

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

OCTOBER 12, 1999

99-433 The meeting was called to order at 8:05 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 Miotke, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Assessor Pargo, Building & Engineering Director Opalewski, Human Resources Director Sullivan, Police Chief Webber, Deputy Police Chief Gust, Fire Chief Barnett, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by participants of the "Punt, Pass & Kick" Competition.

Mayor Canfield and Recreation Director Grybel presented the 1999 Dearborn Heights "Punt, Pass & Kick" ribbons to:

8/9 Year Olds - 1st Place Joey Saad; 2nd Place Marty Mitchelle; 3rd Place Adam Achkar.

10/11 Year Olds - 1st Place Christopher Adkins; 2nd Place Robby Walker; 3rd Place John Fisher.

12 /13 Year Olds - 1st Place Tony Mohlman; 2nd Place Jeff St. Andrew; 3rd Place Brian Robinson.

14/15 Year Olds - 1st Place Joseph Mroz; 2nd Place Don McLean.

Girls:

8/9 Year Olds - 1st Place Chara Cousineau; 2nd Place Kelli Swirple.

10/11 Year Olds - 1st Place Katie St. Andrew.

12/13 Year Olds - 1st Lisa Groszek; 2nd Caitlin Gdowski.

Recreation Director Grybel stated that 34 children participated in this event which was held Thursday, September 23, 1999 at the Canfield Community Center in Dearborn Heights. The winners have moved on to the Section Competition held Saturday, October 9 at 10:00 a.m. at the Novi Community Sports Park. Christopher Adkins won it his division.

99-434 Motion by Councilman Paletko, seconded by Councilman Baron, that the Agenda for the Regular Meeting of October 12, 1999, be approved as submitted.

Motion unanimously adopted.

99-435 Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the Minutes from the Regular Meeting of September 28, 1999, be approved as submitted.

Motion unanimously adopted.

99-436 Motion by Councilman Baron, seconded by Councilman Zulinski, that Current Claims 6-1 through 6-10, be approved as submitted.

1. BEST ASPHALT - Canfield Parking Lot (Final) - Cert. #2 dated 09/27/99 from A/C 103-960-930-098 (Canfield Parking Lot) \$8,674.31 and A/C 103-960-930-099 (Canfield Parking Lot) \$12,389.01. Community Devel.

2. CENTRAL WAYNE COUNTY SANITATION AUTHORITY - Monthly Debt Service & Admin. - Actual Materials Delivered 08/99 from A/C 101-200-810-000 (Sanitation) \$172,860.57. General Govt.
3. E & N CEMENT - Pavement Repairs - Two (2) Inv.'s dated 10/02/99 from A/C 101-440-880-000 (Road Repairs) \$17,330.59 and A/C 592-537-818-000 (Cont. Serv.) \$60,198.65. DPW-Water.
4. INSITUFORM TECHNOLOGIES - Sewer Lining Telegraph Road - Inv. 2 dated 09/27/99 from A/C 592-540-818-040 (Cont. Serv. Lining) \$23,054.40. Water Dept.
5. PAUL T. JANSEN, ATTORNEY - Legal Services 6/99-9/99 - Inv. dated 09/30/99 from A/C 101-130-818-000 (Cont. Serv.) \$3,465.00. District Court.
6. QUAD TRAN OF MICHIGAN - Data Processing September 1999 - Inv. 3193 dated 09/30/99 from A/C 101-130-818-000 (Cont. Serv.) \$3,200.00 and A/C 101-130-728-000 (Supplies) \$1,188.50. District Court.
7. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Excess Flow 2nd Quarter Garden City/Westland - Inv. 88670 dated 04/29/99 from A/C 592-537-929-000 (Sewage Disposal) \$78,683.98. Water Dept.
8. WADE-TRIM/ASSOCIATES - Beech/Cherry Hill Resurfacing - Inv. 63061 dated 09/15/99 from A/C 202-202-880-300 (Street Construction) \$2,349.00. Highway.
9. WADE-TRIM/ASSOCIATES - Canfield Parking Lot Inspection - Inv. 63337 dated 09/27/99 from A/C 103-960-930-098 (Canfield Parking Lot) \$329.00. Community Devel.
10. WADE-TRIM/ASSOCIATES - Canfield Parking Lot Engineering Services - Inv. 63060 dated 09/15/99 from A/C 103-960-930-098 (Canfield Parking Lot) \$981.60. Community Devel.

Motion unanimously adopted.

- 99-437** Motion by Councilman Zulinski, seconded by Councilman Baron, that the City Comptroller be authorized to advertise for bids, per specifications, for three (3) front plows, attaching hitches and hydraulics, per the request of Public Service Administrator Blackburn, communication dated October 4, 1999. This item has been budgeted in the 1999-2000 Capital Outlay account.

Motion unanimously adopted.

- 99-438** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Comptroller be authorized to advertise for bids, per specifications, for three (3) dump body, spreader, hoist and central hydraulic systems, per the request of Public Service Administrator Blackburn, communication dated October 4, 1999. These items have been budgeted in the 1999-2000 Capital Outlay account.

Motion unanimously adopted.

- 99-439** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) brush chipper with trade-in, per the request of Public Service Administrator Blackburn, communication dated October 4, 1999. This item has been budgeted in the 1999-2000 Capital Outlay account.

Motion unanimously adopted.

- 99-440** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) mechanic truck with lift gate, per the request of Public Service Administrator Blackburn, communication dated October 4, 1999. This item has been budgeted in the 1999-2000 Capital Outlay account.

Motion unanimously adopted.

- 99-441 Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) three to four yard dump truck with front plow and salt spreader and trade-in, per the request of Public Service Administrator Blackburn, communication dated October 4, 1999. This item has been budgeted in the 1999-2000 Capital Outlay account.

Motion unanimously adopted.

- 99-442 Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the low bid from C & H Landscape Company, 5220 Williams Lake Road, Waterford, MI 48239-3556, for Parkland Park Improvement Project Phase II which includes the installation of a gravel based one hundred twelve (112) space parking lot in Section C with adjoining asphalt walkways, in the amount of \$185,840.00, be approved, per Recreation Director Grybel, communication dated October 5, 1999. Trees, precast concrete wheel stops and handicap signs are not included in this bid. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders. Funds for this project are available in the CDBG program.

Motion unanimously adopted.

- 99-443 Motion by Councilwoman Horvath, seconded by Councilman Zulinski, that the City Council approve the sale of City owned parcel, Lot 307, Annis Hawthorne Manor Subdivision to Mr. Scott Maroncelli, 6914 Drexel, Dearborn Heights, in the amount of \$20,000.00, per Assessor Pargo, communication dated October 6, 1999. Sale to be consummated by December 31, 1999 and purchaser to assume all costs of sale. If sale is not consummated, property to be returned to the inventory of the City.

Motion unanimously adopted.

- 99-444 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) HP Laser Jet 8100 N printer, per the request of Treasurer Riley, communication dated October 6, 1999. This purchase has been allocated in the 1999-2000 Capital Outlay account.

Motion unanimously adopted.

- 99-445 Motion by Councilwoman Horvath, seconded by Councilman Zulinski, that the City Council join with Mayor Canfield, communication dated October 4, 1999 in the Resolution Opposing House Bill 4777 as follows:

WHEREAS, "Home Rule" is a fundamental right of local government in Michigan, mandated by the people and embodied in the law; and

WHEREAS, local government ordinances in Michigan are intended to protect the health, safety and well-being of residents; and

WHEREAS, residents are attracted to particular communities because of the characteristics that are best protected by these local ordinances; and

WHEREAS, the residents of a local community decide which ordinances to draft and pass, whether through direct referendum or through their local elected officials; and

WHEREAS, House Bill 4777, sponsored by Representative Gosselin, would eliminate many local ordinances regulating business, establishing standards for health and safety,

protecting the environment and enhancing the quality of life for millions of Michigan residents;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Dearborn Heights Mayor and City Council strongly oppose House Bill 4777 and any legislation that attacks our community's ability to exercise Home Rule or our right to determine the future of our community; further, that copies of this Resolution be distributed to Governor John Engler, State Senator George Hart, State Representative Bob Brown, State Representatives Gosselin, Richner and Raczkowski, the Michigan Municipal League, SEMCOG and the Conference of Western Wayne. Further, that the Mayor and City Clerk be authorized to sign the resolution on behalf of the City.

Motion unanimously adopted.

- 99-446** Motion by Councilman Paletko, seconded by Councilman Zulinski, that the communication from Mayor Canfield, dated September 30, 1999 re: Deadline on Appointment to the Local Officers Compensation Commission, be referred to Corporation Council for recommendation and action to be taken on the appointment and deadline requirements at the next regularly scheduled meeting, October 26, 1999.

Motion unanimously adopted.

- 99-447** Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that proposed ordinance H-99-07, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-426 CONCERNING MAXIMUM LOT COVERAGE PERCENTAGES FOR R-1A AND R-1B SINGLE-FAMILY RESIDENTIAL DISTRICTS, be considered read for the first time.

Motion unanimously adopted.

- 99-448** Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the communication from Mayor Canfield, dated September 29, 1999 re: A Resolution in Support of Low-Frequency FM Radio Stations, be approved as follows:

WHEREAS, the Federal Communications Commission (FCC) is encouraging public comments concerning a proposal to re-establish low power FM radio broadcast services; and,

WHEREAS, allowing for low power FM radio to return to the airwaves will promote communications that better reflect the characteristics of the local communities; and,

WHEREAS, the re-establishment of low power radio stations would serve to increase local media presence and ownership, promote small business development and broadcast entrepreneurship, increase community choice and allow for communications services that are more responsive to the needs of local communities,

NOW, THEREFORE, BE IT RESOLVED THAT:

The Dearborn Heights Mayor and City Council hereby encourages the FCC to consider restoring approval of low power FM radio broadcasting; further, that copies of this Resolution be distributed to the Federal Communications Commission, Senators Abraham and Levin and Congresspersons Dingell, Conyers and Rivers. Further, that the Mayor and City Clerk be authorized to sign the resolution on behalf of the City.

Motion unanimously adopted.

- 99-449 Motion by Councilman Zulinski, seconded by Councilman Baron, that the proposed Entertainment and Nudity Prohibition Ordinance be referred to a Committee of the Whole Study Session in the presence of Corporation Counsel and Police Chief Webber regarding legalities of this ordinance.

Motion unanimously adopted.

- 99-450 Motion by Councilman Paletko, seconded by Councilwoman Blackburn, that the City Council award the City's General Storm Water Permit Consulting Assistance to Wade-Trim/Associates, 25251 Northline Road, PO Box 10, Taylor, MI 48180.

Motion unanimously adopted.

- 99-451 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that a Public Hearing be scheduled on Tuesday, November 9, 1999 at 8:00 p.m., in Council Chambers for the purpose of hearing objections, if any, to consider the transfer of control of the City's Cable Television Franchise Agreement with MediaOne of Metropolitan Detroit to AT&T Corporation per, Executive Assistant Heise, September 23, 1999.

Motion unanimously adopted.

- 99-452 Motion by Councilwoman Van Houten, seconded by Councilman Baron that the City Council adopt the Resolution of Necessity and Declaration of Taking for property located at 25575 Michigan Avenue, as follows:

WHEREAS, the City of Dearborn Heights (or the "City") has identified the need for a new police building and a new 20th District Court building to serve the City of Dearborn Heights and the general public; and

WHEREAS, the City of Dearborn Heights and the Tax Increment Finance Authority of the City of Dearborn Heights ("TIFA") have identified two contiguous parcels of property that are appropriate both in size and location for the City's new police building and new 20th District Court building; and

WHEREAS, the City's TIFA has acquired title to one of the two identified properties and has agreed to participate in the remaining acquisition costs of the property and the design and construction costs for the new police building and new 20th District Court building; and

WHEREAS, City's TIFA has issued bonds to pay for the costs of acquiring the property identified herein, and the TIFA has acquired Title to the property located at 25645 Michigan Avenue, City of Dearborn Heights, Michigan; and

WHEREAS, the TIFA has had the property, described herein, appraised by an independent fee appraiser and the City of Dearborn Heights' designated representative has made a good faith written offer of just compensation for the property based upon the appraised value of the property; and

WHEREAS, the City's offer has not been accepted.

Now therefore be it

RESOLVED that the City Council for the City of Dearborn Heights this 12th day of

October, 1999, hereby declares and determines that the acquisition, through eminent domain, of the private property described herein, for the City's new police building and new 20th District Court building is a public, governmental and municipal function exercised for a public purpose and a matter of public necessity; and be it further

RESOLVED, that the City of Dearborn Heights, by virtue of the authority vested in the City by the laws of the State of Michigan and the City's charter, hereby declares and determines that it is necessary to take fee simple title, including fluid, mineral and gas rights, to the property identified below for the public improvement described herein, in accord with plans on file with the City and the TIFA; and be it further

RESOLVED, that the City of Dearborn Heights hereby authorizes that the amount of estimated just compensation offered to the parties in interest for the private property described herein be deposited with the Treasurer for the City of Dearborn Heights, Michigan to set aside and hold for the benefit of the owners and to pay the same to the persons respectively entitled thereto, upon order of the Circuit Court in which condemnation proceedings are held; and be it further

RESOLVED, that the duly authorized attorneys for the City of Dearborn Heights are hereby directed and authorized to institute condemnation proceedings against the owners and other parties in interest to take, pursuant to the Uniform Condemnation Procedures Act (1980 PA 87) and all other applicable statutes, the private property described as follows:

Interested Parties: Sladjain Stevanovich and Zoran Stevanovich, as joint tenants with full rights of survivorship and not as tenants in common (landlord); Consolidated Stores Corporation, an Ohio corporation (tenant), 300 Phillipi, Columbus, Ohio 48228-0512; Warren Bank (mortgagee), 27248 Van Dyke, Warren, MI 48090.

Property Address: 25575 Michigan Avenue, Dearborn Heights, MI 48127
Tax Identification No: 33-037-01-0133-304

Legal Description: Land in the City of Dearborn Heights, Wayne County, Michigan, described as follows:

Part of Lot 133 of ASSESSOR'S INKSTER PLAT NO. 5 of part of the West ½ of the Northwest 1/4 of Section 29, Town 2 South, Range 10 East, Village of Inkster (now City of Dearborn Heights), Wayne County, according to the plat thereof recorded in Liber 65 of Plats, page(s) 54 of Wayne County Records, described as:

Beginning at a point on the South line of Michigan Avenue (204 feet wide) said point being North 79 degrees 44 minutes 40 seconds East, 328.78 feet as measured along the South line of Michigan Avenue (204 feet wide) from the Northwest corner of Lot 132, ASSESSOR'S INKSTER PLAT NO. 5, said Northwest corner of Lot 132 also being the intersection of the South line of Michigan Avenue (204 feet wide) and the East line of Beech-Daly Road (66 feet wide) thence along a line parallel to the 325.0 feet East of the East line of Beech-Daly Road (66 feet wide), South 01 degrees 33 minutes 20 seconds East, 265.58 feet; thence South 88 degrees 26 minutes 40 seconds West 38.0 feet; thence along a line parallel to and 287.0 feet East of the East line of Beech-Daly Road (66 feet wide) South 01 degrees 33 minutes 20 seconds East 147.71 feet; thence North 77 degrees 17 minutes 50 seconds East, 218.04 feet; thence North 01 degrees 33 minutes 20 seconds West, 393.06 feet along the East line of Lot 133; thence South 79 degrees 44 minutes 40 seconds West 177.99 feet along the South line of Michigan Avenue (204 feet wide) to the point of beginning. Tax Item No. 33-037-01-0133-304

This approval contingent upon the TIFA Board approval.

Motion unanimously adopted.

99-453 Motion by Councilman Baron, seconded by Zulinski, that the City Council concurs

with and approves the quotation from Morton Salt, 100 North Riverside Plaza, Chicago, IL 60606-1597, for the City's snow and ice control contract, ending April 15, 2000, in the amount of \$26.87 per ton, and payment thereof, representing a decrease from last season, per Public Service Administrator Blackburn, communication dated September 28, 1999. This is a state bid.

Motion unanimously adopted.

- 99-454** Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the Municipal Credit and Community Credit Contract for Fiscal Year 2000 with SMART in the amount of \$59,086 and \$46,647 respectively per, Community Development Director Oliverio, communication dated September 29, 1999. Further, that the Mayor and City Clerk be authorized to sign the contract and submit it to SMART.

Motion unanimously adopted.

- 99-455** Motion by Councilwoman Blackburn, seconded by Councilman Baron, that the City Council concurs with and approves the final contract with Todaylink, LLC, (241 N Evangeline, Dearborn Heights, MI 48127) and the City of Dearborn Heights for Internet services per, Community Development Director Oliverio, communication dated October 4, 1999.

Motion unanimously adopted.

- 99-456** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the US Department of Justice COPS in School Federal Grant for a School Resource Officer, in the amount of \$125,000 be approved, per Police Chief Webber, communication dated October 4, 1999. The grant provides funding for the majority of staffing expenses with the balance of the match requirement to be funded by Crestwood, District 7 and Westwood school districts. Further, that the Mayor and Police Chief be authorized to sign the grant on behalf of the City.

Motion unanimously adopted.

- 99-457** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the request from Police Chief Webber, communication dated October 4, 1999 to disposal of equipment be approved as follows:

286 Personal Computer; 1430 V Monitor; T4 Super D 35mm camera; Easa-Phone Answering Machine; Two (2) Fax Machines and a Copy Machine Stand.

Motion unanimously adopted.

- 99-458** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the cost estimate from Detroit Edison for the removal and replacement of eight (8) thirty foot poles and 250 watt high pressure sodium luminaries at the Canfield Ice Arena parking lot, in the amount of \$9,500.00, per Comptroller Barrow, communication dated October 6, 1999. Funding has been approved by Community Development Director Oliverio from the Community Development Block Grant.

Motion unanimously adopted.

- 99-459** Motion by Councilman Paletko, seconded by Councilman Zulinski, that the communication from Luna Construction Co., 6530 Greenfield Road, S-200, Dearborn,

Minutes October 12, 1999 - Continued

MI 48126 re: Home Depot "Out Lot" be referred to the Planning Commission to be placed on the next agenda.

Motion unanimously adopted.

- 99-460** Motion by Councilwoman Van Houten, seconded by Councilwoman Blackburn, that business license renewal for Mickey Cooper's Auto Sales, 20032 Van Born, be approved.

Motion unanimously adopted.

- 99-461** Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the communication from Richard Suchy, President of the Dearborn Heights Police Officers Association re: Residency, be received, contents noted and filed.

Motion unanimously adopted.

- 99-462** Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:20 p.m.

JOYCE A. ROBBINS
CITY CLERK

JOSEPH V. KOSINSKI, CHAIRMAN
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY