

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

NOVEMBER 28, 2000

- 00-485 The meeting was called to order at 8:03 p.m. by Council Chairwoman Margaret M. Horvath.

Roll Call showed the following:

Present: Councilwoman Elizabeth J. Agius, Councilman Kenneth R. Baron, Council Chairwoman Margaret M. Horvath, Councilwoman Jumana Judeh, Councilman Daniel S. Paletko, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: Mayor Canfield, Executive Assistant Heise, Corporation Counsel Miotke, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Deputy Assessor Cooper, Building & Engineering Director Opalewski, Human Resources Director Sullivan, Police Chief Gust, Fire Chief Barnett, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by Recreation Director Ken Grybel.

- 00-486 Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the Agenda for the Regular Meeting of November 28, 2000, be approved with the exclusion of Agenda items 7-B (Re-advertise for Bids Parcel Delivery Van) and 7-C (Re-advertise for Bids Tractor/Loader/Backhoe) being referred back to Administration.

Motion adopted.

- 00-487 Motion by Councilwoman Agius, seconded by Councilwoman Judeh, that the Minutes from the Regular Meeting of November 14, 2000, be approved as submitted.

Motion adopted.

- 00-488 Motion by Councilman Baron, seconded by Councilwoman Agius, that Fund Transfer 6-A and Current Claims 6-1 through 6-18, be approved as submitted.

A. \$18,500.00 from Police Salaries - A/C 101-300-706-000 to Police Part-Time - A/C 101-300-707-100 to cover the cost of the Police Chief Secretary position July through December 2000.

1. ACCUMED BILLING - Ambulance Invoices October 2000 - Inv. dated 11/06/00 from A/C 101-000-626-000 (Ambulance) \$4,031.70. Fire Dept.
2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Monthly Debt, Administration, Waste - Inv. dated 11/16/00 from A/C 101-200-810-000 (Sanitation) \$195,772.11. General Govt.
3. E & N CEMENT - Pavement Repairs - Two (2) Inv.'s dated 11/18/00 from A/C 101-440-880-000 (Road Repairs) \$19,098.20 and A/C 592-537-818-000 (Contractual Services) \$52,525.11. DPW-Water.
4. FIRST STEP - September 2000 - Inv. dated 10/31/00 from A/C 103-960-927-200 (First Step) \$3,348.40. Community Devel.
5. HENRY FORD HOSPITAL - Back Surgery - Ck. Req. dated 11/10/00 from A/C 101-200-724-000 (Work Comp) \$9,969.22. General Govt.
6. LACARIA CONCRETE CONSTRUCTION - 2000 Sidewalk Program - Inv. #11 dated 11/17/00 from A/C 101-200-963-000 (Sidewalks) \$170,137.48. General Govt.

Minutes November 28, 2000

Continued

7. PARAMEDIC TRAINING - Inv. 3738 dated 10/31/00 from A/C 101-335-962-335 (Training) \$4,350.00. Fire Dept.
8. MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY - Assessment 2001 - Inv. 184244 dated 10/30/00 from A/C 592-536-818-000 (Contractual Services) \$10,475.53. Water Dept.
9. PAINTER & RUTHENBERG - Newsprint October 2000 - Inv. 43001 dated 11/02/00 from A/C 101-200-810-000 (Sanitation) \$2,860.00. General Govt.
10. PLANTE & MORAN - Accounting Services October 2000 - Inv. 703295 dated 11/11/00 from A/C 101-200-817-000 (Professional) \$1,870.00 and from A/C 592-536-817-000 (Professional) \$3,810.00. General Govt.
11. RICHO CONSTRUCTION INC. - Berwyn Parking Lot Improvements - Cert. #1 dated 11/17/00 from A/C 103-960-921-200 (Berwyn Pk Lot) \$114,813.66. Community Devel.
12. GARY MIOTKE - Legal Services October 2000 - Inv. dated 11/16/00 from A/C 101-210-826-000 (Counsel Services) \$5,421.00. Corp. Counsel.
13. SECREST, WARDEL, LYNCH...- Legal Services September 2000 - Inv. dated 11/16/00 from A/C 101-210-826-000 (Counsel Services) \$8,115.50. Corp. Counsel.
14. STATE OF MICHIGAN - Madison Street Bridge Replacement - Final Inv. dated 10/27/00 from A/C 202-202-880-300 (Street Repair) \$540.00. Major Streets.
15. THE SENIOR ALLIANCE - Membership Dues Fiscal Year 2001 Match - Inv. 2001039 dated 11/01/00 from A/C 101-691-885-000 (Seniors) \$3,650.00. Recreation.
16. WADE-TRIM/ASSOCIATES - Downriver Sewer Services - Inv. 67523 dated 10/11/00 from A/C 592-XXX-255-000 (Sewers) \$3,624.70. Water Dept.
17. WADE-TRIM/ASSOCIATES - Phase II CSO Planning Services - Inv. 67524 dated 10/11/00 from A/C 592-XXX-255-000 (Sewers) \$9,172.60. Water Dept.
18. WESTLAND TREE SERVICE - Tree Trimming & Removal - Inv. Dated 11/18/00 from A/C 101-440-820-000 (Tree Trimming) \$23,549.98. DPW-Highway.

Motion adopted.

- 00-489** Motion by Councilwoman Van Houten, seconded by Councilwoman Judeh, that the City Comptroller be authorized to re-advertise for bids, per specifications, for one (1) 3 to 4 Yard Dump Truck with Front Plow and Salt Spreader with Trade-in, per the request of Public Service Administrator Blackburn, communication dated November 20, 2000.

Motion adopted.

- 00-490** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) Pickup Truck with Trade-in, per the request of Public Service Administrator Blackburn, communication dated November 20, 2000.

Motion adopted.

- 00-491** Motion by Councilman Baron, seconded by Councilwoman Judeh, that the lowest bidder meeting all specifications from F.D. Stella Products Company, 7000 Fenkel, Detroit, MI 48238, for one TRUE T-49F Commercial Grade Freezer, in the amount of \$2,542.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated November 17, 2000. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders. Monies to fund this purchase have been allocated in the 2000-2001 Recreation Capital Outlay account.

Motion adopted.

- 00-492** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the low bid from F.D. Stella Products Company, 7000 Fenkel, Detroit, MI 48238, for one TRUE T-49 Commercial Refrigerator, in the amount of \$1,970.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated November 17, 2000. Monies to fund this purchase have been allocated in the 2000-2001 Recreation Capital Outlay account.

Motion adopted.

- 00-493** Motion by Councilman Paletko, seconded by Councilman Baron, that the "Resolution Supporting Local Regulation of Railroad Grade Crossing Blockage" be adopted as follows:

WHEREAS, the United States District Court for the Eastern District of Michigan struck down a Michigan statute allowing Michigan municipalities to regulate the length of time that a train may block a roadway; and,

WHEREAS, many vital grade crossings may now be legally blocked by trains, prohibiting or severely limiting municipalities' ability to provide emergency services in a timely manner; and,

WHEREAS, there is currently no Federal legislation or regulation allowing state or local units of government the authority to provide such regulation over railroad grade crossings; and,

WHEREAS, the inability of local governments to regulate railroad grade crossings presents a threat to public safety and emergency services which may be delayed or prevented by trains blocking public streets;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Mayor and City Council urge the passage of Federal legislation to either regulate, or allow the States or local units of government to regulate, the length of time a train may block a roadway, in the interests of public health and safety. Further, that a copy of this Resolution be sent to the City of Allen Park, the conference of Western Wayne and Dearborn Heights representatives and senators in the Michigan Legislature and United States Congress per, Mayor Canfield, communication dated November 14, 2000.

Motion adopted.

- 00-494** Motion by Councilwoman Agius, seconded by Councilwoman Judeh, that the communication from Mayor Canfield, dated November 17, 2000 re: Appointment of Elaine Shy to the Commission on Aging, term to expire April, 2002 be received, contents noted and filed.

Motion adopted.

- 00-495** Motion by Councilman Paletko, seconded by Councilman Baron, that the "Resolution

Minutes November 28, 2000
Continued

Approving the Transfer of the Cable Television Franchise” be adopted as follows:

- A. MediaOne of Metropolitan Detroit, Inc. (“Franchisee”) owns, operates and maintains a cable television system (the “System” in the City of Dearborn Heights, Michigan (the “Franchise Authority”), pursuant to a franchise agreement and related documents between Franchisee and the Franchise Authority (the “Franchise”), and Franchisee is the duly authorized holder of the Franchise;
- B. AT&T Corp., the ultimate parent of Franchisee (“AT&T”), and Comcast corporation are parties to an Asset Exchange Agreement dated as of August 11, 2000 (the “Exchange Agreement”). The Exchange Agreement provides for (i) an internal reorganization among the affiliates of AT&T resulting in the transfer of the system and the franchise to an intermediate entity (the “Intermediary”) to occur just prior to the closing of the transaction contemplated by the Exchange Agreement, and (ii) the transfer of the System and the Franchise from the Intermediary to Comcast Cablevision of the South, Inc. (“Transferee”) at the closing of the transaction contemplated by the Exchange Agreement (collectively, the “Transfer”);
- C. Franchisee and Transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 (“Transfer Application”) with the Franchise Authority requesting consent to the Transfer; and
- D. Under Section 12 of Franchisee’s Franchise and Section 9-30 of the Dearborn Heights Cable Television Ordinance Franchisee and Transferee shall submit to the City such additional documents and information regarding the Transfer as the City may reasonably request.
- E. The Franchise Authority has reviewed the Transfer Application, examined the legal, financial and technical qualifications of Transferee, followed all required procedures in order to consider and act upon the Transfer Application, and considered the comments of all interested parties.
- F. Under Section 12 of MediaOne’s Franchise and Section 9-30 of the Dearborn Heights Cable Television Ordinance the City may not unreasonably withhold its consent to the transfer but may grant consent with reasonable conditions which it finds are in the public interest. Transferee must show its qualifications and financial responsibility and must agree to comply with all provisions of the Franchise.

IT IS RESOLVED AS FOLLOWS:

- Section 1. The City consents to the Transactions to the extent that such consent is required by the terms of the franchise and applicable law.
- Section 2. This Resolution is deemed effective in accordance with applicable law upon filing with the City Clerk by Transferee of fully-executed copies of the acceptance attached as Exhibit A.
- Section 3. Subject to State and Federal law, the City reserves any right it may have to require that the Transferee provide non-discriminatory access to the Transferee’s cable modem platform for other providers of Internet access and online services. Neither the City nor any of the parties waive any rights they may have regarding any rights the City may have to require that the Transferee provide non-discriminatory access. In the event the City chooses to require non-discriminatory access, the provider shall have

the prior opportunity to be heard.

Section 4. This Resolution shall expire and be null and void unless the transactions are completed and the City is so notified by December 31, 2001.

Section 5. Comcast is obligated to comply with all lawful requirements of the City relating to joint use or sharing of facilities. This Resolution is solely limited to the transfer of franchise from AT&T to Comcast and for no other purpose, per Executive Assistant Heise, communication dated November 16, 2000.

Motion adopted.

00-496 Motion by Councilman Paletko, seconded by Councilman Baron, that proposed Ordinance H-00-11, AN ORDINANCE CONSENTING TO THE USE OF THE PUBLIC RIGHT-OF-WAY AND GRANTING A CABLE TELEVISION FRANCHISE TO OPERATE A CABLE TELEVISION SYSTEM TO COMCAST CABLEVISION OF THE SOUTH, INC., be considered read for the first time.

Motion adopted.

00-497 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the Budget Amendment to cover the cost of the 2000 Sidewalk Replacement Program be approved as follows:

INCREASE REVENUES	SIDEWALKS
A/C 101-000-628-000	\$ 300,000.00
INCREASE EXPENDITURES	SIDEWALKS
A/C 101-200-963-000	\$ 300,000.00

per, Comptroller Barrow, communication dated November 20, 2000.

Motion adopted.

00-498 Motion by Councilman Paletko, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the request to purchase under the Oakland County CLEMIS Contract Mobile Data Computer Equipment from Motorola, 30160 Morlock, Livonia MI 48152, four (4) MVV520 Computers, at a cost of \$25,652.00 and from Ameritech, 32255 Northwestern Highway, Suite 1000, Farming Hills, MI 48334, four (4) Three Watt CDPD modems with CDPD, GPS Antennas and Cables, at a cost of \$6,418.48, total costs of \$32,070.48 and payment thereof, per Police Chief Gust, communication dated November 16, 2000. Funding for this purchase will come from the 2000 Local Law Enforcement Block Grant.

Motion adopted.

00-499 Motion by Councilman Paletko, seconded by Councilwoman Judeh, that the City Council concurs with and approves the extension of the Eradico Pest Control Contract which includes an increase of three dollars (\$3.00) per month, per invoice, per Public Service Administrator Blackburn, communication dated November 13, 2000. Terms of the extension to begin January 1, 2001 thru December 31, 2001.

Motion adopted.

Minutes November 28, 2000
Continued

- 00-500** Motion by Councilman Baron, seconded by Councilwoman Judeh, that the City Council concurs with and approves the request from Mr. Daryl Jamieson of Dalton Towing, to purchase Lots 38 and 39 Van Born Little Farms Subdivision, for \$8,220 per lot, total \$16,440 per, Assessor Pargo, communication dated November 15, 2000. Purchaser to assume all cost of sale and sale to be consummated by December 28, 2000.

Motion adopted.

- 00-501** Motion by Councilman Paletko, seconded by Councilman Baron, that the City Council approve the request from Fire Chief Barnett, dated November 20, 2000 to purchase Draeger Self-Contained Breathing Apparatus, which consists of 84 cylinders, 30 minute 4500 psi, carbon with LOGO/number, for Phase 1 in the budgeted amount of \$40,000, and payment thereof, from the single source supplier, Pressure Vessel Testing, 34736 Gratiot Avenue, Clinton Township, MI 48035. Monies for this purchase have been allocated in the 2000-2001 Capital Outlay account.

Motion adopted.

- 00-502** Motion by Councilman Paletko, seconded by Councilwoman Van Houten, that proposed Ordinance H-00-10, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 32-425 OF SAID CODE, REGARDING VEHICULAR NOISE ABATEMENT IN THE CITY OF DEARBORN HEIGHTS, be considered read for the second time and become effective upon publication in the City's official newspaper.

Motion adopted.

- 00-503** Motion by Councilman Baron, seconded by Councilwoman Agius, that the City Council concurs with and approves the Special Land Use request from St. Hedwig Cemetery, 23755 Military to construct an addition to the existing Friary, per Planning Commission, communication dated 11/20/00. Planning Commission case # SPR-00-26.

Motion adopted.

- 00-504** Motion by Councilman Baron, seconded by Councilwoman Agius, that the City Council concurs with and approves the "Functional Land Use" for St. Hedwig Cemetery, 23755 Military, as amended in Ordinance H-00-06, Chapter 36, Section 36-95, per Planning Commission, communication dated 11/20/00. Planning Commission case # SPR-00-26.

Motion adopted.

- 00-505** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that business license renewals for Britannia Hall Post #92, 5312 S Beech Daly and Lone Star Steakhouse & Saloon, 24140 Ford Road, be approved.

Motion adopted.

There being no further business to come before the Council, Council Chairwoman Horvath adjourned the meeting at 8:37 p.m.

JOYCE A. ROBBINS
CITY CLERK

MARGARET M. HORVATH, CHAIRWOMAN
CITY COUNCIL

MARIA E. LAWRENCE, COUNCIL/CLERK SECRETARY