

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

NOVEMBER 22, 1994

94-577 The meeting was called to order at 8:08 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 Zulinski.

Absent: None.

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

The Pledge of Allegiance was led by Councilwoman Margaret M. Horvath.

94-578 Motion by Councilman Kosinski, supported by Councilman Brown that the Agenda for the Regular Meeting of November 22, 1994, be approved as submitted.

Motion unanimously adopted.

94-579 Motion by Councilman Brunell, supported by Councilman Blackburn, that the Minutes from the Regular Meeting of November 9, 1994, be approved as submitted.

Motion unanimously adopted.

94-580 Motion by Councilman Blackburn, supported by Councilwoman Horvath, that Current Claims 6-1 through 6-17 be approved as submitted.

1. ALLEGAN COUNTY SHERIFF DEPARTMENT - Prisoner Food & Lodging August, 1994. Inv. dated 9/14/94. From A/C 101-200-868-000 (Prisoner Food & Lodging) \$2,480.00. General Govt.
2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Materials Delivered October, 1994. Inv. dated 11/01/94. From A/C 101-200-810-000 (Sanitation) \$160,284.40. General Govt.
3. DEARBORN HEIGHTS SOCCER ASSOCIATION - Fall 1994 Youth Soccer Allotments. Ck. req. dated 11/09/94. From A/C 101-691-887-000 (Recreation Programs) \$2,183.50. Recreation.
4. DISTRICT #7 DAD'S CLUB - '94-'95 Youth Hockey Allotments. Ck. req. dated 11/10/94. From A/C 101-691-887-000 (Recreation Programs) \$11,100.00. Recreation.
5. E & N CEMENT - Pavement Repairs. Two (2) Inv's. dated 11/12/94. From A/C 101-440-880-000 (Road Repairs) \$10,563.70 and from A/C 592-540-818-000 (Contractual Services) \$15,847.30. DPW-Water.
6. LAURA BERRY-HARRIS - Legal Services for October, 1994. Inv. dated 11/09/94. From A/C 101-210-826-000 (Counsel Services) \$6,916.00 and from A/C 101-210-938-000 (Library) \$479.79. Corporation Counsel.
7. LAURA BERRY-HARRIS - Legal Services for October, 1994, Labor Attorney. Inv. dated 11/03/94. From A/C 101-200-817-000 (Professional & Consult) \$990.25. General Govt.
8. GARY MIOTKE - Legal Services for October, 1994. Inv. dated 11/09/94. From A/C 101-210-826-000 (Counsel Services) \$2,080.00. Corporation Counsel.

9. I.S.M.A. - Computer Support Service for Police Department. Inv. 501782, dated 10/31/94. From A/C 101-300-818-000 (Contractual Services) \$2,340.00. Police Dept.
10. NAGEL CONSTRUCTION CO. - 1993 Sewer Cleaning Program - Sanitary & Storm Sewers. Cert. #2, dated 10/31/94 (Storm) and Cert. #3, dated 10/31/94 (Sanitary). From A/C 101-440-818-000 (Contractual Services) \$3,650.86 and A/C 592-540-818-000 (Contractual Services) \$5,082.87. DPW-Water.
11. PAINTER & RUTHENBERG - Roll Off Services for October, 1994. Inv. 3571, dated 10/31/94. From A/C 101-200-810-000 (Sanitation) \$7,000.00. General Govt.
12. PLANTE & MORAN - Professional Services for Sept., 1994 and June 30th Audit. Inv. 17784-304360, 11/01/94; 17784-304380, 11/01/94; 17784-304361, 11/01/94; 17784-304359, 11/01/94. From A/C 101-200-817-000 (Professional & Consult) \$27,810.00 and from A/C 592-536-817-000 (Professional & Consult) \$7,865.00. General Govt.
13. QUAD-TRAN OF MICHIGAN - Data Processing Service and Supplies. Inv. 1553, dated 10/31/94. From A/C 101-130-818-000 (Contractual Services) \$2,704.02 and from A/C 101-130-728-000 (Office Supplies) \$74.00. District Court.
14. STANLEY'S ADVERTISING - 24,000 Newspaper Delivered. Inv. 42175, dated 10/29/94. From A/C 103-960-918-094 (Administration) \$2,304.00. Community Development.
15. WADE-TRIM/ASSOCIATES - 1993 Sewer Cleaning Program - Sanitary & Storm Sewers. Inv. 45231, dated 10/31/94 (Sanitary); Inv. 45232, dated 10/31/94 (Storm). From A/C 101-440-818-000 (Contractual Services) \$56.91 and from A/C 592-540-818-000 (Contractual Services) \$353.55. DPW-Water.
16. WADE-TRIM/ASSOCIATES - Site Plan Review for Home Depot. Inv. 45061, dated 10/13/94. Job DHT 2380-01T. From A/C 101-371-809-000 (Engineering Service) \$1,669.40. Building & Engineering.
17. WAYNE COUNTY - GENERAL FUND ACCOUNT. Assessment Admin/Tax Billing. Inv. 36942, dated 10/25/94. From A/C 101-209-813-000 (Bureau of Taxation) \$16,780.57. Assessor.

Motion unanimously adopted.

- 94-581 Motion by Councilman Kosinski, supported by Councilman Brown, that the lowest bidder meeting all specifications, Detroit Door & Hardware Co., 111 East Twelve Mile Road, Madison Heights, Mi 48071 for sixteen (16) evidence lockers and installation in the amount of \$4,996.00, and payment thereof, be approved, per Acting Chief of Police Webber, communication dated November 9, 1994. Funds were approved in the current budget, Capital Outlay Account #300-981.

Motion unanimously adopted.

- 94-582 Motion by Councilman Blackburn, supported by Councilwoman Horvath, that the City Council adopt the proposed Water Department Budget as submitted for Fiscal Year 1994-1995, per Mayor Canfield, communication dated November 15, 1994.

Motion unanimously adopted

- 94-583 Motion by Councilman Brown, supported by Councilman Kosinski, that the City Council adopt the proposed Major and Local Street Budgets for the fiscal year 1994-1995 as submitted, per Mayor Canfield, communication dated November 15, 1994.

Motion unanimously adopted.

94-584 Motion by Councilman Blackburn, supported by Councilman Zulinski, that the City Council concurs with and approves the appointment of Councilman David C. Brunell to serve as the City Council representative on the Planning Commission with Councilwoman Margaret M. Horvath as alternate, term ending December 31, 1995 per, Council Chairman Paletko, communication dated November 16, 1994.

Motion unanimously adopted.

94-585 Motion by Councilman Brunell, supported by Councilman Kosinski, that the resolution regarding the retirement pension plan for Fire Chief Lewis be adopted as follows:

BE IT RESOLVED by the City of Dearborn Heights, that the City Council concurs in the Retirement Pension Plan for outgoing Fire Chief Errol Lewis at a retirement factor rate of 2.8 percent.

FURTHERMORE, that the pension rate established for Chief Lewis shall be administered pursuant to Article 16, Retirement-Pension Plan of the collective bargaining agreement between the City of Dearborn Heights and Local 1355 of the International Association of Fire Fighters 1992-1996 Agreement.

FURTHERMORE, that nothing in this resolution shall be construed as a past practice, nor have any precedential value, with respect to the current Fire Fighters' collective bargaining agreement with the City of Dearborn Heights; the pension plan for Chief Lewis has been implemented in light of the 2.8 percent pension rate given to the outgoing Police Chief, and has been determined by the City to be applicable in this particular circumstance only.

FURTHERMORE, that the City of Dearborn Heights will seek to require that the incoming Fire Chief, should he/she desire to submit to a 2.8 percent retirement pension factor, be required to pay the amount commensurate with the 2.8 percent pension rate that is currently paid by members of the Police Department under their collective bargaining agreement with the City of Dearborn Heights.

NOW, THEREFORE, be it resolved that: The City Council hereby authorizes Mayor Canfield to approve said pension plan described above for outgoing Fire Chief, Errol Lewis.

Motion unanimously adopted.

94-586 Motion by Councilman Kosinski, supported by Councilman Horvath, that the City Council concurs with and approves the extension of an agreement with Secondary Fibers of Riverview in the voluntary recycling program for the 1995 calendar year with a reduction of costs at \$720.00 per year, per Administrative Assistant Zadikian, communication dated November 7, 1994. Further that the Mayor and Clerk be authorized to sign agreement.

Motion unanimously adopted.

94-587 Motion by Councilman Brunell, supported by Councilwoman Horvath, that the City Council concurs with and approves Change Order #3, to the Thompson McCully Company, 1785 Rawsonville Road, Belleville, MI 48111 for the 1993 Street Resurfacing Program Lewis Manor Subdivision, in the amount of \$495,858.56, a decrease of \$7,137.50, per Public Service Administrator Preston, communication dated November 15, 1994. Further that the Mayor be authorized to sign the Change Order.

Motion unanimously adopted.

94-588 Motion by Councilman Brown, supported by Councilman Blackburn, that proposed Ordinance H-94-11 (Amendment to City Pension Ordinance), be referred to Mitch Mallon for review and report to City Council.

Motion unanimously adopted.

94-589 Motion by Councilman Kosinski, supported by Councilman Zulinski, 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, by reference, be considered read for the first time.

Motion unanimously adopted.

94-590 Motion by Councilman Brunell, 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 first time.

Motion unanimously adopted.

94-591 Motion by Councilman Brown, supported by Councilman Kosinski, 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 first time.

Motion unanimously adopted.

94-592 Motion by Councilman Brown, supported by Councilman Kosinski, 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, by reference, be considered read for the first time.

Motion unanimously adopted.

94-593 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the City Council concurs with and approves the payment of the actuarial and consulting services statement for June, July and August for the Early Retirement Program from the Wyatt Company in the amount of \$15,000, per General Government Pension Chairman Roberts, communication dated October 26, 1994.

Motion unanimously adopted.

94-594 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 first time.

Motion unanimously adopted.

94-595 Motion by Councilman Brunell, supported by Councilman Brown, that Wade-Trim/Associates tabled Current Claim 6-10, (Valley Park Sub Reconstruction) in the amount of \$10,716.00 from A/C 203-203-880-300, be approved.

Motion unanimously adopted.

94-596 Motion by Councilman Kosinski, supported by Councilman Blackburn, to consider tabled Council Motion 94-550 requesting the 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, be adopted as follows:

WHEREAS, the Allen Park Clay Mine Landfill (the "Landfill") was an unregulated dump site for nearly thirty years in the Oakwood Boulevard/Southfield Freeway area of Allen Park, and;

WHEREAS, the landfill is one mile from the southeasternmost area of the City of Dearborn Heights, and is in close proximity to the Rouge River, a major element of the Great Lakes ecosystem, and;

WHEREAS, a large water supply main serving the Cities of Allen Park, Dearborn, Dearborn Heights, Melvindale, River Rouge and the southwest section of Detroit passes through an area immediately adjacent to the landfill, and;

WHEREAS, the Ford Motor Company has failed to notify these cities and appropriate government agencies of their proposal that polychlorinated biphenyls (PCBs) and other hazardous materials be allowed to be disposed at the landfill, and;

WHEREAS, such dumping could cause a significant health hazard to residents of Dearborn Heights and surrounding communities in the form of polluting, impairing or destroying the air, water or other natural resources, and have a detrimental effect on property values and the public trust in these communities, and;

WHEREAS, the City of Dearborn Heights opposes the storage and/or categorical dumping of PCBs near our community and significant water sources,

NOW, THEREFORE, BE IT RESOLVED, that the City of Dearborn Heights joins the cities of Allen Park, Dearborn and Melvindale in strong opposition to the proposal by Ford Motor Company to allow PCBs to be disposed at the Allen Park Clay Mine Landfill, and;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Michigan Department of Natural Resources, the United States Environmental Protection Agency, U.S. Senator Carl Levin, U.S. Senator Donald Riegle, U.S. Congressman John Dingell, Governor John Engler, Attorney General Frank Kelley, State Senator George Z. Hart, State Representative Richard A. Young and to the aforementioned communities.

Signed this 22nd day of November, 1994, by the Mayor, Clerk and Council of the City of Dearborn Heights, Wayne County, Michigan.

AYES: Councilman Blackburn, Councilman Brown, Councilman Brunell, Councilwoman Horvath, Councilman Kosinski, Councilman Zulinski.

NAYS: None.

ABSTAIN: Council Chairman Paletko.

ABSENT: None.

Motion adopted.

94-597 Motion by Councilman Kosinski, supported by Councilman Blackburn, that the request for renewal of 1994 business license for Club House Lounge, 21350 Van Born, be approved.

Motion unanimously adopted.

94-598 Motion by Councilman Blackburn, supported by Councilman Kosinski, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:12 P.M.

HELENE S. SHERIDAN
CITY CLERK

DANIEL S. PALETKO, CHAIRMAN
CITY COUNCIL