REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

November 21, 2011

The Council convened at 7:01 P.M., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Abraham, Bazzy, Hubbard, O'Donnell, Sareini and President of the Council Tafelski; absent, Councilmember Shooshanian. A quorum being present, the Council was declared in session.

The Reverend Doug Campbell of Cherry Hill Presbyterian Church delivered the invocation.

Councilmember Shooshanian entered the City Council Chambers at 7:03 P.M.

By Hubbard supported by Bazzy.

11-598-11. RESOLVED: That the minutes of the previous regular meeting of November 7, 2011, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

11-599-11. RESOLVED: That Ordinance No. 11-1338 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 11-1338 entitled, "An Ordinance to Amend the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn by Amending Article I, entitled 'In General'."

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

11-599-11. Upon roll call the Ordinance was unanimously adopted.

By Hubbard supported by O'Donnell.

11-600-11. RESOLVED: That Ordinance No. 11-1339 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No.11-1339 entitled, "An Ordinance to Amend the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn by Amending Article VI, entitled 'Noxious Weeds and Vegetation'."

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

11-600-11. Upon roll call the Ordinance was unanimously adopted.

Councilmember Hubbard introduced Ordinance No. 11-1340, entitled, "An Ordinance to Amend the Buildings and Building Regulations Chapter (Chapter 5) of the Code of the City of Dearborn by Amending Article II, entitled 'Building Code' by Adding Section 5-29, entitled 'Non-Residential Building Inspection and Occupancy Requirements'."

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Bazzy.

11-601-11. RESOLVED: That proposed Ordinance No. 11-1340 be laid on the table.

The resolution was unanimously adopted.

Councilmember Hubbard introduced Ordinance No. 11-1341, entitled, "An Ordinance to Amend the Fees for Permits and Inspections Chapter (Chapter 9) of the Code of the City of Dearborn by Amending Article I, entitled 'In General,' by Amending Section 9-7, entitled 'Administrative Processing Fee,' by Amending Article II entitled 'Construction,' by Amending the title of Section 9-40 to 'Interval Inspection' and by Amending Article VII, entitled 'Residential and Building Occupancy' by Adding Section 9-171, entitled 'Non-Residential Certificate of Occupancy Owner Name Change'."

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Bazzy.

11-602-11. RESOLVED: That proposed Ordinance No. 11-1341 be laid on the table.

The resolution was unanimously adopted.

Councilmember Hubbard introduced Ordinance No. 11-1342, entitled, "An Ordinance to Amend the Fire Prevention and Protection Chapter (Chapter 10) of the Code of the City of Dearborn by Amending Article I, entitled 'In General' by Adding Section 10-10, entitled 'Firewood'."

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Bazzy supported by O'Donnell.

11-603-11. RESOLVED: That proposed Ordinance No. 11-1342 be laid on the table.

The resolution was unanimously adopted.

By Bazzy supported by Shooshanian.

11-604-11. WHEREAS: The City of Dearborn wishes to construct Sewer Separation Project East of Telegraph, North of Rouge River, CSO 004 Phase 1, City of Dearborn Job #10-09-063, MDEQ SRF Project #5503-01, and

WHEREAS: The Sewer Separation Project was formally adopted in June 2011 and will be funded through Michigan's State Revolving Fund Programs, and

WHEREAS: The City of Dearborn has sought and received construction bids for the proposed Sewer Separation Project and has received a low bid in the amount of $11,513,090 from Zito Construction Company, and

WHEREAS: The City Engineer, Mohmedyunus I Patel, has recommended awarding the contract to the low bidder; now therefore be it

RESOLVED: That the City of Dearborn tentatively awards the contract for construction of the Sewer Separation Project, CSO 004 Phase 1 to Zito Construction Company, contingent upon successful financial arrangements with the State Revolving Fund Program; be it further

RESOLVED: That City Council hereby approves a contingency in the amount of $300,000 for any unforeseen conditions encountered during this project; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

11-605-11. RESOLVED: That City Council hereby authorizes the Treasurer to enter into contract with Health Alliance Plan (HAP), Blue Care Network (BCN) and Blue Cross Blue Shield of Michigan (BCBSM) as health insurance providers for the City; be it further

RESOLVED: That City Council hereby approves HAP as the City's sole HMO provider for active employees with Blue Care Network being retained for Public Safety labor groups until an agreement can be reached to phase out BCN; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

11-606-11. WHEREAS: The City presently has a contract with Parsons Transportation Group, Inc. (C.R. 10-627-10) for Traffic Engineering Services, and

WHEREAS: The original contract specifications allow for two renewals of one-year beyond the expiration of the present contract, and

WHEREAS: Parsons Transportation Group, Inc. has offered to renew the present contract prices through November 17, 2012; be it

RESOLVED: That the contract for Traffic Engineering Services is hereby renewed with Parsons Transportation Group, Inc. through November 17, 2012 in the amount of $45,000; be it further

RESOLVED: That this contract renewal shall be financed from the Major Street & Trunk Line, Public Works, Construction Services Account in the amount of $40,000 and the Local Street Fund, Public Works, Construction Services Account in the amount of $5,000; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

11-607-11. WHEREAS: Financial statement presentation format for the Golf Course Fund requires that net assets be restricted for certain items. Capital assets represent a significant portion of the restricted net assets in the Golf Course Fund which does not leave sufficient available balance to properly reflect the restriction for the next debt service payment, and

WHEREAS: The Golf Course Fund currently has a negative cash balance. Because of this, the Finance Department has requested that a transfer be recorded now to relieve the negative cash balance and provide assets for the Golf Course Fund for Fiscal Year 2012, and

WHEREAS: This transaction will require an amendment to the General Fund budget to make a contribution to the Golf Course Fund, with a corresponding amendment to the Golf Course Fund's budget for the contribution from the General Fund; be it

RESOLVED: That City Council hereby authorizes an appropriation of General Fund fund balance in the amount of $185,000 as a contribution to the Golf Course Fund and recognizes the same in the Golf Course Fund; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Hubbard.

11-608-11. WHEREAS: The US Department of Housing and Urban Development (HUD) allocates Emergency Shelter Grant (ESG) funding to communities to assist the homeless, and

WHEREAS: HUD Emergency Shelter Grant regulations require funding to be fully expended within 24-months of award, and

WHEREAS: Recent homelessness prevention activities funded through the ESG Prevention Master Services Contract are not sufficient to meet the 24-month expenditure requirement; therefore be it

RESOLVED: That $35,000 Emergency Shelter Grant funding shall be reallocated from the Prevention Master Services Contract to homeless shelter operation activities; be it further

RESOLVED: That the Economic and Community Development Department be and is hereby authorized to execute sub-recipient agreement amendments between the City of Dearborn and ACCESS (prevention services provider), Covenant House (youth shelter), First Step (domestic violence shelter), Lutheran Social Services of Michigan (Wayne Family Center), and the Salvation Army (prevention services provider); be it further

RESOLVED: That the Finance Director is directed to receive and disburse funds under this program; be it further

RESOLVED: That the Economic and Community Development Department is hereby authorized to administer the program in accordance with the program regulations; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

11-609-11. WHEREAS: Public Act 152 of 2011 ("Publicly Funded Health Insurance Contribution Act") became law September 27, 2011. P.A. 152 limits the amount public employers may pay for government employee medical benefits during any plan year. Under the law, the "annual limits" can be calculated under one of two methods: one called "hard cap" and the other "80/20." The law requires public employers to choose one of these two methods by January 1, 2012, to be applicable for the entire calendar year 2012. Public employers have a third option to opt-out all-together for 2012. The 80/20 and opt-out options would require a two-thirds vote of the City's governing body in order to implement. IMPORTANT: Once elected, all labor agreements ratified in 2012 must comply with the method chosen or else be in violation of P.A. 152. Under Section 9 of P.A. 152, the penalty for such a violation is a potential reduction by 10% of the City's EVIP payment. Employee groups with a ratified labor agreement before September 15, 2011 are temporarily exempt from P.A. 152 until such time their labor contract expires. Therefore, unless the City were to "opt-out" of P.A. 152, the City of Dearborn must pay "no more than" the "annual limits" established under P.A. 152 for calendar year 2012. This would be applicable for the cost of medical plans for employee groups whose labor agreements were either not ratified before September 15, 2011 or for groups whose agreements expire sometime in 2012, and

WHEREAS: The Mayor has recommended the implementation of the 80/20 method under P.A. 152, effective January 1, 2012. Upon an analysis of the City's healthcare consultant, Cornerstone, and the review of Legal Counsel, this implementation of an 80%/20% cost sharing arrangement will provide the best opportunity for the City to accomplish some of the compensation package "savings" targeted for 2012. The additional "employee cost sharing" resulting from this election is estimated at $262,111 for the six months ending June 30, 2012. Employee cost sharing totals will increase significantly for the later six months of 2012 as public safety contracts expire on June 30, 2012 and will therefore be subject to P.A. 152; be it

RESOLVED: That City Council hereby approves the "election" of the 80/20 method under P.A. 152 and implement employee cost sharing under this method for calendar year 2012; be it further

RESOLVED: That the City will, under Section 6 of P.A. 152, seek authorization from employees during a "special open enrollment" to be held November 29 through December 7, 2011, to begin payroll deductions with the first payroll in January, 2012; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

11-610-11. WHEREAS: Noma Orleman, who owns and resides at 5451 Kenilworth, and Steven and Hiba Kakish, who own 5469 Kenilworth and reside at 5474 Kendal, are asking the City of Dearborn to split and sell to them the vacant lot located between their lots so that they may combine that portion of the lot with the adjacent lots they own, and

WHEREAS: The sale is conditioned on the following:

1. Purchasers must close simultaneously.

2. Purchasers may not assign their purchase option without approval of the Dearborn City Council.

3. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.

4. The purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.

5. Lots must be combined with the purchasers' adjacent land for tax and assessment purposes at the closing. Failure to do so shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.

6. Lots may not be re-split or combined with other land for a re-splitting as two buildable lots. Lot may only be sold or developed in combination with buyers' adjacent land.

7. With respect to 5451 Kenilworth, use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance.

8. If purchasers violate any of the restrictions imposed, they are obligated to reimburse the City for the difference between the purchase price paid and the Assessor's value of the land, plus interest and costs.

9. Since 5469 Kenilworth is a rental property, any construction is limited to providing more parking and/or construction of a garage.

10. Purchasers waive rights to seek any variances.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; be it therefore

RESOLVED: That this Council does hereby determine to effect the sale at a price of $3,200 to Noma Orleman the parcel described as:

South 17 ½ ft. of Lot 742, including ½ vacated alley at the rear thereof, Addross Sub. No. 2, City of Dearborn, Wayne County, Michigan, as recorded in Liber 39, Page 2 of Plats, Wayne County records.

Tax I.D.: Part of 82-10-182-02-028

and to effect the sale at a price of $3,200 to Steven and Hiba Kakish of the parcel described as:

North 17 ½ ft. of Lot 742, including ½ vacated alley at the rear thereof, Addross Sub. No. 2, City of Dearborn, Wayne County, Michigan, as recorded in Liber 39, Page 2 of Plats, Wayne County records.

Tax I.D.: Part of 82-10-182-02-028

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Noma Orleman and Steven and Hiba Kakish upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon Noma Orleman and Steven and Hiba Kakish closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is in the best interest of the City of Dearborn, follows the spirit and intent of the Neighborhood Stabilization Program, and promotes a public purpose; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Hubbard.

11-611-11. WHEREAS: Yahia Jouni and Ibtihaj Saad, owners and occupants of the property located at 6134 Maple, Dearborn, MI, have requested that the City sell them 10 ft. of the adjacent City-owned property located at 6130 Maple so they can combine it with their adjacent lot, and

WHEREAS: The following conditions are recommended and set forth in the proposed Resolution pertaining to this transaction:

1. Purchasers may not assign their purchase option without approval of the Dearborn City Council.

2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.

3. The purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.

4. The lot must be combined with the Purchasers' property at closing and may not be re-split or combined with other land for a re-splitting as two buildable lots. The lot may only be sold or developed in combination with the purchasers' adjacent property.

5. Use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchasers are waiving their right to seek any variances.

6. If purchasers violate any of the restrictions imposed, they are obligated to reimburse the City for the difference between the purchase price paid and the Assessor's value of the land, plus interest and costs, or sell the land back to the City for $2,500, at the City's sole discretion.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; be it therefore

RESOLVED: That this Council does hereby determine to effect the sale at a price of $2,500 to Yahia Jouni and Ibtihaj Saad of the parcel described as:

North 10 ft. of Lot 39, Schaefer Heights Sub., Sec. 7, City of Dearborn, Wayne County, Michigan, as recorded in Liber 55, Page 57 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-074-16-005

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Yahia Jouni and Ibtihaj Saad upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon Yahia Jouni and Ibtihaj Saad closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is in the best interest of the City of Dearborn, follows the spirit and intent of the Neighborhood Stabilization Program, and promotes a public purpose; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Bazzy.

11-612-11. RESOLVED: That City Council hereby denies the request of Global Educational Excellence to extend the fence located in the alley of Riverside Academy East as this alley has already been vacated and the manhole within the alley requires unrestricted access by the Department of Public Works to travel the vector truck to service the manhole.

The resolution was unanimously adopted.

By Shooshanian supported by Bazzy.

11-613-11. RESOLVED: That Cycling Saddlemen Bicycling Club be and they are hereby granted permission to their 40th annual First Dozen Bicycle Ride on Saturday, January 1, 2012 beginning at 2:00 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the bicycle ride route is as follows: Beginning in the Olive Branch Masonic Lodge parking lot; the bicyclists will go out onto Mason Street and proceed south to Beech Street; east on Beech Street to Oakwood; south-east on Oakwood to the Southfield Service Drive; south on the Southfield Service Drive to Outer Drive; north on Outer Drive to S. York Street; turn left and continue north on S. York Street to Cherry Hill Road; west on Cherry Hill Road to N. Silvery Lane; north on N. Silvery Lane to Wilson Street; east on Wilson Street to Outer Drive; south on Outer Drive to Military; continuing south on Military to Cherry Hill Road; east on Cherry Hill Road to Brady Street; south on Brady Street to Morley; west on Morley to Mason Street; and south on Mason Street finishing back at the Olive Branch Masonic Lodge; be it further

RESOLVED: That all participants in the bicycle ride shall be restricted to using the right lane of all roadways designated in conjunction with this event, as well as, make lawful and proper use of all traffic signs and signals so as not to interfere with any vehicular traffic; be it further

RESOLVED: That City Council hereby authorizes assistance from the Dearborn Police Department for traffic control/safety spot checks for the duration of the of the event, as well as, assistance from the Recreation Department with the use of its sound truck for the start of the bicycle tour.

The resolution was unanimously adopted.

By Hubbard supported unanimously.

11-614-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of George Monroe, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was unanimously adopted.

By Hubbard supported unanimously.

11-615-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Marie V. Krause, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was unanimously adopted.

Rodney Raatz, 6348 Coleman – Requesting the City investigate the construction work being done by C&P Construction as vehicles were damaged and C&P Construction's Insurance Company denied any liability.

11-616-11. The communication was referred to the Legal Department and Engineering Division.

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:48 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk