

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

NOVEMBER 9, 1999

99-486 The meeting was called to order at 8:22 p.m. by Council Chairman Joseph V. Kosinski.

Roll Call showed the following:

Present: Councilman Kenneth R. Baron, Councilwoman Janet L. Blackburn, Councilwoman Margaret M. Horvath, Council Chairman Joseph V. Kosinski, Councilman Daniel S. Paletko, Councilwoman Margaret Van Houten, Councilman Gregg Zulinski.

Absent: None.

Also Present: Executive Assistant Heise, Corporation Counsel Miotek, Deputy Clerk Pawlukiewicz, Financial Analyst Macari, Assessor Pargo, Building & Engineering Director Opalewski, Police Chief Webber, Fire Chief Barnett, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by newly elected and reelected councilpersons Elizabeth Agius, Kenneth Baron and Gregg Zulinski.

99-487 Motion by Councilman Baron, seconded by Councilman Zulinski, that the Agenda for the Regular Meeting of November 9, 1999, be approved with the exclusion of Agenda Item 9-A (General Government Pension Board Proposed Revised Ordinance).

Motion unanimously adopted.

99-488 Motion by Councilman Zulinski, seconded by Councilman Baron, that the Minutes from the Regular Meeting of October 26, 1999, be approved as submitted.

Motion unanimously adopted.

The Public Hearing for the proposed transfer of control of the City's Cable Television Franchise Agreement with MediaOne of Metropolitan Detroit to AT & T Corporation opened at 8:26 p.m..

Council Chairman Kosinski asked Deputy Clerk Pawlukiewicz to read the official notice of the Public Hearing.

PLEASE TAKE NOTICE that a Public Hearing will be held on Tuesday, November 9, 1999, at 8 p.m. in the Council Chambers of the City of Dearborn Heights, located at 6045 Fenton, Dearborn Heights at the Administrative Building, 6045 Fenton Avenue, Dearborn Heights, Michigan, for the purpose of hearing public comment regarding the proposed transfer of control of the City's Cable Television Franchise Agreement with MediaOne of Metropolitan Detroit to AT & T Corporation.

Written comments may be directed to the City Clerk's Office, 6045 Fenton, Dearborn Heights, MI 48127. City Clerk Joyce Robbins. Published October 21, 1999 and October 28, 1999. There were no communications received Mr. Chairman.

Council Chairman Kosinski asked if there was anyone in the audience who wished to speak for or against the proposed transfer of Cable TV Franchise Agreement; hearing none, he asked for a motion to close the Public Hearing.

99-489 Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the Public Hearing be closed.

Motion unanimously adopted.

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The Public Hearing for the proposed transfer of control of the cable TV Franchise Agreement closed at 8:29 p.m.

99-490 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that Current Claims 6-1 through 6-27, be approved as submitted.

1. ACCUMED - Billing for Ambulance Service - Inv. dated 09/99 from A/C 101-000-626-000 (Ambulance) \$1,792.89. General Govt.
2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Materials Delivered September '99 - Monthly Admin./Debt October '99 from A/C 101-200-810-000 (Sanitation) \$172,667.72. General Govt.
3. E & N CEMENT - Pavement Repairs - Two (2) Inv.'s dated 10/30/99 from A/C 101-440-880-000 (Road Repairs) \$63,705.29 and from A/C 592-537-818-000 (Contract Services) \$19,265.91. DPW-Water.
4. FIRST STEP - Counseling Services - Inv. 07/99-09/99 from A/C 103-960-927-099 (First Step) \$3,162.23. Community Devel.
5. GARY MIOTKE - Legal Services August/September '99 - Inv. dated 10/26/99 from A/C 101-210-826-000 (Counsel Services) \$9,321.00. Corp. Counsel.
6. GREAT LAKES ORTHOPEDICS - Worker Comp - Alexander - Shoulder Injury - Ck. Req. dated 10/20/99 from A/C 101-200-724-000 (Worker Comp.) \$2,238.75. General Govt.
7. JQ INC. - Weed Cutting Service - Various Inv.'s from A/C 101-200-963-000 (Sidewalk/Weeds) \$12,200.00. General Govt.
8. MBM COMPUTER - Maintenance on Miscellaneous Computer Supplies - Inv. 752137 dated 10/20/99 from A/C 101-258-932-000 (Repair Maint.) \$6,772.74 and from A/C 592-536-932-000 (Repair Maint.) \$1,144.90. Data Processing.
9. MICHIGAN DEPARTMENT OF ENVIRONMENT - Annual Fee for Water Service - Inv. 174159 dated 10/30/99 from A/C 592-536-817-000 (Professional/Consult) \$8,581.10. Water Dept.
10. PLANTE & MORAN - Audit and Accounting Services - Inv. 622936, 622934, 622932, 622931 dated 10/19/99 from A/C 101-200-817-000 (Professional/Consult) \$20,625.00 and from A/C 592-536-817-000 (Professional/Consult) \$9,385.00. General Govt.
11. QUAD-TRAN OF MICHIGAN - Data Processing October '99 - Inv. 3210 dated 10/29/99 from A/C 101-130-818-000 (Contract Services) \$3,200.00 and from A/C 101-130-728-000 (Office Supplies) \$975.90. District Court.
12. SECREST, WARDLE, LYNCH, et al - Legal Services August/September '99 - Inv. dated 10/26/99 from A/C 101-210-826-000 (Counsel Services) \$10,875.00. Corp. Counsel.
13. STANLEYS ADVERTISING - Distribution of Newsletter - Inv. 47879 dated 10/27/99 from A/C 103-960-918-098 (Administration) \$2,771.50. Community Devel.
14. TODAY LINK, LLC - DHOL Subscriptions October '99 - Inv. 1001 dated 11/01/99 from A/C 101-200-819-999 (Webnet) \$2,569.25. General Govt.
15. US BANK - Young Center Bonds - Ck. Req. dated 10/05/99 from A/C 103-960-936-098 (Recreation Bonds) \$500.00 and A/C 103-960-939-099 (Recreation Bonds) \$6,250.00. Community Devel.
16. WADE-TRIM/ASSOCIATES - 1999 Bridge Inspections - Inv. 63444 dated 10/15/99 from A/C 101-440-818-000 (Contract Services) \$3,977.20. DPW-Highway.
17. WADE-TRIM/ASSOCIATES - Canfield Parking Lot Extension - Inv. 63447 dated 10/15/99 from A/C 103-960-930-099 (Canfield Parking Lot) \$506.50. Community Devel.
18. WADE-TRIM/ASSOCIATES - Corrective Action Plan - Inv. 63301 dated 09/15/99 from A/C 592-XXX-154-000 (Sewers) \$3,406.48. Water Dept.
19. WADE-TRIM/ASSOCIATES - Downriver Flow Monitor, Relief Sewer - Inv. 63343 dated 10/08/99 from A/C 592-XXX-154-000 (Sewers) \$472.30. Water Dept.
20. WADE-TRIM/ASSOCIATES - Downriver Technical Assistance, Relief Sewer - Inv. 63066 dated 09/15/99 from A/C 592-XXX-154-000 (Sewers) \$402.60. Water Dept.

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21. WADE-TRIM/ASSOCIATES - Municipal Park Walkway Final Invoice - Inv. 63449 dated 10/15/99 from A/C 103-960-938-097 (Municipal Walkway) \$1,407.00. Community Devel.
22. WADE-TRIM/ASSOCIATES - Phase II CSO Planning Service - Inv. 63300 dated 09/15/99 from A/C 592-XXX-154-000 (Sewers) \$10,090.89. Water Dept.
23. WADE-TRIM/ASSOCIATES - Storm Water Permit Project - Sweeping - Inv. 63302 dated 09/15/99 from A/C 592-XXX-154-000 (Sewers) \$2,247.23. Water Dept.
24. WADE-TRIM/ASSOCIATES - Warren Avenue Streetscape - Inv. 63599 dated 10/15/99 from A/C 103-960-944-099 (Streetscape) \$781.00. Community Devel.
25. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Excess Flow 2nd Quarter 1999 - Inv. 89155 dated 10/15/99 from A/C 592-537-929-000 (Sewage Disposal) \$38,501.19. Water Dept.
26. WAYNE COUNTY DEPARTMENT OF ROADS - Traffic Signal Maintenance September '99 - Inv. 93708 dated 10/18/99 from A/C 101-440-925-000 (Traffic Signal Maint.) \$2,796.70. DPW-Highway.
27. WESTLAND TREE SERVICE - Tree Trimming/Maintenance - Inv. dated 11/01/99 from A/C 101-440-820-000 (Tree Trimming) \$19,897.91. DPW-Highway.

Motion unanimously adopted.

- 99-491** Motion by Councilwoman Van Houten, seconded by Councilwoman Blackburn, that proposed Ordinance H-99-09, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 20-56 REGARDING DOMESTIC ASSAULT AND BATTERY, be considered read for the first time.

Motion unanimously adopted.

- 99-492** Motion by Councilman Paletko, seconded by Councilman Zulinski, that the communication from Chief Judge Foran dated November 3, 1999 be received, contents noted and filed and further that City Council direct the Comptroller to institute wage changes as set forth in the signed and ratified Tentative Agreement between the 20th District Court union employees and non-union employee increases, retroactive to July 1, 1999 as follows:

Court Reporter - July 1, 1999 - Adjustment \$2,354.04; July 1, 2000 4%; July 1, 2001 3.75%

Chief Clerk - July 1, 1999 - Adjustment \$2,354.04; July 1, 2000 4%; July 2, 2001 3.75%

Probation Director - July 1, 1999 - Adjustment \$2,990.52; July 1, 2000 4%; July 1, 2001 3.75%

Court Administrator - July 1, 1999 \$2,990.52; July 1, 2000 4%; July 1, 2001 3.75%.

Motion unanimously adopted.

- 99-493** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the revised Resolution Approving the Change of Control of the MediaOne Cable Television Franchise as follows:

Recitals:

- A. MediaOne of Metropolitan Detroit, Inc., ("Franchisee") is duly authorized to operate and maintain a cable television system in the City of Dearborn Heights, Michigan ("City") pursuant to a franchise (the "Franchise") granted by the City; and

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- B. Pursuant to the Agreement and Plan of Merger among AT&T Corp. (AT&T), a newly formed wholly-owned subsidiary of AT&T, Meteor Acquisitions, Inc., ("Meteor"), and MediaOne Group, Inc., the parent of Franchisee ("MediaOne"), dated as of May 6, 1999 (the "Merger Agreement"), MediaOne will merge with and into Meteor with Meteor as the surviving corporation in the merger, and as a result of the transactions contemplated by the Merger Agreement, MediaOne will become a wholly-owned subsidiary of AT&T (the "Transactions"); and
- C. Franchisee will continue to hold the Franchise after consummation of the Transactions; and
- D. FCC Form 394 with respect to the Transactions has been filed with the City; and
- E. The parties have requested consent by the City to the Transactions; and
- F. Under Section 11 of MediaOne's franchise and Section 9-30 of the Dearborn Heights Cable Television Ordinance AT&T 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. The Resolution is deemed effective in accordance with applicable law upon filing with the City Clerk by Franchisee of fully-executed copies of the acceptance attached as Exhibit A.

Section 3. Subject to State and Federal law, the City reserves the right to require that the Franchisee provide non-discriminatory access to the Franchisee'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 the City's rights to require that the Franchisee provide non-discriminatory access. In the event the City chooses to require non-discriminatory access, the provider shall have the 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 November 30, 2000.

Section 5. The City Council further advises the parties that the City is strongly opposed to any subsequent transfer of control or ownership of the franchise by AT&T to other cable television or telecommunications companies.

Section 6. AT&T may not engage in any joint use or sharing of the franchise with any other cable or telecommunications company without the express written permission of the City. This Resolution is solely limited to the transfer of franchise from MediaOne to AT&T and for no other purposes.

Motion unanimously adopted.

- 99-494** Motion by Councilman Paletko, seconded by Councilman Baron, that the City Council authorize the purchase of one (1) New Sewer Equipment of America Model 800-HPR Truck Mounted Sewer Jet with Rotating Safety Reel Mounted on a 2000 Sterling L7501 Chassis per quote from Jack Doheny Supplies, Inc., PO Box 609, Northville, MI 48167, at a cost of \$122,717.00 less \$18,000, for the total amount of \$104,717.00, and payment thereof, per Public Service Administrator Blackburn, communication dated

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November 3, 1999. This is a single source item approved in the 1998-99 Capital Outlay account.

Motion unanimously adopted.

- 99-495** Motion by Councilman Zulinski, seconded by Councilwoman Blackburn, that the City Council concurs with and approves the request from Police Chief Webber, communication dated October 27, 1999 to auction a 1991 Mazda and 1993 Chevrolet which were seized under forfeiture law and the proceeds from sale be placed in the forfeiture account.

Motion unanimously adopted.

- 99-496** Motion by Councilwoman Van Houten, seconded by Councilwoman Blackburn, that the City Council concurs with and approves the request from the City of Westland for a Quit Claim Deed from the City of Dearborn Heights to the City of Westland for property described as the east ½ of Lot 18, also the west 30 feet of vacated Third Street, Rosedale Subdivision, T2S-R9E, Liber 42, Page 78, Wayne County Records, per Assessor Pargo, communication dated October 27, 1999. Further, that the Mayor and City Clerk sign the deed on behalf of the City.

Motion unanimously adopted.

- 99-497** Motion by Councilman Zulinski, seconded by Councilwoman Blackburn, that the City Council concurs with and approves a contract with Dry Duck Waterproofing, to make the necessary repairs to the basement at the Police Department, at a cost of \$11,328.00, and payment thereof, per Police Chief Webber, communication dated October 18, 1999.

Motion unanimously adopted.

- 99-498** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Council concurs with and approves the purchase of one "Animobile" Model 99 Animal Control Body, at a cost of \$10,745.00, and payment thereof, per Police Chief Webber, communication dated October 27, 1999. This is a direct single source item and is budgeted in the Capital Outlay account.

Motion unanimously adopted.

- 99-499** Motion by Councilman Zulinski, seconded by Councilman Baron, that the City Council concurs with and approves the purchase of three (3) Ford Taurus vehicles from Skalne Ford of Lake Orion, at a cost of \$14,823.00 per unit, for a total cost of \$44,469.00, and payment thereof, per Police Chief Webber, communication dated October 27, 1999. This is an Oakland County bid award and funds for this purchase have been allocated in the current capital outlay account.

Motion unanimously adopted.

- 99-500** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Council concurs with and approves the purchase of nine (9) Ford Crown Victoria police vehicles from Signature Ford, at a cost of \$20,178.10 per unit, for a total cost of \$181,693.90 (one vehicle cost is \$10,269.00), and payment thereof, per Police Chief Webber, communication dated October 27, 1999. This is a Macomb County bid award and funds have been allocated in the current capital outlay account.

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Motion unanimously adopted.

- 99-501** Motion by Councilman Baron, seconded by Councilman Zulinski, that the City Council concurs with and approves the purchase of one (1) Dell computer and printer from Dell Marketing, LP, One Dell Way, Round Rock, Tx 78682, in the amount of \$1,887.20, and payment thereof, per Police Chief Webber, communication dated October 27, 1999. Funds for this purchase is via the Domestic Violence Grant.

Motion unanimously adopted.

- 99-502** Motion by Councilman Paletko, seconded by Councilman Baron, that the City Council concurs with and approves Wade-Trim/Associates, 25251 Northline Road, PO Box 10, Taylor, MI 48180 to assist the City in updating the Recreation Master Plan in an amount not to exceed \$11,000, per Recreation Director Grybel, communication dated November 2, 1999. Funds for this project are available in the CDBG Program.

Motion unanimously adopted.

- 99-503** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Council concurs with and approves Permanent Traffic Control Device Request, T-115 various changes and additions at Bedford School on Croissant and Eton as follows:

- 1 - Change damaged "No Parking" sign between signs on Croissant north of Annapolis.
- 2 - Add "1 Hour Parking 8A-4P Monday thru Friday" on west side of Croissant between Annapolis and Eton.
- 3 - Add "One Way" signs to parking lot driveways on Eton. East drive going in - West drive going out.
- 4 - Add "No Left Turn 8A-9A and 2P-4P Monday thru Friday":
 - a) One sign at entrance to parking lot (east drive) "No Left Turn" into lot.
 - b) One sign at exit to lot (west drive) "No Left Turn" exiting lot.
- 5 - Add "Stop" sign at exit from lot, per Police Chief Webber, communication dated October 22, 1999.

Motion unanimously adopted.

- 99-504** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Council concurs with and approves Traffic Control Device Request T-112, Removal of "No Parking" signs on Fenton south of Ann Arbor Trail, per Police Chief Webber, communication dated October 22, 1999.

Motion unanimously adopted.

- 99-505** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Council concurs with and approves Traffic Control Device Request T-114, Removal of "No Parking" signs on Drexel between Hass and George, per Police Chief Webber, communication dated October 22, 1999.

Motion unanimously adopted.

- 99-506** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Council concurs with and approves Traffic Control Device Request T-113, Removal of "No Parking" signs on Mayburn between Richardson and Hass, per Police Chief Webber, communication dated October 22, 1999.

Motion unanimously adopted.

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99-507 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that business license renewals for Lucky 13, 21350 Van Born; Rouge Park Bar, 16515 Outer Drive; Pitcher's Pub, 5990 N Telegraph and Stefan's 23900 Warren, be approved.

Motion unanimously adopted.

99-508 Motion by Councilman Paletko, seconded by Councilwoman Horvath, that the City Council approve the payment of Current Claim 6-20, Wade-Trim/Associates Library Feasibility Study, in the amount of \$3,745.68, Invoice # 062883 dated August 18, 1999.

Motion unanimously adopted.

99-509 Motion by Councilman Zulinski, seconded by Councilwoman Horvath, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:10 p.m.

JOYCE A. ROBBINS
CITY CLERK

JOSEPH V. KOSINSKI, CHAIRMAN
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY