

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

DECEMBER 10, 2002

02-491 The meeting was called to order at 8:04 p.m. by Council Chair Elizabeth J. Agius.

Roll Call showed the following:

Present: Council Chair Elizabeth J. Agius, Councilman Kenneth R. Baron, Councilwoman Janet S. Badalow, Councilman Bob Constan, Councilwoman Margaret M. Horvath, Councilman Daniel S. Paletko, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: Mayor Canfield, Corporation Counsel Miotke, City Clerk Robbins, Treasurer Riley, Deputy Comptroller Macari, Assessor Riedel, Police Chief Gust, Fire Marshal McDonagh, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by Councilman Daniel S. Paletko.

02-492 Motion by Councilman Baron, seconded by Councilman Constan, that the Agenda for the Regular Meeting of December 10, 2002, be approved as submitted.

Motion unanimously adopted.

02-493 Motion by Councilman Paletko, seconded by Councilwoman Badalow, that the Minutes from the Regular Meeting of November 26, 2002, be approved as submitted.

Motion unanimously adopted.

The Public Hearing for the proposed alley vacation of two section of east/west Eton Avenue was called to order at 8:07 p.m. by Council Chairwoman Elizabeth J. Agius.

Council Chair Agius dispensed with the reading of the official notice of a Public Hearing (see below).

Please take notice that a Public Hearing will be held on Tuesday, December 10, 2002, by the Dearborn Heights City Council at the Administrative Offices, 6045 Fenton, Dearborn Heights, Michigan at 8:00 p.m. E.S.T. for the purpose of hearing objections, if any, to the request for the vacation of two section of east/west Eton Avenue, more specifically and legally described as: (1) the east/west street bounded on the north by Lots 62 and 93; bounded on the east by Hazel Avenue; bounded on the south by Lots 63 and 92; and bounded on the west by Sylvia Avenue; and (2) the east/west street bounded on the north by Lot 112; bounded on the east by vacated street; bounded on the south by Lot 113; and bounded on the west by Hazel Avenue; both contained within Burnett Boulevard Subdivision as recorded in Liber 43, Page 36 of Wayne County Records.

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

Written comments may be directed to the City Clerk's Office, 6045 Fenton, Dearborn Heights, Michigan 48127. Joyce A. Robbins, Clerk, City of Dearborn Heights. Published November 27, 2002 and December 5, 2002.

City Clerk Robbins "Detroit Edison submitted a reply of "No Involvement". Corporation Counsel Miotke submitted Proof of Service on December 3, 2002 indicating Notices being sent to Ameritech, Detroit Edison, Detroit Water & Sewerage Department and Michcon along with residents in the surrounding neighborhood. Additionally, on December 6, 2002 Officer Pete Simakas posted this Notice on two utility poles one at Sylvia Avenue and Eton and another at Hazel and Eton. No other communications Madam Chair.

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Council Chairwoman Agius asked if there was anyone in the audience who wished to speak for or against the proposed vacation.

Susan Garbus, 4834 Hazel "My family owns four lots north of the property to be vacated and my family has lived there for 51 years. We mow the grass where Eton Street would be and we have for many years. It is a nuisance. We have children who like to ride their RV's and bikes. My neighbor parks over there. We've had abandoned vehicles left in the western part of that lot. It has poor drainage. If someone from the utilities or a service of the City needed to get back over there for six months out of the year it's basically under water on the western side. It just doesn't drain well. Like I said we try to maintain it when trucks and kids come with RV's we've had problems bumping up and down on a mower. There was a new house built three houses from ours, we asked the people if they would please use another entrance. Building a home anywhere else in the City of Dearborn Heights the cement truck would probably come in from the front but they came around through this road on my neighbor's property, tore it all up and just basically left it that way. We reported a problem with the sidewalk that was raised up in that section probably three or four years ago and somebody from the City came out and did nothing about it. They basically just figured it wasn't used and didn't have to do anything about it. Our question is if this is vacated and divided up does that effect our taxes?"

Assessor Riedel "What happens when a street or alley is vacated 50%, half of it goes to the owner on either side if it's all within the same subdivision. So you will take ownership of 50%, in your case the north half of Eton Avenue. Your assessment will go up a minimal amount. It won't be an appreciable amount but yes, there will be an increase in tax as will the neighbor on the south side who also petitioned for that vacation."

Ms. Garbus "Okay, and then at that point if it is approved we would have the right to block what used to be Eton?"

Mayor Canfield "And the right to fence it in, it's your property. You can fence it if you want to it's yours, you own it."

Assessor Riedel "But if you choose to park on it it has to be paved."

Ms. Garbus "Pardon me."

Councilwoman Agius "If you choose to park on it it has to be paved."

Ms. Garbus "Right now if anybody parks there they are parking on grass."

Mayor "No, that's not going to change. The rules are exactly the same you still can't park on grass and your not going to be able to if you all own it. If we own it or you own it."

Ms. Garbus "I am just saying that my family is in favor of vacating it."

"My name is Vanese McLachlan, 4912 Hazel Street, the south homeowner and my question is because of the fact the way the house is built, I have lived there for six years, the driveway is set sideways so the only access to my garage is through the street that you are trying to get vacated. So I have been the one parking on my half of it because there is no other place for me to park. If there are snow emergencies or we have to move our cars from the street I have no place to park so I have been parking there. So what you are saying now is if they vacate it it's my responsibility to pay to pave it in order to park there."

Mayor "You know what would be helpful honestly, I don't know your home and the circumstances so I actually think that it would be better if Vicki and I drove out there and looked it over. Yes, you cannot park, it's an ordinance and it has been for years that you can't park on unpaved property. But honestly it would be a lot better if you would let us come out and look at it and then we can tell you what the rules and regulations are for that. I'm sure Mary has your address by now so we can get it from her and if you would just step over to her and give her your phone number we can call you and let you know when we are coming out so that you will be

available for that. I can't do it off the top of my head I just don't know."

Ms. McLachlan "That's fine."

"My name is Henry Verhelle and I live on the east side of Eton and that is gravel where I have to go into my driveway."

Mayor "Well we'll just make a day of it and come and look at your area too, if you would do that."

Mr. Verhelle "They have done nothing with that for twenty five years."

Mayor "Right."

Mr. Verhelle "They have not added gravel; they have not plowed it, they have done nothing and I have maintained it."

Mayor "We have a few areas in the city like that."

Chair Agius "Can you give me your address please so we can find you on our list here."

Mr. Verhelle "4841, right on the corner. Now that is a gravel road what restrictions are we going to have?"

Mayor "Well, we'll have to come look at it and talk to you at that time. So we will be happy to do that and if you'll leave your phone number with Mary we will also call and make sure you are available at the same time."

Mr. Verhelle "Okay."

Mayor "Thank you."

Councilwoman Horvath "I have a question Madam Chair, if the Mayor and Assessor go out and these people who have questions about being able to park where they need to park how does this Public Hearing affect them?"

Mayor "We'll work with them on it."

Council Chairwoman Agius asked if there were any other questions or comments, hearing none, she asked for a motion to close the Public Hearing.

02-494 Motion by Councilman Paletko, seconded by Councilman Baron, that the Public Hearing be closed and that the Mayor be asked to give a report to the Council Members prior to voting on this matter in regards to the questions that have been raised by the various citizens.

Motion unanimously adopted.

The Public Hearing for the vacation of two section of east/west Eton Avenue closed at 8:14 p.m.

Council Chairwoman Agius asked if there were any other questions or comments, hearing none, she asked for a motion to close the Public Hearing.

The Public Hearing for the vacation of two section of east/west Eton Avenue closed at 8:14 p.m.

02-495 Motion by Councilman Baron, seconded by Councilwoman Van Houten, that Current Claims 6-1 through 6-19, be approved as submitted.

Minutes **DECEMBER 10, 2002** - Continued

1. AL'S ASPHALT PAVING COMPANY - Berwyn/Eton Parking Lot Improvements - Cert. #1 dated 11/21/02 from A/C 103-960-962-202 (Eton) \$49,071.69 and A/C 103-960-963-202 (Berwyn) \$49,071.69. CDBG.
2. CUMMINGS, MCCLOREY, DAVIS..... - Legal Fees Labor Matters - Inv. 39277 dated 11/21/02 from A/C 101-200-817-000 (Profess/Consult) \$2,320.00. General Govt.
3. E & N CEMENT - Pavement Repairs - Two (2) Inv's dated 11/29/02 from A/C 101-440-880-000 (Road Repairs) \$19,572.57 and A/C 592-537-818-000 (Contract Serv) \$8,895.61. DPW-Water.
4. ELECTION SYSTEMS & SOFTWARE, INC. - Annual Software License Fees - Inv. 501975 dated 11/11/02 from A/C 101-190-932-000 (Repair/Maint) \$4,335.00 and A/C 101-258-932-000 (Repair/Maint) \$67.00. City Clerk.
5. ELLEFSON BUILDING DEMO CO. - Demo 5688 Dudley and Haul Away - Inv. 1168 dated 12/03/02 and 1167 dated 12/02/02 from A/C 101-371-818-010 (Demo) \$7,172.50 and A/C 101-200-810-000 (Sanitation) \$14,350.00. General Govt.
6. FIRST STEP - October Billing First Step - Inv. dated 11/20/02 from A/C 103-960-927-202 (First Step) \$2,134.12. CDBG.
7. J Q INC. - Weed Cutting Charges - Inv. dated 12/02/02 from A/C 101-200-963-000 (Weeds) \$6,048.00. General Govt.
8. JOHNSON CONTROLS - Maintenance Contract Payment - Inv. 51509491 dated 11/05/02 from A/C 101-265-818-000 (Contract Serv) \$16,095.25. Bldg. Maint.
9. NAGEL CONSTRUCTION - Sewer Cleaning Program - Inv. 1729 dated 11/20/02 from A/C 592-540-818-030 (Contract Serv) \$23,212.75. Water Dept.
10. QUAD-TRAN OF MICHIGAN - Data Processing December 2002 - Inv. 3994 dated 11/27/02 from A/C 101-130-818-000 (Contract) \$3,600.00 and A/C 101-130-728-000 (Supplies) \$675.80. District Court.
11. STATE OF MICHIGAN - MDOT - Local Progress Billing Southfield Service Drive - Inv. AP250046 dated 11/20/02 from A/C 202-202-880-300 (Construction) \$24,470.45. Major Streets.
12. TMP ARCHITECTURE - Renovation of Canfield Ice Arena - Inv. 10815 dated 11/28/02 from A/C 103-960-930-201 (Canfield) \$2,752.20. CDBG.
13. TODAY LINK - Connect and Support November 02 and December 02 - Inv. 1038 dated 12/02/02 from A/C 101-200-819-999 (Internet) \$7,448.50. General Govt.
14. WADE-TRIM/ASSOCIATES - Right-of-Way Ordinance, Grade Verifications - Inv. 68676 dated 03/07/01; Inv. 75812 and 75811 dated 10/29/02 from A/C 110-371-809-000 (Const Eng) \$3,042.75. Bldg/Eng.
15. WADE-TRIM/ASSOCIATES - 2002-2003 CDBG Assistance - Inv. 75970 dated 11/19/02 from A/C 103-960-918-201 (Admin.) \$1,399.17. CDBG.
16. WADE-TRIM/ASSOCIATES - Heather Lane Bridge Project - Inv. 75946 dated 11/15/02 from A/C 103-960-967-201 (Heather Lane) \$368.75. CDBG.
17. WADE-TRIM/ASSOCIATES - Berwyn/Eton Parking Lot Improvements - Inv. 76074 dated 11/22/02 from A/C 103-960-962-202 (Eton) \$3,108.80 and A/C 103-960-963-202 (Berwyn) \$3,108.80. CDBG.
18. WAYNE COUNTY DEPARTMENT OF PUBLIC HEALTH - Cross Connections 07/02-09/02 - Inv. 213188 dated 11/18/02 from A/C 592-536-818-000 (Contract Serv) \$11,070.00. Water Dept.
19. WAYNE COUNTY DPS - Construction Account Inkster Road (Final Bill) - Inv. 213287 dated 11/25/02 from A/C 202-202-880-300 (Construction) \$10,686.00. Major Streets.

Motion unanimously adopted.

- 02-496** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the City Council concurs with and approves the reappointment of Mr. Dwight Vincent to the Act 78 Police & Fire Civil Service Commission, term to expire November, 2008, per Mayor Canfield, communication dated December 4, 2002.

Motion unanimously adopted.

- 02-497** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council accept the resignation of Daniel S. Paletko, effective December 31, 2002.

Motion unanimously adopted.

- 02-498** Motion by Councilman Constan, seconded by Councilwoman Badalow, that the quote from Computer Technologies, Inc., 1721 Crooks Road, Suite 100, Troy, MI 48084 for one (1) OkiData ML420 printer, in the amount of \$710.00, and payment thereof, be approved per City Clerk Robbins, communication dated December 3, 2002.

Motion unanimously adopted.

- 02-499** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the City Council concurs with and approves the request from Mr. Stephen Daniels, 20514 Van Born Road, Dearborn Heights, MI 48125 for a "Use of City Alleyway" Agreement, per Assessor Riedel, communication dated December 3, 2002. Further, that the Mayor and City Clerk be authorized to sign the Agreement on behalf of the City.

Motion unanimously adopted.

- 02-500** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the City Council concurs with and approves the Municipal and Community Credit Contracts for fiscal year 2003, in the amount of \$54,755 (Municipal Credit monies) and \$71,664 (Community Credit monies), per Community Development Director Oliverio, communication dated December 2, 2002. Further, that the Mayor and City Clerk sign the Contracts and submit them to SMART on behalf of the City.

Motion unanimously adopted.

- 02-501** Motion by Councilwoman Horvath, seconded by Councilman Constan, that the City Council concurs with and approves the disposal of a GBC Shredmaster Shredder, Model 920S, per Police Chief Gust, dated November 4, 2002.

Motion unanimously adopted.

- 02-502** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that proposed Ordinance H-02-23, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 14-49 OF SAID CODE REGARDING COST RECOVERY FOR UTILITY LINE FAILURES, ARSON TYPE FIRES, AND FIRE SUPPRESSION INCIDENTS, be considered read for the second time and become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-503** Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-02-29, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING CHAPTER 28, SECTIONS 2 THROUGH 55, REGARDING STREETS, SIDEWALKS, ALLEYS, SPLASH GUARDS, AND APPROACHES, be considered read for the first time.

Motion unanimously adopted.

- 02-504** Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-02-30, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN

HEIGHTS, BE AMENDED BY AMENDING CHAPTER 29 OF THE CODE PROVIDING FOR ALLEYWAYS, be considered read for the first time and referred both ordinances to a Committee of the Whole Study Session.

Motion unanimously adopted.

- 02-505** Motion by Councilman Paletko, seconded by Councilman Baron, that the City Council concurs with and approves renewing the Agreement with Plante & Moran, PLLC, 27400 Northwestern Highway, PO Box 307, Southfield, MI 48037-0307 for the funds listed and the amounts specified in the proposed maximum fee summary for the audit of funds ending June 30, 2003, to be paid in fiscal year 2003-2004, per Gordon Krater, Plante & Moran, communication dated November 26, 2002. This renewal constitutes less than a two percent increase in fees.

Motion unanimously adopted.

- 02-506** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the request from Lennie D. Corp. to transfer ownership of 2001 Class C licensed business with Entertainment Permit located at 22120 Van Born, Dearborn Heights, MI 48125, Wayne County from Kildare’s LLC; and the request for new Dance Permit, be approved and the Liquor Control Commission be so notified.

Motion unanimously adopted.

- 02-507** Motion by Councilman Paletko, seconded by Councilwoman Badalow, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 8:45 p.m.

JOYCE A. ROBBINS
CITY CLERK

ELIZABETH J. AGIUS
CITY COUNCIL CHAIR

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY