

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

OCTOBER 27, 1998

98-495 The meeting was called to order at 8:08 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: Mayor Canfield, Executive Assistant Heise, Corporation Counsel Berry-Harris, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Assessor Welch, Building & Engineering Director Opalewski, Human Resources Director Sullivan, Deputy Police Chief Blaszczyk, Fire Chief Barnett, Deputy Fire Chief McElroy, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by the City Council, Mayor Canfield, City Clerk Robbins and Corporation Council Berry-Harris.

98-496 Motion by Councilman Baron, seconded by Councilman Zulinski, that the Agenda for the Regular Meeting of October 27, 1998, be approved as submitted.

Motion unanimously adopted.

98-497 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that the Minutes from the Regular Meeting of October 13, 1998, be approved as submitted.

Motion unanimously adopted.

The Public Hearing for the Special Land Use request from the Northwest Alano Club, 25605 Joy Road for an arcade license was called to order at 8:12 p.m., by Council Chairman Joseph V. Kosinski.

Council Chairman Kosinski asked the City Clerk to read the official Notice of Public Hearing.

PLEASE TAKE NOTICE that a Public Hearing will be held on Tuesday, October 27, 1998, by the City Council of the City of Dearborn Heights at the Administrative Building, 6045 Fenton Avenue, Dearborn Heights, Michigan at 8:00 p.m., for the purpose of hearing objections, if any, to the request from the Northwest Alano Club located at 25605 Joy Road, Dearborn Heights, MI for an arcade license for said location.

Written comments may be directed to the City Clerk's office, 6045 Fenton, Dearborn Heights, MI 48127. Joyce A. Robbins, Clerk, Dearborn Heights. Published October 22, 1998.

Corporation Counsel has submitted Proof of Service. We have received five letters from neighbors in the area, four of whom object and one resident indicated no objections. No other communications Mr. Chairman.

Council Chairman Kosinski asked if there was anyone in the audience who wished to speak for

or against the proposed Special Land Use request for an arcade license.

Area residents cited numerous zoning issues and special land use standards listed in the City Code of Ordinances. No special approval shall be granted by the council unless the special use will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent and for the city as a whole. Residents feel they see no benefit to adjacent residents. Additionally granting of an arcade license is part requires C-2 zoning. C-2 is not permitted within 500 feet of any church, school or residentially owned area. The zoning for the Northwest Alano Club is C-1. C-1 zoning additionally states no late hours are permitted. The Alano Club is open until 2:00 a.m.

Residents who spoke in opposition to granting an arcade license are:

Margaret Herricks, 8370 Whitefield; John Slomzenski, 8530 Evangeline; Brett Mitchell, 8520 Evangeline; Brian Sherman, 8761 Rosemary; Rosemary Skudlarek, 8716 Evangeline; Michelle Markovich, 8726 Evangeline; Carl Malakhanian, 8635 Evangeline; Leon Skudlarek, 8716 Evangeline; Mr. Markovich, 8726 Evangeline; Wendy, 8681 Whitefield and Robert Cofell, 8741 Kinmore.

Mike Voden, Jackson stated he lived in the south end of Dearborn Heights but has read about the Northwest Alano Club from reading the local paper. The function of the Northwest Alano Club is a good civic thing. He feels it is not out-of-line to have machines there. Should let them have what they want. It's unreasonable to ask the City Counsel to have machines in a private club if they are minding their own business. If they are rowdy let the police deal with them.

Mike Reid, New York Street stated he had the opportunity to visit the Alano Club. The neighbors need to talk to the members and let them know about the noise. He grew up with the Snack & Rack arcade. Harley's are the loudest of all bikes. Bikers are not ugly, stinky people. The Alano Club would be much more welcome in the south end.

Mr. Bill Irvine, Northwest Alano Club Chairman stated as far as the noise issue, we've put more sound proofing in. Hopefully, we've solved the noise problem. We have not received any calls about loud music. The room where the machines will go was designed by a contractor who lives in Dearborn Heights to keep noise down. Sunday we are open until midnight and 2:00 a.m. during the week. We have late hours for the people in recovery who were used to being in bars late. The word arcade scares me. When I think of an arcade I think of noise and kids playing around. We are looking to open a fourth pool table and a few pinball machines and to do that we had to have an arcade license. When someone is in recovery they have a place to go to have coffee and company. We want to be good neighbors. We are here to put in a few more machines to increase revenues. There were no questions about zoning when we appeared before the Planning Commission.

After almost an hour of discussion it was decided by the Council to refer this matter to Corporation Counsel for a legal opinion.

98-498 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the public hearing be closed.

Motion unanimously adopted.

The Public Hearing for the Special Land Use request from the Northwest Alano Club to establish an arcade license for a private club closed at 9:08 p.m.

98-499 Motion by Councilman Baron, seconded by Councilwoman Horvath, to refer the issue of the Northwest Alano Club request for an arcade license to Corporation Counsel for a legal opinion with the expectation that said opinion will be returned to City Council

within the next two weeks.

Motion unanimously adopted.

98-500 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that Current Claims 6-1 through 6-24, be approved as submitted.

1. 360 SERVICES - Summer Tax Bills - Inv. 7045 dated 6/30/98 from A/C 101-209-813-000 (Bureau of Taxation) \$2,080.48. Assessor.
2. COMERICA BANK - Bond Payment for Police Department Computers - Inv. dated 10/16/98 from A/C 101-200-996-003 (Police Computer) \$21,170.87. General Govt.
3. CONFERENCE OF WESTERN WAYNE - Membership Dues - Inv. 981969 dated 10/15/98 from A/C 101-200-958-000 (Dues/Membership/Subscriptions) \$8,416.00. General Govt.
4. E & N CEMENT COMPANY - Pavement Repairs - Inv. dated 10/17/98 from A/C 101-440-880-000 (Road Repairs) \$14,460.60. DPW/Highway.
5. E&N CEMENT - Pavement Repairs - Inv. dated 10/17/98 from A/C 592-540-818-000 (Contractual Services) \$15,897.62. Water Dept.
6. GARY MIOTKE - Attorney Services for September 1998 - Inv. dated 10/14/98 from A/C 101-200-817-000 (Professional/Consult) \$2,728.00. General Govt.
7. LAURA BERRY-HARRIS - Attorney Services for September 1998 - Inv. dated 10/14/98 from A/C 101-200-817-000 (Professional/Consult) \$10,291.00. General Govt.
8. HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY - Repair/Resurfacing - City Hall Lot - Inv. 9149 dated 10/15/98 from A/C 101-440-818-000 (Contractual Services) \$4,110.00. DPW/Highway.
9. JOHNSON CONTROLS - Maintenance Agreement - Inv. 85607590 dated 10/02/98 from A/C 101-265-818-000 (Contractual Services) \$14,903.00. DPW/Building & Maintenance.
10. OLSON CEMENT COMPANY - Concrete Repairs - Canfield Community Center - Inv. 488 dated 10/20/98 from A/C 101-200-962-000 (Sidewalk/Weed) \$5,595.70. General Govt.
11. OLSON CEMENT COMPANY - 1998 Sidewalk Program - Inv. 882 dated 10/19/98 from A/C 103-960-972-098 (Handicap Curb Cuts) \$45,840.21. Community Devel.
12. PAINTER & RUTHENBERG - Newsprint/Brush Removal/Storm Roll Off - Inv. 10021696 and Inv. 10021697 dated 10/01/98 and Inv. 10021716 dated 10/02/98 from A/C 101-200-810-000 (Sanitation) \$3,775.00 and from A/C 101-440-731-000 (Emergency Storm Expense) \$2,970.00. General Govt./DPW/Highway.
13. QUAD-TRAN OF MICHIGAN - Data Processing Services - Inv. 2953 dated 09/30/98 from A/C 101-130-818-000 (Contractual Services) \$3,135.80 and from A/C 101-130-728-000 (Office Supplies) \$1,120.80. District Court.
14. SOUTER ASPHALT PAVING - Municipal Park Walkway - Certificate #1 dated 10/05/98 from A/C 103-960-938-097 (Municipal Track Construction) \$29,628.87. Community Devel.
15. STATEWIDE SECURITY TRANSPORT, INC. - Prisoner Maintenance for August 1998 - Inv. dated 09/30/98 from A/C 101-200-868-000 (Prisoner Food/Lodging) \$15,175.42. General Govt.
16. T & T LAND CLEARING, L.L.C. - On-Site Grinding of Logs, Stumps and Brush Material - Inv. 1467 dated 10/09/98 from A/C 101-440-731-000 (Emergency Storm Expense) \$8,526.00. DPW/Highway.
17. WADE-TRIM/ASSOCIATES - Professional Service Municipal Park Walkway - Inv. 59102 dated 10/08/98 from A/C 103-960-938-097 (Municipal Track Construction) \$726.20. Community Devel.
18. WADE-TRIM/ASSOCIATES - Canfield Center Parking Lot Extension - Inv. 59095 dated 10/08/98 from A/C 103-960-930-098 (Canfield Parking Lot) \$1,650.00. Community Devel.
19. WADE-TRIM/ASSOCIATES - Metering Analysis for GDRSS Model Calibration of the NHV/RV System - Inv. 59233 dated 10/13/98 from A/C 592-XXX-154-000

- (Sewer System) \$5,467.00. Water Dept.
20. WADE-TRIM/ASSOCIATES - Municipal Park Walkway Inspection - Inv. 59085 dated 10/05/98 from A/C 103-960-938-097 (Municipal Track) \$2,538.00. Community Devel.
 21. WAYNE COUNTY M & B DPS FINANCE - Local Progress Billings - Inv. 91544 dated 10/19/98 from A/C 101-440-880-000 (Road Repairs) \$15,169.48. DPW/Highway.
 22. WEBNET, INC. - Dial-Up Service - Invoice. 24160 dated 10/06/98 from A/C 101-200-819-999 (Webnet/Revolving) \$6,480.00. General Govt.
 23. WESTLAND TREE SERVICE - Removal of Tree - Inv. dated 10/19/98 from A/C 101-440-880-000 (Road Repairs) \$3,500.00. DPW/Highway.
 24. WESTLAND TREE SERVICE - Storm Damage 1998 - Several Invoices for September 1998 from A/C 101-440-730-000 (Emergency Storm Expense) \$23,178.37. DPW/Highway.

Motion unanimously adopted.

- 98-501** Motion by Councilman Zulinski, seconded by Councilman Baron, that the City Comptroller be authorized to advertise for bids, per specifications, for Check Signer and Burster, per the request of Financial Analyst Clark, communication dated October 21, 1998. Funds for this purchase have been allocated in the Water Department 1998-99 budget.

Motion unanimously adopted.

- 98-502** Motion by Councilman Zulinski, seconded by Councilwoman Horvath, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) IBM Line Matrix Printer, per the request of Financial Analyst Clark, communication dated October 21, 1998. Funds for this purchase have been allocated in the Water Department 1998-99 budget.

Motion unanimously adopted.

- 98-503** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) computer workstation, per the request of Fire Chief Barnett, communication dated October 20, 1998. Funds for this purchase have been allocated in the 1998-99 Fire Department Capital Outlay budget A/C 335-981.

Motion unanimously adopted.

- 98-504** Motion by Councilman Paletko, seconded by Councilman Baron, that the low bid from Jorgenson Ford, for one (1) 1999 Ford Taurus SE and one (1) 1999 Ford Crown Victoria, in the amount of \$32,327.00, and payment thereof, which includes trade-in of one (1) 1990 Pontiac Bonneville (VIN #1G2HX54C5L1245279) and one (1) 1991 Pontiac Bonneville (VIN #1G2HX54C3M1231687), be approved, per Fire Chief Barnett, communication dated October 20, 1998. Funds for this purchase to be allocated in the 1998-99 Fire Department Capital Outlay budget A/C 335-981.

Motion unanimously adopted.

- 98-505** Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that the City Comptroller be authorized to advertise for bids, for Qualifications for Geographic Information System Services Storm Management Study Project, per the request of Mayor Canfield, communication dated October 16, 1998. Cost of this project is \$118,000.00. Half of the project cost will be paid for from National Wet Weather Demonstration Grant monies the other half will be local match which will be in-kind expense of the DPW staff who will assist the GIS consultants with gathering and

preparation of sewer-related data. There is no monetary expenditure associated with this project.

Motion unanimously adopted.

- 98-506** Motion by Councilwoman Horvath, seconded by Councilwoman Blackburn, that the City Council concurs with and approves waiving condition No. 4 (four) indicated in CM 97-052 (Granting of Special Land Use with conditions to Product One Autobody Center Inc., 25180 Van Born), which required plantings at the rear of the property to effect screening for residents across the Ecorse Creek due to the fact that there is considerable natural vegetation already behind the business and the neighbors directly behind and across the Ecorse Creek have indicated no objections to the existing screening as replacement for tree plantings per, Mayor Canfield, communication dated October 21, 1998. This will allow the business to receive its final Certificate of Occupancy.

Motion unanimously adopted.

- 98-507** Motion by Councilman Zulinski, seconded by Councilwoman Horvath, that the City Council join Mayor Canfield in proclaiming October 25th through November 1, 1998 "Pornography Awareness Week" and the resolution be adopted as follows:

WHEREAS, the spread of pornography and obscene materials are more prevalent in our society, especially in the print, Internet, television, and radio industry, and;

WHEREAS, there are Federal, State, and Local obscenity laws against illegal, hardcore pornography to protect public safety, health, and morality, especially pornography which exploits children and minors, and;

WHEREAS, these obscenity laws are grounded in contemporary community standards, and;

WHEREAS, pornography degrades and dehumanizes both female and male participants, and is an unthinkable and tragic abuse of children, and;

WHEREAS, much pornography features and promotes rape, drug abuse, sexual violence, spouse abuse, and child abuse, and;

WHEREAS, so-called "adult" pornography is commonly used by child molesters, especially on the Internet, to desensitize children and lure them into sexual acts, and;

WHEREAS, children are increasingly molesting and abusing other children in imitation of what they have seen in pornography and acts of violence in the media, and;

WHEREAS, Americans throughout this great nation will be participating in Pornography Awareness Week to show support for community standards of decency, the enforcement of existing obscenity laws, and to remind ourselves of the great social cost of the exploitation of children and minors in pornographic activity;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The City of Dearborn Heights proclaims the week of October 25 through November 1, 1998, as "Pornography Awareness Week."

Motion unanimously adopted.

- 98-508** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the communication from Mayor Canfield, dated October 21, 1998 re: Reappointments of Barbara Lemecha, Lila Szedlus and Debbie Wint to the City Beautiful Commission,

terms to expire September, 2001 and the appointment of Larry Zahra to replace Linda West, term to expire September, 1999 be received, contents noted and filed.

Motion unanimously adopted.

- 98-509** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the reappointment of Allan Schulz and Douglas Nicoll to the Cable TV Regulatory Commission, terms to expire August 2001, per Mayor Canfield, communication dated October 21, 1998.

Motion unanimously adopted.

- 98-510** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the communication from Treasurer Riley, dated October 21, 1998, be referred back to Treasurer Riley.

Motion unanimously adopted.

- 98-511** Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the request from Financial/Computer Analyst Clark, dated October 21, 1998 to purchase an Uninterruptible Power Supply System for the city's computer mainframe from IBM, at the quoted price of \$3,275.00, and payment thereof, be approved. This is an emergency acquisition to be acquired as soon as possible.

Motion unanimously adopted.

- 98-512** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council concurs with and approves Change Order No. 4 to the Downriver Relief Sewer Project with Ric-Man Construction, Inc., 6850 Nineteen Mile Road, Sterling Heights, MI 48314 for an increase of \$10,271.90, per Public Service Administrator Blackburn, communication dated October 20, 1998. Further, that the Mayor and City Clerk sign on behalf of the City.

Motion unanimously adopted.

- 98-513** Motion by Councilwoman Horvath, seconded by Councilman Zulinski, that the communication from Assessor Welch, dated October 16, 1998 re: Policy on Alley/Street Vacations be referred to a Committee of the Whole Study Session.

Motion unanimously adopted.

- 98-514** Motion by Councilman Paletko, seconded by Councilman Zulinski, that the City Council approve the age waiver request from Deputy Police Chief Blaszczyk, who will turn fifty in August, 2001.

Motion unanimously adopted.

- 98-515** Motion by Councilman Paletko, seconded by Councilman Baron, that the City Council concurs with and approves the Ecorse Creek Drainage District increase in spending on drain maintenance from \$42,500.00 to \$125,000.00 per, Public Service Administrator Blackburn, communication dated October 19, 1998. This continuation of an increase will be assessed on the December, 1999 tax bills in the amount of \$1.50 to approximately 4,500 properties in the entire Drainage District.

AYES: Councilman Baron, Councilwoman Blackburn, Councilwoman Horvath,
Council Chairman Kosinski, Councilman Paletko, Councilwoman Van
Houten.

NO: Councilman Zulinski.

ABSENT: None.

Motion adopted.

98-516 Motion by Councilman Paletko, seconded by Councilman Baron, that the petition from residents in Conleys Warren Telegraph Subdivision No.1 re: The east/west alley located north of Warren, east of Fenton and west of Vernon be received, contents noted and filed.

Motion unanimously adopted.

98-517 Motion by Councilman Paletko, seconded by Councilman Baron, that the issue in Conleys Warren Telegraph Subdivision No.1 be referred to a Committee of the Whole Study Session to correspond with discussion of Assessor Welch's Policy on Alley/Street vacations. Further, that adjacent property owners be invited to the Study Session.

Motion unanimously adopted.

98-518 Motion by Councilman Paletko, seconded by Councilman Zulinski, that proposed Ordinance H-98-14, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 35-136, 35-137 AND 35-138, INCLUDING APPENDIX "A" ADOPTING THE WAYNE COUNTY SEWER USE ORDINANCE (WAYNE COUNTY ENROLLED ORDINANCE 98-473), be considered read for the second time, to become effective upon publication in the City's official newspaper.

Motion unanimously adopted.

98-519 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that proposed Ordinance H-98-12, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING ARTICLE 6, SECTION 32-804 THROUGH 32-825 OF CHAPTER 32 SAID CODE, PROVIDING FOR THE PARKING, STORAGE, AND CARE OF VARIOUS TYPES OF VEHICLES WITHIN THE CITY, be considered read for the second time, to become effective upon publication in the City's official newspaper.

AYES: Councilman Baron, Councilwoman Blackburn, Council Chairman Kosinski, Councilman Paletko, Councilman Zulinski.

NO: Councilwoman Horvath, Councilwoman Van Houten.

ABSENT: None.

Motion adopted.

98-520 Motion by Councilman Baron, seconded by Councilwoman Blackburn, to waive the requirements of installation of impervious surfaces in Ordinance H-98-12, Parking, Storage and Care of Various Types of Vehicles until April 15, 1999.

Motion unanimously adopted.

98-521 Motion by Councilman Baron, seconded by Councilman Zulinski, that Permanent Traffic Control Device Request T-100, "Complete Turn when Traffic Clears" sign at the NW corner of Ann Arbor Trail and Glengary, be approved.

Motion unanimously adopted.

98-522 Motion by Councilman Baron, seconded by Councilman Zulinski, that Permanent

Traffic Control Device Request T-101, "Stop" signs at East and Westbound Hass at Fairwood, be approved.

Motion unanimously adopted.

- 98-523** Motion by Councilman Baron, seconded by Councilman Zulinski, that Permanent Traffic Control Device Request T-102, "No Parking" with support "Fire Lane" sign at SW corner of Richardson and Highview, be approved.

Motion unanimously adopted.

- 98-524** Motion by Councilman Baron, seconded by Councilman Zulinski, that Permanent Traffic Control Device Request T-103, "No Parking" with support "Sunday Only" sign on the south side of Lehigh between Vassar and Pardee, be approved.

Motion unanimously adopted.

- 98-525** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Special Land Use request to allow repair of vehicles for sale at auction to George's Collision, 5664 Daniels. PC Case # SPR-98-35.

Motion unanimously adopted.

- 98-526** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the City Council concurs with and approves the Special Land Use request to install gasoline pumps with canopy to Mr. George Abou Souan, VIP Car Wash, 27275 Ford Road. PC Case #98-03.

Motion unanimously adopted.

- 98-527** Motion by Councilwoman Blackburn, seconded by Councilman Baron, that the City Council concurs with and approves the Special Land Use request to erect a monopole (communication antenna) at the old fire station at 5457 S Telegraph to Omnipoint Communications, 1270 Merriman Road, Livonia, MI 48153. PC Case #SPR-98-38.

Motion unanimously adopted.

- 98-528** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that a Public Hearing be held on December 8, 1998, at 8:00 p.m., to hear objections, if any, to the Special Land Use request from Mr. Mike Hammoud, to construct a Gas Station & Convenience Store on the south side of Michigan Avenue between Gulley and Orchard Drive (Home Depot outlot). PC Case #SPR-98-36.

Motion unanimously adopted.

- 98-529** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that a Public Hearing be held on December 8, 1998, at 8:00 p.m., to hear objections, if any, to the Special Land Use request from Mr. Sam Hanna, 5315 Briarcliff Knoll, W Bloomfield, MI 48322 to establish an auto repair/mechanic shop at 24327 Ann Arbor Trail. PC Case #SPR-98-45.

Motion unanimously adopted.

- 98-530** Motion by Councilman Baron, seconded by Councilwoman Horvath, that business license renewals for Mud Bugs Bar and Grill, 25380 Van Born Road; Fetzers on the Beech, 5127 S Beech Daly and Mickey Cooper's Auto Sales, 20032 Van Born Road, be approved.

Motion unanimously adopted.

98-531 Motion by Councilman Zulinski, seconded by Councilman Baron, that the meeting be adjourned.

Motion unanimously adopted.

The meeting closed at 10:27 p.m.

JOYCE A. ROBBINS
CITY CLERK

JOSEPH V. KOSINSKI, CHAIRMAN
CITY COUNCIL

MARIA E. LAWRENCE
RECORDING SECRETARY