further, that the Mayor and City Clerk be authorized to sign.

Motion unanimously adopted.

- 94-614 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the contract extension with Barrett Paving Materials, Inc., 857 S Wagner Road, Ann Arbor, MI 48103 for cold patch material for the 1995 season at a cost of \$35.70 per ton, per Public Service Administrator Preston, communication dated November 17, 1994.

Motion unanimously adopted.

- 94-615 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the Master Card/Visa Acceptance Agreement for the Richard A. Young Recreation Center and the Canfield Community Center for recreation services for limitation of 90 days, per Recreation Director Grybel, communication dated December 5, 1994. Signed agreement to be returned to Kenneth Grybel, Recreation Director. Further, that the Mayor and City Clerk be authorized to sign the agreement.

Motion unanimously adopted.

- 94-616 Motion by Councilman Brown, supported by Councilman Zulinski, that the City Council concurs with and approves a lease agreement between the City and the Xerox Corporation for one (1) Xerox Model #5021ZT Copier, in the amount of \$110.82 per month, which includes a \$1,000.00 trade-in, to be effective for three (3) years. This lease agreement has the same contract price that has been accepted by the State of Michigan, Contract No. 07085770. Funds for the acquisition have been budgeted in the Capital Outlay Account, per Recreation Director Grybel, communication dated December 5, 1994. Further, that Mayor Canfield be authorized to sign the lease agreement.

Motion unanimously adopted.

- 94-617 Motion by Councilman Kosinski, supported by Councilwoman Horvath, that the City Council concurs with and approves the Richard A. Young Recreation Center DNR Recreation Bond Project Extension Amendment Request #1 for the Richard A. Young Recreation Center, per Recreation Director Grybel, communication dated December 5, 1994. Signed agreement to be returned to Kenneth Grybel, Recreation Director. Further, that the Mayor and City Clerk be authorized to sign the Amendment with the DNR.

Motion unanimously adopted.

- 94-618 Motion by Councilman Kosinski, supported by Councilman Brown, that proposed Ordinance H-94-13 (Amendment to City Building Code), AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING BY SECTIONS 7-26 AND 7-28 PROVIDING FOR ADOPTION OF THE PROVISIONS OF THE BOCA NATIONAL BUILDING CODE, TWELFTH EDITION, 1993, AS AMENDED, AND AMENDING THE BUILDING REGULATIONS, CHAPTER 7, ARTICLE II, be considered read for the second time, to become effective upon publication in the City's official newspaper, by reference, as provided by law.

Motion unanimously adopted.

- 94-619 Motion by Councilman Blackburn, supported by Councilwoman Horvath, that proposed ordinance H-94-14 (Amendment to the Fire Prevention Code), AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING BY SECTIONS 14-46, 14-47, AND 14-48 PROVIDING FOR ADOPTION OF THE PROVISIONS OF THE BOCA NATIONAL FIRE PREVENTION CODE, NINTH EDITION, 1993, AS AMENDED, AND AMENDING THE FIRE PREVENTION REGULATIONS, CHAPTER 14, ARTICLE III, by reference, be considered read for the second time and become effective upon publication in the City's official newspaper. No fire inspection fees included.

Motion unanimously adopted.

- 94-620 Motion by Councilman Kosinski, supported by Councilman Zulinski, the proposed ordinance H-94-15 (Fire Prevention and Protection Regulations) AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING BY SECTIONS 14-91 THROUGH SECTION 14-112 PROVIDING FOR ADOPTION OF BASIC FIRE CONTROL MEASURES AND REGULATIONS GOVERNING CONDITIONS WHICH COULD IMPEDE OR INTERFERE WITH FIRE SUPPRESSION FORCES AND AMENDING THE FIRE PREVENTION AND PROTECTION REGULATIONS CHAPTER 14, ARTICLE V, be considered read for the second time, to become effective upon publication in the City's official newspaper, by reference, as provided by law. No fire inspection fees included.

Motion unanimously adopted.

- 94-621 Motion by Councilman Blackburn, supported by Councilwoman Horvath, that Proposed Ordinance H-94-16 (Electric Code) AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING BY SECTIONS 7-46 AND 7-47 PROVIDING FOR ADOPTION OF THE PROVISIONS OF THE NATIONAL ELECTRIC CODE, 1993 EDITION, AS AMENDED, AND AMENDING THE ELECTRICAL CODE, CHAPTER 7, ARTICLE III, be considered read for the second time, to become effective upon publication in the City's official newspaper, by reference, as provided by law.

Motion unanimously adopted.

94-622 Motion by Councilman Blackburn, supported by Councilman Brown, that proposed ordinance H-94-12 (Planning Commission Reorganization Amendment) AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 23-29 AND 23-30 PROVIDING FOR THE COMPOSITION, APPOINTMENT AND TERMS OF THE CITY PLANNING COMMISSION, be considered read for the second time, to become effective upon publication in the City's official newspaper, by reference, as provided by law.

Motion unanimously adopted.

94-623 Motion by Councilman Brown, supported by Councilman Brunell to amend Ordinance H 94-12, Planning Commission Reorganization to include the word voting ex-officio in Section 23-29.

Motion unanimously adopted.

94-624 Motion by Councilman Kosinski, supported by Council Chairman Paletko to table Ordinance H 94-12.

AYES: Councilman Brown, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski, Council Chairman Paletko.

NAYS: Councilman Blackburn, Councilman Zulinski.

ABSENT: None.

Motion adopted.

94-625 Motion by Councilman Blackburn, supported by Councilman Brown, that the communication from the Michigan Department of Transportation re: Beech-Daly Road Sewer and Water Main Project Reconstruction be referred to Corporation Counsel for review and recommendation.

Motion unanimously adopted.

94-626 Motion by Councilman Kosinski, supported by Councilman Brunell, that the request for renewal of 1994 business license for O'Grady's Irish Pub, 3651 S Beech Daly; Robindale Inn, 25122 Warren; Three Kegs Round, 8120 N Telegraph and the Mexican Fiesta, 24310 Ford.

Motion unanimously adopted.

94-627 Motion by Councilman Kosinski, supported by Councilman Brown, that the request to transfer ownership of 1994 SDM licensed business at 19050-19054 Van Born Road, Dearborn Heights to Gladys Addison partner with Billy Addison, be approved, and the Liquor Control Commission be so notified. Ref# 940005326 NLL.

Motion unanimously adopted.

94-628 Motion by Councilman Kosinski, supported by Councilman Brown, that the communication from Comptroller Barrow regarding a customer water bill account be referred to administration with the request that Council be given a full report by the second study session in January, 1995.

Motion unanimously adopted.

94-629 Motion by Councilman Blackburn, supported by Councilman Kosinski, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 10:22 p.m.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL