

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

February 7, 2011

The Council convened at 7:00 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 Dan Jongsma of Dearborn Christian Fellowship delivered the invocation.

By Hubbard supported by O'Donnell.

2-47-11. RESOLVED: That the minutes of the previous regular meeting of January 18, 2011 and the special closed meetings of January 11 and 13, 2011, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

2-48-11. WHEREAS: Council Resolution No. 1-36-79 established the "City of Dearborn Industrial Development District No. 1" encompassing the Ford Research and Engineering Center and adjoining property, and

WHEREAS: The City Clerk has received one (1) Application for an Industrial Facilities Tax Exemption Certificate from Link Testing Laboratories, Inc., 401 Southfield Road, for new machinery and equipment personal property located within the "City of Dearborn Industrial Development District No. 1", as required for relating to vehicle testing operations, in the amount of \$6,897,000, and

WHEREAS: Link Testing Laboratories, Inc. has required the Industrial Facilities Tax Exemption for twelve (12) years following a two (2) year construction period, and

WHEREAS: Act No. 198, P.A. of 1974, as amended, Section 6 (MCLA 207.556) provides:

SEC 6. The legislative body of the local governmental unit, not more than 60 days after receipt by its Clerk of the Application, shall by resolution either approve or disapprove the Application for an Industrial Facilities Tax Exemption Certificate in accordance with Section 9 and the other provisions of this act. If disapproved, the reasons shall be set forth in writing in the resolution. If approved, the Clerk shall forward the Application to the Commission. If disapproved, the Clerk shall return the Application to the applicant. The applicant may appeal the disapproval to the Commission within 10 days after the date of the disapproval,

and

WHEREAS: Act No. 198, P.A. of 1974, as amended, Section 9 (1) (MCLA 207.559) provides:

SEC 9 (1). The legislative body of the local governmental unit, in its resolution approving an Application, shall set forth a finding and determination that the granting of the Industrial Facilities Tax Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Tax Exemption Certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of a taxing unit with levies an ad valorem property tax in the local governmental unit in which the facility is located or to be located. If the state

equalized valuation of the property proposed to be exempt pursuant to an Application under consideration, considered together with the aggregate state equalized valuation of property exempt under certificates previously granted and currently in force, exceeds 5% of the state equalized valuation of the local governmental unit, the Commission, with the approval of the State Treasurer, shall make a separate finding and shall include a statement in the order approving the Industrial Facilities Tax Exemption Certificate that exceeding that amount shall not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of any affected taxing unit,

and

WHEREAS: Act No. 198, P.A. of 1974, as amended, Section 5 (2) (MCLA207.555) provides:

SEC 5 (2). Upon receipt of an application for an industrial facilities exemption certificate, the Clerk of the local governmental unit shall notify in writing the Assessor of the governmental unit in which the facility is located or to be located, and to the legislative body of each taxing unit which levies ad valorem property taxes in the local governmental unit in which the facility is located or to be located. Before acting upon the Application, the legislative body of the local governmental unit shall afford the Applicant, the Assessor, and a representative of the affected taxing units an opportunity for a hearing;

be it

RESOLVED: That the City Council hereby designates Thursday, March 10, 2011 at 5:30 P.M. as the date and time for a Special Council Meeting, for the purposes of holding a Public Hearing and taking action on the one (1) Application for an Industrial Facilities Tax Exemption Certificate from Link Testing Laboratories, Inc., 401 Southfield Road, for new personal property in the amount of \$6,897,000, involving new machinery and equipment required for vehicle testing operations; be it further

RESOLVED; That the City Clerk is hereby authorized and directed to provide copies of the Applications, if requested, to the legislative bodies of governmental units deriving property taxes from the property which will be affected by granting the Industrial Facilities Tax Exemption Certificate, as required by Act No. 198, P.A. of 197, as amended; be it further

RESOLVED: That no payment of any kind in excess of the fee allowed, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application; be it further

RESOLVED: That the City Clerk is hereby authorized and directed to notify in writing each of the taxing units of the pending Public Hearing of the City Council on Link Testing Laboratories, Inc.'s Application; specifically, to provide notice in writing to the following taxing units:

Dearborn Board of Education
Wayne County Board of Commissioners
Wayne County Regional Educational Services Agency
Henry Ford Community College

be it further

RESOLVED: That the City Clerk is hereby authorized and directed to publish a copy of the following "Notice of Hearing" in the official newspaper for the City of Dearborn:

NOTICE OF HEARING

TO ALL RESIDENTS AND TAXPAYERS OF THE CITY OF DEARBORN, MICHIGAN

TAKE NOTICE that the City Council of the City of Dearborn will be holding a Public Hearing on Thursday, March 10, 2011 at 5:30 P.M. to consider the request of Link Testing Laboratories, Inc., 401 Southfield Road, for an Industrial Facilities Tax Exemption Certificate for new machinery and equipment personal property required for vehicle testing operations. At this Public Hearing, all residents and taxpayers will have the opportunity to speak on the request of Link Testing Laboratories, Inc. to obtain an Industrial Facilities Tax Exemption Certificate for the proposed project and the resulting potential tax relief, as identified on the submitted application.

Act No. 198, P.A. of 1974, as amended provides that the City Council may issue an Industrial Facilities Tax Exemption Certificate for the purpose of establishing a business climate conducive to new development and retaining or expanding employment opportunities within the community. Council Resolution No. 1-36-79 established the "City of Dearborn Industrial Development District No. 1" encompassing the Ford Research and Engineering Center and adjoining property which includes the subject property located at 401 Southfield Road.

Representatives from Link Testing Laboratories, Inc., city administration, school districts and other taxing units levying ad valorem property taxes in the City and residents and taxpayers will be afforded a full opportunity to question and

comment upon the proposed issuance of the Industrial Facilities Tax Exemption Certificate at the Public Hearing on Thursday, March 10, 2011 at 5:30 P.M. in the City Council Chambers, City Hall, Dearborn, Michigan.

Individuals with disabilities who require special accommodations, auxiliary aids or services to attend or participate in this program should contact the Department of Assessment at 943-2140 or the TDD at 943-2074. Reasonable advance notice is required.

The notice is given by order of the City Council of the City of Dearborn, in accord with the requirements of the City Council Rules of Order, Section 5.2.

KATHLEEN BUDA
City Clerk

be it further

RESOLVED: That to insure the timely implementation of the provisions of this resolution, it is hereby given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

2-49-11 RESOLVED: That Ordinance No. 11-1311 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 11-1311 entitled, "An Ordinance to Amend the Administration Chapter (Chapter 2) of the Code of the City of Dearborn by Amending Article IV, Division 4, entitled 'Purchasing and Disposition of Goods and Services'."

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?"

2-49-11. Upon roll call the Ordinance was unanimously adopted.

By Hubbard supported by Bazzy.

2-50-11. RESOLVED: That Ordinance No. 11-1312 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 11-1312 entitled, "An Ordinance to Amend Article II of the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Adding Section 14-44A entitled 'Medical Treatment for Those Confined'."

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?"

2-50-11. Upon roll call the Ordinance was unanimously adopted.

Councilmember Hubbard introduced Ordinance No. 11-1313, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located on north side of Dix east of Roulo (Lots 1 through 7 inclusive, Peter Roulo's Subdivision) from a Residential A (One Family Residential District) to a Business B (Community Business District) and the property on the east side of Roulo (Lots 8 through 14) from a Residential A (One Family Residential District) to a VP (Vehicular Parking 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 Sareini supported by O'Donnell.

2-51-11. RESOLVED: That proposed Ordinance No. 11-1313 be laid on the table.

The resolution was unanimously adopted.

Councilmember introduced Ordinance No. 11-1314, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located north of Rotunda Drive between Schaefer Road and Detroit Industrial Freeway (I-94) from an Industrial C (Intensive Industrial District) to an Industrial B (Medium Industrial 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 Sareini supported by O'Donnell.

2-52-11. RESOLVED: That proposed Ordinance No. 11-1314 be laid on the table.

The resolution was unanimously adopted.

By Hubbard supported by Bazzy.

2-53-11. WHEREAS: In 1992, the developer of Integrated Computer Technology (ICT) Office Building located at 5500 Auto Club Drive constructed an 8" diameter water main to City standards and under City inspection to service their developments. Council Resolution 3-127-92 authorized acceptance of the 12 foot wide water main easement. The 12 foot wide water main easement was recorded with the Wayne County Register of Deeds, Liber 25656 Page 668. In 1994, the addition to the ICT Office Building was made (Phase II) which required abandonment/removal of a portion of the old water main and addition of new water mains. In order to maintain the continuity of the water easements at this location, the City Engineer has requested that City Council vacate the easement as authorized in C.R. 3-127-92 and recorded in Liber 25656 Page 668, and

WHEREAS: In conjunction with the vacation of the above mentioned water main easement, it is necessary to acquire two new 12 foot wide water main easements to maintain public water main to service the ICT Office Building. Ford Motor Land Development Corporation, the owner of the ICT Building has provided the new legal descriptions of the two water main easements described as follows:

Two (2) 12 foot wide easements for water mains located in the Northeast $\frac{1}{4}$ Section 14, Township 2 South, Range 10 East, City of Dearborn, County of Wayne, State of Michigan, centerline of said easement more particularly described as:

Easement 1

Beginning at the said point of intersection of the southerly right-of-way line of Ford Road (M-153 variable width) and the easterly right-of-way line of Auto Club Drive (variable width); thence along said easterly right-of-way line of Auto Club Drive South 01 Degrees 22 Minutes 33 Seconds East 82.02 feet; thence continuing along the easterly right-of-way line of Auto Club Drive (86 feet wide at this point) south 27 Degrees 22 Minutes 33 Seconds East 201.20 feet to the Point of Beginning; proceeding thence North 62 Degrees 30 Minutes 40 Seconds East 180.65 feet to the point designated as "A"; thence South 46 Degrees 22 Minutes 33 Seconds East 322.01 feet to a point designated as "B"; thence continuing South 46 Degrees 22 Minutes 33 Seconds East 2.09 feet; thence North 87 Degrees 23 Minutes 10 Seconds East 28.06 feet to a point designated as "C"; thence continuing North 87 Degrees 23 Minutes 10 Seconds East 15.00 feet; thence South 02 Degrees 36 Minutes 50 Seconds East 13.00 feet; thence

South 47 Degrees 36 Minutes 50 Seconds East 57.30 feet; thence South 01 Degrees 14 Minutes 47 Seconds East 174.06 feet to a point on the easterly right-of-way of said Auto Club Drive said point being a point of ending; also continuing thence from the point designated as "A" North 46 Degrees 22 Minutes 33 Seconds West 22.20 feet; thence North 01 Degrees 22 Minutes 33 Seconds West 35.00 feet; thence North 88 Degrees 37 minutes 27 Seconds East 12.40 feet to a point of ending; also continuing thence from a point designated as "B" South 43 Degrees 37 Minutes 27 Seconds West 12.17 feet to a point of ending; also continuing thence from the point designated as "C" North 02 Degrees 36 Minutes 50 Seconds West 13.00 feet; thence North 42 Degrees 23 Minutes 10 Seconds East 31.17 feet; thence North 21 Degrees 30 Minutes 42 Seconds West 7.39 feet; thence North 01 Degrees 11 Minutes 36 Seconds West 25.10 feet to a point of ending at the face of the building located at 5500 Auto Club Drive.

Easement 2

Beginning at the said point of intersection of the southerly line of Ford Road (M-153 variable width) and the easterly line of Auto Club Drive (variable width); thence along the southerly right-of-way line of Ford Road North 88 Degrees 37 Minutes 27 Seconds East 1021.75 feet to a point of beginning for continuation of 12 foot wide watermain easement; proceeding thence South 05 Degrees 21 Minutes 56 Seconds East 12.77 feet; thence South 88 Degrees 14 Minutes 49 Seconds West 20.00 feet; thence South 44 Degrees 52 Minutes 46 Seconds West 138.50 feet; thence South 01 Degrees 20 Minutes 23 Seconds East 20.00 feet to a point designated as "D"; thence North 88 Degrees 39 Minutes 37 Seconds East 133.00 feet; thence North 48 Degrees 58 Minutes 19 Seconds East 77.00 feet; thence North 88 Degrees 26 Minutes 27 Seconds East 29.00 feet to a point designated as "E"; thence North 04 Degrees 52 Minutes 19 Seconds East 78.41 feet to a point of ending at the southerly right-of-way line of said Ford Road (M-153 variable width); also continuing thence from the point designated as "D" South 88 Degrees 39 Minutes 37 Seconds West 16.25 feet; thence North 02 Degrees 30 Minutes 08 Seconds East 12.00 feet to a point of ending; also continuing thence from the point designated as "E" South 04 Degrees 52 Minutes 19 Seconds West 5.33 feet to a point of ending at the East line of said I.C.T. property.

and

WHEREAS: The City Engineer has requested authorization to accept and sign the water main easement agreement, for the above-mentioned easements, on behalf of the City, subject to review by Corporation Council, and

WHEREAS: The City Engineer has also requested that the City Clerk be authorized to record the necessary documents with the Wayne County Register of Deeds Office; be it

RESOLVED: That City Council hereby authorizes the vacation of the easement as authorized in C.R. 3-127-92 in order to maintain the continuity of the water easements at 5500 Auto Club Drive; be it further

RESOLVED: That City Council hereby authorizes the City Engineer to accept and sign the water main easement agreement, for the above-mentioned easements, on behalf of the City, subject to review by Corporation Council; be it further

RESOLVED: That City Council authorizes the City Clerk to record the necessary documents with the Wayne County Register of Deeds Office; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

2-54-11. RESOLVED: That Change Order No. 1 with Downunder Municipal Services, LLC which provides for Cleaning and Video Inspection of Sewers in the amount of \$85,000 is hereby approved; be it further

RESOLVED: That the City Engineer be authorized to execute it on behalf of the City; be it further

RESOLVED: That this Change Order shall be financed from the Sewer Fund, Sewer Repair/Maintenance Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

2-55-11. RESOLVED: That all bids received for Miscellaneous Electrical Supplies on an As-Needed Basis are hereby rejected except the bid of Graybar Electric in the total two-year amount of \$104,000, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal two-year 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 two-year contract shall be financed from various departmental budgets as follows:

February 2011 through June 30, 2011	\$23,000
July 1, 2011 through June 30, 2012	\$54,000
July 1, 2012 through January 30, 2013	\$27,000

with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 and FY13 budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

2-56-11. RESOLVED: That City Council hereby authorizes an increase to the contract with Professional Services Industries, Inc. (C.R. 2-72-10) in the amount of \$75,000, bringing the total contract amount to \$150,000 through June 19, 2011, for Testing and Geotechnical Services; be it further

RESOLVED: That this contract increase shall be financed from established City-wide Project Budgets contingent upon available budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by O'Donnell.

2-57-11. RESOLVED: That City Council hereby authorizes an increase to the contract with R & M Contracting (C.R. 11-657-10) in the amount of \$7,292, bringing the total contract amount to \$49,150.20 for Additional Tree Planting in the Columbus Park Neighborhood; be it further

RESOLVED: That this contract increase shall be financed from the General Capital Improvement, Public Works, Parks Division, Planting Materials Account, Project B09000; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Shooshanian supported by Sareini.

2-58-11. RESOLVED: That the proposed resolution by Councilmembers Sareini and Hubbard authorizing a contract extension with Tax Management Associates, Inc. (C.R. 6-467-06) in the amount of \$50,000 for Personal Property Auditing Services and requesting immediate effect be and is hereby tabled.

The resolution was unanimously adopted.

By Hubbard supported by Shooshanian.

2-59-11. RESOLVED: That City Council hereby authorizes an increase to the contract with Plante and Moran (C.R. 3-153-10) in the amount of \$43,500, bringing the total contract amount to \$152,500, to complete its work in support of the Community Task Force; be it further

RESOLVED: That City Council hereby authorizes a reallocation of General Fund fund balance into the Economic & Community Development, Other Professional Services Account order to finance this increase; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

2-60-11. RESOLVED: That City Council hereby amends the employment agreement with Gary Evanko by increasing the compensation cap this year in the amount of \$20,000, bringing the total compensation cap to \$95,000, to Provide Level IV Assessor/Director of Assessment Services; be it further

RESOLVED: That City Council hereby authorizes a reallocation of General Fund fund balance in order to finance this agreement increase; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

2-61-11. WHEREAS: The City Engineer has requested that the Finance Department be authorized to establish a project in the Engineering Services Fund with Angelo Iafrate Construction Company in the amount of \$7,700. This account shall be used to fund engineering and administrative services performed by City personnel in connection with water main construction within the public right-of-way of the northbound Southfield Service Drive from Rotunda to approximately 770' north, and

WHEREAS: The Engineering staff shall monitor the Expendable Trust Account during the execution of the construction. If it is determined that the Expendable Trust amount of \$7,700 is about to be exhausted and the construction is not complete, the Engineering Division staff will request that the developer replenish the escrow funds, and

WHEREAS: Exact engineering, construction inspection and overhead costs shall be determined and any difference between actual costs and the deposit amount shall be refunded/charged at that time; be it

RESOLVED: That City Council hereby authorizes the Finance Department to establish a project in the Engineering Services Fund with Angelo Iafrate Construction Company in the amount of \$7,700 for engineering and administrative services performed by City personnel in connection with water main construction within the public right-of-way of the northbound Southfield Service Drive from Rotunda to approximately 770' north, subject to the above-mentioned conditions; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

2-62-11. WHEREAS: The City presently has a contract with ADAPCO, Inc. (C.R. 3-147-10) for Mosquito Control Supplies, and

WHEREAS: The original contract specifications allow for a renewal of one year beyond the expiration of the present contract. This is the final renewal, and

WHEREAS: ADAPCO, Inc. has offered to renew the present contract prices; be it

RESOLVED: That the contract for Mosquito Control Supplies is hereby renewed with ADAPCO, Inc. in the amount of \$26,048; be it further

RESOLVED: That this contract shall be financed from the Sewer Fund, Public Works, Sewerage Division, Facilities Maintenance, Operating Supplies Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

2-63-11. WHEREAS: The City presently has a contract with Centron Data Services, Inc. (C.R. 12-832-09) for the Printing and Mailing of the City's Tax Bills and Rolls, and

WHEREAS: The original contract specifications allow for two (2) renewals of one year beyond the expiration of the present contract. This will be the first renewal, and

WHEREAS: Centron Data Services, Inc. has offered to renew the present contract prices for the period of April 2011 through March 2012; be it

RESOLVED: That the contract for the Printing and Mailing of the City's Tax Bills and Rolls is hereby renewed with Centron Data Services, Inc. for the period of April 2011 through March 2012 in the approximate amount of \$20,009.40 for Printing of the 2011 Tax Bills and Rolls and in the approximate amount of \$31,000 for Postage and Mailing Reimbursement for a total approximate amount of \$51,009.40; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Finance Department, Treasurer Division, Contractual & Other Services Account in the approximate amount of \$20,009.40 for FY12 and the General Fund, Finance Department, Treasurer Division, Supplies, Postage Account in the approximate amount of \$15,500 for FY11 and in the approximate amount of \$15,500 for FY12 and is contingent upon adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

Renewed on 1/10/12 per C.R. 1-12-12

By Hubbard supported by Bazzy.

2-64-11. RESOLVED: That City Council hereby authorizes the Mayor to renew the City's membership with the Conference of Western Wayne in the amount of \$11,249 for Fiscal Year 2010/2011; be it further

RESOLVED: That this membership renewal shall be financed from City-wide Account #101-1299-421.65-00 for FY11; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Shooshanian.

2-65-11. WHEREAS: The Treasury Division was notified that 6061 Miller was purchased by Nada Mahmud at Wayne County's October 2010 Foreclosure sale, and

WHEREAS: The 6061 Miller property (Parcel #82-10-083-14-046) has delinquent miscellaneous receivable charges and water charges on the 2010 summer tax roll as follows:

Water account #3-0196-3	
Water Base Bill	\$235.02
Penalty	\$120.82
25% Transfer Fee	<u>\$ 88.96</u>
Total	\$444.80

Invoice #8606, 9120, 9816, 10587, 10974, 11308	
Property Maintenance	\$728.38
Penalty	\$ 24.17
25% Transfer Fee	<u>\$188.14</u>
Total to be adjusted	\$940.69

and

WHEREAS: Under current property tax law, the purchaser at the county foreclosure sale is not responsible for the payment of the delinquent liens on the 2010 summer tax bills for parcels purchased at public auction, and

WHEREAS: The Department of Law stated that according to MCL 211.78k and 211.78m, 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 county auction, that person is not responsible for the payment of prior years' taxes and any liens in existence as of December 31 following the date of sale, and

WHEREAS: The delinquent miscellaneous and water charges existed prior to December 31 following the date of purchase at the foreclosure auction and the purchaser is not responsible for payment; be it

RESOLVED: That City Council hereby adjusts the 2010 summer tax rolls in the amount of \$1,385.49; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

2-66-11. RESOLVED: That City Council hereby authorizes the Mayor to execute, on behalf of the City, a reciprocal library borrowing agreement between the City of Dearborn and the City of Dearborn Heights; be it further

RESOLVED: That the agreement shall be for one-year in order to give both library systems the ability to review all impacts of the agreement and to extend, renew, modify or terminate the agreement; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Shooshanian.

2-67-11. WHEREAS: The Dearborn Village Partners (DVP)-North Preferred Developer Agreement (PDA) and Lease of City Parking Lot A expire on December 31, 2010, and

WHEREAS: DVP has requested an extension of the PDA and the Lease of City Parking Lot A because it is discussing a potential collaboration with Michael Hamame, Cambridge Realty, and Ahmed Boomrod to move this mixed-use project forward, including exploring the possibility of expanding the Brownfield redevelopment project area to include the vacant West Village Commons property between the City's two parking decks on West Village Drive, and

WHEREAS; The package of incentives provided by the State of Michigan and the City of Dearborn (Michigan Business Tax Credit and Brownfield Plan #8 Reimbursement) assigned to this project are a substantial and important aspect of ensuring project financial feasibility for the DVP development to occur, and

WHEREAS: DVP has indicated a commitment to pay the necessary administrative fees and obtain a letter of approval from the State of Michigan for these incentives within 60 days from December 28, 2010, which is no later than February 26, 2011, and

WHEREAS: DVP has indicated a commitment to cleaning, securing, and clearing the sites and exteriors of the vacant properties in the project area, commonly known as the former Bally's fitness center, former Guiliano's restaurant, and former Brother's Tuxedo shop buildings, within 60 days from December 28, 2010, which is no later than February 26, 2011

WHEREAS: DVP has indicated a commitment to provide the City with the necessary insurance as required by the Parking Lot Lease for a one year extension within 60 days from December 28, 2010, which is no later than February 26, 2011; now therefore be it

RESOLVED: That the City Council authorizes the Mayor to sign an Amendment which extends the DVP-North Preferred Developer Agreement (PDA) and the Parking Lot Lease between DVP and the City of Dearborn for ~~one year~~ **sixty (60) days**, beginning January 1, 2011 and ending ~~December 31, 2011~~ **February 26, 2011**. **If, and only if, DVP meets all the following conditions within the next 60 days, which is no later than February 26, 2011, then the Mayor may extend the PDA and the Parking Lot Lease until December 31, 2011:**

- Pay the necessary administrative fees and obtain a letter of approval from the State of Michigan for all previously approved development incentives, and
- Clean, secure, and clear the sites and exteriors of the vacant properties in the project area, commonly known as the former Bally's fitness center, former Guiliano's restaurant, and former Brother's Tuxedo shop buildings, and
- Provide the City with the necessary insurance as required in the Parking Lot Lease that evidences the requisite insurance coverage through December 31, 2011.

be it further

RESOLVED: That if all of the foregoing conditions precedent are not satisfied by February 26, 2011, then no further extensions of the PDA will be considered and the PDA **and the Parking Lot Lease** will expire on that date. However, if the Mayor agrees that DVP made timely, good faith efforts to obtain the approval letter from the State of Michigan **by making the required payment**, and that circumstances beyond the control of the City or DVP prevented the letter from being obtained within 60 days, then the Mayor may extend the time within which to satisfy that particular condition by 30 days; be it further

RESOLVED: That if the conditions precedent are satisfied and the PDA **and Parking Lot Lease are ~~is~~** extended **until December 31, 2011, then during 2011** DVP must provide detailed quarterly reports to the Mayor and City Council concerning its efforts and progress on the project; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

2-68-11. WHEREAS: Alina Deac purchased the vacant lot located on Cooke Street from Michael A. Mathis in November 2004, and

WHEREAS: The title company prepared and filed a Property Transfer Affidavit with the City of Dearborn, but failed to indicate the proper mailing address for Ms. Deac, and

WHEREAS: Ms. Deac lost her vacant lot to the County because the 2004 taxes went unpaid, and

WHEREAS: Ms. Deac requested to redeem the property from the City so she can build a house on it, and

WHEREAS: The City of Dearborn purchased the property located on Cooke Street from the County through the tax-reversion process in September 2007 for \$582.45, and

WHEREAS: It has been the past practice and policy of the City to allow property owners to redeem their property due to an oversight, such as this, as long as they pay costs and back taxes with penalties and interest as of the closing date, and

WHEREAS: The owner has agreed to pay all back taxes and interest, penalties, and costs to date, and commence construction of a single-family home within 12 months from the date of closing; therefore be it

RESOLVED: That City Council hereby authorizes the Mayor to execute a Quit Claim Deed for land legally described as:

Lot 447, Georgia Park Sub. No. 1, City of Dearborn, Wayne County, Michigan, as recorded in Liber 41, Page 2 of Plats, Wayne County Records.

Tax I.D. 82-09-292-02-017
Commonly known as vacant lot on Cooke Street

to Alina Deac, provided all taxes, penalties and interest, plus costs due up to the closing date are paid, and provided that she commence construction of a single-family home (as required in the City's Land Sales Guidelines) within 12 months from the date of closing. As of February 2011, the amount will be \$5,246.06; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

2-69-11. WHEREAS: Council Resolution 9-555-10 approved Mr. Ashour's request to redeem the house located at 7103 Payne, provided that he make the required repairs from the inspection report generated from the inspection conducted on June 29, 2010, and

WHEREAS: He was required to convert the house to a single-family residence and complete the necessary repairs within ninety (90) days of the effective date of the executed Hold Harmless Agreement, and

WHEREAS: Since that authorization was given, the Legal Department was informed by Mr. Ashour that he no longer wishes to redeem the property from the City because he did not wish to convert the house to a single-family house and that he no longer has the funds to make the required repairs, and

WHEREAS: Mr. Ashour was notified that it would be recommended that the Council Resolution approving his redemption be rescinded, and

WHEREAS: Mr. Ashour was advised to remove his personal property and to vacate the property by February 7, 2011 (the day his Hold Harmless expires); therefore be it

RESOLVED: That Council Resolution 9-555-10 is rescinded; be it further

RESOLVED: That Mr. Ashour is required to remove his personal property and vacate the house located at 7103 Payne by February 7, 2011; be it further

RESOLVED: That the Corporation Counsel or her designees is hereby authorized to institute eviction proceedings if the property is not vacated by February 7, 2011; be it further

RESOLVED: That this house will be demolished and the vacant lot held for future development or sale; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

2-70-11. WHEREAS: The City Council, by C.R. 9-514-10, adopted on September 7, 2010, declared its intent to: a) establish a corridor improvement authority and b) establish the boundaries of the authority corridor improvement development area, and determined that certain required criteria had been met with respect to the proposed development area as established by the Corridor Improvement Authority Act, Act 280 of the Public Acts of Michigan of 2005, as amended, MCL 125.2871, et seq. (the "Act"), and

WHEREAS: Pursuant to the Act, a public hearing was held on November 3, 2010 on the establishment of a corridor improvement authority and the establishment of the boundaries of an authority corridor improvement development area, notice of which, as required by the Act, was a) published twice in the Press & Guide, a newspaper of general circulation in the City, not less than 20 days or more than 40 days before the hearing, b) mailed by first-class mail to i) the property taxpayers of record in the proposed development area and ii) the State Tax Commission not less than 20 days before the hearing, and iii) the governing body of each taxing jurisdiction levying taxes within the proposed development area and c) posted in at least 20 conspicuous public places in the proposed development area, and

WHEREAS: All interested persons were given the opportunity to be heard at the public hearing, and

WHEREAS: The City Council has determined to proceed with the establishment of a corridor authority, the establishment of the boundaries of an authority corridor development area and the establishment and composition of an authority board; therefore, be it

RESOLVED: That there is hereby created pursuant to the Act a corridor improvement authority known as the "Warren Business District Improvement Authority" (the "Authority"). The Authority shall be a public body corporate which may sue and be sued and shall possess all the powers necessary to carry out the purposes of its creation. The enumeration of a power in this resolution or in the Act shall not be construed as a limitation upon the general powers of the Authority; be it further

RESOLVED: That the development area in which the Authority shall exercise its powers as provided by the Act shall consist of property located within the City and be included within the boundaries identified in the attached Exhibit A ("Development Area"); be it further

RESOLVED: That the Authority shall be under the supervision and control of a board (the "Board") consisting of a) the Mayor or his/her designee, and b) six (6) members appointed by the Mayor and approved by the City Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. At least one (1) of the members shall be a resident of the Development Area or of an area within one half (1/2) mile of any part of the Development Area. Except for the initial appointments, which shall be in accordance with this resolution, appointments to the Board shall be for a term of four (4) years as provided in the Act. Each member of the Board shall serve without compensation and shall hold office until a successor is appointed; be it further

RESOLVED: That the initial appointed members of the Board shall consist of two members appointed to terms ending June 30, 2012, two members appointed to terms ending June 30, 2013 and two members appointed to terms ending June 30, 2014; be it further

RESOLVED: That the Board shall, pursuant to the relevant provisions of the Act, a) adopt rules governing its procedures and the holding of meetings, subject to the approval of the City Council, b) select a director, c) elect officers and d) retain legal counsel, be it further

RESOLVED: That upon adoption of this resolution, the City Clerk is directed to file a certified copy with the Michigan Secretary of State and publish a copy in the Press & Guide; be it further

RESOLVED: That all resolutions or parts of resolutions in conflict with the above be rescinded; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

2-71-11. WHEREAS: Council Resolution No. 5-329-09 authorized the City of Dearborn to enter into an inter-local agreement defining its membership and participation with the Wayne County HOME Consortia, and

WHEREAS: The City of Dearborn's share of the consortium's 2010-11 funding allocation from the U.S. Department of Housing and Urban Development HOME Investment Partnerships Program is \$600,040.92, plus any program income that may be generated by program activities, and

WHEREAS: HUD HOME Program regulations require a twenty-five percent local match (\$150,010.23), and

WHEREAS: Council Resolution 11-739-08 stipulates that proceeds from the resale of property acquired through locally funded Neighborhood Stabilization Program Project C05500 will be automatically budgeted and appropriated to Project C05500. If any such property is donated to the HOME Program, the proceeds from that donation/resale transaction shall be zero; therefore be it further

RESOLVED: That the Director and Deputy Director of the Economic and Community Development Department are designated as authorized signatories for plans, applications, agreements, amendments, reports and documents related to this program; be it further

RESOLVED: That the Economic and Community Development Department is authorized to administer program activities and sub-recipient agreements; be it further

RESOLVED: That the Finance Department is hereby authorized to establish a project (C08000) in the Community Development Fund (283) for Wayne County HOME Consortia activities; be it further

RESOLVED: That the Director of Finance is hereby authorized to recognize program revenue and appropriate a like amount in the Community Development Fund Wayne County HOME Consortia Project C08000 as received; be it further

RESOLVED: That City-owned residential property that is suitable for renovation and resale may be donated to the HOME Program to satisfy local match requirements; be it further

RESOLVED: That when a City-owned property is donated to the HOME Program, the proceeds from the future resale of that property shall become program income to the HOME Program; be it further

RESOLVED: That the Director of Finance may automatically establish a revenue budget and corresponding appropriations in the Community Development Fund Project C08000 base upon program income that is generated by HOME Program activities; be it further

RESOLVED: That the Finance Department is hereby authorized to receive and disburse funds as authorized under this resolution; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

2-72-11. WHEREAS: P.A. 390 of 1994, which amended Section 7u of Act No. 206 of the Public Acts of 1893, as amended by Act No. 313 of the Public Acts of 1993, being Section 211.7u of the Michigan Compiled Laws, requires the local governing body of the assessing unit to determine and make available to the public the policy and guidelines for granting of poverty exemptions under this Section, and

WHEREAS: P.A. 620 of 2002 amended Section 211.7u of the Michigan Compiled laws and requires that local governing bodies set income levels for their poverty exemption guidelines and that those income levels shall not be set lower by a City or Township than the Federal Poverty Guidelines updated annually by the U.S. Department of Health and Human Services; therefore, be it

RESOLVED: That to be eligible for a poverty exemption in the City of Dearborn, a person must be the owner and must occupy the property as a homestead for which the exemption is requested; file a completed, signed and notarized application; file copies of federal and state income tax returns for all persons residing in the homestead, including any property tax credit forms and/or Statement of Benefits Paid from the Michigan Department of Social Services or Social Security Administration; meet local Poverty Income Standards; be it further

RESOLVED: That the poverty income levels be set to: Family of 1 - \$16,245, Family of 2 - \$21,855, Family of 3 - \$27,465, Family of 4 - \$33,075, Family of 5 - \$38,685, Family of 6 - \$44,295, Family of 7 - \$49,905, Family of 8 - \$55,515 and for each additional person add \$5,610; be it further

RESOLVED: That the applicant's annual taxable and non-taxable interest/dividend income must be less than \$1,250; be it further

RESOLVED: That the applicant's total asset of the entire household, excluding homestead, cannot exceed \$30,000; be it further

RESOLVED: That the applicant may not have ownership interest in any real estate other than the homestead; be it further

RESOLVED: That Board of Review requires identification of all persons residing in the homestead and proof of ownership of the homestead under consideration for poverty exemption; be it further

RESOLVED: That the Board of Review may request from the applicant any supporting documents which may be utilized in determining a poverty exemption request; be it further

RESOLVED: That the completed poverty exemption application must be filed after January 1, but before the day prior to the last day of the Board of Review in the year in which the exemption is sought; be it further

RESOLVED: That the Board of Review may deny any appeal, regardless of income, if the financial hardship appears to be self created by the actions of the person or persons applying for poverty exemption; be it further

RESOLVED: That the Board of Review may deviate from the established policy and guidelines only for substantial and compelling reasons. The applicant will be notified, in writing, the reasons for deviating from the policy and guidelines for poverty exemption; be it further

RESOLVED: That to conform to the provisions of P.A. 390 of 1994 and P.A. 620 of 2002, this resolution, is hereby given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Hubbard.

2-73-11. RESOLVED: That the City of Dearborn, in accord with Section 436.17 of the Michigan Liquor Control Act, hereby approves the transfer of ownership of an Escrowed 2010 Class C licensed business with Dance Permit, located at 13732-13736 Michigan Ave, Dearborn, Michigan, from RAAW Management, LLC to One Way Pub, LLC & New Entertainment Permit; be it further

RESOLVED: That such approval shall not be effective and shall not be so forwarded unless and until the payment of all personal property taxes assessed to the transferor have been made; be it further

RESOLVED: That a certified copy of this resolution be forwarded to the Michigan Liquor Commission, State Secondary Governmental Complex, 7150 Harris Drive, P.O. Box 30005, Lansing, Michigan 48909; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted upon roll call as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (7). Nays: None. Absent: None.

By Hubbard supported by O'Donnell.

2-74-11. RESOLVED: That City Council hereby waives the \$45.00 fee for a temporary sign permit advertising West Village Dental Care, 22615 Michigan, "Smiles for Life" Charity event as proceeds will go to the Dearborn Foundation; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported unanimously.

2-75-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Josephine Maguire Hawthorne, 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 Sareini supported unanimously.

2-76-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Ronald Grimwade, Sr., 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 Abraham supported unanimously.

2-77-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Clemens Glotzhober, 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.

2-78-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Pam Pelaccio, 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.

2-79-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Marjorie Caddy, 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.

Hakim Fakhoury, 2 Hampton Ct. - Submitting a proposed resolution authorizing DVP to use escrow funds in the amount of \$37,500 to keep \$9,000,000 in tax credits from the M.E.D.C.

2-80-11. No City Council action was taken on this communication.

Jenny Burns, 15014 Sumner Rd., Redford, 48239 - Requesting City Council adopt a resolution in support of the Glass-Steagall legislation.

2-81-11. The communication was referred to the Legal Department.

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 8:25 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk