REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

November 7, 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, Shooshanian and President of the Council Tafelski; absent, none. A quorum being present, the Council was declared in session.

Reverend Daron Stepanian of St. Sarkis Armenian Apostolic Church delivered the invocation.

By Hubbard supported by O'Donnell.

11-574-11. RESOLVED: That the minutes of the previous regular meeting of October 24 and the special meeting of October 20, 2011, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

11-575-11. RESOLVED: That Ordinance No. 11-1336 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 11-1336 entitled, "An Ordinance to Amend Article II of the Fire Prevention and Protection Chapter (Chapter 10) of the Code of the City of Dearborn by Amending Section 10-38, entitled 'Adoption'."

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?"

11-575-11. Upon roll call the Ordinance was unanimously adopted.

By Bazzy supported by Hubbard.

11-576-11. RESOLVED: That Ordinance No. 11-1337 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 11-1337 entitled, "An Ordinance to Amend Article II of the Fire Prevention and Protection Chapter (Chapter 10) of the Code of the City of Dearborn by Amending Section 10-38.1 entitled 'Additions, Insertions, and Changes'."

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?"

11-576-11. Upon roll call the Ordinance was unanimously adopted.

Councilmember Hubbard introduced 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 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 O'Donnell.

11-577-11. RESOLVED: That proposed Ordinance No. 11-1338 be laid on the table.

The resolution was unanimously adopted.

Councilmember Hubbard introduced 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 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 O'Donnell.

11-578-11. RESOLVED: That proposed Ordinance No. 11-1339 be laid on the table.

The resolution was unanimously adopted.

By Hubbard supported by Bazzy.

11-579-11. RESOLVED: That all bids received for Tree Trimming Services of Districts 2, 7, 8, 16 and all of the City Parks in those districts for the Parks Division of DPW are hereby rejected except the bid of Tri-County Tree Expert Co., Inc. in the total amount of $93,715, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the General Fund, Public Works, Parks Division, Contractual Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by O'Donnell.

11-580-11. RESOLVED: That City Council hereby approves the Fiscal Year 2012 SMART Municipal and Community Credit Contract in the total amount of $203,565 which provides transportation for residents of Dearborn 60 years of age or older and people with disabilities; be it further

RESOLVED: That this contract shall be financed from Account #101-3093-330.04-90; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Hubbard.

11-581-11. WHEREAS: The City presently has a contract with Fairlane Ford (C.R. 10-604-10) for Non-warranty and Light Truck Repairs, Genuine Ford Automobile and Light Truck Stocked Parts and Miscellaneous Shop Supplies, and

WHEREAS: The original contract specifications allows for two renewals of one-year beyond the expiration of the present contract. This is the second and final renewal, and

WHEREAS: Fairlane Ford has offered to renew the present contract for the final one-year period, December 3, 2011 through December 2, 2012. In the first renewal period Fairlane reduced pricing by providing all Ford Motor Craft red box parts at cost; for the second renewal period Fairlane has offered to reduce all prices and rates by 1%; be it

RESOLVED: That the contract for Non-warranty and Light Truck Repairs, Genuine Ford Automobile and Light Truck Stocked Parts and Miscellaneous Shop Supplies is hereby renewed with Fairlane Ford for the period of December 3, 2011 through December 2, 2012 in the approximate amount of $164,200; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Department of Public Works, Fleet Repair & Maintenance, Vehicle Repair & Maintenance Account in the approximate amount $65,000 for FY12 and $65,000 for FY13 (Account #101-2085-856.43-65); General Fund, Current Asset, Inventory, Central Garage Parts in the approximate amount of $17,000 for FY12 and $17,000 for FY13 (Account #101-0000-141.02-00); General Fund, Department of Public Works, Fleet Repair & Maintenance, Operating Supplies, Shop Supplies in the approximate amount of $100 for FY12 and $100 for FY13 (Account #101-2085-856.61-10); purchases from FY13 are contingent upon the FY13 Budget adoption; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

11-582-11. RESOLVED: That City Council hereby authorizes a contract increase with Asplundh Tree Expert, Inc. in the amount of $5,000, bringing the total contract amount to $37,389, for Emergency Tree and Stump Removal Services; be it further

RESOLVED: That this contract increase shall be financed from the General Fund, Public Works, Parks Division, Contractual Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

11-583-11. RESOLVED: That City Council hereby authorizes a purchase order increase with Livernois Vehicle Development in the amount of $5,000, bringing the total purchase order amount to $24,975, for Police Armored Personnel Carrier Refurbishment; be it further

RESOLVED: That this purchase order increase shall be financed from the 2009 JAG Grant; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

11-584-11. WHEREAS: City Council, as the highest level of decision-making authority for the City of Dearborn, determines the commitment of resources consistent with the requirements of Governmental Accounting Standards Board (GASB) Statement No. 54 *Fund Reporting and Governmental Fund Type Definitions*, and

WHEREAS: City Council wishes to allow the Camp Dearborn, Designated Purposes, and Telecommunications Funds to qualify as Special Revenue Funds in accordance with GASB Statement No. 54; be it

RESOLVED: That City Council indicates by this resolution that the revenues from all resources used in the Camp Dearborn, Designated Purposes, and Telecommunications Funds are committed for the purpose of fund operations, including capital needs of the funds; be it further

RESOLVED: That the revenues of the funds cannot be used for any other purpose except by City Council specific action; be it further

RESOLVED: That this qualification will stay intact unless removed by City Council; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

11-585-11. RESOLVED: That City Council hereby accepts and recognizes a generous Wayne County Grant, arranged by County Commission Chairman Gary Woronchak, in the amount of $5,000 for the City of Dearborn Recreation Department's "Basketball and Books" After-School Tutoring, Mentoring & Recreation Program and authorizes the Finance Director to appropriate the grant for expenditure; be it further

RESOLVED: That this donation shall be credited to the General Fund, Recreation Department, Community Center Programs Division, Distribution Account (Account #101-3020-365.90-00 – Misc. Contributions/Donations from Private Sources); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Hubbard.

11-586-11. WHEREAS: The following properties: 6451 Miller, 6330 Kenilworth, 5269 Kendal, 4513 Curtis, and 13919 Michigan were purchased at the 2010 Wayne County public auction by private individuals, and

WHEREAS: According to MCL 211.78k and m, a judgment foreclosure extinguishes any liens against the property and vests the governmental unit (Wayne County) with a good and marketable fee simple title, and

WHEREAS: When a person buys property at the county auction, that person is not responsible for the payment of prior years' taxes and liens in existence as of December 31 following the date of the sale, and

WHEREAS: In the past, when a purchaser has bought a property at public auction, the new owner has notified the Treasury Division of the Department of Finance and has requested that the tax rolls be adjusted to reflect the cancellation of the prior years' taxes and liens, and

WHEREAS: In the case of the properties listed above, the Department of Law was notified that the prior years' taxes and liens on the above-listed houses should be cancelled when attorney, Joe Grenn, filed a lawsuit on behalf of each of the owners, requesting the cancellation of the taxes and liens, and

WHEREAS: In accordance with the applicable state law, the delinquent miscellaneous water charges that existed prior to December 31 following the date of the purchase should be cancelled, and

WHEREAS: The purchaser is, however, responsible for the payment of the 2011 property taxes and any future liens, and

WHEREAS: It is recommended that Council adjust the tax roll as follows:

6451 Miller (82-10-081-32-020)

Water account 1-1964-3:	
Water penalty current	706.13
Delinquent water on 2011 tax roll	8,585.48
Total to be adjusted	**$ 9,291.61**

6330 Kenilworth (82-10-074-03-003)

Water account 5-0976-1	
Water penalty current	115.69
Delinquent water on 2011 tax roll	1,168.18
Total to be adjusted	**$ 1,283.87**

5269 Kendal (82-10-182-10-038)

Water account 7-0489-6:	
Water penalty current	564.98
Delinquent water on 2011 tax roll	49.69
Invoices 12476, 13336, 13643 on 2011 tax roll:	
Nuisance abatement	1,553.75
Weed cutting	121.25
Penalty	65.21
Total to be adjusted:	**$ 2,354.88**

4513 Curtis (82-09-134-12-033)

Water account 6-0792-3:	
Water penalty current	106.71
Delinquent water on 2011 tax roll	1,277.79
Invoices 12058, 12402, 12980, 12711, 13330, 13621, 14100 on 2011 tax roll:	
Weed cutting	889.98
Total to be adjusted	**$ 2,274.48**

13919 Michigan (82-10-184-05-016)

Water account 9-1124-3:	
Water penalty current	1,034.22
Delinquent water on 2011 tax roll	$11,099.33
Total to be adjusted	**$12,133.55**

therefore be it

RESOLVED: That City Council does hereby adjust the tax roll to reflect the adjustments listed above; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

11-587-11. WHEREAS: Clara Carpenter and Diane Tzan (mother and daughter), owners and occupants of the property located at 14301 Lanson, Dearborn, Michigan, are asking the City of Dearborn to sell them the vacant lot located next to their property so that they may combine the lot with the adjacent lot they own, and

WHEREAS: Sale is conditioned on the following:

1. The lot must be combined with the Purchasers' property and may not be re-split or combined with other land for a re-splitting as two buildable lots. Purchasers may seek permission to split and sell a portion of the side yard to the neighboring property owner.

2. The lot may only be sold or developed in combination with the Purchasers' adjacent property.

3. Any construction or expansion of the existing structure to utilize the additional property must comply with the Dearborn Zoning Ordinance. The Purchasers waive any right to seek a variance.

4. 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 entire lot, plus interest and costs, or sell the land back to the City for $4,500, at the City's sole discretion.

and

WHEREAS: The City has no further need for said land and City 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; therefore be it

RESOLVED: That City Council hereby determines to effect the sale at a price of $4,500 to Clara Carpenter and Diane Tzan of the parcel described as:

Lot 56, Williamson Sub., City of Dearborn, Wayne County Michigan, as recorded in Liber 32, Page 65 of Plats, Wayne County Records.

Tax I.D. 82-10-184-19-041
Commonly known as the vacant lot at 14313 Lanson

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Clara Carpenter and Diane Tzan 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 the Office of the Corporation Counsel and based upon Clara Carpenter and Diane Tzan closing within ninety (90) days of the effective date of this resolution; be it further

RESOLVED: That the sale is contingent upon the above-referenced conditions being satisfied, and upon the satisfaction of the terms contained in the Purchase Agreement; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction; be it further

RESOLVED: That the sale of 14313 Lanson as side yard complies with one of the public purposes for which the Neighborhood Stabilization Program was created by promoting expansion of lots to improve the neighborhoods; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by O'Donnell.

11-588-11. WHEREAS: Frank and Alice Margetich, who own and reside at 7513 Ternes, and Hilal and Nabiha Hajalie, who own 7527 Ternes and reside at 7807 Oakman Blvd., 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: 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 7513 Ternes, 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 rights to seek any variances.

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 7527 Ternes is a rental property, any construction is limited to providing for more parking and/or construction of a garage.

and

WHEREAS: The City has no further need for said land and City 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 City Council hereby determines to effect the sale at a price of $2,400 to Frank and Alice Margetich of the parcel described as:

South 17 ½ ft. of Lot 363, Robert Oakman Land Cos Warren Grove Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, Page 91 of Plats, Wayne County Records.

Tax I.D.: 82-10-063-26-024 (S. 17 ½ ft.)

and to effect the sale at a price of $2,400 to Hilal and Nabiha Hajalie of the parcel described as:

North 17 ½ ft. of Lot 363, Robert Oakman Land Cos Warren Grove Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, Page 91 of Plats, Wayne County Records.

Tax I.D.: 82-10-063-26-024 (N. 17 ½ ft.)

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Frank and Alice Margetich and Hilal and Nabiha Hajalie 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 the Office of the Corporation Counsel and based upon Frank and Alice Margetich and Hilal and Nabiha Hajalie closing simultaneously within ninety (90) days of the effective date of this resolution; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

11-589-11. WHEREAS: Amtrak has leased the building and parking lot at the rear of the Police and Court buildings since 1978, and

WHEREAS: In 2009, City Council approved a lease amendment, allowing for the extension of the lease for five (5) one-year terms, reviewable on a yearly basis pursuant to C.R. 2-115-09, and

WHEREAS: The approved lease amendment was made retroactive to March 31, 2008, and

WHEREAS: The agreed-upon lease renewal amount is $31,000 per year, and

WHEREAS: The fourth year of lease extensions will expire on March 30, 2012, and

WHEREAS: Amtrak submitted a letter, requesting that the City agree to allow another one-year extension, and

WHEREAS: If approved, the lease will be extended through March 30, 2013, and

WHEREAS: All other terms and conditions of the lease agreement and amendments will remain in effect, and

WHEREAS: Amtrak is current on all lease payments, and

WHEREAS: The matter was reviewed with the Director of the Economic and Community Development Department. Barry Murray has recommended that the lease be renewed for another one-year term while the City and MDOT pursue the relocation of the train station, and

WHEREAS: The Federal Railroad Administration awarded funds to the City of Dearborn, via MDOT, for the design and construction of the Dearborn Intermodal Passenger Rail Facility which is expected to be built within the next two years, and

WHEREAS: It is the recommendation of Corporation Counsel that City Council approves the lease extension with Amtrak for a one-year term, extending the lease through March 30, 2013 for $31,000; therefore be it

RESOLVED: That the City Council authorizes a one-year extension of the lease with Amtrak at a price of $31,000; be it further

RESOLVED: That the term of this lease extension is March 31, 2012 through March 30, 2013; be it further

RESOLVED: That all other terms and conditions of the lease agreement and amendments between the City of Dearborn and Amtrak remain in full force and effect; be it further

RESOLVED: That the Corporation Counsel or her designee be authorized to prepare and execute documents, memorializing the lease extension on behalf of the City of Dearborn; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

11-590-11. RESOLVED: That City Council hereby concurs in the re-appointments of Hope Buxton and Leonard M. Moore to the Board of Canvassers for terms ending December 31, 2015.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

11-591-11. RESOLVED: That receipts of Cash Donations and Non Cash Donations for Improvements to the Fire Safety House, located next to Fire Station #2 are hereby acknowledged and accepted as follows:

Cash Donations

The Rotary Club of Dearborn	$ 3,150
Dearborn Schools PTA	$ 500
Exchange Club of Dearborn	$ 500
Dearborn Federation of Teachers	$ 225
Long Elementary PTA	$ 130
Dearborn Village Community Credit Union	$ 100

Non Cash Donations

Campbell's Paint & Wallpaper - Paint	$ 300
Marks Painting Co. - Painting labor	$ 1,500
Cheryl Eastman - Furniture	$ 300
Carol Rhodes - DVD Player	$ 40
Aqua Chem Solutions - Carpet cleaning services	$ 125

be it further

RESOLVED: That this Council hereby extends its appreciation for the aforementioned gift to the donor.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

11-592-11. RESOLVED: That receipt of a donation in the amount of $502 from the "Save Our Pools" Committee to the City of Dearborn's Outdoor Neighborhood Pools is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby extends its appreciation to the donor for the aforementioned gift; be it further

RESOLVED: That City Council hereby directs the City Treasurer to credit this money to the 'Save Our Pools' Designated Purposes Fund, Project #Z77612, Distribution Account (Account #276-3045-365.90-00), and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

11-593-11. RESOLVED: That City Council hereby approves the application of Vanilla Lounge, 16351 Ford Road, for an amusement license to allow a singer to perform at the lounge, subject to the stipulation that this is not permission to allow any type of entertainment in conjunction with a liquor license; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

NF Engineers, 46777 Woodward Ave., Pontiac, MI 48342-5032 - Requesting on behalf of Bloom General Contracting Inc. to rezone the properties located at 2200 S. Telegraph and 24501 Scott Road from a B-B (Community Business District) to a B-C (General Business District) zoning classification.

11-594-11. The communication was referred to the City Plan Department.

By Hubbard supported unanimously.

11-595-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Dale Swanson, 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.

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:35 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk