

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

March 2, 2009

The Council convened at 7:00 P.M., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Abraham, Darany, Hubbard, Shooshanian, Thomas and President of the Council Tafelski; absent, Councilmember Sareini. A quorum being present, the Council was declared in session.

Councilmember Abraham delivered the invocation.

By Thomas supported by Hubbard.

3-130-09. RESOLVED: That the minutes of the previous regular meeting of February 17, 2009, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Thomas.

3-131-09. RESOLVED: That City Council hereby suspends their Rules of Order to present certificates to Dearborn Elks Scholarship recipients Lars Johnson and Paige Bruce.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Abraham supported by Shooshanian.

3-132-09. RESOLVED: That Ordinance No. 08-1196 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

The Clerk then read Ordinance No. 08-1196, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property bounded by Kean on the north, Westwood on the east, Trowbridge on the south and Cambridge on the west from an Industrial B (Medium Industrial District) to an Industrial A (Light Industrial District) zoning classification.

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?"

3-132-09. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

Councilmember Thomas introduced Ordinance No. 09-1216, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property bounded by Warren Avenue on the north, Kingsley on the east, Haggerty on the south and Miller Road on the west from a Residential B (One Family Residential District) to a Residential A (One Family Residential District) zoning classification.

The Clerk read the Ordinance by title.

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

By Abraham supported by Hubbard.

3-133-09. RESOLVED: That proposed Ordinance No. 09-1216 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

Councilmember Hubbard introduced Ordinance No. 09-1217, entitled, "An Ordinance to Amend Article 29.00 of Ordinance No. 06-1111 of the City of Dearborn by Amending Section 29.02, entitled 'Schedule of Regulations'."

The Clerk read the Ordinance by title.

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

By Abraham supported by Darany.

3-134-09. RESOLVED: That proposed Ordinance No. 09-1217 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

3-135-09. RESOLVED: That all bids received for Disposal of Yard Waste (Loose Leaves) are hereby rejected except the bid of Bedrock Express, Ltd. in the approximate amount of \$90,000, that the aforementioned bid is hereby accepted, that the checks of the unsuccessful bidders be returned forthwith, 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, Department of Public Works, Highways Division, Contractual Services, Other Services Account (Account #101-2073-452.34-90); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Thomas.

3-136-09. RESOLVED: That all bids received for Apartment Carpet & Vinyl Replacement at Dearborn Towers are hereby rejected except the bid of Clearwater Carpet & Tile Systems in the approximate amount of \$35,000, that the aforementioned bid is hereby accepted, that the checks of the unsuccessful bidders be returned forthwith, 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 Dearborn Towers Fund, Housing Department, Repair & Maintenance, Furniture & Furnish R&M Account (Account #536-5500-902.43-85) with purchases made after June 30, 2009 contingent upon the adoption of the Fiscal Year 2010 Budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Thomas supported by Shooshanian.

3-137-09. RESOLVED: That all bids received for the Chamber of Commerce and Welcome Center Renovation Project at the Bryant Branch Library are hereby rejected except the bid of Phoenix Contractors, Inc. in the total amount of \$165,000, that the aforementioned bid is hereby accepted, that the checks of the unsuccessful bidders be returned forthwith, 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 City council hereby authorizes the Finance Department to recognize and appropriate a Housing Resource Fund Grant from the Michigan State Housing Development Authority in the amount of \$100,000 to C.I.P. J13207 Dearborn Welcome Center to help finance this project; be it further

RESOLVED: That this contract shall be financed from the General Capital Improvement Fund, Project J13207, Dearborn Welcome Center (Account #401-6100-435.45-20); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

3-138-09. RESOLVED: That all bids received for Flower Bed Planting & Maintenance Services for the 2009 and 2010 seasons are hereby rejected except the bid of WH Cannon Company in the two-season total amount of \$47,848, that the aforementioned bid is hereby accepted, that the checks of the unsuccessful bidders be returned forthwith, 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 #101-2074-693.34-90) with next season's purchase contingent upon the adoption of the Fiscal Year 2010 Budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Darany.

3-139-09. RESOLVED: That City Council hereby approves the Unrestricted City Grant in the amount of \$35,000 to enable the Dearborn Community Arts Council and its member organizations to fulfill its commitment and mission to facilitate, encourage, and support arts and culture in the diverse Dearborn community.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Thomas.

3-140-09. WHEREAS: The City of Dearborn Building and Safety Department performed several services on 6606 Yinger in September 2007, and the Treasury Division billed the owner of record for those services in September and October 2007, and

WHEREAS: The property was a vacant foreclosure at the time the services were rendered and owned by South Star Funding, LLC, but the City had not yet been notified of the transfer of ownership, and

WHEREAS: The invoices were never paid and Council subsequently approved transfer of this item from the 2007 Miscellaneous Assessment Roll to the 2008 summer tax roll in the amount of \$3,229.57, and

WHEREAS: The Minnesota Title Agency disputed responsibility for the delinquent items and alleged it was never provided the information from the Treasury Division though this claim was never substantiated, and

WHEREAS: The invoices were really the responsibility of the seller, and Minnesota Title Agency and the current property owner would need to pursue remedy with South Star Funding, LLC, and

WHEREAS: The current property owner and Minnesota Title Agency would like to resolve the issue with the City of Dearborn so the unpaid invoices on the 2008 tax roll are not returned delinquent to the Wayne County Treasurer which would negatively impact the current property owner, and

WHEREAS: The Minnesota Title Agency has agreed to pay the delinquent invoices less the 25% transfer fee in the amount of \$2,583.65 to resolve the issue, and

WHEREAS: The requested relief from the 25% transfer fee is reasonable given the circumstances; therefore be it

RESOLVED: That City Council hereby confirms and approves the request of Minnesota Title Agency for resolution and directs the City Treasurer to adjust this item from the 2007 Miscellaneous Assessment Roll and transferred to the 2008 summer tax roll for 6606 Yinger in the total amount of \$645.92; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Darany supported by Thomas.

3-141-09. RESOLVED: That City Council hereby authorizes a three month contract extension with RKA Petroleum Companies, Inc. for Diesel Fuel with no additional funding being needed at this time, to allow the expiration of the contract to coincide with the fiscal year cycle; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Thomas.

3-142-09. WHEREAS: The contract (MDOT NO. 99-0611/A6) between the City of Dearborn (the City) and the Michigan Department of Transportation (MDOT) for site selection, environmental assessment, and preliminary engineering and design of an intermodal rail passenger station expired on November 26, 2008, and

WHEREAS: The parties desire to renew and extend the contract term for the City to perform additional work; be it

RESOLVED: That the City Council hereby authorizes the Mayor to enter into a contract amendment to renew and extend its intermodal contract with MDOT from the date of award of the contract amendment by MDOT (99-0611/A7) through September 30, 2009; be it further

RESOLVED: That all other terms and conditions of the contract shall remain in full force and effect and the remaining fund (JO8000) authorized for the contract be carried forward and used to fund the contract extension; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

3-143-09. WHEREAS: The City of Dearborn, the Dearborn Chamber of Commerce, the West Dearborn Downtown Development Authority and the West Dearborn Business Association applied for and received a "Cool City" designation from the State of Michigan in April 2006, and

WHEREAS: The Cool City program uses a catalyst project to help invigorate downtown districts and Dearborn's project was identified as a Welcome and Visitor Center plus Chamber of Commerce offices in the vacant space on the 1st floor of the Bryant Library, and

WHEREAS: The City of Dearborn and the Chamber of Commerce have agreed to partner in the Cool City Project with the City providing the Bryant Library space and the Chamber operating the Welcome and Visitor Center, and

WHEREAS: Funding for improving the space was secured from several sources including the East and West Dearborn Downtown Development Authorities, the Chamber of Commerce, the State of Michigan, the DTE Foundation and the Motor City Heritage Area; now, therefore, be it

RESOLVED: That the City of Dearborn will lease the identified portion of the 1st floor of the Bryant Library to the Dearborn Chamber of Commerce for \$6,000 per year for ten years, and that the Chamber will operate the Welcome and Visitor Center for the City; be it further

RESOLVED: That the Chamber will prepay the entire lease amount of \$60,000 so the rent may be utilized as a contribution toward improving the space for Chamber offices and the Welcome and Visitor Center; be it further

RESOLVED: That the Mayor is authorized to execute the ten year lease and the Welcome and Visitor Center Operating Agreement for the Bryant Branch Library between the City of Dearborn and the Chamber of Commerce; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

3-144-09. WHEREAS: The Dearborn Police Department has worked in conjunction with the Wayne County Office of Emergency Management to receive new Bomb Squad equipment to be paid for by the 2006 Homeland Security Grant for the South East Michigan Urban Area Security Initiative. The two items being provided are an explosive Total Containment Vessel (TCV) trailer and a bomb response truck. The TCV cost \$306,568 and was received by the Dearborn Police Department in November of 2007. The response truck cost \$148,491 and is in production now, and

WHEREAS: In order to take ownership of this trailer and truck, the City of Dearborn and the Oakland County Office of Emergency Management, the fiduciary of this DHS grant, must enter into an Inter-local Funding Agreement. This agreement states that the Police Department will maintain the equipment and insurance for the equipment for a period of three years form the close of the Grant Program, and

WHEREAS: The Chief of Police has requested City Council approval of this inter-local agreement between the City of Dearborn and the Oakland County Office of Emergency Management and authorizing the execute the inter-local agreement on behalf of the City of Dearborn; be it

RESOLVED: That City Council hereby approves the inter-local agreement between the City of Dearborn and the Oakland County Office of Emergency Management in order to take ownership of a Total Containment Vessel Trailer and Bomb Response Truck for the Dearborn Bomb Squad; be it further

RESOLVED: That City Council hereby authorizes the Chief of Police to execute this inter-local agreement on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Thomas supported by Hubbard.

3-145-09. RESOLVED: That City Council hereby concurs with the 19th District Court Judges' appointment of Helal A. Farhat, Esq., as a part-time magistrate for the 19th District Court; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Shooshanian supported by Darany.

3-146-09. RESOLVED: That the Dearborn Allied War Veterans Council be and they are hereby granted permission to conduct the 85th Annual Memorial Day Parade on Monday, May 25, 2009 from 9:00 A.M. to approximately 12:00 P.M. on Michigan Avenue (from Greenfield to Schaefer) subject to all applicable ordinances and the rules and regulations of the Police Department and to conduct their annual raffle with proceeds directed to help fund the Dearborn Allied War Veterans Council programs and projects; be it further

RESOLVED: That City Council hereby authorizes the use of the City Hall Park and the use of War Memorial Plaza for their memorial service; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Shooshanian.

3-147-09. RESOLVED: That City Council hereby gives all rights to public vending for the 85th Memorial Day Parade, on May 25, 2009, to the Dearborn Allied War Veterans Council and their respected vendors; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Abraham supported by Thomas.

3-148-09. RESOLVED: That the Knights of Columbus, Father Patrick O'Kelley Council No. 3860, be and they are hereby granted permission to solicit donations on the streets, sidewalks, and other public areas within the City of Dearborn for their Annual Mentally Impaired Tootsie Roll Drive from April 3 through April 5, 2009, subject to all applicable ordinances and the rules and regulations of the Police Department.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Thomas supported by Shooshanian.

3-149-09. RESOLVED: That receipt of a donation in the amount of \$7,686.75 from the Dearborn Historical Foundation to the City of Dearborn to help support the costs of operating the Floyd and Mary Haight Archives 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 deposit this money in the Dearborn Historical Museum's Revenue Account (Account #101-5000-365.90-00), and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Abraham supported by Hubbard.

3-150-09. RESOLVED: That receipt of a donation in the amount of \$5,000 from the Cherry Hill Questers and \$500 from the Garden Club of Dearborn to the City of Dearborn for supplies related to the preservation of the Dearborn Historical Museum's Collection are hereby acknowledged and accepted; be it further

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

RESOLVED: That City Council hereby directs the City Treasurer to deposit this money in the Dearborn Historical Museum's Collection Management Project (Account #276-5000-365.90-00), and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Darany supported by Hubbard.

3-151-09. RESOLVED: That a donation of 50 T-shirts from the Exchange Club of Dearborn to the Recreation Department Senior Services Division for Senior Walking Club members is hereby acknowledged and accepted; be it further

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

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Darany supported by Abraham.

3-152-09. RESOLVED: That receipts of donations in the amount of \$100 from State Representative Gino H. Polidori and \$100 from Wayne County Commissioner Gary Woronchak to the Recreation Department's Senior Services Division to cover expenses for entertainment and cupcakes for the 90th Birthday Party on April 24, 2009 are hereby acknowledged and accepted; be it further

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

RESOLVED: That City Council hereby directs the City Treasurer to deposit these monies in the Recreation Department, Senior Services Division (Account #101-3090-365.90-00), 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 adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Darany.

3-153-09. RESOLVED: That receipts of donations in the amount of \$150 from Howe-Peterson Funeral Home, \$200 from Gary Woronchak and \$500 from the Exchange Club of Dearborn Foundation, Inc. to the City of Dearborn for the Dearborn Homecoming's Elderfest are hereby acknowledged and accepted; be it further

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

RESOLVED: That City Council hereby directs the City Treasurer to deposit these monies in the Homecoming 2009, Project Z72200 Account, 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 adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

By Hubbard supported unanimously.

3-154-09. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of William Hales, 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 adopted as follows: Yeas: Abraham, Darany, Hubbard, Shooshanian, Tafelski and Thomas (6). Nays: None. Absent: Sareini (1).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:45 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk