

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

May 4, 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, Sareini, Shooshanian and President of the Council Tafelski; absent, Councilmember Thomas. A quorum being present, the Council was declared in session.

The Reverend Linda Anderson of Dearborn Congregational Church delivered the invocation.

By Shooshanian supported by Darany.

5-319-09 RESOLVED: That the minutes of the previous regular meeting of April 27, 2009, and the same are hereby approved as recorded and published.

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

By Darany supported by Hubbard.

5-320-09. RESOLVED: That City Council hereby sets Wednesday, May 13, 2009 at 5:30 P.M. as the date and time for the Public Hearing on the City's proposed Fiscal Year's 2010 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

5-321-09. RESOLVED: That Ordinance No. 09-1222 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 09-1222, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property on the west side of Schaefer Road from Haggerty southerly to approximately 760 feet from a Residential A (One Family Residential District), OS (Business Office District), Industrial A (Light Industrial District) and Industrial B (Medium Industrial District) to a Business B (Community Business District) zoning classification with the exception of 6409 Schaefer Road (82-10-072-17-015).

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?"

5-321-09. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Thomas (1).

By Darany supported by Hubbard.

5-322-09. RESOLVED: That Ordinance No. 09-1223 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 09-1223 entitled, "An Ordinance to Amend the City of Dearborn Police and Fire Revised Retirement System (Chapter 23)."

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?"

5-322-09. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Thomas (1).

By Sareini supported by Hubbard.

5-323-09. RESOLVED: That Ordinance No. 09-1224 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 09-1224 entitled, "An Ordinance to Amend Section 1.8 of the Code of the City of Dearborn to Provide for Adoption of Defined Contribution, Deferred Compensation and MERS Defined Benefit Plans for Police and Fire Employees."

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?"

5-323-09. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Thomas (1).

By Sareini supported by Darany.

5-324-09. WHEREAS: De-Cal, Inc. is one of the subcontractors contracted by Walbridge Aldinger, the general contract for CSO C3, and

WHEREAS: Council Resolution 5-317-08 approved the payment of \$248,888.13 for material and labor cost for equipment that is stored off site and to be used in the execution of Contract C3, and

WHEREAS: The payment approved by City Council did not include the transportation and handling charges, which the City Engineer has now received from De-Cal, and

WHEREAS: As the City does not currently have a contract with De-Cal, Inc., the City Engineer recommends that payment in the exact amount of \$10,010.93 be made by issuing a joint check in the names of Walbridge Aldinger and De-Cal, Inc.; be it

RESOLVED: That City Council hereby authorizes payment to De-Cal, Inc. by issuing a joint check in the names of Walbridge Aldinger and De-Cal, Inc. in the exact amount of \$10,010.93 for Transportation and Handling Charges for Stored Materials for CSO Contract C3, Job #04-04-066; be it further

RESOLVED: That this expenditure shall be financed from existing appropriated project budget in C.I.P. N85000; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Shooshanian.

5-325-09. WHEREAS: On November 10, 2008, a City of Dearborn rescue unit was travelling north on Greenfield south of Ford Road with its emergency lights and siren activated while responding to a run, and

WHEREAS: As the rescue unit was moving, Warren Schimmell, an elderly pedestrian, walked into the path of the rescue as it was passing him, striking the left rear corner of the vehicle, and

WHEREAS: Mr. Schimmell was injured and taken to Henry Ford Hospital for treatment where he remained in the intensive care unit for several days, and

WHEREAS: Mr. Schimmell is currently undergoing rehabilitation at Henry Ford Village, and

WHEREAS: Michigan is a no-fault automobile liability state, and

WHEREAS: There are statutory priorities for payment of claims, regardless of fault, and

WHEREAS: The first priority would be Mr. Schimmells' own auto insurance policy. Mr. Schimmell does not own a car and thus, does not carry auto insurance, and

WHEREAS: The second no-fault priority is a spouse or a resident domiciled in the same household. Mr. Schimmell does not have a spouse and lives alone, and

WHEREAS: The next in the line of priorities for payment is the insurer of the owner or registrant of the motor vehicle involved in the accident (the City), and

WHEREAS: The City is the apparent responsible party to pay the claim since two higher priorities are inapplicable to this situation, and

WHEREAS: The City is self-insured for this no-fault coverage, and

WHEREAS: The City is responsible to pay for medical benefits for his lifetime as long as they are related to the loss, and

WHEREAS: Several medical bills have been submitted to the City for payment and others are expected to be presented, and

WHEREAS: It is estimated that the City may be responsible to pay as much as \$100,000, and

WHEREAS: Currently, \$58,865 has been submitted for payment, and

WHEREAS: Those bills reflect the claimant's stay and treatment in the Intensive Care Unit at Henry Ford Hospital and have been reviewed for reasonable and customary costs by Review Works, a company that specializes in the review of these types of bills, and

WHEREAS: It is recommended by Review Works that the City pays \$48,451 of the original billed amount, and

WHEREAS: It is recommended that the Corporation Counsel be authorized to remit payment for Warren Schimmell's reasonable and customary costs for medical treatment resulting from the accident that took place on November 10, 2008, in an amount not to exceed \$100,000; therefore be it

RESOLVED: That the Office of the Corporation Counsel is hereby authorized to pay the reasonable and customary medical bills submitted by Warren Schimmell, in an amount not to exceed \$100,000; be it further

RESOLVED: That the Director of Finance be and is hereby authorized and directed to issue his proper warrant in an amount not to exceed \$100,000, drawn upon the Fleet & General Settlement Fund (Account #678-1500-815.68-24); be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

5-326-09. WHEREAS: City Council passed C.R. 2-119-09 which confirmed and approved the Consolidated Miscellaneous Assessment Roll for 2008 for the several services affecting private property in the approximate amount of \$940,575.75 plus the 25% transfer fee allowed per C.R. 11-1102-02, and

WHEREAS: In accordance with the City Charter, the Treasury Division billed all affected private properties and accepted payments through April 21, 2009 and certifies that the following amount are still due the City for several services affecting private property as follows:

Weed Cutting	\$314,654.69
Nuisance Abatements	104,930.97
Annual Inspections	12,253.83
Annual Maintenance	2,375.80
Annual Monitoring	4,000.00
Special Pickup	1,740.00
C of O Temporary	40.00
Sidewalk Bills	91,179.44
Secure/Board-Up Building	36,972.38
Demo/Demo Related Bills	34,085.00
False Alarm Bills	12,500.00
Sewer	39,371.20
General Fund Interest	40,594.65
Other General	4.10
SD820	2,128.11
SD859	35,056.90
SD860	2,789.84
SD861	2,268.59
SD862	2.98
SD863	8,319.92
SD866	540.67
SD867	<u>51,848.79</u>
Total	\$797,657.86

therefore be it

RESOLVED: That City Council hereby confirms and approves the adjusted Consolidated Miscellaneous Roll for 2008 for the several services affecting private property in the approximate amount of \$797,657.68 plus 25% in the amount of \$199,417.26 per C.R. 11-1102-02 for transfer to the 2009 Tax Roll in the amount of \$997,075.12; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

5-327-09. RESOLVED: That City Council hereby approves the Revised City-wide Travel Policy adopted by C.R. 6-479-99; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Sareini.

5-328-09. WHEREAS: The Realtor Kevin H. George, representing the owner of the property, has offered to sell the substandard structures located at 21334/21360 Outer Drive, Greater Rehoboth Church, Dearborn, Michigan, to the City of Dearborn for the sum of \$250,000 cash, and

WHEREAS: The price at which this property is offered to the City is deemed fair and reasonable and the acquisition is within the intent and spirit of the Land Acquisition for Resale Project; therefore be it

RESOLVED: That City Council hereby determines to acquire the property described as:

The East 10 feet of Lot 358, all of Lots 359 to 366, inclusive, and Lots 456, 457 and 458, including one-half of the vacated alley, Fordson Heights Subdivision No. 1, as recorded in Liber 40, Page 66 of Plats, Wayne County Records.

Tax I.D. 82-09-273-14-002 (paved Parking)
 82-09-273-14-026 (paved Parking)
 82-09-273-14-027 (Church & House)
 Commonly known as 21334/21360 Outer Drive
 Greater Rehoboth Church

from the owner thereof and pay therefore the sum of \$250,000 upon furnishing to the City by said owner of a title insurance policy showing marketable title thereon and when a warranty deed to the premises has been properly executed, approved by the Office of the Corporation Counsel and delivered to the City; be it further

RESOLVED: That this acquisition is contingent upon the terms and conditions set forth in the purchase agreement as reviewed, approved, and executed by the Office of the Corporation Counsel; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount of \$250,000, subject to adjustments, if any, as shown on the closing statement prepared, reviewed and approved by the Office of the Corporation Counsel, drawn upon the General Capital Improvement Project No. C10000, Account #401-1500-435.71-10, payable to the grantor or their nominee in payment of said land; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn for the purchase of 21334/21360 Outer Drive Greater Rehoboth Church; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

5-329-09. WHEREAS: The U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) was authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA) for the purpose of providing decent affordable housing to low and moderate income households, and

WHEREAS: NAHA provides for the designation of geographically contiguous units of local government to participate as a consortium and be considered a single unit of local government for the purposes of the HOME Program, and

WHEREAS: The Cities of Dearborn, Dearborn Heights, Lincoln Park, Livonia, and Taylor, the Charter Township of Canton and the County of Wayne are contiguous units of local government and desire to form a consortia (the "Wayne County HOME Consortia") for the purposes of formulating and submitting required plans for the purpose of receiving an allocation and participating in the HOME Program administered by HUD for which they may be eligible, and for the purpose of cooperating to undertake or to assist in the undertaking of housing assistance activities for the HOME Program; therefore be it

RESOLVED: That Mayor John B. O'Reilly, Jr. is authorized to execute an Inter-local Agreement defining the City of Dearborn's membership and participation in the Wayne County HOME Consortia for the three year period from July 1, 2010 through June 30, 2013; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Darany.

5-330-09. RESOLVED: That the American Arab Chamber of Commerce and A.C.C.E.S.S. be and they are hereby granted permission to conduct the 14th Annual Dearborn Arab International Festival from June 19 through June 21, 2009 subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the festival boundaries for the 2009 festival shall be as follows: Warren Avenue between Hartwell and Kingsley Streets; Miller Road between Warren Avenue and Blesser Street; be it further

RESOLVED: That City Council hereby authorizes the closure of the following roadways:

- Miller Road between Warren Avenue and Blesser Street on Thursday, June 18, 2009 at 4:00 P.M., and re-opened on Monday, June 22, 2009 at 6:00 A.M.
- Warren Avenue between Hartwell and Kingsley Streets on Thursday, June 18, 2009 at 6:00 P.M., and re-opened on Monday, June 22, 2009 at 6:00 A.M.
- Warren Avenue between Hartwell and Reuter Streets on Friday, June 19, 2009 from 5:00 P.M. until 8:00 P.M. in order to accommodate the VIP Reception and Ribbon Cutting Ceremony.

be it further

RESOLVED: That City Council hereby authorizes the use of the City-owned vacant lots off Lonyo Street for additional off-site festival parking; be it further

RESOLVED: That City Council hereby authorizes assistance from the Dearborn Police, Fire, Public Works, Building & Safety and Recreation Departments to insure a safety, healthy, fun and successful event.

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

By Hubbard supported by Sareini.

5-331-09. RESOLVED: That receipts of donations in the amount of \$4,000 from Oakwood Healthcare, \$1,000 from Miller, Canfield, Paddock & Stone LLC & \$500 from Fairlane Town Center to the City of Dearborn for Dearborn's Homecoming 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 proper 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, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Thomas (1).

By Tafelski supported unanimously.

5-332-09. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of William Boisineau, 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, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Thomas (1).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:42 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk