

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

February 22, 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, O'Donnell, Sareini, Shooshanian and President of the Council Tafelski; absent, Councilmember Hubbard. A quorum being present, the Council was declared in session.

Pastor John Aho of Dearborn Evangelical Covenant Church delivered the invocation.

By Shooshanian supported by O'Donnell.

2-82-11. RESOLVED: That the minutes of the previous regular meeting of regular meeting of February 7, 2011, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Bazy supported by O'Donnell.

2-83-11. 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 be and is hereby taken from the table.

The resolution was adopted as follows: Yeas: Abraham, Bazy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Sareini supported by O'Donnell.

2-84-11. WHEREAS: The City had a contract with Tax Management Associates, Inc. for Personal Property Auditing Services as originally authorized by C.R. 7-701-02, 6-467-06, and via an Advisory Notice dated May 28, 2009, which made the contract valid through June 30, 2010, and

WHEREAS: The Assessors Department has requested an extension through June 30, 2012, in the amount of \$50,000 utilizing Section 2-568(b)8 of the Purchasing Ordinance, which allows for continuity of professional services beyond the expiration of a contract. This extension will allow the City to address a large number of expected appeals to be filed, address challenges before the State Tax Commission, and maintain continuity and accurately assess the value of large personal property accounts; be it

RESOLVED: That City Council hereby authorizes a contract extension with Tax Management Associates, Inc. (C.R. 6-467-06) in the amount of \$50,000 for Personal Property Auditing Services; be it further

RESOLVED: That this contract extension shall be financed from the General Fund, Assessor, Contractual Services Fund and is subject to approval of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Shooshanian supported by O'Donnell.

2-85-11. RESOLVED: That Ordinance No. 11-1313 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

The Clerk then read 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 the 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 inclusive, Peter Roulo's Subdivision) from a Residential A (One Family Residential District) to a VP (Vehicular Parking 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?"

2-85-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By O'Donnell supported by Bazzy.

2-86-11. RESOLVED: That Ordinance No. 11-1314 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

The Clerk then read 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 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?"

2-86-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

Councilmember Shooshanian introduced Ordinance No. 11-1315, entitled, "An Ordinance to Amend the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn by Amending Article III, entitled 'Snow Removal'."

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.

2-87-11. RESOLVED: That proposed Ordinance No. 11-1315 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

Councilmember Shooshanian introduced Ordinance No. 11-1316, entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Adding Division 1A to Article IV, entitled 'Regulation and Licensing of Certain Aspects of Medical Marijuana Cultivation, Use and Distribution'."

The Clerk read the Ordinance by title.

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

By Bazzy supported by Sareini.

2-88-11. RESOLVED: That proposed Ordinance No. 11-1316 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Shooshanian supported by Bazzy.

2-89-11. RESOLVED: That all bids received for the Combined Sewer Rehabilitation Project 2010/2011, Project No. 11-12-068, C.I.P. #N02011 are hereby rejected except the bid of Utility Services Authority, LLC in the total amount of \$652,475, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the available budget in C.I.P. #N02011; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By O'Donnell supported by Shooshanian.

2-90-11. RESOLVED: That all bids received for the Henry Ford Centennial Library Mezzanine Improvements are hereby rejected except the bid of Brivar Construction Company in the total amount of \$189,673, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Facilities Fund, Project I32318 HFCL Mezzanine Enclosure; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Sareini supported by Shooshanian.

2-91-11. RESOLVED: That all bids received for Turf Maintenance of City-owned Vacant Lots are hereby rejected except the bid of Frank's Landscaping in the total two-year amount of \$100,000, 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 the General Fund, Public Works, Parks Division, Contractual Services Account (FY11 \$20,000; FY12 \$50,000 and FY13 \$30,000) 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 adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Shooshanian supported by O'Donnell.

2-92-11. WHEREAS: Tyger Excavating, Inc., the contractor for the Water Main Replacement 2008/2009 contract has substantially completed water main replacement with minor punch list items still outstanding, and

WHEREAS: Alber Crafton, the attorneys representing the Hanover Insurance Company, indicates that Tyger has failed to make payments to certain suppliers and subcontractors, resulting in significant claims on various bonds including the payment bond issued in connection with the above project, and

WHEREAS: On January 28, 2011, Corporation Council and Engineering staff met with Philip G. Alber of Alber Crafton regarding the status of the project, as well as, the outstanding punch list items. Mr. Alber has assured the City that he is making arrangements to have the punch list items completed this spring, and

WHEREAS: The City Engineer has requested that City Council authorize the Finance Department to make direct payment to Hanover Insurance Company and/or Alber Crafton, the firm representing Hanover, for all payments due for this project instead of Tyger Excavating, Inc. This action will have no impact on the cost of the project; be it

RESOLVED: That City Council hereby authorizes the Finance Department to make direct payment to Hanover Insurance Company and/or Alber Crafton, the firm representing Hanover, instead of Tyger Excavating, Inc., for payments due for the Water Main Replacement 2008/2009, Phase I Project; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Sareini supported by Shooshanian.

2-93-11. WHEREAS: Wayne County has required a financial guarantee for the restoration of construction activity related to the CSO. The purpose of this financial guarantee is to provide leverage and/or the resources to perform restoration work in the event that a site is not adequately returned to preconstruction conditions, and

WHEREAS: Council Resolution 3-109-08 authorized the issuance of a "Bank Letter of Credit" which expired on February 28, 2009 and Wayne County required that this letter of credit be extended until February 28, 2010, and

WHEREAS: Council Resolution 12-815-08 authorized an extension of this "Bank Letter of Credit" through February 28, 2010; Council Resolution 2-73-10 authorized an extension of this "Bank Letter of Credit" through February 28, 2011 and Wayne County has now required that it be extended through February 28, 2012; be it

RESOLVED: That City Council hereby authorizes the extension of a letter of credit to Wayne County until February 28, 2012 in the amount of \$150,000 for a financial guarantee for the restoration of construction activity related to the CSO Project, Permit #C-44815, Plan Review #R 07-016 in the event that a site is not adequately returned to preconstruction conditions; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Shooshanian supported by Sareini.

2-94-11. WHEREAS: Victor and Rima Dagher-Tweedly, who own and reside at 7055 Steadman, and Basem Abuhmoud, who owns and resides at 7115 Steadman, are asking the City of Dearborn to split and sell to them the vacant lot located between their lots so that they may combine that portion of the lot with the adjacent lots they own, and

WHEREAS: Sale is conditioned on the following:

1. Purchasers must close simultaneously.
2. Purchasers may not assign their purchase option without approval of the Dearborn City Council.
3. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
4. The purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.
5. Lots must be combined with the purchasers' adjacent land for tax and assessment purposes at the closing. Failure to do so shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
6. Lots may not be re-split or combined with other land for a re-splitting as two buildable lots. Lot may only be sold or developed in combination with buyers' adjacent land.
7. Use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchasers are waiving their rights to seek any variances.
8. If Purchasers violate any of the restrictions imposed, they are obligated to reimburse the City for the difference between the purchase price paid and the Assessor's value of the land, plus interest and costs.

and

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

RESOLVED: That City Council hereby determines to effect the sale at a price of \$4,000 to Victor and Rima Dagher-Tweedly of the parcel described as:

S. 17 ½ ft. of Lot 203, John H. Walsh Warren & Chase Park Sub., City of Dearborn, Wayne County, Michigan as recorded in Liber 42, Page 56 of Plats, Wayne County Records.

Tax I.D. Part of 82-10-071-06-021
Commonly known as the S. 17 ½ ft. of 7109 Steadman

and to effect the sale at a price of \$4,000 to Basem Abuhmoud of the parcel described as:

N. 17 ½ ft. of Lot 203, John H. Walsh Warren & Chase Park Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 42, Page 56 of Plats, Wayne County Records.

Tax I.D. Part of 82-10-071-06-021
Commonly known as the N. 17 ½ ft. of 7109 Steadman

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Victor and Rima Dagher-Tweedly and Basem Abuhmoud upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the closing statement prepared, reviewed and approved by the Office of the Corporation Counsel and based upon Victor and Rima Dagher-Tweedly and Basem Abuhmoud closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Shooshanian supported by O'Donnell

2-95-11. WHEREAS: Imad and Arwa Hamad, who own and reside at 7257 Kentucky, and Jamal Bazzi, who owns and resides at 7239 Kentucky, are asking the City of Dearborn to split and sell to them the vacant lot between their lots so that they may combine that portion of the lot with the adjacent lots they own, and

WHEREAS: Sale is conditioned on the following:

1. Purchasers must close simultaneously.
2. Purchasers may not assign their purchase option without approval of the Dearborn City Council.
3. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
4. The purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.
5. Lots must be combined with the purchasers' adjacent land for tax and assessment purposes at the closing. Failure to do so shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
6. Lots may not be re-split or combined with other land for a re-splitting as two buildable lots. Lot may only be sold or developed in combination with buyers' adjacent land.
7. Use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchasers are waiving their rights to seek any variances.
8. If Purchasers violate any of the restrictions imposed, they are obligated to reimburse the City for the difference between the purchase price paid and the Assessor's value of the land, plus interest and costs.

and

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

RESOLVED: That City Council hereby determines to effect the sale at a price of \$1,700 to Imad and Arwa Hamad of the parcel described as:

N. 18 ft. of Lot 79, J.C. McDonalds Home Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 42, Page 91 of Plats, Wayne County Records.

Tax I.D. Part of 82-10-043-53-009
Commonly known as N. 18 ft. of 7249 Kentucky

and effect the sale at a price of \$1,700 to Jamal Bazzi of the parcel described as:

S. 18 ft. of Lot 79, J.C. McDonalds Home Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 42, Page 91 of Plats, Wayne County Records.

Tax I.D. Part of 82-10-043-53-009
Commonly known as S. 18 ft. of 7249 Kentucky

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Imad and Arwa Hamad and Jamal Bazzi upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the closing statement prepared, reviewed and approved by the Office of the Corporation Counsel and based upon Imad and Arwa Hamad and Jamal Bazzi closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By O'Donnell supported by Bazzy.

2-96-11. WHEREAS: Ali and Hassan Hammoud lost their house located at 6944 Theisen because they inadvertently missed paying the 2007 taxes, and

WHEREAS: The Hammouds contend that they each relied on the other to pay the taxes, causing this oversight, and

WHEREAS: In October 2010, the City of Dearborn purchased 6944 Theisen from the County through the tax-reversion process for \$15,855.40, and

WHEREAS: The Hammouds, by their attorney David Ghannam, have requested to redeem the property from the City, 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 date of closing, and

WHEREAS: It is recommended that Ali and Hassan Hammoud be allowed to redeem the house, conditioned upon them making the repairs required from the inspection report dated January 25, 2011, within ninety days of the execution of a hold harmless agreement; therefore be it

RESOLVED: That the Mayor is hereby authorized to execute a Quit Claim Deed to Ali and Hassan Hammoud for land legally described as:

Lot 168, Robert Oakman Land Cos Detroit Seamless Steel Tubes Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, Page 54 of Plats, Wayne County records.

Tax I.D. 82-10-082-12-002
Commonly known as 6944 Theisen

upon payment of all back taxes, penalties and interest, plus costs due up to the closing date. As of January 2011, the amount owed is \$20,804.03; be it further

RESOLVED: That the redemption is also conditioned upon Ali and Hassan Hammoud completing all repairs required by the inspection report dated January 25, 2011 within ninety days of the effective date of an executed Hold Harmless Agreement; be it further

RESOLVED: That the redemption is also conditioned upon Ali and Hassan Hammoud executing a hold harmless agreement prepared and approved by the Office of the Corporation Counsel, outlining the conditions of the redemption and providing the Hammouds with access to the house to make repairs; be it further

RESOLVED: That all repairs must be made in compliance with all zoning requirements and the Hammouds waive any right to seek any variance from the zoning requirements; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

By Shooshanian supported by O'Donnell.

2-97-11. RESOLVED: That Running Fit, Inc. be and they are hereby granted permission to conduct their Annual Martian Marathon on April 2, 2011 from 7:00 A.M. to 2:00 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That all six (6) Martian Marathon races will begin and end in the main parking lot at Ford Field as indicated in the attached marathon/run route maps; be it further

RESOLVED: That City Council hereby authorizes assistance from the Dearborn Police Department to facilitate the movement of vehicular and participant foot traffic to conduct the event in a safe and lawful manner; be it further

RESOLVED: That City Council hereby authorizes the Chief of Police to make application and sign all required documents relating to the issuance of the necessary state and county permits as follows:

1. Usage and closure of the curb lane and next lane of eastbound Ford Road between Golfview and the exit ramp to Evergreen Road, also, placement of barricades/traffic cones in this area to denote same.
2. Usage and closure of the exit ramp from southbound Hines Drive to Ford Road and the exit ramp from eastbound Ford Road to Evergreen Road.
3. Usage and closure of the curb lane and next lane of westbound Michigan Avenue from approximately the Greenways Trailhead at Andiamos to Brady Street, also, placement of barricades/traffic cones in this area to denote same.
4. Usage and placement of DPW barricades and arrow trucks to assist with the closure of the above areas. The City of Dearborn agrees to place, erect and remove the barricades and trucks.
5. Usage of Dearborn Police Officers for crowd control, traffic control and general security of the event.
6. The event shall not commence before 7:30 A.M. and shall conclude by 2:00 P.M.

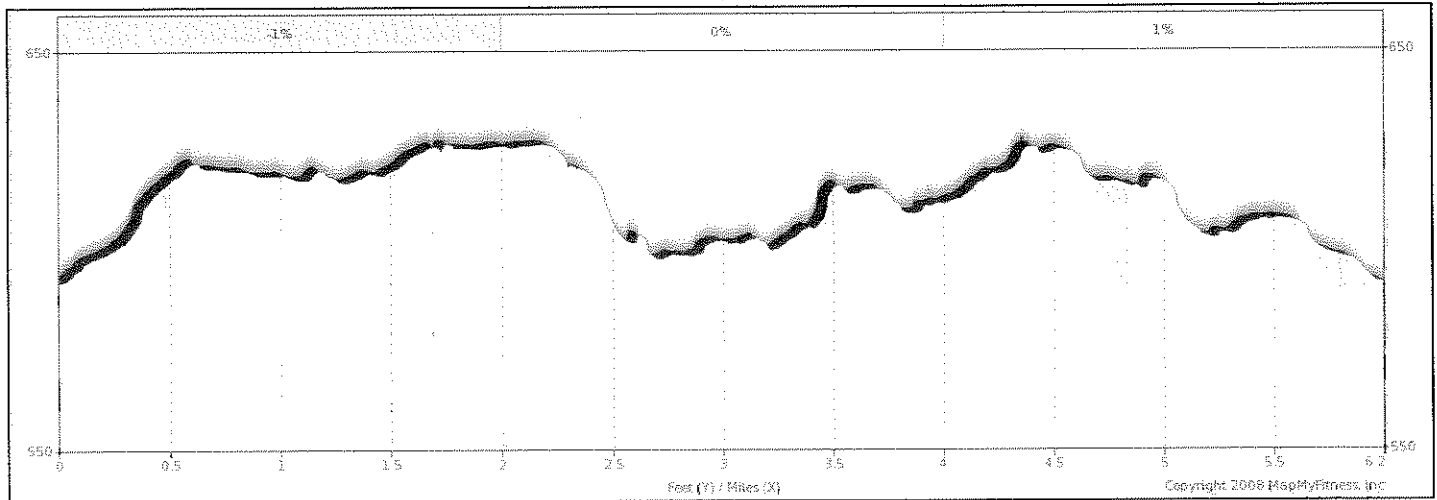
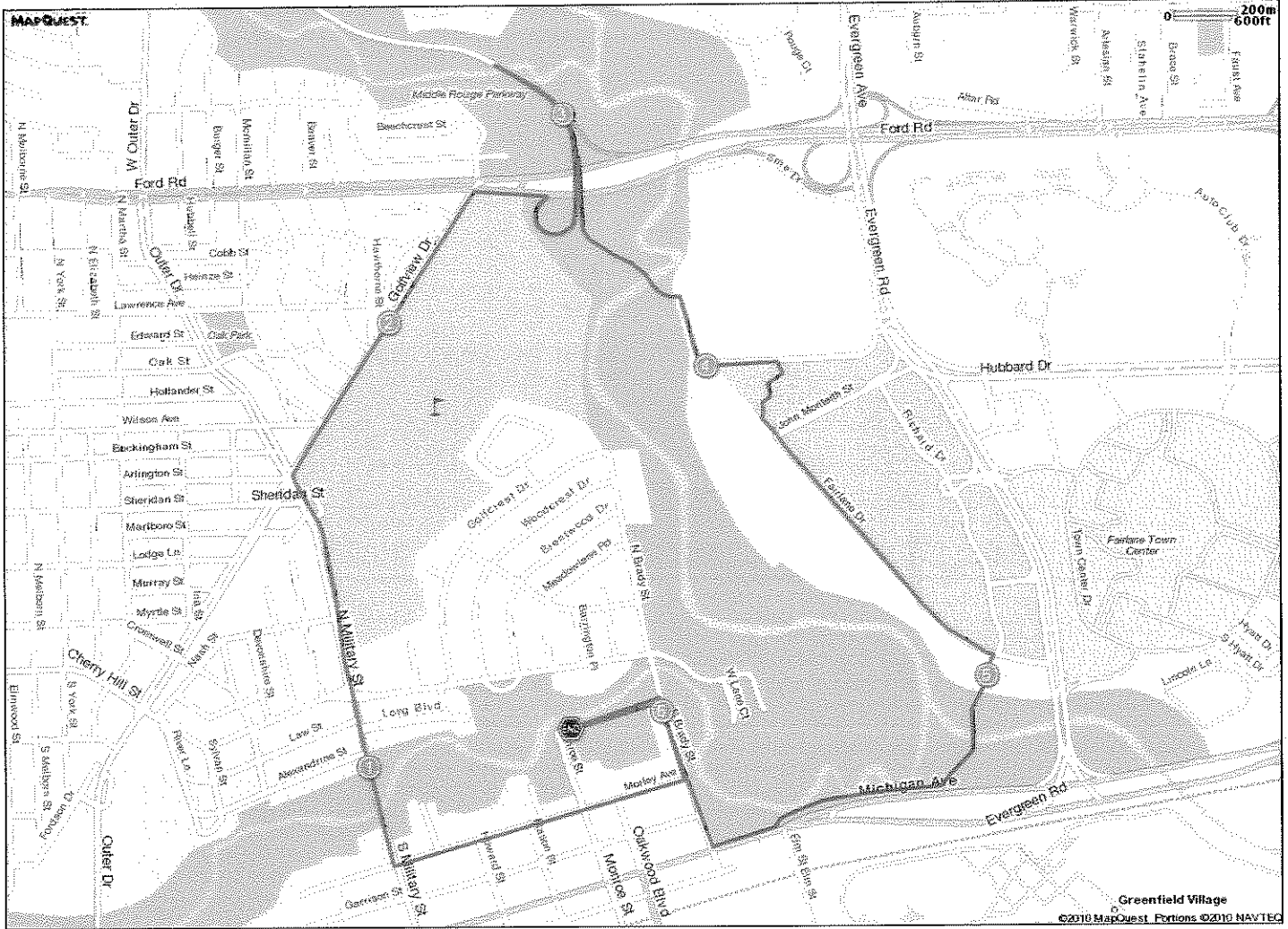
be it further

RESOLVED: That this event is subject to reimbursement from Running Fit, Inc. for all incurred manpower costs of the City of Dearborn; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

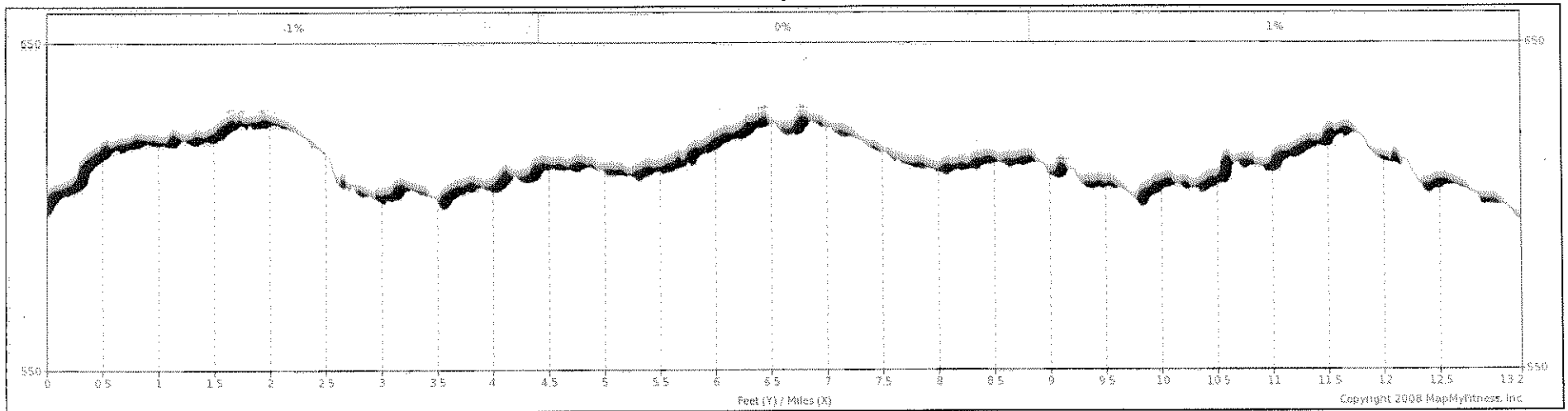
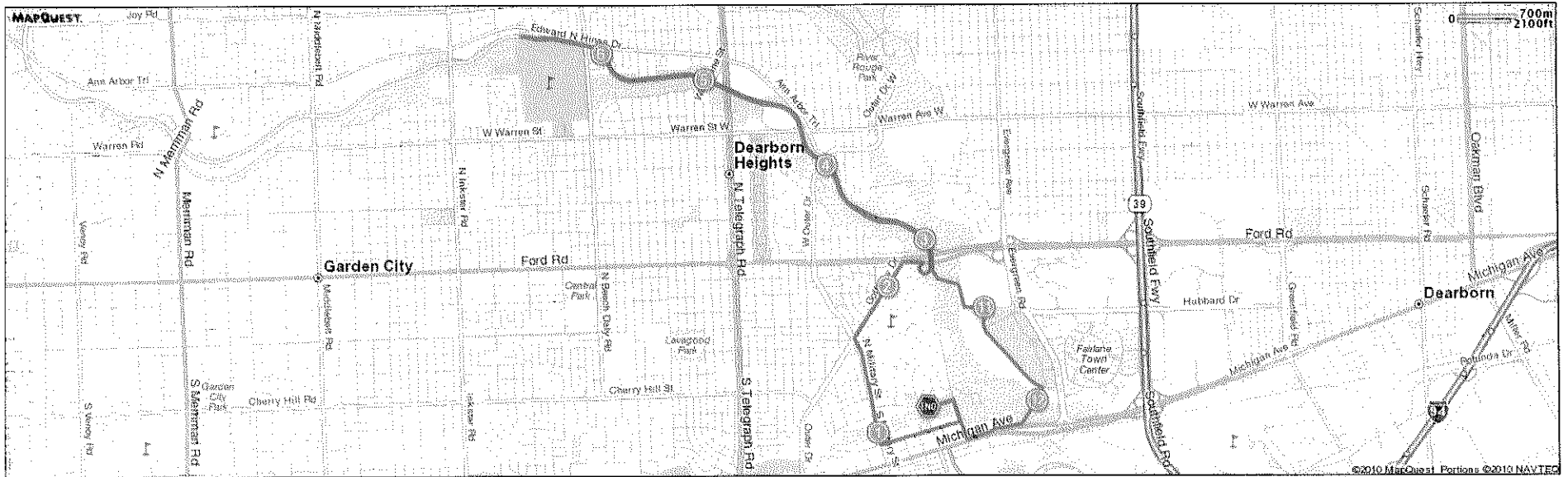
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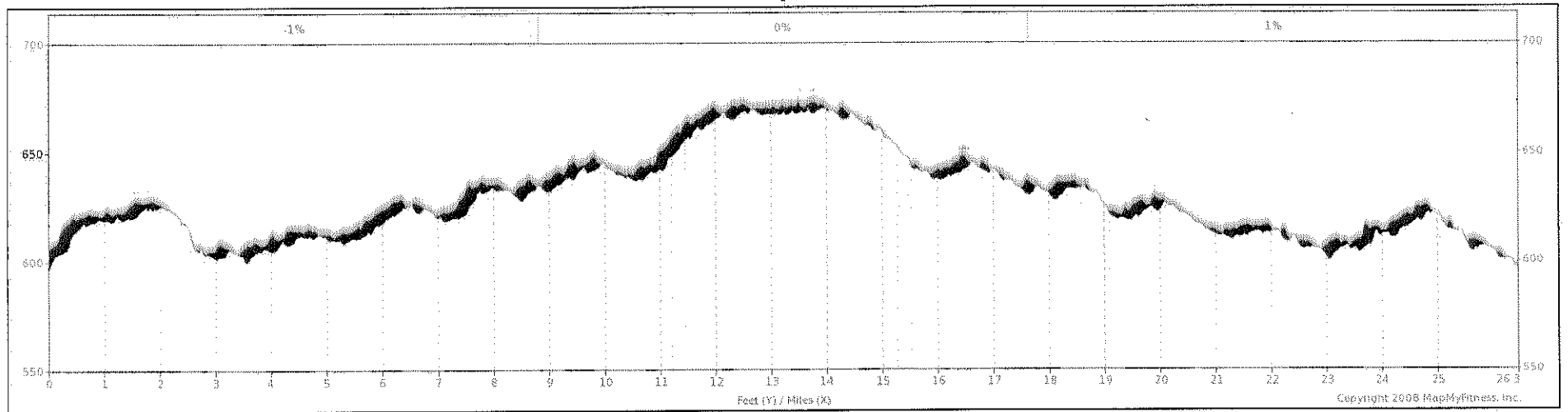
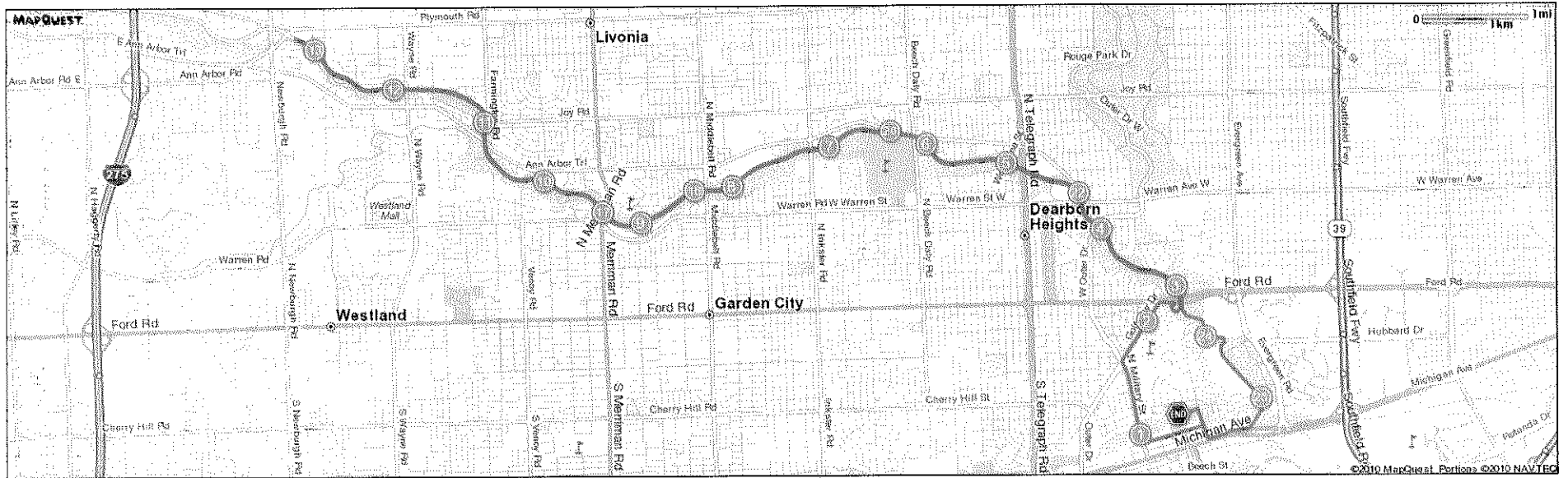
ROUTE: **Martian Half Marathon 2011**
DISTANCE: [1]13.11 mi LOCATED: Dearborn, Michigan

ROUTE DESCRIPTION:
No Description Provided

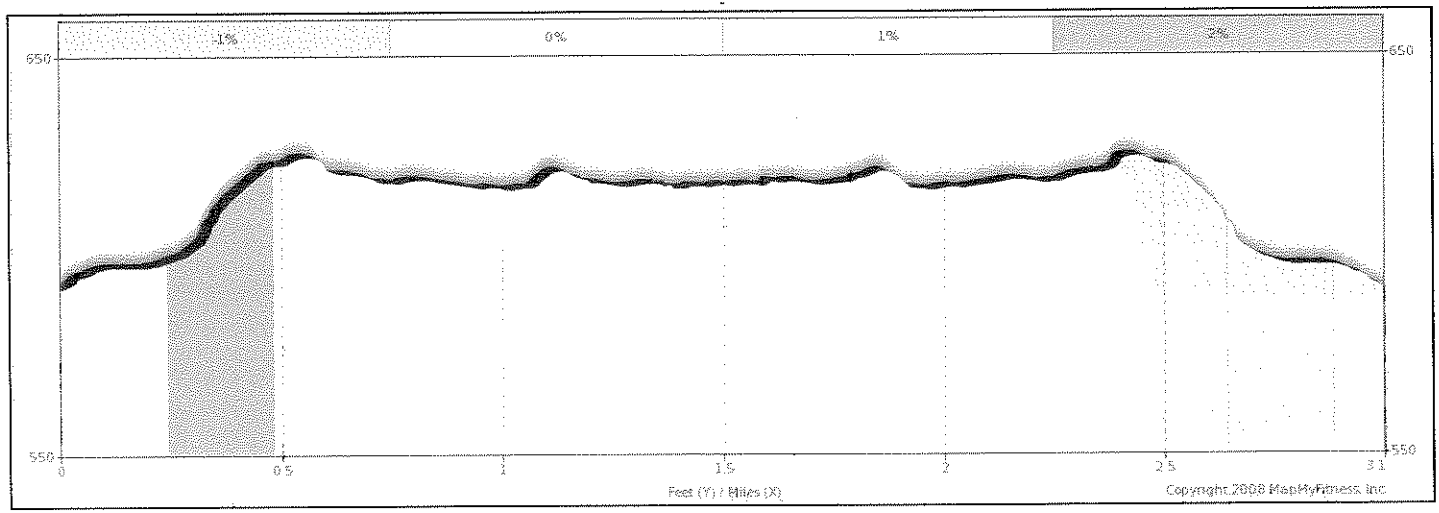
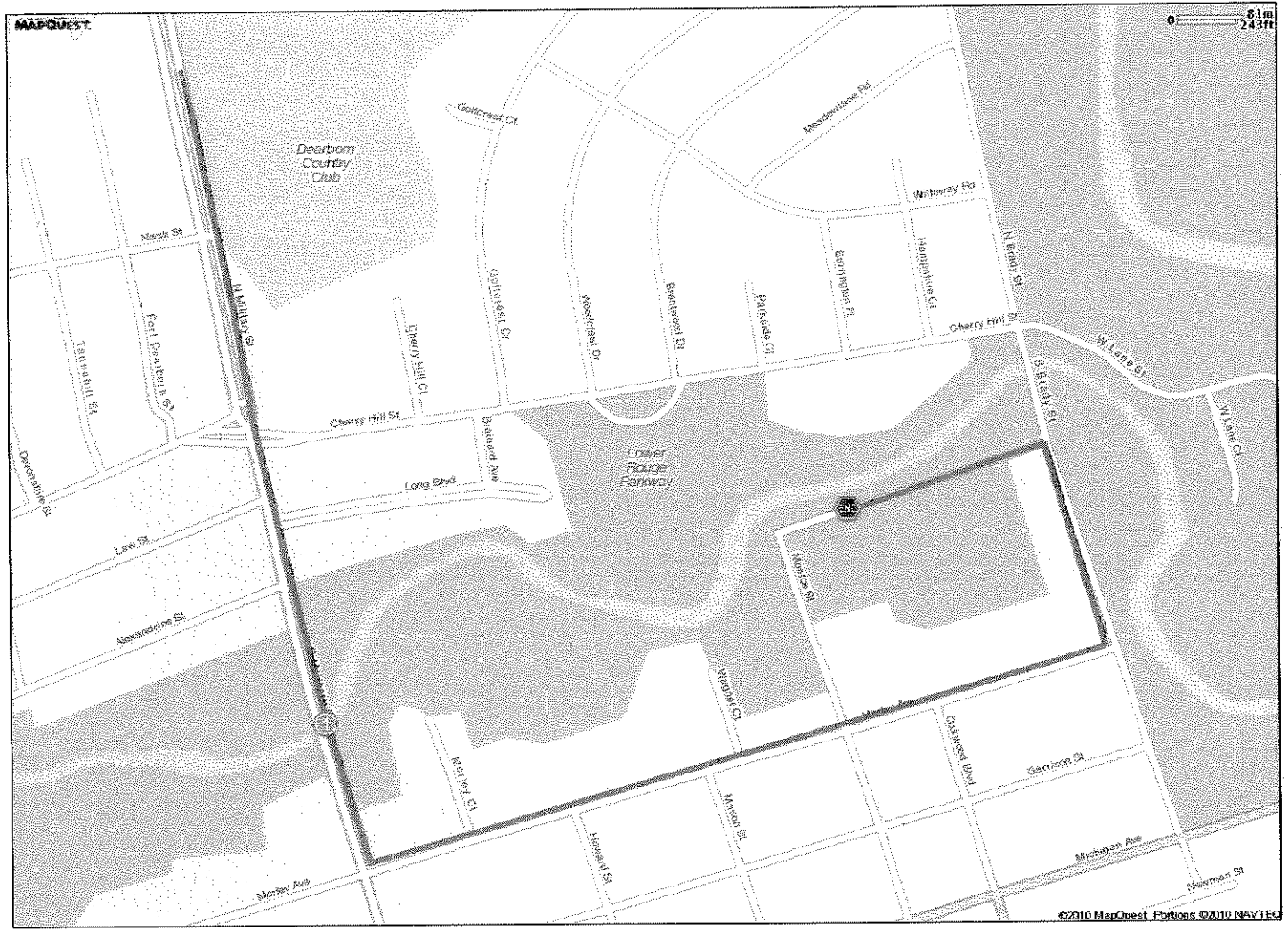


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Find this route online at <http://www.mapmyrun.com/run/united-states/mi/dearborn/233126892081229270>
Distance values on this map may differ slightly from values reported on the route engine.

ROUTE DESCRIPTION:
No Description Provided



ROUTE DESCRIPTION:
 No Description Provided



By Tafelski supported unanimously.

2-98-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Ron Parana, 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, Bazzy, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Hubbard (1).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:38 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk