

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

June 12, 2012

The Council convened at 8:00 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 Diana Thompson of the First Baptist Church of Dearborn delivered the invocation.

By Hubbard supported by Shooshanian.

6-295-12. RESOLVED: That the minutes of the previous regular meeting and special open meeting of May 29, 2012, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Shooshanian supported by Hubbard.

6-296-12. RESOLVED: That Ordinance No. 12-1357 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 12-1357, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning a portion of the property at 25000 Michigan Avenue as follows: the property from a line 30 feet south of and parallel to the north property line, will remain the current zoning of Residential A (One Family Residential District); the property from a line 30 feet to a line 65 feet south of and parallel to the north property line, to be rezoned from Residential A (One Family Residential District) to VP (Vehicular Parking District); and the property from a line 65 feet south of and parallel to the north property line to the existing Business B (Community Business District) north of Michigan Avenue, to be rezoned from Residential A (One Family Residential District) to Business B (Community Business District) Zoning Classifications.

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?"

6-296-12. Upon roll call the Ordinance was unanimously adopted.

By Sareini supported by Shooshanian.

6-297-12. RESOLVED: That City Council hereby suspends the Council Rules of Order to recognize Boy Scout Troop 1111 in attendance at tonight's meeting.

The resolution was unanimously adopted.

By Bazzy supported by Hubbard.

6-298-12. RESOLVED: That Ordinance No. 12-1358 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 12-1358 entitled, "An Ordinance to Amend the Water and Sewers Chapter (Chapter 19) of the Code of the City of Dearborn by Amending Article I, entitled 'In General'."

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?"

6-298-12. Upon roll call the Ordinance was unanimously adopted.

Councilmember Shooshanian introduced Ordinance No. 12-1359, entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Amending Section 14-265, entitled 'Fireworks'."

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 Hubbard.

6-299-12. RESOLVED: That proposed Ordinance No. 12-1359 be laid on the table.

The resolution was unanimously adopted.

Councilmember Sareini introduced Ordinance No. 12-1360, entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Adding Division 6 to Article VI, entitled 'Synthetic Marijuana and Dangerous Products'."

The Clerk read the Ordinance by title.

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

By Abraham supported by Bazzy.

6-300-12. RESOLVED: That proposed Ordinance No. 12-1360 be laid on the table.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

6-301-12. RESOLVED: That all proposals received for Architecture and Engineer Services for Various City Projects are hereby rejected except the proposals of NSA Architects, Engineers, Planners; Spicer Group; URS Corporation Great Lakes; The Mannik & Smith Group, Inc.; Sidock Architects; Tucker, Young, Jackson, Tull, Inc.; Dymax Engineering and Straub Pettitt, Yaste in the total approximate amount of \$800,000, that the aforementioned proposals are hereby accepted, that the Mayor is hereby authorized to execute formal four-year contracts upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the proposals have been fully complied with; be it further

RESOLVED: That these contracts shall be financed from the project budget for which the A & E services are being used and are contingent upon budget adoption of each fiscal year and availability of budget in said projects; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

6-302-12. RESOLVED: That all proposals received for "As-Required" Plumbing Services are hereby rejected except the proposals of T.D.M. Plumbing Co.; Correct Mechanical, LLC; Dan Wood Plumbing and Heating Services and Rooter MD Plumbing, LLC in the total three-year amount of \$85,600, that the aforementioned proposals are hereby accepted, that the Mayor is hereby authorized to execute formal three-year contracts upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the proposals have been fully complied with; be it further

RESOLVED: That these contracts shall be financed from the Contractual Services and Building Repair Accounts in the General Fund for Services at the Natatorium in the Ford Community & Performing Arts Center, in the Camp Dearborn Operating Fund for services at Camp Dearborn, in the Seniors Apartment Operating Fund for services in the Hubbard Manor Buildings and in the Facility Fund for services at all other City of Dearborn Buildings with services rendered after June 30, 2013 being contingent upon the adoption of the FY14 Budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

6-303-12. RESOLVED: That all bids received for Collection and Disposal of Trash at Camp Dearborn are hereby rejected except the bid of Veolia Environmental Services in the approximate three-year amount of \$92,646.40, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal three-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 contract shall be financed from the Camp Dearborn Contractual Services, Refuse Collection Account (Account #234-3065-684.34-35) with services made after June 30, 2013 being contingent upon the adoption of the FY14 and FY15 Budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Abraham.

6-304-12. RESOLVED: That all bids received for Sewer Pipe Grouting are hereby rejected except the bid of Advanced Underground Inspection LLC in the total two-year amount of \$80,000, 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 contract shall be financed from the Sewer Fund, Public Works Department, Sewerage Division, Facilities Maintenance Services, Other Services Account with services rendered after June 30, 2013 being contingent upon the adoption of the FY14 Budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Shooshanian.

6-305-12. RESOLVED: That all bids received for Unleaded Gasoline are hereby rejected except the bid of Atlas Oil Co. in the approximate amount of \$802,774.95, 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 various departmental fuel accounts based on usage in the approximate amount of \$765,407.40; Camp Dearborn Operating, Recreation Department, Camp Dearborn General, Operating Supplies, Fuel - Direct Purchase Account (Account #234-3065-684.61-31) in the approximate amount of \$25,477.88; Golf Course Fund, Recreation Department, Golf Course Operating Supplies, Fuel - Direct Purchase Account (Account #584-3080-694.61-31) in the approximate amount of \$11,889.68; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Shooshanian supported by Sareini.

6-306-12. RESOLVED: That City Council hereby extends the blanket purchase orders with Home Depot and Lowes in the approximate amount of \$40,000 for Hardware for Various Departments; be it further

RESOLVED: That these extended blanket purchase orders shall be financed through various departmental budgets on an "as-needed" basis; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

6-307-12. RESOLVED: That City Council hereby extends the professional services contract with Dykema Gossett, P.L.L.C., in the amount of \$75,000 for Labor Law Consulting Services; be it further

RESOLVED: That in order to finance this professional services contract extension, City Council hereby authorizes the Finance Director to appropriate \$75,000 from the General Fund for FY12 to the General Fund, Law Department, Professional Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported by Sareini.

6-308-12. WHEREAS: The City presently has a contract with Governmental Consultant Services, Inc. (C.R. 6-341-11) for Lobbyist-Agent Services, and

WHEREAS: This contract will expire on June 30, 2012 and the company has agreed to extend the contract through June 30, 2013 under the same terms and conditions at \$48,000; be it

RESOLVED: That the contract for Lobbyist-Agent Services is hereby renewed with Governmental Consultant Services, Inc. through June 30, 2013 in the amount of \$48,000; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Mayor's Department, Community Initiatives Division, Contractual Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Shooshanian.

6-309-12. WHEREAS: The City presently has a contract with AccuMed Billing, Inc. (C.R. 5-205-11) for Ambulance Billing and Collection, and

WHEREAS: The original contract specifications allow for four, one-year renewals beyond the expiration of the original contract. This will be the fourth and final renewal, and

WHEREAS: AccuMed Billing, Inc. has offered to renew the present contract prices at a reduced rate of 6% of the monthly collected revenue and the same rate of 5% for any Fire Service Cost Recoveries; be it

RESOLVED: That the contract for Ambulance Billing and Collection is hereby renewed with AccuMed Billing, Inc. at a reduced rate of 6% of the monthly collected revenue and the same rate of 5% for any Fire Service Cost Recoveries; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Fire Department, Contractual Services, Billing Service Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

6-310-12. WHEREAS: The City of Dearborn owns and operates the Dearborn Fire Department, and

WHEREAS: The City of Dearborn Heights owns and operates the Dearborn Heights Fire Department, and

WHEREAS: The Dearborn Fire Department desires to reduce the cost of maintaining and operating a diesel fire apparatus fueling station by sharing the Dearborn Heights Fire Department's diesel fire apparatus fueling station, located at 1999 N. Beech Daly Road, Dearborn Heights, MI 48127, and

WHEREAS: The Dearborn Heights Fire Department desires to reduce the cost of maintaining and operating its diesel fire apparatus fueling station located at 1999 N. Beech Daly Road, Dearborn Heights, MI 48127 by sharing it with the Dearborn Fire Department, and

WHEREAS: This Agreement is authorized by Act 35 of 1951, MCL 124.1 *et seq*, which allows any municipal corporation to join with any other municipal corporation by contract for the ownership, operation, or performance, jointly, or by any one or more on behalf of all, of any property, facility, or service which each would have the power to own, operate or perform separately, and

WHEREAS: The City of Dearborn and the City of Dearborn Heights each have the power to operate separate diesel fire apparatus fueling stations; now therefore be it

RESOLVED: That the City of Dearborn and the City of Dearborn Heights agree as follows:

1. **Purpose:** The purpose of this Agreement is to reduce the costs associated with operating and maintaining a diesel fire apparatus fueling station for the City of Dearborn and the City of Dearborn Heights.
2. **Term:** This Agreement shall commence July 15, 2012. Unless the parties agree in writing to continue this Agreement or enter into a more permanent Agreement, this Agreement shall terminate on July 14, 2013.
3. **Definitions:** For the purposes of this Agreement, the following terms shall have the following meanings:

- a. "Diesel Fire Apparatuses" means all diesel fire apparatuses stored and used by the Dearborn Fire Department's Fire Station No. 2, located at 19800 Outer Drive, Dearborn, MI 48124.
- b. "Fueling Station" means the diesel fueling station at the Dearborn Heights Fire Department's Beech Daly Fire Station, located at 1999 N. Beech Daly Road, Dearborn Heights, MI 48127.
- c. "Parties" means the parties to this Agreement, namely the City of Dearborn and the City of Dearborn Heights. "Party" means either the City of Dearborn or the City of Dearborn Heights.

4. Obligations and Duties:

- a. The City of Dearborn shall continue to allow the one (1) Keytrol System that it previously purchased and installed as part of the agreement to remain installed with the Fueling Station's two-hose Gasboy EK pump.
- b. The City of Dearborn Heights, at its sole expense, shall continue to operate and maintain the Fueling Station.
- c. The City of Dearborn Heights shall sell to the City of Dearborn, and the City of Dearborn may buy from the City of Dearborn Heights, as much diesel fuel as is needed by the City of Dearborn to regularly fuel the Diesel Fire Apparatuses during the term of this Agreement. However, if it is necessary for the City of Dearborn Heights to implement a diesel fuel rationing program, then the Parties shall agree to implement a mutually agreeable program for the purchase and delivery of diesel fuel that does not deplete the supply of diesel fuel available to the City of Dearborn Heights, but that also ensures that the Diesel Fire Apparatuses are appropriately fueled.
- d. The price to be paid by the City of Dearborn for the diesel fuel it purchases pursuant to this Agreement shall be the sum of the Actual Cost as defined below plus the Administrative Fee defined below:

- i. "Actual Cost" means the per gallon price of diesel fuel charged to the City of Dearborn Heights by its supplier for the diesel fuel most recently received by the City of Dearborn Heights from its supplier at the Fueling Station just prior to the City of Dearborn taking delivery of diesel fuel from the City of Dearborn Heights. For example, the Actual Cost would be \$1.00 per gallon if all of the following were true: The City of Dearborn Heights was charged \$1.00 per gallon by its supplier for diesel fuel delivered at the Fueling Station by its supplier on July 1, 2012; the City of Dearborn took delivery of diesel fuel from the City of Dearborn Heights on July 2, 2012; and the City of Dearborn Heights received its next delivery of diesel fuel from its supplier at the Fueling Station on July 3, 2012. Actual Cost is expected to vary over time as the amount charged to the City of Dearborn Heights by its supplier is expected to vary over time.
- ii. "Administrative Fee" is a one (1) cent per gallon charge over and above the Actual Cost. The Administrative Fee is meant to offset the administrative costs that are expected to be borne by the City of Dearborn Heights with respect to this Agreement.
- iii. For purposes of illustrating the foregoing price terms, the price to be paid by the City of Dearborn would be \$1.01 per gallon if the Actual Cost was \$1.00 per gallon. That is, Actual Cost (\$1.00 per gallon) plus Administrative Fee (1 cent per gallon) equals the price to be paid (\$1.01 per gallon).
- iv. Upon request from the City of Dearborn, the City of Dearborn Heights shall provide the City of Dearborn with copies of any and all records related to determining the price to be paid by the City of Dearborn for the diesel fuel it purchases pursuant to this Agreement.

- e. The City of Dearborn Heights Fire Marshall shall monitor how much diesel fuel the City of Dearborn takes delivery of at the Fueling Station. At its sole discretion, the City of Dearborn may also assign its own representative to monitor the receipt of diesel fuel by the City of Dearborn. Upon request by the other Party, each Party shall provide the other Party with copies of any and all records prepared for the purpose of monitoring how much diesel fuel the City of Dearborn took delivery of at the Fueling Station.
- f. The City of Dearborn Heights shall bill the City of Dearborn on a monthly basis. The City of Dearborn shall pay bills submitted to it by the City of Dearborn Heights within thirty (30) days of the date of billing. Invoices and payments shall be sent to the Parties' primary contacts as specified in Section 6, "Notices" below or at such other address as the Parties may from time to time designate.
- g. The City of Dearborn shall take delivery of the diesel fuel at the Fueling Station at reasonable times. Delivery shall be deemed to be complete when the diesel fuel is placed in a Diesel Fire Apparatus. Title to the diesel fuel shall pass to the City of Dearborn and the diesel fuel shall be at the risk of loss to the City of Dearborn upon delivery.
- h. The City of Dearborn shall have a limited license to use the Fueling Station solely for the purpose of taking delivery of diesel fuel pursuant to and during the term of this Agreement.
- i. The City of Dearborn shall be responsible for any damage to any property of the City of Dearborn Heights at or in the vicinity of the Fueling Station that may be caused by any act or omission of the City of Dearborn or by any act or omission of any official, officer, employee, or agent of the City of Dearborn. However, the City of Dearborn is not responsible for such damage related to ordinary wear and tear.

5. **Review:** The Parties' fire chiefs shall review the effectiveness of this Agreement and will submit a report to their governing bodies three (3) months before the termination of this Agreement so that there is time to extend or renew this Agreement before the end date.

6. **Notices:** The primary contacts under the terms of this Agreement are:

City of Dearborn

Dearborn Fire Department
Attn: Fire Chief
3750 Greenfield
Dearborn, MI 48120

City of Dearborn Heights

Dearborn Heights Fire Department
Attn: Fire Chief
1999 N. Beech Daly
Dearborn Heights, MI 48127

7. **Amendment:** This Agreement may be modified only by further agreement in writing as mutually agreed to by both Parties.

8. **Mediation Clause:** If a dispute arises from or relates to this Agreement or the breach thereof, and if the dispute cannot be resolved through direct discussions, the Parties agree to endeavor first to settle the dispute in an amicable manner through mediation administered by a mediator selected by agreement of the Parties. All fees and expenses from mediation shall be borne by the Parties equally. However, each Party shall bear the fees and expenses of its own counsel, agents, and employees associated with the mediation.

9. **Applicable Law:** The Agreement shall be construed and interpreted in accordance with the laws of the State of Michigan.

10. **Waiver:** No waiver of any right under this Agreement shall be effective unless agreed to in writing by the Parties to this Agreement.

11. **Concurrent Originals:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

12. **Severability:** If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated as a result of such decision.

13. **Assignment:** This Agreement is personal to the City of Dearborn and to the City of Dearborn Heights. This Agreement may not be assigned voluntarily, by operation of law, or otherwise. No interest in this Agreement may be assigned voluntarily, by operation of law, or otherwise.
14. **Entire Agreement:** This Agreement constitutes the entire understanding of the Parties. It supersedes any oral representations that are inconsistent with or modify its terms and conditions.

be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Abraham.

6-311-12. RESOLVED: That City Council hereby authorizes the Mayor to renew the City's membership with the Dearborn Chamber of Commerce for the period of January 1 through December 31, 2012 in the amount of \$3,125; be it further

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

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Shooshanian.

6-312-12. WHEREAS: Each year, the Department of Public Works provides maintenance services for the public parking lots throughout the City. These costs are then transferred to the Parking Funds. In the past, these costs were recovered through SAD billings to the businesses using the parking lots. The SAD billings have not taken place for a couple of years due to the tremendous increase in property valuation disputes, especially commercial property attention. Many of these disputes have involved city tax dollars in excess of those collected through SAD payments. However, efforts are being made to dedicate some resources to re-instituting the SAD program in the near future. Until that time, the East Parking System Fund cannot support these costs going forward without a contribution from the General Fund, and

WHEREAS: This transaction will require an amendment to the General Fund budget to make a contribution to the East Parking System Fund, with a corresponding amendment to the East Parking System Fund's budget for the contribution from the General Fund; be it

RESOLVED: That City Council hereby authorizes the Finance Director to appropriate General Fund fund balance in the amount of \$150,000 as a contribution to the East Parking System Fund and to recognize the same in the East Parking System Fund for Maintenance Services of Public Parking Lots; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Shooshanian.

6-313-12. WHEREAS: The Fiscal Year 2012 Budget was adopted with the anticipation that a ten-percent employee compensation concession by the general employees would be negotiated as part of the collective bargaining process. All general employee labor contracts remain unsettled and as a result several departments will have insufficient budget to finish the year, and

WHEREAS: In addition, the Fire Department has had eighteen (18) retirements in Fiscal Year 2012 and their budget will not be able to absorb the associated leave-time payouts without an appropriation of fund balance. The Fiscal Year 2012 budget adoption resolution, C.R. 6-320-11, allows the Finance Director to appropriate fund balance in this situation with notice to be filed with City Council; be it

RESOLVED: That City Council hereby approves the following additional departmental budget funding:

General Fund:	
Court	\$135,000
Mayor	90,000
City Clerk	20,000
Legal	70,000
Public Works	100,000
Economic & Community Development	<u>130,000</u>
	<u>\$545,000</u>

be it further

RESOLVED: That City Council hereby authorizes the Finance Director to appropriate \$800,000 in General Fund fund balance to the Fire Department Salary and Benefit Accounts to absorb the associated leave-time payouts for eighteen (18) retirements in the Fire Department for Fiscal Year 2012; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Shooshanian.

6-314-12. WHEREAS: The City of Dearborn, University of Michigan-Dearborn (UM-D), Wayne County, Ford Land and the Fairlane Town Center have been working diligently on the concept of a non-motorized greenway connection to student housing and between the UM-D main and Fairlane campuses, and

WHEREAS: UM-D is now in the process of partnering with a developer to build the first phase of student housing on a former Ford Land site across Evergreen Road from the main entrance of UM-D for use in the 2013 academic year, and

WHEREAS: The City of Dearborn has been an active partner in working with the UM-D and University Campus Communities (UCC) on the design and incentives to bring student housing to the UM-D campus; therefore be it

RESOLVED: That the City of Dearborn has committed to assist UM-D in the implementation of its first phase student housing project by working to provide safe pedestrian access across Evergreen Road to connect the UM-D main campus to the new student housing project; be it further

RESOLVED: That the City will also improve a Hubbard Drive crossing at Beechtree Lane to allow safe pedestrian access to the UM-D Fairlane Campus; be it further

RESOLVED: That City Council hereby authorizes the creation of a capital improvement project in the Major Street and Trunkline Fund for a Non-Motorized Greenway connecting the UM-D main campus, proposed student housing and the UM-D Fairlane campus including a new traffic signal on Evergreen Road to provide for safe pedestrian crossing; be it further

RESOLVED: That the City will provide \$200,000 from the Major Street and Trunkline Fund as local match for design and implementation of the UM-D Non-Motorized Greenway Project along with funds provided by UM-D and MDOT to complete the overall greenway project envisioned; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Abraham.

6-315-12. WHEREAS: The sale of Dearborn Towers was effective as of May 22, 2012. The sale price was \$6,251,000, and

WHEREAS: The Finance Director has requested City Council authorization to recognize the proceeds from the sale of Dearborn Towers in the Dearborn Towers Fund and appropriate them along with residual cash remaining in the Dearborn Towers Funds as a contribution to the General Fund; be it

RESOLVED: That City Council hereby authorizes the Finance Director to recognize the proceeds from the sale of Dearborn Towers in the amount of \$6,251,000 in the Dearborn Towers Fund and appropriate them along with residual cash remaining in the Dearborn Towers Funds as a contribution to the General Fund; be it

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

6-316-12. WHEREAS: The Dearborn Police Department has applied for and received the AAA Traffic Safety Grant in the amount of \$9,000 that will be used for the purchase of a Radar Speed Trailer, and

WHEREAS: The Chief of Police has requested that the Finance Director be authorized to recognize the grant revenue in the amount of \$9,000 and appropriate a like amount; be it

RESOLVED: That City Council hereby authorizes the Finance Director to recognize a AAA Traffic Safety Grant in the amount of \$9,000 and to appropriate a like amount in Account #668-2430-531.74-10, Fleet Replacement Fund for the purchase of a Radar Speed Trailer; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Hubbard.

6-317-12. WHEREAS: The Dearborn Police Department has applied for and received federal grant funding from the Department of Justice in the amount of \$35,262 that will supplement overtime for the Police Tactical Teams, and

WHEREAS: The Chief of Police has requested that the Finance Director be authorized to recognize the grant revenue in the amount of \$35,262 and appropriate a like amount; be it

RESOLVED: That City Council hereby authorizes the Finance Director to recognize a 2011 Project Safe Neighborhood Grant (PSN) in the amount of \$35,262 in Account #101-2410-330.01-90, General Fund Police Administration Intergovernmental Revenue Federal Fund and appropriate a like amount in Account #101-2410-511.98-00, General Fund Police Administration Public Safety Undistributed Appropriation Fund to supplement overtime for the Police Tactical Teams; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported Bazzy.

6-318-12. RESOLVED: That City Council hereby authorizes the Finance Director to recognize additional revenue received from the sale of assets at the Snow Branch Library in the amount of \$387 and to appropriate a like amount into Library Account #101-5100-721.74-70 in order to purchase additional library materials.

The resolution was unanimously adopted.

By Shooshanian supported by Bazzy.

6-319-12. WHEREAS: The Detroit Edison Company has requested that the City Council authorizes the City of Dearborn to enter into a permanent, non-exclusive, underground easement (right-of-way) agreement with the Detroit Edison Company, and

WHEREAS: Detroit Edison is requesting permission from the City of Dearborn to install underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers, and accessories in connection with the construction of the Intermodal Rail Facility located at 21010 Michigan Avenue, and

WHEREAS: Corporation Counsel recommends that the Dearborn City Council authorizes the Mayor to sign the Detroit Edison Underground easement agreement on behalf of the City of Dearborn, subject to the review and approval of the Corporation Counsel and City Engineer; therefore be it

RESOLVED: That the Mayor is authorized to execute the Detroit Edison Underground easement agreement on behalf of the City of Dearborn in order to provide Detroit Edison permission to install underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers, and accessories in connection with the construction of the Intermodal Rail Facility located at 21010 Michigan Avenue; be it further

RESOLVED: That the agreement is a permanent, non-exclusive, underground easement agreement; be it further

RESOLVED: That the underground easement agreement is subject to the review and approval of the Corporation Counsel and the City Engineer; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

6-320-12. WHEREAS: The Friends For the Dearborn Animal Shelter have requested the Mayor be authorized to execute a letter of intent to confirm the agreement between the City of Dearborn and the Friends For the Dearborn Animal Shelter for the design, construction and operation of a new animal shelter in the City of Dearborn as follows:

- It is estimated that construction of the New Shelter will cost (excluding the cost of land, related administrative costs, fundraising expenses or allowance for unfulfilled pledges) approximately \$4,000,000 (the "Estimated Cost").
- Contingent upon FFDAS demonstrating reasonable progress toward obtaining commitments for donations or other funding necessary for the Estimated Cost, the City will donate some or all of the following parcels of land including all improvements (as selected by FFDAS, subject to obtaining appropriate zoning) to enable FFDAS to begin work on the New Shelter:
 - The parcel of land south of the Henry Ford Centennial Library including the right to use the adjacent parking lot;
 - The parcel of land containing the Amtrak Rail Station located south of the Police Department and 19th District Court complex; and/or
 - The parcel of land immediately adjacent to and west of the Amtrak Rail Station building.
- If necessary, the City will assist FFDAS in obtaining proper zoning to build and operate the New Shelter.
- In addition to the contribution of land, the City will use best efforts to make a cash donation for the New Shelter not to exceed the difference between the fair market value of the contributed land and \$1,000,000.
- The City will explore opportunities to provide shared or in-kind services that are appropriate and will help reduce capital or operating costs for the New Shelter.
- FFDAS will own and operate the New Shelter.
- The City will continue to provide financial support to FFDAS to operate the New Shelter consistent with past practice.
- FFDAS will bear all other costs for operating the New Shelter.

- FFDAS will use reasonable efforts to use the New Shelter for animals in Dearborn before accepting animals from outside Dearborn, consistent with past practice.

be it

RESOLVED: That City Council hereby authorizes the Mayor to execute the Letter of Intent with the Friends For the Dearborn Animal Shelter for the Design, Construction, and Operation of a New Animal Shelter in the City of Dearborn subject to the agreements listed above; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Shooshanian supported by Sareini.

6-321-12. WHEREAS: Mohammed Fayz and Aida Chahine, who own 4761 Chovin (single-family, property registered rental with a driveway and detached garage), and Amine and Wagiha Amine, who own and reside at 4773 Chovin (single-family, with a driveway and detached garage), 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 will 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. 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.

8. 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.

and

WHEREAS: The City has no further need for said land and this 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 this Council does hereby determine to effect the sale at a price of \$3,000 to Mohammed Fayz and Aida Chahine the parcel described as:

South 17 ½ ft. of Lot 32, Woodworth Manor Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 92 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-183-03-029
Commonly known as: Part of 4765 Chovin

and to effect the sale at a price of \$3,000 to Kassem and Wagiha Amine of the parcel described as:

North 17 ½ ft. of Lot 32, Woodworth Manor Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 92 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-183-03-029
Commonly known as: Part of 4765 Chovin

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Mr. Fayz and Ms. Chahine, and Mr. and Mrs. Amine 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 Mr. Fayz and Ms. Chahine, and Mr. and Mrs. Amine closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is conditioned 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 4765 Chovin 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 unanimously adopted.

By Sareini supported by Hubbard.

6-322-12. WHEREAS: Fadlallah and Sanaa Elhusseini, who reside at 5121-23 Steadman (two-family, owner occupied, with a driveway and detached garage), and Zahraa Hamka, who owns and resides at 5109 Steadman (single-family, with no driveway and no garage), 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 will 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. With respect to 5109 Steadman, 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.
8. Since 5121-23 Steadman is a two-family property, any construction is limited to providing for more parking and/or construction of a garage.

9. 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.
10. 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.

and

WHEREAS: The City has no further need for said land and this 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 this Council does hereby determine to effect the sale at a price of \$2,950 to Mr. and Mrs. Elhusseini the parcel described as:

North 15.595 ft. of the North 31.19 ft. of Lot 268, Orchard Blvd. Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 33, Page 13 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-181-07-023
Commonly known as: Part of 5115 Steadman

and to effect the sale at a price of \$2,950 to Ms. Hamka of the parcel described as:

South 15.595 ft. of the North 31.19 ft. of Lot 268, Orchard Blvd. Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 33, Page 13 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-181-07-023
Commonly known as: Part of 5115 Steadman

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Mr. and Mrs. Elhusseini and Ms. Hamka 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 Mr. and Mrs. Elhusseini and Ms. Hamka closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale of 5115 Steadman 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 unanimously adopted.

By Hubbard supported by Sareini.

6-323-12. WHEREAS: Ala Al-Atabi and Haneen Albalut, owners and occupants of 6456 Barrie (single-family with a driveway and detached garage), have requested that the City sell them the vacant lot located next to their property so that they may combine it with the adjacent lot that they own, and

WHEREAS: Sale is conditioned on the following:

1. Lot must be combined with the purchasers' property and may not be re-split or combine 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 owner.
2. Lot may only be sold or developed in combination with buyers' adjacent land.
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 will result in the Resolution automatically being rescinded, deposit forfeited and the sale declared null and void.
6. 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.
7. 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 for \$5,900, at the City's sole discretion.

and

WHEREAS: The City has no further need for said land and this 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 this Council does hereby determine to effect the sale at a price of \$5,900 to Ala Al-Atabi and Haneen Albalut of the parcel described as:

Lot 327, Albert P. Ternes Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, Page 12 of Plats, Wayne County Records.

Tax I.D.: 82-10-071-32-004
Commonly known as 6454 Barrie

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Ala Al-Atabi and Haneen Albalut 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 Ala Al-Atabi and Haneen Albalut closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is conditioned 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 6454 Barrie 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 unanimously adopted.

By Hubbard supported by Sareini.

6-324-12. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Ronald E. Harder, to the Demolition Board of Appeals for a term ending June 30, 2015; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

6-325-12. RESOLVED: That City Council hereby concurs in the Mayor's re-appointment of Sam Salamey, to the Board of Ethics for a term ending June 30, 2015; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Hubbard.

6-326-12. RESOLVED: That City Council hereby concurs in the Mayor's re-appointments of Maureen A. McIlrath-Noland, Nancy Murdoch and Teresa Pulido, to the Telecommunications Commission for terms ending June 30, 2014; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

6-327-12. RESOLVED: That City Council hereby waives the permit and application fees associated with the placement of six to eight art reproduction pieces on property located along Michigan Avenue by the Detroit Institute of Arts in celebration of the 125th Anniversary Program entitled "Inside/Out"; be it further

RESOLVED: That City Council hereby grants permission to the Detroit Institute of Arts to place five (5) of those reproductions on City properties.

The resolution was unanimously adopted.

By Sareini supported by Hubbard.

6-328-12. RESOLVED: That City Council hereby grants permission to the WMC Police/Fire Charity to have a band play live music until 11:00 P.M. at their annual meeting on July 14, 2012 in the parking lot of the Hyatt Regency Hotel, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hubbard supported unanimously.

6-329-12. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Frederick Schreiber, 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.

6-330-12. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Rosemary Hacker, 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.

6-331-12. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Amelia Berry Kalil, 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.

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 9:25 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk