

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

OCTOBER 22, 2002

02-424 The meeting was called to order at 8:15 p.m. by Council Chair Daniel S. Paletko.

Roll Call showed the following:

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

Absent: None.

Also Present: Mayor Canfield, Corporation Counsel Miotke, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Deputy Comptroller Macari, Assessor Riedel, Interim Building & Engineering Director Lamontagne, Police Chief Gust, Police Captain Tomkiewicz, Deputy Fire Chief McElroy, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by Kenny Reposa.

02-425 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the Agenda for the Regular Meeting of October 22, 2002, be approved with the addition of Agenda Item 13-C (Liquor License Transfer of Rouge Park Bar) and Item 13-D (Hometown Security Resolution).

Motion unanimously adopted.

Police Chief Gust, Police Captain Tomkiewicz, Mayor Canfield and Council Chair Paletko presented a Council Citation to Chris Gonzales, 14 years of age, for his assisting the Police Department in the identification and subsequent apprehension of a suspected offender involved in a brutal and senseless armed robbery and attempted homicide at a Mobil Gas Station. As a token from the Police Department Chris was presented a bottle of Gatorade because young Chris was at the gas station that evening to buy Gatorade.

02-426 Motion by Councilman Baron, seconded by Councilwoman Agius, that the Minutes from the Regular Meeting of October 8, 2002, be approved as submitted.

Motion unanimously adopted.

02-427 Motion by Councilwoman Agius, seconded by Councilwoman Van Houten, that Current Claims 6-1 through 6-21, be approved as submitted.

1. AMERICAN APPRAISAL ASSOC. - GASB 34 APPRAISAL SERVICES - Inv. 39505 dated 09/30/02 from A/C 101-200-817-000 (Profess/Consult) \$16,650.00. General Govt.
2. BAKER COLLEGE EMS DIVISION - On-Site Paramedic Education - Inv. 266 dated 10/07/02 from A/C 101-335-962-000 (Training) \$2,000.00. Fire Dept.
3. CITY OF WESTLAND - Budget of 800 MHZ System - Inv. dated 09/25/02 from A/C 101-200-831-100 (E-911) \$27,105.00. General Govt.
4. CONFERENCE OF WESTERN WAYNE - Membership Dues - Inv. dated 10/07/02 from A/C 101-200-958-000 (Dues) \$8,019.00. General Govt.
5. E & N CEMENT - Pavement Repairs - Inv. dated 10/12/02 from A/C 203-203-880-300 (Street Repairs) \$68,365.54. DPW-Highway.
6. ELLEFSON BUILDING DEMO - Clean up 27147 Ann Arbor Trail - Inv. dated 10/10/02 from A/C 101-371-818-010 (Demo) \$5,500.00. Bldg/Eng.
7. IDEA SHIELD - Sign and Brackets - Inv. 32855-IN dated 09/30/02 from A/C 103-960-944-099 (Streetscape) \$12,747.00. CDBG.

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8. J Q INC. - Weed Cutting Charges - Inv. dated 10/14/02 from A/C 101-200-963-000 (Weeds) \$8,730.00. General Govt.
9. GARY MIOTKE - Legal Services September 2002 - Inv. dated 10/15/02 from A/C 101-210-826-000 (Counsel Serv) \$5,545.50. Corp. Counsel.
10. OAKLAND COUNTY - CLEMIS - Usage Fees July thru Sept. - Inv. 209057 and 209056 dated 09/30/02 from A/C 274-673-950-096 (LLEBG) \$7,022.00. Misc. Grants
11. OAKLAND COUNTY - FISCAL SERVICES - Livescan Hardware/Software - Inv. 2002-05 dated 09/17/02 from A/C 265-330-831-265 (Drugs) \$8,253.82. Police Dept.
12. PAINTER & RUTHENBERG - Contaminated Waste & Roll Off - Inv. 52279 and 52602 dated 10/02/02 from A/C 101-200-810-000 (Sanitation) \$4,577.29. General Govt.
13. PLANTE & MORAN - Accounting Services and Audit - Inv. 854559 and 854558 dated 09/30/02 from A/C 592-536-817-000 (Profess/Consult) \$6,035.00 and A/C 101-200-817-000 (Profess/Consult) \$710.00. General Govt.
14. PLANTE & MORAN - Single Audit CDBG - Inv. 852664 dated 09/18/02 from A/C 103-960-918-201 (Admin) \$1,900.00. CDBG.
15. QUAD-TRAN OF MICHIGAN - Data Processing October 2002 - Inv. 3952 and 3953 dated 09/30/02 from A/C 101-130-818-000 (Contract Serv) \$3,600.00; A/C 101-200-728-000 (Supplies) \$1,675.73 and A/C 101-130-728-000 (Supplies) \$922.80. District Court.
16. RSKCO - Work Comp R Smith Surgery - Ck. Req. dated 10/01/02 from A/C 101-200-724-000 (Work Comp) \$2,802.27. General Govt.
17. WADE-TRIM/ASSOCIATES - Berwyn & Eton Parking Lots - Inv. 75446 dated 09/26/02 from A/C 103-960-962-202 (Eton) \$4,475.62 and A/C 103-960-963-202 (Berwyn) \$4,475.63. CDBG.
18. WADE-TRIM/ASSOCIATES - Contract Admin. Heather Lane Bridge - Inv. 75444 dated 09/26/02 from A/C 103-960-967-201 (Heather Lane) \$1,962.07. CDBG.
19. WADE-TRIM/ASSOCIATES - Review Sign Ordinance - Inv. 75501 dated 10/04/02 from A/C 103-960-944-099 (Streetscape) \$800.00. CDBG.
20. WADE-TRIM/ASSOCIATES - Serene Est, Legacy Park & Star Academy - Inv. 75450, 75445 and 75440 dated 09/26/02 from A/C 592-XXX-255-000 (Escrow) \$9,450.88. Water Dept.
21. WAYNE COUNTY - DPS - Traffic Signal Maint. - Inv. 212203 dated 09/30/02 from A/C 101-440-925-000 (Signal Maint.) \$2,927.87. DPW-Highway.

Motion unanimously adopted.

- 02-428** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the low bid from A.A.D. Contracting Company, 2001 Melborn, Dearborn, MI 48128, for the Central Park Electrical/Drainage Improvements Project, in the amount of \$78,684.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated October 15, 2002. Further, that the Mayor and City Clerk be authorized to sign all contracts relating to this project on behalf of the City and that Treasurer Riley be authorized to return bid deposits to the unsuccessful bidders. Monies for this project were previously approved in the CDBG program.

Motion unanimously adopted.

- 02-429** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the communication from Mayor Canfield, dated October 16, 2002 re: The appointment of Mr. Jim Nagy, 635 Gulley to the Commission on Aging, term to expire April 2003, be received, contents noted and filed.

Motion unanimously adopted.

- 02-430** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the City

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Council concurs with and approves the continuation of the operation of the recycling program and authorizes Mayor Canfield and Clerk Robbins to enter into an Interagency Agreement for Recycling Program between the City of Dearborn Heights and the 20th District Court, per Mayor Canfield, communication dated October 15, 2002.

Motion unanimously adopted.

- 02-431** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Council concurs with and approves the State of Michigan Board Resolution Federal Surplus Assistance Program and designates Kenneth J. Lamontagne as the authorized coordinator and to sign on behalf of the City, per Mayor Canfield, communication dated October 15, 2002.

Motion unanimously adopted.

- 02-432** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the proposed amendment to the Commission on Aging By-Laws to include an ex-officio be referred to Corporation Counsel to draft the proper language.

Motion unanimously adopted.

- 02-433** Motion by Councilwoman Agius, seconded by Councilwoman Van Houten, that the communication from Assessor Riedel, dated October 11, 2002 re: Millage for the Downriver Disposal System Bonds, be received, contents noted and filed.

Motion unanimously adopted.

- 02-434** Motion by Councilman Baron, seconded by Councilwoman Agius, that the Budget Amendment to cover demolition and clean up of homes in the City be adopted as follows:

REVENUES	DEMOLITION
101-000-640-000	\$ 50,000.00

EXPENDITURE	DEMOLITION
101-371-818-010	\$ 50,000.00

per, Comptroller Barrow, communication dated October 16, 2002.

Motion unanimously adopted.

- 02-435** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the City Council concurs with and approves the request to dispose of one (1) Pitney Bowes L215 Copier, tag # 4775, per Deputy Fire Chief McElroy, communication dated August 6, 2002.

Motion unanimously adopted.

- 02-436** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the City Council concurs with and approves Parkland Park Renovation Project Phase III Change Order #4 with ABC Paving Company, in the amount of \$1,800.00, per Recreation Director Grybel, communication dated October 9, 2002. Further, that the Mayor and City Clerk be authorized to sign the change order on behalf of the City. Funds to cover this request are available in the projects contingency account.

Motion unanimously adopted.

- 02-437** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the request to auction the following Special Operations

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vehicles:

1994 Jeep SW1J4FJ78S9RL134856; 1993 Pontiac 1G2WH54T9PF311412; 1998 Oldsmobile 1GWH14W6KD359291 and 1994 Ford 1FALP6249RH198397, per Police Chief Gust, communication dated October 10, 2002.

Motion unanimously adopted.

- 02-438** Motion by Councilman Baron, seconded by Councilwoman Agius, that proposed Ordinance H-02-26, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING A NEW ARTICLE VIII, CHAPTER 37, SECTION 37-81 THROUGH 37-110 REGARDING TELECOMMUNICATION RIGHTS-OF-WAY PURSUANT TO STATE LAW, be considered read for the second time and to become effective upon publication in the City's official newspaper.

Motion unanimously adopted.

- 02-439** Motion by Councilman Baron, seconded by Councilman Constan, that the Resolution Implementing City Telecommunications Ordinance be adopted as follows:

WHEREAS, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

WHEREAS, the Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the "Authority"), established pursuant to Section 3 of the Act, *provided* the City takes certain action in compliance with the Act; and

WHEREAS, the City has, contemporaneously with this resolution, adopted an Ordinance for purposes of complying with the requirements of the Act, so as to ensure that the City qualifies for distributions from the Authority under the Act; and

WHEREAS, the City of Dearborn Heights nevertheless considers the Authority and its enabling legislation an affront to the long-standing statutory history and tradition of "Home Rule" enshrined in Michigan law, but recognizes that it must comply with the existing Act in order to qualify for certain monetary distributions from the Authority; and

WHEREAS, the City desires to give additional instruction and direction to the Mayor and other City personnel charged with implementing the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Building and Engineering is hereby authorized and directed to identify all telecommunications providers holding permits or authorizations issued by the City and, as part of that process, to compile a list of all telecommunication providers who have paid fees to the City since 1990, all telecommunications providers identified in the City's engineering or construction permit files and all regulated telephone interchange carriers and competitive access providers listed on the web site of the Michigan Public Service Commission and all regulated local telephone companies licensed in Michigan listed on

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such web site.

FURTHER RESOLVED, that the Department of Building and Engineering is hereby authorized and directed to provide a copy of the Ordinance to the cable companies providing service in the City, and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13 (4) of the Act; and

FURTHER RESOLVED, that the City Treasurer and Comptroller, in consultation with the Department of Building and Engineering, is hereby directed to return, to telecommunications providers, any checks or portion of checks received by City from such providers for access and usage of the public rights-of-way in the City after November 1, 2002 (other than the \$500 application fee allowed under the Act and any fees or funds received from the Authority).

Motion unanimously adopted.

- 02-440** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that proposed ordinance H-02-27, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING CHAPTER 20.5 OF THE CODE OF ORDINANCES PROVIDING FOR PARKING LOT REGULATIONS, be considered read for the first time.

Motion unanimously adopted.

- 02-441** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, the proposed ordinance H-02-28, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING A NEW CHAPTER 39 OF THE CODE PROVIDING FOR STORM WATER MANAGEMENT, be considered read for the first time.

Motion unanimously adopted.

- 02-442** Motion by Councilman Baron, seconded by Councilwoman Horvath, that Permanent Traffic Control Device Request T-137, R3-2P International "No Left Turn" Sign with attachment Monday through Friday 8am-4pm for the north parking lot, horseshoe drive, south parking lot of Crestwood High School, both sides of the exits; bus horseshoe is not to be posted, per Captain T. Glaza, Administrative Services Division, communication dated October 10, 2002.

Motion unanimously adopted.

- 02-443** Motion by Councilwoman Agius, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Special Land Use request from Mr. Anthony Zimbalatti, 47733 Rochester Drive, Novi, MI 48374 to the proposed AAMCO Transmission franchise establishment on the east side of Telegraph between Warren and Richardson (6923 Waverly) subject to sign co-location with Murray's Auto Parts; bricking said sign all the way down; no outdoor storage of unlicensed vehicles or transmission/engine parts being permitted; work within four (4) walls and no fencing area, per Planning Commission, communication dated October 11, 2002 and Planning Consultant Brandon Rogers, communication dated August 26, 2002. SPR-02-20.

Motion unanimously adopted.

- 02-444** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the request from the Girl Scouts of Metro Detroit, 500 Fisher Building, 3011 W Grand Boulevard, Detroit, MI 48202-3012 request to solicit their annual Cookie Sale from December 20,

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2002 through March 16, 2003, be approved.

Motion unanimously adopted.

- 02-445** Motion by Councilman Constan, seconded by Councilman Baron, that the business license renewal for Lucky 13, 21350 Van Born Road, be approved.

Motion unanimously adopted.

- 02-446** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the request from KMD Bar, LLC to transfer Ownership of 2002 Class C licensed business with Dance Permit, located at 16515 W Outer Drive, Dearborn Heights, MI 48127, Wayne County, from Roger Kalski, Inc. to Alexander J. Debay, 19204 Levan Court, Livonia, MI 48152; Carrie Lynn Krupinski, 1232 Henry Ruff, Garden City, MI 48135 and Judith A. May, 24224 Florence, Detroit, MI 48219, be approved and the LCC be so notified. ID #187075.

Motion unanimously adopted.

- 02-447** Motion by Councilwoman Agius, seconded by Councilman Baron, that the Ensuring Hometown Security Resolution be adopted as follows:

WHEREAS, the terrorist attacks of September 11, 2001 have changed life throughout the Nation, and robbed Americans of their sense of security; and

WHEREAS, the attacks have far reaching implications for all cities and towns and their first responders now on the front lines of hometown defense; and

WHEREAS, Cities have shouldered the full financial burden for hometown security at a cost of approximately \$3 billion since September 2001; and

WHEREAS, at significant cost to local taxpayers across America, cities have met their many new hometown security challenges by updating their emergency plans to meet multiple new threats such as dirty bombs, biological and chemical weapons, taking on security duties at commercial airports, identifying and assessing their vulnerabilities, and improving collaboration, communication and information sharing within their regions and with state and federal government; and

WHEREAS, cities cannot carry this new financial burden alone much longer and continue to maintain other essential local services without raising local taxes or cutting services; and

WHEREAS, a recent National League of Cities survey shows that, for the first time since 1992, a majority of cities are less able to meet their financial needs because of a fall off in revenues due to the economic downturn and the surge in spending for hometown security; and

WHEREAS, Congress and the President have squandered a rare moment of bipartisan unity by failing to act decisively on federal homeland security coordination and funding; and

NOW, THEREFORE, BE IT RESOLVED that the City of Dearborn Heights endorses the National League of Cities' Hometown Security Day to draw attention to the essential role of America's cities and towns as the front line of homeland defense and the urgent need for a true federal-local partnership to carry out this new responsibility; and

BE IT FURTHER RESOLVED that the City of Dearborn Heights joins the National

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League of Cities in urging Congress and the President to work out their differences and pass a homeland security bill now to provide a federal framework for a unified and coordinated response to terrorism; and

BE IT FURTHER RESOLVED that the City of Dearborn Heights urges Congress, with the full support of the President, to finalize immediately 2003 funding for homeland security, particularly the \$3.5 billion promised for first responders and the \$22 million per month reimbursement promised to cities and towns for providing local law enforcement at the nation's commercial airports.

Motion unanimously adopted.

- 02-448** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:32 p.m.

JOYCE A. ROBBINS
CITY CLERK

DANIEL S. PALETKO, CHAIR
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY