

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

May 16, 2011

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

Reverend David Bleivik of First Presbyterian Church of Dearborn delivered the invocation.

By Hubbard supported by Shooshanian.

5-232-11. RESOLVED: That the minutes of the previous regular meeting of May 2, special closed meeting of April 26 and special meeting of April 28, 2011, and the same are hereby approved as recorded and published.

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

By Hubbard supported by O'Donnell.

5-233-11. RESOLVED: That the proposed resolution by Councilmembers Hubbard and Shooshanian concurring in the amendment to the Executive and Administrative Unit Salary Plan pursuant to Civil Service Resolution No. 7427-11 be and is hereby taken from the table.

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

By Hubbard supported by Shooshanian.

5-234-11. RESOLVED: That the Executive and Administrative Unit Salary Plan adopted September 16, 1980 by C.R. 9-863-80 be and is hereby amended pursuant to Civil Service Resolution No. 7427-11; be it further

RESOLVED: That this resolution be given immediate effect.

Upon roll call the resolution was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini and Shooshanian (5). Nays: Tafelski (1). Absent: Bazzy (1).

By Shooshanian supported by Hubbard.

5-235-11. RESOLVED: That Ordinance No. 11-1322 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 11-1322, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property bounded by Lapeer on the north, Wyoming on the east and Ferney on the south and west from an Industrial C (Intensive Industrial District) to an Industrial A (Light Industrial District) zoning classification.

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

The President of the Council then put the question, "Shall this Ordinance pass?"

5-235-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By O'Donnell supported by Shooshanian.

5-236-11. RESOLVED: That Ordinance No. 11-1323 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 11-1323 entitled, "An Ordinance to Amend the Licenses and Business Regulations Chapter (Chapter 12) of the Code of the City of Dearborn by Amending Article I, Section 12-6, entitled 'License Fees'."

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?"

5-236-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Shooshanian supported by Hubbard.

5-237-11. RESOLVED: That Ordinance No. 11-1324 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 11-1324 entitled, "An Ordinance to Amend the Licenses and Business Regulations Chapter (Chapter 12) of the Code of the City of Dearborn by Amending Article XXI, entitled 'Public Moving Vans'."

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?"

5-237-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Hubbard supported by O'Donnell.

5-238-11. RESOLVED: That Ordinance No. 11-1325 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 11-1325 entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Amending Section 14-10, entitled 'Alarm Systems'."

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?"

5-238-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Shooshanian supported by O'Donnell.

5-239-11. RESOLVED: That Ordinance No. 11-1326 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 11-1326 entitled, "An Ordinance to Amend the City of Dearborn Employees Retirement System (Chapter 22)."

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?"

5-239-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

Councilmember Hubbard introduced Ordinance No. 11-1328, entitled, "An Ordinance to Amend the Administration Chapter (Chapter 2) of the Code of the City of Dearborn by Adding Section 2-568A to Division 4 entitled 'Preference for Local Bidders/Dearborn-based Businesses' and Amending Section 2-569 entitled 'Cooperative Purchasing'."

The Clerk read the Ordinance by title.

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

By Shooshanian supported by O'Donnell.

5-240-11. RESOLVED: That proposed Ordinance No. 11-1328 be laid on the table.

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

Councilmember Hubbard introduced Ordinance No. 11-1329, entitled, "An Ordinance to Amend the Administration Chapter (Chapter 2), Article III (Boards and Commissions) of the Code of the City of Dearborn, by Adding Division 3A, entitled 'Environmental Commission'."

The Clerk read the Ordinance by title.

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

By Shooshanian supported by O'Donnell.

5-241-11. RESOLVED: That proposed Ordinance No. 11-1329 be laid on the table.

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

By Shooshanian supported by Hubbard.

5-242-11. RESOLVED: That Change Order No. 1 with Utility Services Authority, LLC which provides for Combined Sewer Rehabilitation Project 2010/2011, Job No. 11-12-068, C.I.P. N02011 in the amount of \$200,000 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 Capital Improvement Project N02011; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Hubbard.

5-243-11. RESOLVED: That the proposed resolution by Councilmembers Hubbard and Shooshanian awarding a two-year contract to Brock Sweeping, Inc. in the total amount not to exceed \$551,000 (\$275,500 annually) for Street Sweeping be and is hereby tabled.

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

By Shooshanian supported by Hubbard.

5-244-11. WHEREAS: The City presently has a contract with All Type Truck & Trailer Repair (C.R. 5-283-10) for Spring and Suspension Repair and Parts, and

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

WHEREAS: All Type Truck & Trailer Repair has offered to renew the present contract prices through June 30, 2012; be it

RESOLVED: That the contract for Spring and Suspension Repair and Parts is hereby renewed with All Type Truck & Trailer Repair through June 30, 2012 in the approximate amount of \$30,000; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Public Works, Fleet Maintenance, Repair & Maintenance, Vehicle Repair & Maintenance Account (Account #101-2085-856.43-65) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Shooshanian.

5-245-11. WHEREAS: The City presently has a contract with Klochko Equipment Rental Company (C.R. 6-373-10) for Quarterly Inspection and Preventative Maintenance for Bulldozers, Graders and Bucket Loaders for Central Garage, and

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

WHEREAS: Klochko Equipment Rental Company has offered to renew the present contract prices through June 30, 2012; be it

RESOLVED: That the contract for Quarterly Inspection and Preventative Maintenance for Bulldozers, Graders and Bucket Loaders for Central Garage is hereby renewed with Klochko Equipment Rental Company through June 30, 2012 in the approximate amount of \$40,000; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Public Works, Fleet Maintenance, Repair & Maintenance, Vehicle Repair & Maintenance Account (Account #101-2085-856.43-65) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by O'Donnell.

5-246-11. WHEREAS: The City presently has a contract with J&J Fleet & Fire Truck Service (C.R. 7-428-10) for Repair of Fire Department Apparatus, and

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

WHEREAS: J&J Fleet & Fire Truck Service has offered to renew the present contract prices through June 30, 2012; be it

RESOLVED: That the contract renewal for Repair of Fire Department Apparatus is hereby renewed with J&J Fleet & Fire Truck Service through June 30, 2012 in the approximate amount of \$50,000; be it further

RESOLVED: That this contract shall be financed from the General Fund, Public Works, Fleet Maintenance, Repair & Maintenance, Vehicle Repair & Maintenance Account (Account #101-2085-856.43-65) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

Increased on 1/10/12 per C.R. 1-11-12

By Shooshanian supported by Hubbard.

5-247-11. WHEREAS: The City presently has a contract with Park Place Catering Company, Inc. (C.R. 5-285-10) to Provide Meals to Prisoners housed at the Police Station Jail, and

WHEREAS: The original contract specifications allow for three renewals of one-year beyond the expiration of the present contract. This will be the second renewal term, and

WHEREAS: Park Place Catering Company, Inc. has offered to renew the present contract prices through July 31, 2012; be it

RESOLVED: That the contract to Provide Meals to Prisoners housed at the Police Station Jail is hereby renewed with Park Place Catering Company, Inc. through July 31, 2012 in the amount of \$80,000; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Police Department, Operating Supplies, Food Account and is 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Hubbard supported by O'Donnell.

5-248-11. WHEREAS: The Department of Law is requesting authorization to settle the claim submitted by Joseph and Lonnie Padesky, owners of 300 Hampshire Ct., and

WHEREAS: On September 5, 2010, the Padeskys notified the Mayor and the City Engineer that when they returned from a vacation, they discovered 18" of water in their basement, and

WHEREAS: Iafrate Construction Company was under contract with the City of Dearborn for CSO 11 Sewer Separation Contract which was being worked on in the Country Club neighborhood, and

WHEREAS: It is the opinion of the City Engineer that, during Iafrate's construction, some of the construction debris (stones, pea gravel, and sand) traveled through the sewer system via the open holes in the manholes and catch basins, and

WHEREAS: On September 1, 2010, unrelated to the sewer separation work being done by Iafrate, a water main break occurred in the late evening hours in the same vicinity, and

WHEREAS: Iafrate had already finished its activities for the day and was not at the scene at the time the water main broke, and

WHEREAS: Due to the location of Iafrate's equipment over the gate valve, City Water Division staff members arrived at the scene but were only able to partially shut off the water main while still maintaining water flow to the neighborhood, and

WHEREAS: The next morning, Iafrate's staff, who appeared onsite, noticed a large amount of water at the job site on Hampshire Ct. and began dewatering the surface water that was mixed with sand and clay into the upstream combined manhole, and

WHEREAS: Iafrate failed to view the downstream manhole to verify if the water was flowing properly to the downstream manhole, and

WHEREAS: The City staff reported to the job site and noticed that there was no flow to the downstream manhole while the upstream manhole was surcharged with water up to the manhole rim, and

WHEREAS: It was discovered that one of the sewer leads for 300 Hampshire Ct. was still connected to the

combined sewer; it is believed that the pumped water travelled through this sewer lead, causing the basement to flood, and

WHEREAS: Since the homeowners were out of town, the City staff was unable to perform any investigation of the sewer lead that was still connected to the combined sewer at that time, and

WHEREAS: The Padeskys filed a claim, citing over \$164,000 in damages, including the cost for emergency response/clean-up, demolition costs, restoration costs, and loss/damage to personal property, and

WHEREAS: The City's adjuster through Nickel & Saph reviewed the invoices and made adjustments for depreciation and actual cash value vs. the replacement values put on the items by the Padeskys. It was determined that the Padeskys should be compensated for \$100,000, and

WHEREAS: Engineering contends that Iafrate's construction project was the cause of the flooding because Iafrate failed to maintain the sewer flow at all times, and

WHEREAS: Iafrate contends that the City is at fault for the basement flooding because of the water main break and failure to identify a second sanitary sewer lead that was never connected to the new sewer line, and

WHEREAS: After several meetings, it was determined that both the City and Iafrate should share in the claim resolution since neither entity was without some level of fault. Iafrate has agreed to pay \$50,000 of the \$100,000 settlement to the Padeskys, and

WHEREAS: It is recommended by Corporation Counsel that the City Council authorize payment of invoices submitted by Joseph and Lonnie Padesky in an amount not to exceed \$50,000 for the City's share of the settlement of the claim, contingent upon the Padeskys signing a release; be it therefore

RESOLVED: That the Corporation Counsel or her designee is hereby authorized to execute documents to resolve the claim submitted by Joseph and Lonnie Padesky for the alleged damages caused to their basement located at 300 Hampshire Court on or about August 25 - September 4, 2010 in an amount not to exceed \$50,000 for the City's portion; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant for an amount not to exceed \$50,000 drawn upon the

CSO Sewer Fund Project N95100, Storm Sewer Separation-Cherry Hill/Brady; be it further

RESOLVED: That the Finance Director be and is hereby authorized to appropriate Sewer Fund retained earnings in the amount of \$50,000 as a contribution to the CSO Sewer Fund and to recognize and appropriate said amount in Project N95100; be it further

RESOLVED: That this resolution be given immediate effect.

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

By O'Donnell supported by Hubbard.

5-249-11. WHEREAS: George and Karen Nigosian, owners of Nigosian Rug Company (21917 Michigan Avenue) and adjacent vacant building located as 21903 Michigan Avenue, submitted a claim to the City of Dearborn because of water and sewer backup they discovered in the basement of the vacant building on January 5, 2011, and

WHEREAS: Mr. Nigosian contacted City's Sewerage Division to report the backup, and

WHEREAS: According to Mr. Nigosian, this was the third time within a three-month timeframe that they had experienced flooding, and

WHEREAS: The previous incidents were reported to the City's Sewerage Division as well, and

WHEREAS: The first two times he experienced the backups, Mr. Nigosian paid for the cleanup, and

WHEREAS: Because the January 5, 2011 incident was the third time that this happened within a three-month timeframe, he submitted a claim for reimbursement from the City, and

WHEREAS: Mr. Nigosian purchased the building in 2003 and contends that he had never experienced water/sewage backup until the storm sewer separation project commenced in 2009, and

WHEREAS: To date, the Sewerage Division records confirm that since October 2009, there have been issues with blockages in the sewer line on five separate occasions, and

WHEREAS: Sewerage attributes the blockage and resulting backups to the local restaurant establishments illegally disposing of grease by dumping it into the line, and

WHEREAS: It cannot conclusively be determined which restaurant establishment is responsible for disposing its grease into the sewer line. Andiamo's, Westborn Market, Cheli's Chili, and Kiernan's/Silky's all have connections, and

WHEREAS: Before the sewer separation project in the area began, there was a 24" combined sewer line. There were no complaints or evidence of blockage, and

WHEREAS: Since there were no issues with grease blockages in this area in the past, when the line was

converted to a 12" separated line, the City did not foresee that this type of blockage would become an issue, and

WHEREAS: To remedy the problem in this area and other areas where there is the potential for similar issues, City staff will pursue drafting an ordinance amendment requiring more stringent rules relative to grease disposal by business owners, and

WHEREAS: In addition, the Sewerage Division has consulted with other jurisdictions about the acquisition of an enzyme treatment that will reduce the presence of grease in the lines, and

WHEREAS: It is anticipated that these efforts will prevent future sewer backups caused by restaurant owners, and

WHEREAS: The Nigosians filed a claim, requesting \$8,475.10 for payment of their clean-up invoice prepared by Servpro of Dearborn. That claim amount includes the costs for water extraction, cleaning, disinfecting, removal of damaged panels, and dehumidifying, and

WHEREAS: The emergency mitigation services company that the City has on contract (Jarvis Property Restoration) viewed the damages alleged and evaluated the invoice submitted by the Nigosians, and

WHEREAS: Jarvis determined that the Servpro invoice as submitted was fair and reasonable, and

WHEREAS: The City has previously denied sewer backup claims because typically, the City is without notice of a defect in the lines. However, in this unique case, the City was aware of the obstructions caused by grease accumulation on two separate occasions before the January 5, 2011 event, and

WHEREAS: It is recommended that the City Council authorize the payment of invoices submitted by George and Karen Nigosian in an amount not to exceed \$8,475.10 for the settlement of the claim, contingent upon the Nigosians signing a release; be it therefore

RESOLVED: That the Corporation Counsel or her designee is hereby authorized to execute documents to resolve the claim submitted by George and Karen Nigosian for the alleged damages caused to the basement of their vacant building located at 21903 Michigan Avenue in Dearborn on or about January 5, 2011 in an amount not to exceed \$8,475.10; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in an amount not to exceed \$8,475.10 drawn upon the Sewer Fund, Settlement Expense Account; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by O'Donnell.

5-250-11. WHEREAS: Fatwan Munaser purchased Lots 510 and 511 on Salina St. in 2007 for \$38,000 from a private owner with the intention to build a home on each - one for him and one for his brother, and

WHEREAS: In August of 2006, before purchasing the two lots, Mr. Munaser asked the City of Dearborn Building and Safety Department whether he would be able to build homes on the lots, and

WHEREAS: The Building and Safety Department sent him a facsimile letter stating that the lots were "buildable" and Mr. Munaser purchased them with the intention of building homes on them, and

WHEREAS: After he purchased the lots, Mr. Munaser discovered that he would not be able to build on Lot 510 because a sewer line runs directly through the property. A search of the records reveals that there is no recorded easement on the lot, and

WHEREAS: Mr. Munaser filed a claim with the City asking to be compensated for his loss since he cannot build on Lot 510, and

WHEREAS: As a collateral issue, while researching the claim, it was discovered that the property changed hands several times. The City had once owned the lots, selling them to S & S Builders in 1995. As part of that sale, the City retained a right of reverter in the event that S & S failed to construct houses within one year, and

WHEREAS: S & S Builders failed to construct the houses within the time allotted. S & S was granted at least two one-year extensions of time in which to build. S & S failed to build on the lots and deeded them by quit claim to another owner in 2006, and

WHEREAS: The property changed hands another time before it was sold to Mr. Munaser in 2007. Unfortunately, the City never exercised its right to take the property back when the conditions had not been met by S & S Builders from the sale in 1995, and

WHEREAS: At first, Mr. Munaser proposed to keep both lots, building a house on Lot 511 only. He intended to retain Lot 510 as side yard for the house he builds on Lot 511, and

WHEREAS: City Council agreed with Mr. Munaser's proposition, and agreed to compensate him for his

actual loss -- the difference between the value of Lot 510 as a buildable lot versus its value as a non-buildable lot, by adopting C.R. 9-580-10, and

WHEREAS: That Council Resolution authorized settlement of the claim for \$10,000 paid by the City, plus \$3,000 paid by title company, and

WHEREAS: That Council Resolution required Mr. Munaser to sign a release and allow the City to record an easement for the sewer line that runs through Lot 510. The City agreed to release any claim to the right of reverter from the sale of S & S Builders in 1995, and

WHEREAS: Mr. Munaser failed to sign the settlement documents, requesting to change the terms of the settlement because he was not comfortable with the easement agreement, and

WHEREAS: Mr. Munaser would prefer to sell the nonbuildable lot back to the City so that he would not have to concern himself with the City's retention of an easement on Lot 510, and

WHEREAS: The City Assessor's Office determined that, at the time Mr. Munaser purchased the lot, the lot had a value of about \$20,000. Mr. Munaser has agreed to accept payment of \$19,000 for the sale of the lot back to the City, and

WHEREAS: It is recommended that the City pay Mr. Munaser \$16,000, with the condition that Mr. Munaser deeds Lot 510 back to the City, and conditioned upon the title company paying Mr. Munaser an additional \$3,000 for the settlement and for release of the right of reverter, and

WHEREAS: It is recommended that the City release the 1995 right of reverter since it is unlikely that the City would legally prevail on any claim to the property. The City failed to enforce the terms of the right of reverter against S & S Builders at the time S & S failed to perform. Legally, owners of estates subject to a condition subsequently retain ownership of the property, even if they don't fulfill their promises, unless the grantor affirmatively exercises its right of reentry, and

WHEREAS: Mr. Munaser is agreeable to the proposed resolution to his claim. Therefore, it is recommended that the City resolve Mr. Munaser's claim for \$16,000 upon execution of a release and upon execution of the deed and other documents required for Mr. Munaser to deed Lot 510 Dix Ave. Villas Sub. (TID #82-10-281-11-059) to the City of Dearborn. It is also recommended that the right of reverter be released; therefore be it

RESOLVED: That the City resolves Mr. Munaser's claim for \$16,000 upon execution of a release and upon Mr. Munaser executing the deed and other documents required for Mr. Munaser to deed Lot 510 Dix Ave. Villas Sub. (TID #82-10-281-11-059) to the City of Dearborn; be it further

RESOLVED: That City's claim to the right of reverter from the sale to S & S Builders will be released upon the title company's payment of an additional \$3,000 to Mr. Munaser as part of the settlement of the claim; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant for an amount not to exceed \$16,000, plus costs associated with closing on the transfer of Lot 510 Dix Ave. Villas Sub. to the City of Dearborn drawn upon Account #678-1500-815.68-24; be it further

RESOLVED: That C.R. 9-580-10 reflecting the previous settlement agreement is rescinded; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Shooshanian.

5-251-11. WHEREAS: Jacqueline Parker, owner and occupant of the property located at 4538 Rosalie, Dearborn, Michigan, is asking the City of Dearborn to sell her the vacant lot located next to her property so that she may combine the lot with the adjacent lot she owns, and

WHEREAS: Sale is conditioned on the following:

1. The lot must be combined with the Purchaser's property and may not be re-split or combined with other land for a re-splitting as two buildable lots. Purchaser may seek permission to split and sell a portion of the side yard to the neighboring property owner.
2. The lot may only be sold or developed in combination with the Purchaser's adjacent property.
3. Any construction or expansion of the existing structure to utilize the additional property must comply with the Dearborn Zoning Ordinance. The Purchaser waives any right to seek a variance.
4. If Purchaser violates any of the restrictions imposed, she is obligated to reimburse the City for the difference between the purchase price paid and the Assessor's value of the entire lot, plus interest and costs, or sell the land back to the City for \$9,000, at the City's sole discretion.

and

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

RESOLVED: That City Council hereby determines to effect the sale at a price of \$9,000 to Jacqueline Parker of the parcel described as:

Lot 241, Cloverdale Park Sub., City of Dearborn, Wayne County, Michigan as recorded in Liber 34, Page 87 of Plats, Wayne County Records.

Tax I.D. 82-09-134-10-017
Commonly known as vacant lot at 4544 Rosalie

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

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

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

RESOLVED: That the sale of 4544 Rosalie as side yard complies with one of the public purposes for which the Neighborhood Stabilization Program was created by promoting expansion of lots to improve the neighborhoods; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by O'Donnell.

5-252-11. WHEREAS: Bourhan and Zeinab Ahmad, owners and occupants of the property located at 5146 Neckel, Dearborn, Michigan, are asking the City of Dearborn to sell them the vacant lot located next to their property so that they may combine the lot with the adjacent lot they own, and

WHEREAS: Sale is conditioned on the following:

1. The lot must be combined with the Purchasers' property and may not be re-split or combined with other land for a re-splitting as two buildable lots. Purchasers may seek permission to split and sell a portion of the side yard to the neighboring property owner.
2. The lot may only be sold or developed in combination with the Purchasers' adjacent property.
3. Any construction or expansion of the existing structure to utilize the additional property must comply with the Dearborn Zoning Ordinance. The Purchasers waives any right to seek a variance.
4. If Purchasers violate any of the restrictions imposed, they are obligated to reimburse the City for the difference between the purchase price paid and the Assessor's value of the entire lot, plus interest and costs, or sell the land back to the City of \$8,300, at the City's sole discretion.

and

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

RESOLVED: That City Council hereby determines to effect the sale at a price of \$8,300 to Bourhan and Zeinab Ahmad of the parcel described as:

Lot 104, Maplewood Park Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 25 of Plats, Wayne County Records.

Tax I.D. 82-10-182-18-018
Commonly known as vacant lot at 5138 Neckel

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

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

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

RESOLVED: That the sale of 5138 Neckel as side yard complies with one of the public purposes for which the Neighborhood Stabilization Program was created by promoting expansion of lots to improve the neighborhoods; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Hubbard.

5-253-11. WHEREAS: Mark Winnik, Personal Representative for the Estate of Nikolay Winnik, has offered to sell the substandard dwelling located at 5539 Bingham, Dearborn, Michigan, to the City of Dearborn for the sum of \$25,000 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 City's Operation Eyesore Program; therefore be it

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

Lot 238, Addition to Maplewood Park Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 72 of Plats, Wayne County Records.

Tax I.D. 82-10-171-02-015
Commonly known as 5539 Bingham

from the owner thereof and pay therefore the sum of \$25,000 upon furnishing to the City by said owner of a title insurance policy showing marketable title thereon and when a 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 the acquisition and demolition complies with the public purpose for which the Operation Eyesore Program was created by removing substandard homes from the neighborhood; be it further

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

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

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount of \$25,000, 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 Fund Project No. C02300, Operation Eyesore, payable to the grantor, or their nominee, in payment of said land; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount up to \$16,000 for demolition and appurtenant costs, drawn upon the General Capital Improvement Fund Project No. C02300, Operation Eyesore, payable to the necessary entities in payment of said demolition and appurtenant costs; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Hubbard.

5-254-11. WHEREAS: AT&T Wireless entered into an option and lease agreement with the City dated April 21, 2011 for the lease of certain property at Ford Woods Park for the construction of a cell tower and an equipment shelter, and

WHEREAS: AT&T Wireless has requested the City's consent to transfer its interest in the option and lease agreement to American Tower Corporation, a publicly-traded firm that manages or owns over 36,000 communications sites, and

WHEREAS: The terms of the City's lease with AT&T Wireless provide that the company must obtain the City's consent to the transfer and that the consent cannot be unreasonably withheld, conditioned or delayed, and

WHEREAS: Corporation Counsel has reviewed the proposed transfer and has recommended that it be approved; therefore be it

RESOLVED: That based on the above, the City Council authorizes the Mayor to execute such agreements as may be necessary to approve the transfer on terms and conditions to be approved by Corporation Counsel; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by O'Donnell.

5-255-11. WHEREAS: B.L.S. Properties, L.L.C. has granted permission for the City to utilize its parking lot outside the Kroger store located at 15255 Michigan Avenue, Dearborn, Michigan for the staging of the units that are participating in the City's Memorial Day Parade, and

WHEREAS: The City will use the parking lot on Monday, May 30, 2011 from 8:30 A.M. - 12:00 P.M., and

WHEREAS: The Kroger parking lot is an easily accessible and conveniently located area to stage the parade, and

WHEREAS: It is recommended by Corporation Counsel that the Dearborn City Council authorize the Mayor to sign the hold harmless agreement on behalf of the City of Dearborn; be it therefore

RESOLVED: That the Mayor is authorized to enter into a hold harmless agreement with B.L.S. Properties, L.L.C. for the purpose of staging the City's Memorial Day Parade on Monday, May 30, 2011; be it further

RESOLVED: That this resolution be given immediate effect.

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

By O'Donnell supported by Shooshanian.

5-256-11. WHEREAS: The City of Dearborn charges \$15 for the first certified copy and \$5 for additional copies for birth and death records kept by the City Clerk as the local registrar, consistent with the provisions of state law and the State Health Department, and

WHEREAS: Act No. 63, P.A. of 1980, authorizes local City Councils with jurisdiction over a local registrar to set fees at any amount up to what the State Department of Public Health charges for the same record, and

WHEREAS: The birth and death records annual costs are more than current revenues and that an increase from the current \$15/\$5 would permit recouping of expenses involved in the record issuance process; be it

RESOLVED: That the City Clerk as local registrar of birth and death records shall charge a fee of \$20 for the first certified copy and \$5 for each additional copy of birth and death records; be it further

RESOLVED: That the effective day of this change shall be July 1, 2011; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by O'Donnell.

5-257-11. RESOLVED: That the City of Dearborn, in accord with Section 436.17 of the Michigan Liquor Control Act, does hereby approve the request of Dearborn Avenue Bistro, Inc. to transfer stock in a 2010 Class C Licensed Business with Entertainment Permit & Topless Activity Permit, located at 14417 Michigan, Dearborn, MI 48126, Wayne County, wherein Nicholas J. Faranso transfers 1,000 shares of stock to new stockholder, Michelle Faranso; 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 as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Shooshanian supported by O'Donnell.

5-258-11. RESOLVED: That the Operative Bargaining Unit Salary Plan adopted June 16, 1987 by C.R. 6-415-87 be and is hereby amended pursuant to Civil Service Resolution No. 7434-11; be it further

RESOLVED: That this resolution be given immediate effect.

Upon roll call the resolution was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini and Shooshanian (5). Nays: Tafelski (1). Absent: Bazzy (1).

By Shooshanian supported by Hubbard.

5-259-11. RESOLVED: That the Operative Bargaining Unit Salary Plan adopted June 16, 1987 by C.R. 6-415-87 be and is hereby amended pursuant to Civil Service Resolution No. 7435-11; be it further

RESOLVED: That this resolution be given immediate effect.

Upon roll call the resolution was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini and Shooshanian (5). Nays: Tafelski (1). Absent: Bazy (1).

By O'Donnell supported by Shooshanian.

5-260-11. RESOLVED: That the Supervisory, Technical and Professional Unit Employee Salary Plan adopted on November 18, 1980 by C.R. 11-1062-80 be and is hereby amended pursuant to Civil Service Resolution No. 7436-11; be it further

RESOLVED: That this resolution be given immediate effect.

Upon roll call the resolution was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini and Shooshanian (5). Nays: Tafelski (1). Absent: Bazy (1).

By Shooshanian supported by O'Donnell.

5-261-11. RESOLVED: That the Supervisory, Technical and Professional Unit Employee Salary Plan adopted on November 18, 1980 by C.R. 11-1062-80 be and is hereby amended pursuant to Civil Service Resolution No. 7437-11; be it further

RESOLVED: That this resolution be given immediate effect.

Upon roll call the resolution was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini and Shooshanian (5). Nays: Tafelski (1). Absent: Bazy (1).

By O'Donnell supported by Hubbard.

5-262-11. RESOLVED: That the Dearborn Chamber of Commerce be and they are hereby granted permission to conduct the 2011 Dearborn Farmer's and Artisan's Market on Fridays for the period of May 27 through October 28, 2011 from 8:00 A.M. to 1:00 P.M. subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That City Council hereby authorizes the Dearborn of Chamber of Commerce to use the exterior grounds of the Bryant Library and the eastern ½ (or less) of the City-owned Parking Lot B; be it further

RESOLVED: That, in addition to utilizing the exterior grounds of the Bryant Library and the eastern ½ (or less) of the City-owned Parking Lot B, City Council hereby approves the following:

- A "special event" flat parking rate (still to be determined by the Parking Advisory Commission) in Lots A & B on Fridays from 8:00 A.M. to 2:00 P.M. for the period of May 27 through October 28, 2011.
- Permission to conduct a special evening Dearborn Farmers & Artisans Market on Tuesday, July 26, 2011 from 5:00 P.M. to 8:00 P.M.
- Installation of street light pole banners (along Michigan Avenue between Monroe Street and Outer Drive) for the period of May 27 through October 28, 2011.
- Installation of street banners across Military and Howard Streets, north of Michigan Avenue for the period of May 27 through October 28, 2011.
- Assistance and various materials from the Recreation, Public Works, Police and Library Departments.

be it further

RESOLVED: That this resolution be given immediate effect.

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

By O'Donnell supported by Hubbard.

5-263-11. RESOLVED: That the Dearborn Fighters IAFF Local 412 be and they are hereby granted permission to conduct their annual Dearborn Firefighters "Fill the Boot" campaign from June 8 through June 15, 2011 throughout the City for the Muscular Dystrophy Association (MDA) subject to all applicable ordinances and the rules and regulations of the Police Department.

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

By Tafelski supported unanimously.

5-264-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Frank J. Swierlik, 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Hubbard supported unanimously.

5-265-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Terence Kiernan, 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Hubbard supported unanimously.

5-266-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Rita Polk, 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Abraham supported unanimously.

5-267-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Ronald Korhonen, 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

Reda Taleb, 10031 Castle - Requesting an investigation into noise violations from Speedwash Carwash at 7333 Wyoming which runs along side her house.

5-268-11. The communication was referred to the Mayor's Office.

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 8:22 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk