

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

FEBRUARY 26, 2002

02-084 The meeting was called to order at 8:01 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 Reidel, Deputy Assessor Cooper, Acting Building & Engineering Director Lamontagne, Police Chief Gust, Fire Marshal McDonagh, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by Dearborn Heights Huskies Pee Wee Hockey Team.

Councilman Constan and Councilwoman Badalow presented a Council Citation to the Dearborn Heights Huskies Pee Wee Hockey Team for winning the District Title. Coach Wiewiura stated forty eight teams in Wayne and Monroe Counties competed for the title and only one team, the Dearborn Heights Huskies Pee Wee s, will go on to the State Tournament in Mackinaw City representing the District and Dearborn Heights.

Fire Marshal McDonagh informed the City Council of the new Criminal Justice/Public Safety Program Crestwood, Annapolis and Robichaud High Schools students interested in fire and police careers can enroll. Dr. Minghine, Deputy Superintendent of Westwood Community Schools; Sue Backman, Superintendent of District 7 Schools; Dearborn Heights Police Chief Gust; Dearborn Heights Deputy Fire Chief McElroy; Police Sgt. Ron Neu; Police Sgt. LaJoice; Danny VanSchoiack, retired Inkster Police Department and Dale Cochran, Career Programs Coordinator are some of the members of the Career Education Advisory Board.

02-085 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that the Agenda for the Regular Meeting of February 26, 2002, be approved with the addition of Agenda Item 13-A (Request for Dance Permit 22120 Van Born Road).

AYES: Councilwoman Agius, Councilwoman Badalow, Councilman Baron, Councilman Constan, Councilwoman Van Houten.

NO: Councilwoman Horvath, Council Chair Paletko.

ABSENT: None.

Motion adopted.

02-086 Motion by Councilman Baron, seconded by Councilwoman Horvath, that the Minutes from the Regular Meeting of February 12, 2002, be approved as submitted.

Motion unanimously adopted.

02-087 Motion by Councilwoman Agius, seconded by Councilman Baron, that Current Claims 6-1 through 6-17, be approved as submitted.

1. ACCUMED BILLING, INC. - Ambulance Services January 2002 - Inv. dated 02/12/02 from A/C 101-000-626-000 (Ambulance) \$3,961.03. General Govt.
2. BON SECOURS HHS - Worker Comp Surgery - Ck. Req. dated 02/11/02 from A/C 101-200-724-000 (Workers Comp.) \$2,200.00. General Govt.
3. D & R TREE - Tree Trimming/Removals - Inv. dated 02/19/02 from A/C 101-440-820-000 (Trees) \$8,150.00. DPW-Highway.
4. DISTRICT #7 DAD S CLUB - Youth Basketball Allotment - Ck. Req. dated 02/08/02 from A/C 101-691-887-000 (Rec. Programs) \$1,700.00. Recreation.
5. ELLEFSON BUILDING DEMO - Haul-away of Storm Debris - Various Invs from A/C 101-200-810-000 (Sanitation) \$11,360.00. General Fund.
6. GREENBERG, DALE MD - Worker Compensation Surgery - Ck. Req. dated 02/11/02 from A/C 101-200-724-000 (Workers Comp.) \$2,150.00. General Govt.
7. JOHNSON CONTROLS - Maintenance Agreement City Hall and Various Buildings - Inv. 47808 dated 02/05/02 from A/C 101-265-818-000 (Contract Serv.) \$15,476.25. Building Maint.
8. NAGEL CONSTRUCTION - Sewer Cleaning Program - Inv. 1523 dated 02/13/02 and Inv. 1522 dated 02/05/02 from A/C 592-540-818-030 (Contract - Cleaning) \$67,090.80. Water Dept.
9. PAINTER & RUTHENBERG - Roll Off Service January 2002 - Inv. 49461 dated 02/01/02 from A/C 101-200-810-000 (Sanitation) \$8,320.00. General Govt.
10. PLANTE & MORAN - Accounting Services January 2002 - Inv. 801950 dated 02/13/02 from A/C 101-200-817-000 (Consult) \$8,925.00 and A/C 592-536-817-000 (Consult) \$6,110.00. General Govt.
11. QUAD-TRAN OF MICHIGAN - Data Processing February 2002 - Inv. 3779 and 3780 dated 01/31/02 from A/C 101-130-818-000 (Contract Serv.) \$3,200.00; A/C 101-200-728-000 (Supplies) \$1,524.56 and A/C 101-130-728-000 (Supplies) \$996.60. District Court.
12. WADE-TRIM/ASSOCIATES - CDBG Assistance - Inv. 72562 dated 02/15/02 from A/C 103-960-918-200 (Administration) \$332.08. CDBG.
13. WADE-TRIM/ASSOCIATES - Lead Base Paint Rehab - Inv. 72561 dated 02/15/02 from A/C 103-960-900-201 (Rehab) \$3,610.85. CDBG.

14. WADE-TRIM/ASSOCIATES - Phase II CSO Corrective Action Plan - Inv. 72174, 72181, 72180 dated 01/17/02 from A/C 592-XXX-154-000 (Sewers) \$3,079.94. Water Dept.
15. WADE-TRIM/ASSOCIATES - Plot Plan Review - Inv. 72190 dated 01/17/02 from A/C 101-371-809-000 (Eng. Services) \$621.50. Building Dept.
16. WADE-TRIM/ASSOCIATES - Storm Water/Street Sweeping Program - Inv. 72030 dated 12/18/01 from A/C 592-XXX-154-000 (Sewers) \$1,214.68. Water Dept.
17. WAYNE COUNTY DEPARTMENT OF ENVIRONMENT - Rouge Valley 1995 Series Bonds - Inv. 205773 dated 02/08/02 from A/C 592-905-992-001 (Principal) \$120,000.00 and A/C 592-905-992-002 (Interest) \$23,568.75. Water Dept.

Motion unanimously adopted.

- 02-088** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the lowest bidder meeting all specifications New World Systems, 888 West Big Beaver Road, Suite 1100, Troy, MI 48084, for one (1) HP Design Jet 1050C Plus Printer, in the amount of \$7,196.00, and payment thereof, be approved, per Public Service Administrator Blackburn, communication dated February 15, 2002. Further, that the Treasurer be authorized to return bid deposits to the unsuccessful bidders. Monies for this purchase to come from Water A/C 592-536-981-000 2001-2002 budget.

Motion unanimously adopted.

- 02-089** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approves the Resolution for Joint Operation of the Downriver Wastewater Treatment System, per Mayor Canfield, communication dated February 20, 2002.

Motion unanimously adopted.

- 02-090** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the City Council concurs with and approves the Joint Management Committee Memorandum of Understanding relative to the Downriver Sewage Disposal System, per Mayor Canfield, communication dated February 20, 2002. Further, that the Mayor be the designated Delegate and Kurt Heise Alternate Delegate.

AYES: Councilwoman Agius, Councilman Baron, Councilman Constan,
Councilwoman Horvath, Council Chair Paletko, Councilwoman Van Houten.

NO: Councilwoman Badalow.

ABSENT: None.

Motion adopted.

Agenda Item 9-B (Joint Management Committee for Downriver Wastewater Treatment System Concerns) was brought forward.

02-091 Motion by Councilman Baron, seconded by Councilwoman Horvath, that the communication from Council Chair Paletko, dated February 20, 2002 re: Additional Concerns for the Delegate and Alternate Delegate to present to the Joint Management Committee for the Downriver Wastewater Treatment System be referred to the Delegate, Mayor Canfield and the Alternate, Kurt Heise.

Motion unanimously adopted.

02-092 Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that Corporation Counsel be authorized to draft ballot language for:

- 1) A comprehensive Headlee Override Proposal;
- 2) A Public Safety Proposal and
- 3) A Public Safety Plus Proposal.

Motion unanimously adopted.

02-093 Motion by Councilwoman Horvath, seconded by Councilman Baron, that the Resolution of Declaration of Fiscal Emergency in the City of Dearborn Heights to adopted as follows:

WHEREAS, We, the City of Dearborn Heights, formally declare that the City is experiencing a fiscal emergency; and,

WHEREAS, since State Shared Revenue is a significant portion of the City of Dearborn Heights overall revenue, reduction of Revenue Sharing received by the City during its fiscal year ending June 30, 2002, and the proposed reductions for our fiscal year ending June 30, 2003, have caused the City to fall into a fiscal crisis; and,

WHEREAS, on a statewide basis, the statutory reduction in 2002 was \$87 million and is projected to be \$112 million in 2003; this sudden and drastic cut in revenue will force the City to dramatically reduce the programs and services it provides to its citizens; and,

WHEREAS, it is highly likely that the layoff of employees will occur in an effort to balance the City s budget, and that these layoffs will affect every one of the essential services provided by the City. We cannot continue to serve our citizens with these reductions;

NOW, THEREFORE, we formally request that the State of Michigan restore the self-executing, statutory formula without any appropriation reduction (i.e., the double roll) both now and in the future. Further, that a copy of this Resolution be submitted to Governor John Engler, State Senator George Hart, State Representative Bob Brown, and the State

Treasurer per, Mayor Canfield, communication dated February 21, 2002.

Motion unanimously adopted.

- 02-094** Motion by Councilwoman Agius, seconded by Councilwoman Horvath, that Council Chair be directed to schedule a Committee of the Whole Study Session to review the Senior Housing Ordinance, per Council Chair Paletko, communication dated February 21, 2002.

Motion unanimously adopted.

- 02-095** Motion by Councilman Constan, seconded by Councilwoman Agius, that the City Council amend Council Motion 97-629 so that the definition of current Council Members eligible for City paid fringe benefits be read to include only those Council Members who have remained on the Council for uninterrupted, consecutive terms since December 31, 1997, and that nothing in Council Motion 97-633 be read to prevent or disqualify any Member of the City Council from privately paying, out of their own pockets, for benefits providing the Benefit Provider finds them eligible.

- 02-096** Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the Council Fringe Benefits be referred to a Committee of the Whole.

AYES: Councilwoman Horvath, Councilwoman Van Houten.

NO: Councilwoman Agius, Councilwoman Badalow, Councilman Baron, Councilman Constan, Council Chair Paletko.

ABSENT: None.

Motion adopted.

Vote on the original motion.

AYES: Councilwoman Agius, Councilwoman Badalow, Councilman Constan, Council Chair Paletko.

NO: Councilman Baron, Councilwoman Horvath, Councilwoman Van Houten.

ABSENT: None.

Motion adopted.

- 02-097** Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the City Council concurs with and approves the proposal from Grissim/Metz & Associates, 37801 Twelve Mile Road, Farmington Hills, MI 48331 for architectural services, which includes the development of the specifications and bid procedures for a new Park Pavilion at Swapka/Powers Park, in an amount not-to-exceed \$4,000.00, and payment thereof, per Recreation Director Grybel, communication dated February 20, 2002. Further, that the

Mayor and City Clerk be authorized to sign the agreement on behalf of the City. Monies to fund this project to be allocated from the CDBG program.

Motion unanimously adopted.

- 02-098** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the 2001 Annual Police Report, be received, contents noted and filed.

Motion unanimously adopted.

- 02-099** Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-02-03, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-26 THROUGH 7-28 IN ORDER TO REPEAL THE ADOPTION OF THE 1993 BOCA NATIONAL BUILDING CODE, TWELFTH EDITION, 1993 AND TO ADOPT THE MICHIGAN BUILDING CODE 2000 RELATING TO NON-RESIDENTIAL STRUCTURES, be considered read for the first time.

Motion unanimously adopted.

- 02-100** Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-02-04, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 7-29 THROUGH 7-31 IN ORDER TO REPEAL AND TO ADEQUATELY REPLACE THE BOCA NATIONAL BUILDING CODE, TWELFTH EDITION, 1993 BY ADOPTING THE MICHIGAN RESIDENTIAL CODE RELATIVE TO RESIDENTIAL STRUCTURES, be considered read for the first time.

Motion unanimously adopted.

- 02-101** Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-02-05, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-181 AND 7-182 IN ORDER TO REPEAL THE ADOPTION OF THE 1993 BOCA NATIONAL MECHANICAL CODE AND TO ADOPT THE MICHIGAN MECHANICAL CODE 2000, be considered read for the first time.

Motion unanimously adopted.

02-102 Motion by Councilman Baron, seconded by Councilman Constan, that proposed Ordinance H-02-06, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-156 AND 7-157 IN ORDER TO REPEAL THE ADOPTION OF THE 1993 BOCA NATIONAL PLUMBING CODE AND TO ADOPT THE MICHIGAN PLUMBING CODE 2000, be considered read for the first time.

Motion unanimously adopted.

02-103 Motion by Councilwoman Van Houten, seconded by Councilman Baron, that proposed Ordinance H-02-02, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-27 OF SAID CODE REGARDING FOUR (4) LOTS ON THE WEST SIDE OF WEST POINT NORTH OF VAN BORN, SPECIFICALLY, LOTS 68 THROUGH 71, DEARBORN TELEGRAPH TOWNLINE SUBDIVISION, TO EFFECT THEIR REZONING FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-2 (GENERAL BUSINESS DISTRICT), be considered read for the second time to become effective upon publication in the City's official newspaper.

Motion unanimously adopted.

02-104 Motion by Councilman Baron, seconded by Councilwoman Agius, that the communication from the Tax Increment Finance Authority, dated February 18, 2002 re: the Audit Report for Year Ending June 30, 2001, be received, contents noted and filed.

Motion unanimously adopted.

02-105 Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that City Council concurs the Planning Commission and approves the Special Land Use Request from Mr. Mike Dora, 5676 DaCosta Street, to construct a four (4) bay oil change facility on the NW corner of Van Born and Weddel subject to:

- 1) Introduction of four (4) street trees along Van Born;
- 2) Provision of sign details;
- 3) Reduction of curb cut width on Van Born to 30' per, the recommendation of Brandon Rogers, Planning Consultant, communication dated January 30, 2002. Case # SPR 02-04 and PC 02-02.

Motion unanimously adopted.

02-106 Motion by Councilwoman Agius, seconded by Councilman Baron, that the City Council concurs with the Planning Commission and approves the Special Land Use Request from Dr. Mazin Yaldo, 24430 Ford Road, Dearborn Heights, MI 48127, to grant a parking

variance on property located on the north side of Ford Road (24430) between Fenton and Vernon, Lots 94 to 104 Golden Acres Subdivision. SPR 98-50E.

Motion unanimously adopted.

- 02-107** Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that the Special Land Use Request from Finish Line Power Sports, Inc., 8025 Telegraph, Dearborn Heights, MI 48127, to construct an outside sales display area at the southwest corner of Telegraph Road and Ann Arbor Trail, be approved subject to a limitation of ten (10) vehicles on display.

Motion unanimously adopted.

- 02-108** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the request from Kildare s, LLC for a new Dance Permit to be held in conjunction with 2001 Class C licensed business with Entertainment Permit located at 22120 Van Born Road, Dearborn Heights, Wayne County, be approved and the Liquor Control Commission be so notified. RID #50638.

- 02-109** Motion by Councilman Baron, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:24 p.m.

JOYCE A. ROBBINS
CITY CLERK

DANIEL S. PALETKO, CHAIR
CITY COUNCIL

MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY