

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

DECEMBER 11, 2007

07-441 The meeting was called to order at 8:05 p.m. by Council Chair Elizabeth J. Agius.

Roll Call showed the following:

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

Absent: None.

Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Corporation Counsel Miotke, Administrative Assistant Kramarz, Deputy Assessor Cooper, Building & Engineering Director Sobh, Community & Economic Development Director Jamal, Comptroller Barrow, Deputy Comptroller Macari, Emergency Management Assistant Ankrapp, Fire Chief Gurka, Human Resource Director Sobota-Perry, Co-Librarian McCaffery, Police Chief Gust, Deputy Police Chief Gavin, Public Service Administrator Franzil, Recreation Director Grybel.

The Pledge of Allegiance was led by Local Officers Compensation Commissioner Roy Pilot.

07-442 Motion by Councilman Berry, seconded by Councilman Baron, that the Agenda for the Regular Meeting of December 11, 2007, be approved as submitted.

Motion unanimously adopted.

07-443 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the Minutes from the Regular Meeting of November 27, 2007, be approved as submitted.

Motion unanimously adopted.

07-444 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that Current Claims 6-1 through 6-35, be approved as submitted.

1. A-LAND CONSTRUCTION – 2008 Sidewalk Replacement Program – Final Invoice dated 12/04/07 from A/C 101-200-963-000 (Sidewalks) \$47,792.58. (See Amendment) General Govt.
2. BELFOR – Board up Building – Gas & Go – Inv. 3010-7-11057-1 dated 11/20/07 from A/C 101-371-818-010 (Demo) \$2,365.50. Building Dept.
3. CMP DISTRIBUTORS – Clothing Police Department – Inv. 2025 and 2028 dated 10/30/07 from A/C 101-300-813-000 (Clothing) \$2,190.00. ENC. Police Department
4. CENTRAL WAYNE COUNTY SANITATION AUTHORITY – Disposal & Debt Payments Oct/Nov 2007 – Inv. 10/07 dated 10/31/07 from A/C 101-200-810-000 (Sanitation) \$75,493.25. General Govt.
5. CIPPARRONE CONTRACTING – Sidewalk Replacement Program – Final Inv. dated 12/03/07 from A/C 101-200-963-000 (Sidewalks) \$5,098.70. General Govt.
6. CITY OF INKSTER – Dearborn Heights Share of DEQ NPDES CSO Joint Permit – Ck. Req. dated 11/29/07 from A/C 592-xxx-154-000 (Sewers) \$3,000.00. Water Dept.
7. CONFERENCE OF WESTERN WAYNE – Annual Membership Dues – Ck. Req. dated 11/28/07 from A/C 101-200-958-000 (Dues) \$8,019.00. General Govt.
8. EJIW EAST JORDAN – Fire Hydrant and Miscellaneous Parts – Inv. 2988865 and 2988866 dated 11/03/07 from A/C 592-xxx-011-002 (Inventory) \$4,408.56. Water Dept.
9. ELECTRIC POWER & DESIGN – Various Work for Police Department – Various Inv.'s from A/C 101-300-818-000 (Contract Services) \$4,154.45. Police Dept.
10. FILEONQ, INC. – Software Maintenance and Support for 2008 – Inv. 1948 dated 11/29/07 from A/C 101-300-818-000 (Contract Services) \$4,758.75. Police Dept.
11. HEIGHTS TREE SERVICE – Tree Trimming & Removals – Inv. 118 dated 12/02/07 from A/C 101-440-820-000 (Trees) \$6,487.20. DPW-Highway
12. HYDRODESIGNS – Cross Connection Program – Inv. 17191-IN, dated 11/30/07 from A/C 592-536-817-000 (Prof/Consult) \$3,074.00. Water Dept
13. INLAND PRESS – Printing of Ballots – Inv. 30542 dated 10/31/07 from A/C 101-190-730-000 (Supplies) \$7,398.00. ENC. Clerk's Office
14. JS PRINTING, LLC – 10,000 Ordinance Forms – Inv. 20621 dated 10/10/07 from A/C 101-200-728-000 (Supplies) \$1,571.22 ENC. General Govt.
15. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 2441 dated 11/29/07 from A/C 592-540-818-030 (Contract Services) \$19,305.94. Water Dept.
16. NEW WORLD SYSTEMS – Annual Maintenance for Water Billing & General Ledger – Inv. 46610 dated 06/05/07 from A/C 101-258-932-000 (Repair/Maint.) \$16,660.00 and A/C 592-536-932-000 (Repair/Maint.) \$12,460.00. Data Processing
17. OCCUPATIONAL HEALTH CENTER – Work Comp – Various Visits – Ck. Req. Dated 10/01/07 from A/C 101-200-724-000 (Work. Comp.) \$1,750.45. General Govt.

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18. PLANTE & MORAN – Accounting Services November 1-15, 2007 – Inv. 17784-293426 dated 11/26/07 from A/C 101-200-817-000 (Prof/Consult) \$510.00 and A/C 592-536-817-000 (Prof/Consult) \$3,150.00. See Budget Amendment. General Govt.
19. SLC METER – Various Meters & Supplies – Inv. 220186 dated 10/31/07 from A/C 592-xxx-111-002 (Inventory) \$1,697.00. Water Dept.
20. STATE OF MICHIGAN – MDOT - Telegraph Road and Bridge Resurfacing – Inv. AP 301701 and AP 301070 dated 11/19/07 from A/C 202-202-880-300 (Streets) \$14,440.27. Major Streets
21. STATEWIDE SECURITY TRANSPORT – Prisoner Food & Lodging October 2007 – Inv. dated 11/14/07 from A/C 101-200-868-000 (Prisoners) \$6,002.59. General Govt.
22. THE ASU GROUP – Various Adjusting Invoices for Flooded Basements – Various Inv.'s from A/C 592-536-818-000 (Contract Services) \$5,823.90. Water Dept.
23. THE SENIOR ALLIANCE – Annual Dues – Inv. TSA208-8 dated 11/02/07 from A/C 101-695-855-000 (Seniors) \$4,661.00. Recreation
24. TRI-COUNTY INTERNATIONAL – Repairs to Rescue #3 – Inv. 273320073 dated 11/28/07 from A/C 101-335-932-000 (Repairs) \$3,870.08. Fire Dept.
25. W.L. BOWLES – Remove Water Main Break Debris – Inv. 1168 dated 11/24/07 from A/C 592-537-818-000 (Contract Services) \$20,538.00. Water Dept.
26. WADE-TRIM ASSOCIATES – 2007 Bridge Inspections/Gulley Road Replacement – Inv. 94988 and 95039 dated 11/27/07 from A/C 101-440-818-000 (Contract Services) \$5,450.00 and A/C 202-202-880-300 (Streets) \$18,550.49. DPW-Highway
27. WADE-TRIM ASSOCIATES – Engineering Review, Plot Plan, Right of Way – Inv. 94880, 94876, 94877 and 94889 dated 10/24/07 from A/C 101-371-809-000 (Eng. Services) \$1,292.41. Building Dept.
28. WADE-TRIM ASSOCIATES – Water System Master Plan, Water Main Improvements, Ecorse Creek Study, CSO Phase II, DHT/Downriver Assistance, Detroit Water Contract – Inv. 95036, 95032, 95038, 95031, 95034, 95040 dated 11/27/07 from A/C 592-xxx-154-000 (Sewers) \$35,593.21. Water Dept.
29. WAYNE COUNTY – Department of Environment – Downriver Excess Flow 12/07 – Inv. 240505 dated 12/03/07 from A/C 592-537-929-000 (Sewers) \$32,545.00. Water Dept.
30. WEST SHORE SERVICES, INC. – Maintenance Outdoor Warning System – Inv. 13064-IN dated 11/12/07 from A/C 101-300-818-000 (Contract Services) \$2,876.00. Police Dept.
31. WOLVERTON TRANSPORT, INC. – Remove Debris from DPW Yard – Inv. dated 11/20/07 from A/C 101-200-810-000 (Sanitation) \$4,785.00. General Govt.
32. CUMMINGS, MC CLOREY, DAVIS & ACHO – Labor Legal Services October 2007 – Inv. 144605 dated 11/19/07 from A/C 101-200-817-000 (Prof/Consult) \$3,864.00. See Amendment. General Govt.
33. GARY MIOTKE – Legal Services November 2007 – Inv. dated 12/04/07 from A/C 101-210-826-000 (Counsel Services) \$10,516.00. Corp. Counsel
34. SECREST, WARDLE, LYNCH ...- Legal Fees October 2007 – Inv. dated 11/20/07 from A/C 101-210-826-000 (Counsel Services) \$8,590.00. Corp. Counsel
35. GIARMARCO, MULLINS & HORTON – Water Legal Services June-October 2007 – Inv. # 5, dated 07/06/07; #7 dated 09/11/07; #8 dated 10/09/07 and #9 dated 11/06/07 from A/C 592-536-817-000 (Prof/Consult) \$9,180.75. Water Dept.

Motion unanimously adopted.

- 07-445** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Comptroller be authorized to advertise for bids, per specifications, for laptop computers for City libraries, per the request of Library Co-Director McCaffery, communication dated November 28, 2007.

Motion unanimously adopted.

- 07-446** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the City Comptroller be authorized to advertise for bids, per specifications, for the environmental abatement and the demolition and site restoration of the old police station, per the request of Recreation Director Grybel, communication dated December 4, 2007. Funds for this project have been budgeted in the CDBG program.

Motion unanimously adopted.

- 07-447** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the sole bid from All Pro Exercise, 24166 Haggerty Road, Farmington Hills, MI 48335, for one (1) Precor C546 EFX Elliptical Cross-Trainer Fitness Machine, in the amount of \$3,950.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated November 29, 2007. Funds for this purchase have been budgeted in the 2007-08 Young Center Capital Outlay account.

Motion unanimously adopted.

- 07-448** Motion by Councilman Berry, seconded by Councilwoman Badalow, that the low bid from Bedzyk Brothers, Inc., for the Department of Public Works Roof Rehabilitation Project, in the amount of \$438,500.00, and payment thereof, be approved, per Public Service Administrator Franzil and Wade Trim Associates, Inc., communication dated December 4, 2007. Further, that the Wade Trim Construction Engineering and Contingency budgets of \$35,500 and \$44,000 also be approved. Funds for this project are budgeted in the DPW Water Department capital outlay account in the amount of \$300,000.00 and the remaining \$218,000 is being funded by TIFA.

Motion unanimously adopted.

- 07-449** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the Resolution Requesting Preservation of Existing Channel Location for Government and Educational Access Channels Also Known as PEG be adopted as follows:

WHEREAS, Comcast Cablevision, Wide Open West and AT&T Michigan furnish or will be furnishing cable television subscriptions to residential customers; and

WHEREAS, the City of Dearborn Heights and other governmental entities have committed substantial resources to deliver programming on governmental and educational access channels, also known as PEG; and

WHEREAS, Comcast Cablevision has indicated that it intends to change the channel line up and location of the governmental and educational access channels (PEG) from present locations where they have been situated for many years to the channel line up in the 900's which will require customers after one year in order to receive such channels have installed a pay a monthly fee on a digital converter box or have a cable card or utilizing a QAM capable television; and

WHEREAS, the result is inconvenience, potential added costs, and confusion with respect to viewers who intend to view government and educational access (PEG) channels; and

WHEREAS, AT&T intends to deliver governmental and educational access programming (PEG) through a single channel, menu-driven application which requires subscribers to sift through lists of community programs to find local government and educational access programming which likely will result in viewers encountering difficulty locating government and educational access channels, potential impairment of the quality of audio and video, unavailability of closed captioning, impairment of the ability to record programming; and

WHEREAS, AT&T is requiring a T1 line for which schools and governments are being required to pay approximately \$550 per months; and

WHEREAS, substantial likely result of the foregoing decisions made by Comcast Cablevision and AT&T Michigan is a substantial reduction in access to government and educational programming;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City requests that Public Act 480 of 2006, be immediately amended to require that government and educational access channels remain at their current locations and that the same not be subject to change unless the written consent of the affected governmental entity providing programming is obtained and that the Act be further modified in order to require that new provider of cable services furnish government and educational access channel lineups and selections that are consistent with existing providers which with respect to channel location, ease of access and similarity of surrounding channels.
2. Comcast Cablevision is requested to preserve the present channel locations for government and educational access (PEG) and agree that they will not be changed in the future without the written consent of the City and/or governmental entity or entities which provide programming on such channel.
3. AT&T is requested to immediately confer with the City and other governmental entities providing programming on the governmental access and educational access (PEG), the intent of providing channel locations consistent with that currently furnished by both VOW and Comcast Cablevision with respect to channel location and surrounding channels.
4. Any resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.
5. This Resolution is deemed severable and should any provision, clause, word or sentence be deemed unenforceable, the remainder shall remain in full force and effect.

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Motion unanimously adopted.

- 07-450** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Council concurs with and approves the Letter of Understanding between the City of Dearborn Heights and Dearborn Heights Communications Officers re: Permanent Language for Twelve Hour Shifts along with Section 30.1 Holiday Provisions, per Mayor Paletko, communication dated December 5, 2007. Further, that the Mayor be authorized to sign the agreement on behalf of the City.

Motion unanimously adopted.

- 07-451** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the City Council adopt the 2007-2008 Water Department Budget, in the amount of \$19,905,232.00, per Mayor Paletko, communication dated December 5, 2007.

Motion unanimously adopted.

- 07-452** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council accept the resignation of Councilman Berry and concurs with the recommendation of Ms. Jennifer Schilbe, 8491 Hazelton, to fill the unexpired term of Councilman Berry to the Commission on Aging, term to expire April 2010.

Motion unanimously adopted.

- 07-453** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the appointment of Ms. Edith Abramczyk, 8056 Grayfield to the Commission on Aging, term to expire April 2009 be received, contents noted and filed. Ms. Abramczyk is serving as the Senior Council Nomination to the Mayor.

Motion unanimously adopted.

- 07-454** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the City Council concurs with and approves the appointment of Mr. Aldo Gabriele, 709 Berwyn to fill the unexpired term of Claudia Miles to the Zoning Board of Appeals, term to expire May 2008.

Motion unanimously adopted.

- 07-455** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the City Council accept the 2006-07 Fiscal Year Audit Reports prepared by Plante & Moran, PLLC, 27400 Northwestern Highway, PO Box 307, Southfield, MI 48037-0307, per Clerk Dudzinski, communication dated December 5, 2007.

Motion unanimously adopted.

- 07-456** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves the reappointment of Treasurer Riley, as Delegate and Mayor Paletko, as Alternate to the Central Wayne County Sanitation Authority, terms to expire December 31, 2009.

Motion unanimously adopted.

- 07-457** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the communication from Comptroller Barrow, dated December 5, 2007 re: E-Gov Software Agreement, be tabled.

Motion unanimously adopted.

- 07-458** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the City Council adopt the 2007-08 Library Budget, in the amount of \$1,721,250.00, per Comptroller Barrow, communication dated December 5, 2007.

Motion unanimously adopted.

- 07-459** Motion by Councilman Baron, seconded by Councilman Berry, that the City Council concurs with and approves the following Budget Amendment:

INCREASE REVENUES	SIDEWALK INCOME
#101-000-628-000	\$75,000.00
INCREASE EXPENDITURES	SIDEWALK/WEEDS
#101-200-963-000	\$75,000.00

per, Comptroller Barrow, communication dated December 5, 2007. This amendment is needed to cover the cost of the 2007-2008 Sidewalk Replacement Program and to start covering the cost of weed cutting in the spring.

Motion unanimously adopted.

- 07-460** Motion by Councilman Baron, seconded by Councilman Berry, that the City Council concurs with and approves the following Budget Amendment:

INCREASE REVENUES	APPROPRIATE FUND BALANCE
#101-000-699-000	\$40,000.00
INCREASE EXPENDITURES	GEN GOVT PROF/CONSULT
#101-200-817-000	\$40,000.00

per, Comptroller Barrow, communication dated December 4, 2007. This amendment is needed to cover the cost of Labor Attorney Fees, Audit/Auditing Fees and Charter Changes.

Motion unanimously adopted.

- 07-461** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Michigan Department of History Arts and Libraries, Library of Michigan, Grant Agreement for PAC HUG Funding, in the amount of \$6,400.00, per Library Co-Director McCaffery, communication December 4, 2007. Further, that the Mayor sign the document as Library Fiscal Agent.

Motion unanimously adopted.

- 07-462** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves McKenna Associates Professional Community Development Block Grant (CDBG) Services for FY 2008-2009, per Community and Economic Development Director Jamal, communication dated December 4, 2007.

Aye: Council Chair Agius, Councilwoman Badalow, Councilman Baron, Councilman Berry, Councilwoman Van Houten.

Nays: Councilwoman Horvath.

Absent: None.

Motion adopted.

- 07-463** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the City Council concurs with and approves the quote from Schena Roofing & Sheet Metal Company, 28299 Kehrig Drive, Chesterfield, MI 48047 for the Little Red Schoolhouse Roof Replacement Project, in the amount of \$15,978.14, per Recreation Director Grybel, communication dated December 4, 2007. The City will receive a 5-year warranty on workmanship and 40 year manufacturers warranty on materials. Further that the Mayor sign the proposal on behalf of the City.

Motion unanimously adopted.

- 07-464** Motion by Councilman Baron, seconded by Councilman Berry, that the City Council concurs with and approves the request to auction the following vehicles:

1983 Chevrolet 4 door, 2G1AN69H3D1113414
 1993 Mercury 4 door, 2MEPM36X7PB643087
 1999 Ford 4 door, 1FAFP5353XG155830
 1997 Dodge station wagon, 1B4GP54R1VB319609
 1998 Oldsmobile 4 door, 1G3NB52M9W6343702
 1988 Ford pick up, 1FTCR14TXJPA91025
 1995 Ford 2 door, 1FASP1288SW298008
 1997 Mercury 4 door, 1MELM50U6VG55648
 1997 Hyundai 4 door, KMHCF24F1VU857364
 1997 Ford 4 door, 1FMDU34E6VUC23152
 1997 Dodge pick up, 3B7HF13Y8VG823254
 1989 Pontiac 2 door, 1G2FS21E9KL249252
 1986 Chevrolet 4 door, 1G1BN69H9G9101588
 1998 Pontiac station wagon, 1GMDU06E6WD268699, per Police Chief Gust, communication dated November 20, 2007.

Motion unanimously adopted.

- 07-465** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that proposed

Ordinance H-07-02, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS AMENDING CHAPTER 36 OF THE CITY CODE PERTAINING TO ZONING, SECTIONS 5.06 AND 5.07 TO A MINIMUM FRONT YARD DEPTH OF 20 FEET, SECTIONS 6.302 AND 6.303 TO CHANGE THE FRONT YARD SETBACK FOR DRIVE-IN AND DRIVE-THROUGH RESTAURANTS TO THE STATED REQUIREMENTS OF ARTICLE 5, SCHEDULE OF REGULATIONS AND TO ALLOW THE PLANNING COMMISSION TO AMEND THE DISTANCE BETWEEN CURB CUT AND ROAD OR STREET INTERSECTION, AND SECTION 14.503 TO CORRECTLY IDENTIFY THE REFERENCED SECTION OF THE ZONING ORDINANCE, be considered read for the first time.

Motion unanimously adopted.

- 07-466** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the communication from the Local Officers Compensation Commission dated November 21, 2007 re: Recommended Pay Increases for Elected Officials, be received, contents noted and filed.

Motion unanimously adopted.

- 07-467** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves age waiver requests for DROP purposes for Mr. George Stroud (1 year, 323 days), Mr. Keith Day (2 years, 358 days) and back DROP purposes for Mr. Frank Sitek (2 years, 129 days), per Mickey Wiewiura, President Local 1355 Dearborn Heights Professional Fire Fighters Union,

Motion unanimously adopted.

- 07-468** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the request from Kildare's, LLC Requesting to Transfer Ownership Escrowed 2007 Class C Licensed Business, with Dance-Entertainment Permit, from Throttle Stop Lounge, LLC located at 22120 Van Born, Dearborn Heights, Michigan, 48127, Wayne County; Cancel Existing Outdoor Service (1 area), be approved and the Liquor Control Commission be so notified. ID# 382322

Motion unanimously adopted.

- 07-469** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Council concurs with and approves the recommendation from Plante & Moran, PLLC, 27400 Northwestern Highway, P O Box 307, Southfield, MI 48037-0307 to adjust the water and sewer rates for bills mailed after December 1, 2007 as follows:

	Current Rate	Proposed Rate	Percent Change
Residential/Bi-monthly Billing			
Water rate per 1,000 cubic feet	\$22.25	\$22.25	0%
Sewer rate per 1,000 cubic feet	29.20	32.30	10.6%
Meter maintenance and billing charge	4.50	4.50	
Minimum Bill (based on 400 cubic feet)	\$25.08	\$26.32	
Commercial-Monthly Billing			
Water rate per 1,000 cubic feet	\$22.25	\$22.25	0%
Sewer rate per 1,000 cubic feet	29.20	32.30	10.6%
Meter maintenance and billing charge:			
¾" and 5/8" meter	2.25	2.25	
1" meter	3.00	3.00	
1 ½" meter	4.05	4.05	
2" meter	5.45	5.45	

The minimum commercial monthly billings will be based on 800 cubic feet, per Plante & Moran, Auditors, communication dated November 21, 2007.

Motion unanimously adopted.

- 07-470** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the City Council concurs with and approves Wade Trim Associates, Inc., 25251 Northline Road, PO Box 10, Taylor, MI 48180, to prepare design plans and specifications, acquire the necessary permits for construction, and advertise for bids for the Phase II Water Main Improvements Project, at a cost not-to-exceed \$78,500.00, per Daniel R. Brooks, PE, Wade Trim Associates,

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communication dated November 19, 2007. Recommended budget for design and construction \$740,500.00.

Motion unanimously adopted.

- 07-471** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 8:56 PM

S. JUDITH DUDZINSKI
CITY CLERK

MARIA E. LAWRENCE
COUNCIL SECRETARY

ELIZABETH J. AGIUS, CHAIR
COUNCIL CHAIR