

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

SEPTEMBER 28, 2004

04-326 The meeting was called to order at 8:06 p.m. by Council Chair Elizabeth J. Agius.

Roll Call showed the following:

Present: Council Chair Elizabeth J. Agius, Councilwoman Janet S. Badalow, Councilman Kenneth R. Baron, Councilwoman Ann Brown, Councilman Bob Constan, Councilwoman Catherine L. Heise, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: Mayor Paletko, Administrative Assistant Kramarz, City Clerk Dudzinski, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Assessor Riedel, Interim Building & Engineering Director Sobh, Deputy Fire Chief Klovski, Fire Marshal Gurka, Police Chief Gust, Recreation Director Grybel, Community Development Director Jamal.

The Pledge of Allegiance was led by Deputy Fire Chief Klovski.

Recreation Director Grybel thanked Mr. Antonio Rugiero, owner of Antonio's Cucina Italiana, the Spirit 2004 Festival Major Sponsor who presented a check to the Mayor Paletko and Council Chair Agius in the amount of \$3,402.28 to make the costs associated with Spirit Festival break-even. Mr. Rugiero stated it was a pleasure and honor to work with the City of Dearborn Heights and Recreation Director Grybel. His dad taught them the way to get involved with the community was to give back to the community and he and his family were honored to have been the sponsor and hope other businesses will follow his lead.

04-327 Motion by Councilman Baron, seconded by Councilman Constan, that the Agenda for the Regular Meeting of September 28, 2004, be approved as submitted with the addition of Agenda Item 9-G Request to Purchase Stair-Pro Stair Chair. Motion unanimously adopted.

04-328 Motion by Councilwoman Brown, seconded by Councilwoman Van Houten, that the Minutes from the Regular Meeting of September 14, 2004, be approved as submitted. Motion unanimously adopted.

04-329 Motion by Councilwoman Van Houten, seconded by Councilwoman Brown, that Current Claims 6-1 through 6-16, be approved as submitted.

1. BEST ASPHALT – Pavement Repairs – Inv. 15330 and 15323 dated 09/10/04 and 09/07/04 from A/C 101-440-880-000 (Road Repairs) \$2,835.00 and A/C 202-202-880-300 (Street Repairs) \$197,374.80. DPW-Highway.
2. COMERICA SECURITIES – Police Radio Equipment & Energy Saving – Twp (2) Invoices dated 10/01/04 from A/C 101-200-995-500 (Radios) \$10,535.00 and A/C 101-200-965-000 (Energy Savings) \$5,032.50. General Govt.
3. E & N CEMENT – Pavement Repairs – Two (2) Invoices dated 09/20/04 from A/C 101-440-880-000 (Road Repairs) \$57,569.04 and A/C 592-537-818-000 (Contract Services) \$970.58. DPW-Water.
4. J.Q. INC. – Weed & Grass Cutting – Invoices dated 09/08/04 and 09/09/04 from A/C 101-200-963-000 (Weeds) \$14,920.00. General Govt.
5. NAGEL CONSTRUCTION – Sewer Cleaning Program – Inv. 1982 dated 09/17/04 from A/C 592-540-818-030 (Contract Serv.) \$20,825.80. Water Dept.
6. RMS ASSOCIATES – Telecommunications Consulting Services – Inv. 04-1816 dated 09/20/04 from A/C 101-200-817-000 (Prof/Consult) \$1,570.00. General Govt.
7. STANDARD FEDERAL – Bond Payments Justice Center – Two (2) Invoices dated 08/17/04 from A/C 493-863-967-299 (Bonds) \$1,064,286.26. TIFA.
8. WADE-TRIM/ASSOCIATES – 2003 Street Repair-Const. Admin/Survey – Inv. 83874 dated 09/16/04 from A/C 202-202-880-300 (Street Repairs) \$16,058.82. DPW-Highway.
9. WADE-TRIM/ASSOCIATES – 2004-05 CDBG Assistance – Inv. 82725 dated 05/26/04 from A/C 103-960-918-204 (Admin.) \$1,530.68. CDBG.
10. WADE-TRIM/ASSOCIATES – Dearborn Career Tech Center & Walgreen's Water Mains – Inv. 83877 dated 09/16/04; 83549 dated 08/12/04; 83547 dated 08/12/04 and 83878 dated 09/16/04 from A/C 592-XXX-255-000 (Jobs-in-Progress) \$10,211.50. Water Dept.
11. WADE-TRIM/ASSOCIATES – FEMA Review, Site Plan and Plot Plan – Inv. 83802; 83797 and 83798 dated 08/25/04 from A/C 101-371-809-000 (Eng. Fees) \$2,002.15. Bldg/Eng.
12. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT – Bond Payments – Inv. 223621 and 223624 dated 09/15/04 from A/C 592-905-995-000 (Interest) \$67,394.09; A/C 592-905-992-003 (CSO Prin.) \$525,000.00; A/C 592-905-992-004 (CSO Int.) \$16,275.00; A/C 592-905-992-001 CSO Prin. \$110,000.00 and A/C 592-905-992-002 (CSO Int. \$231,958.75. Water Dept.
13. WAYNE COUNTY ACCOUNTS RECEIVABLE – Traffic Signal Maintenance June 2004 – Inv. 1001091 dated 09/09/04 from A/C 101-XXX-202-000 (Accounts Payable) \$4,086.63
14. GARY MIOTKE – Legal Services August 2004 - Inv. 09/07/04 from 101-210-826-000

Minutes September 28, 2004 Continued

(Counsel Serv.) \$5,898.75. Corp. Counsel.

15. SECREST, WARDLE, LYNCH... - Legal Services July 2004 – Inv. dated 09/07/04 from A/C 101-210-826-000 (Counsel Serv.) \$5,585.56. Corp. Counsel.
16. SOMMERS, SCHWARTZ, SILVER & SCHWARTZ – Legal Services August 2004 – Inv. 183347 dated 09/07/04 from A/C 592-536-817-000 (Prof/Consult) \$3,080.00. Water Dept.

Motion unanimously adopted.

- 04-330** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) Commercial Grade Freezer, TRUE Model No. T-49F or equal, to be used at the Eton Senior Citizen Center, per the request of Recreation Director Grybel, communication dated September 16, 2004. Funds for this purchase have been allocated in the 2004-05 CDBG Program.

Motion unanimously adopted.

- 04-331** Motion by Councilman Baron, seconded by Councilwoman Badalow, that the City Comptroller be authorized to advertise for bids, per specifications, for one (1) Commercial Grade Refrigerator, TRUE Model No. T-49F or equal, to be used at the Eton Senior citizen Center, per the request of Recreation Director Grybel, communication dated September 16, 2004. Funds for this purchase have been allocated in the 2004-05 CDBG Program.

Motion unanimously adopted.

- 04-332** Motion by Councilman Constan, seconded by Councilwoman Van Houten, that the communication from Mayor Paletko dated September 22, 2004 re: Appointment of Mr. Tom Berry, 21112 Ann Arbor Trail to the Watershed Stewards Commission, term to expire September 2007, be received, contents noted and filed.

Motion unanimously adopted.

- 04-333** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the City Council concurs with and approves the request from Mr. Timothy Liegey, 38534 Winekoff Drive, Westland, MI 48186 to split/combine parcels at 5831 Whitefield, creating the following descriptions in Cummings Ford Road Subdivision:

1. Lot 222 also Lot 223, except the north 43' thereof also east ½ adjacent vacated alley Cummings Ford Road Subdivision T2S R10E L 53 P 79, Wayne County Records;
2. The north 43' of Lot 223 also east ½ adjacent vacated alley Cummings Ford Road Subdivision T2S R10E L53 P79, Wayne County Records, per Deputy Assessor Cooper, communication dated September 22, 2004.

Motion unanimously adopted.

- 04-334** Motion by Councilman Baron, seconded by Councilman Constan, that the City Council concurs with and approves the 2003-2005 Dearborn Heights Dispatchers Association (DHDA) Collective Bargaining Agreement and authorized the Mayor and Clerk to sign the agreement on behalf of the City.

Motion unanimously adopted.

- 04-335** Motion by Councilwoman Van Houten, seconded by Councilwoman Brown, that a Public Hearing be scheduled on Tuesday, October 12, 2004 at 8:00 p.m. to hear objections, if any, to the City's Annual Agency Plan for the Section 8 Voucher Program, per Community Development Director Jamal, communication dated September 14, 2004.

Motion unanimously adopted.

- 04-336** Motion by Councilman Constan, seconded by Councilman Badalow, that the City Council concurs with and approves the request to auction the following vehicles:

1991 Ford 1FAPP15J2MW174624; 1990 Chevrolet 1G1LW01T2LY129345; 1985 Mercury 1MEBP7938FF602188; 1994 Dodge 1B3AP28K5RN183978; 1989 Ford 1FMDA31U4KZB74648; 1985 Buick 1G4BP69Y1FH812686; 1991 Ford 1FMDU34X3MUB96346; 1987 Chevrolet 1GCBX14E3H2142857; 1992 Chevrolet 1GCCS14A2N2121138; 1993 Mercury 1MELM5340PG628010 and 1991 Ford 2FAPP36XXMB180548, per Police Chief Gust, communication dated September 9, 2004.

Motion unanimously adopted.

- 04-337** Motion by Councilman Baron, seconded by Councilman Constan, that the City Council concurs with and approves the quotation from Barrett Paving Materials, 5800 Cherry Hill Road, Ypsilanti, MI 48198 for CP-5 Pave Cold Patch, at the price of \$45.00 per ton, per Public Service Administrator Franzil, communication dated September 16, 2004. Current price is based on bituminous oil prices and if there is an increase it will be passed to us.

Motion unanimously adopted.

- 04-338** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the lowest quotation from Fisher Roofing Company, 5471 Sylvia, Dearborn Heights, MI 48125, for gutter replacement and repair to include Alpine #76 snow guards at the Richard A. Young Center, in the amount of \$24,848.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated September 22, 2004.

Motion unanimously adopted.

- 04-339** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the City Council concurs with and approves the purchase of one (1) Model 6252 Stair-Pro Stair Chair and requested accessories, from Stryker EMS, 22788 Cottage Court, #106, Novi, MI 48375, in the amount not-to-exceed \$2,000.00, and payment thereof, per Deputy Fire Chief Klovski. A new RAP Grant will be applied and hopefully received to cover 50% of the cost.

Motion unanimously adopted.

- 04-340** Motion by Councilman Baron, seconded by Councilwoman Badalow, that proposed Ordinance H-04-08, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-88 OF THE ZONING ORDINANCE REGARDING PERFORMANCE STANDARDS TO REGULATE EXTERIOR ILLUMINATION, be considered read for the first time.

Motion unanimously adopted.

- 04-341** Motion by Councilwoman Van Houten, seconded by Councilwoman Brown, that proposed Ordinance H-04-04, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-87 OF THE ZONING ORDINANCE REGARDING SITE PLAN SUBMISSIONS TO REQUIRE FEDERAL, STATE AND/OR COUNTY ACKNOWLEDGEMENT AS AN ELEMENT OF A COMPLETE SITE PLAN WHEN THE DEVELOPMENT ABUTS ANY SIDE OF A FEDERAL, STATE OR COUNTY HIGHWAY OR ROAD, be considered read for the second time and become effective upon publication in the official newspaper of record.

Motion unanimously adopted.

- 04-342** Motion by Councilman Constan, seconded by Councilwoman Van Houten, that proposed Ordinance H-04-05, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-182(6) OF THE ZONING ORDINANCE REGARDING AREA LIMITATIONS FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS, be considered read for the second time and become effective upon publication in the official newspaper of record.

Motion unanimously adopted.

- 04-343** Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-04-06, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-69 OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDINGS TO PROVIDE A MINIMUM TWO (2) FOOT SETBACK FROM ANY SIDE YARD OR REAR YARD PROPERTY LINE TO ALLOW ENOUGH ROOM TO MAINTAIN THE STRUCTURE, be considered read for the second time and become effective upon publication in the official newspaper of record.

Motion unanimously adopted.

- 04-344** Motion by Councilwoman Badalow, seconded by Councilman Constan, that proposed Ordinance H-04-07, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING ARTICLE V OF THE ZONING ORDINANCE REGARDING PARKING AND LOADING REQUIREMENTS AND ARTICLE 1, DEFINITIONS, be considered read for the second time and become effective upon publication in the official newspaper of record.

Motion unanimously adopted.

- 04-345** Motion by Councilwoman Van Houten, seconded by Councilwoman Brown, that business license renewals for Fetzers on the Beech, 5127 S Beech Daly Road and Walker's Speakeasy, 8701 N Beech Daly Road, be approved.

Motion unanimously adopted.

- 04-346** Motion by Councilman Constan, seconded by Councilwoman Badalow, that the City Council concurs with and approves the Detroit Edison Overhead and Underground Easement (Right of Way) NO. RFW523813_69Red, which includes Exhibit A, for the J F Kennedy Library project at 24602 Van Born Road, subject to City engineers belief that the right of way is necessary for the project and confirmation of legal description per, Corporation Counsel Miotke, communication dated September 9, 2004. Further, that the Mayor be authorized to sign the agreement on behalf of the City.

Motion unanimously adopted.

- 04-347** Motion by Councilman Baron, seconded by Councilman Constan, that the "Resolution to Participate in the Auto Insurance Fire Loss Program, Established by Act 413 of the Public Acts of 2000" be adopted as follows:

WHEREAS, the provisions of Act 413 of the Public Acts of 2000 (MCL500.3010), provide that an automobile insurer shall require its insured to complete and submit a report, on a form prescribed by the State Fire Marshall prior to the payment of a claim for \$2,000 or more for a fire or explosion loss to an insured motor vehicle that may not have been accidental and which occurs within a municipality participating in the program created by this Act.

WHEREAS, the City of Dearborn Heights has determined that it will participate in said program and wishes to be included in the list of participating municipalities published by the Commissioner; and,

WHEREAS, the City of Dearborn Heights desires to implement all procedures necessary to administer said program and to receive the report prescribed by the state fire marshal, by designating the City fire or law enforcement official responsible for administration of the program for said purpose.

THEREFORE, BE IT RESOLVED:

1. That the City of Dearborn Heights does agree to become a participating municipality in the program established by Act 413 of 2000; and does declare its intention to uniformly apply the provisions of Section 3010 of the Michigan Insurance Code (MCL 500.3010) to all automobile fires or explosions within the City of Dearborn Heights.
2. That the participation of the City of Dearborn Heights in said program shall be effective on the date specified by the commissioner on a list distributed to all participating municipalities and all insurers transacting automobile insurance in this state. This program will not apply to any losses occurring prior to this effective date.
3. That the City of Dearborn Heights fire or law enforcement official responsible for the administration of Section 3010 of said Acts is hereby designated as follows:

FIRE MARSHAL ANDREW GURKA

Aye: Councilwoman Agius, Councilwoman Badalow, Councilman Baron, Councilwoman Brown, Councilman Constan, Councilwoman Van Houten.
Nays: Councilwoman Heise.
Absent: None.

Motion adopted.

- 04-348** Motion by Councilman Constan, seconded by Councilwoman Badalow, that the request from LS Party Store, Inc., 20442 Van Born Road, to transfer ownership of 2004 SDD and SDM licensed business from Jessica Enterprises, Inc., be approved and the Liquor Control Commission be so notified. RID:26404.

Motion unanimously adopted.

- 04-349** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that Tabled CM 04-320 Transfer Ownership of 2003, Class C Licensed Business 25950 Ford Road, be brought back to the table.

Motion unanimously adopted.

- 04-350** Motion by Councilwoman Badalow, seconded by Councilman Constan, that the request for transfer of ownership of 2004 Class C licensed business with Dance-Entertainment Permit from Face-Off Properties, Inc.; and request for new SDM license to be held in conjunction to PMAC, LLC, 25950 Ford, Dearborn Heights, MI 48127, be approved and the Liquor Control Commission be so notified. ID# 258601.

Motion unanimously adopted.

- 04-351** Motion by Councilwoman Van Houten, seconded by Councilman Baron, that tabled CM 04-322 New Business License 25950 Ford Road be brought back to the table.

Motion unanimously adopted.

- 04-352** Motion by Councilwoman Badalow, seconded by Councilwoman Van Houten, that the new business license for Puck's Bar, 25950 Ford Road be approved.

Motion unanimously adopted.

- 04-353** Motion by Councilman Baron, seconded by Councilman Constan, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:03 p.m.

S. JUDITH DUDZINSKI
CITY CLERK

ELIZABETH J. AGIUS, CHAIR
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY