

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

August 6, 2012

The Council convened at 7:34 P.M., President Pro Tem of the Council Suzanne Sareini presiding. Present at roll call were Councilmembers Abraham, Bazzy, Hubbard, O'Donnell and President Pro Tem of the Council Sareini; absent, Councilmembers Shooshanian and Tafelski. A quorum being present, the Council was declared in session.

Pastor Linda Anderson of the Dearborn Congregational Church delivered the invocation.

By Abraham supported by O'Donnell.

8-398-12. RESOLVED: That the minutes of the previous regular meeting of July 24, 2012, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by O'Donnell.

8-399-12. RESOLVED: That Ordinance No. 12-1361 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

The Clerk then read Ordinance No. 12-1361 entitled, "An Ordinance to Amend the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn by Amending Article I entitled 'In General' by Amending Section 13-2 entitled 'Illustrative Enumeration'."

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

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

8-399-12. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell and Sareini (4). Nays: Bazzy (1). Absent: Shooshanian and Tafelski (2).

Councilmember Hubbard introduced Ordinance No. 12-1362, entitled, "An Ordinance to Amend the Zoning Ordinance of the City of Dearborn by Amending Article 1, entitled 'Short Title, Rules of Construction, and Definitions,' by Amending Section 1.03, entitled 'Definitions,' and Amending Article 7, entitled 'Site Development Standards Applicable to Specific Uses,' by Amending Section 7.05, entitled 'Regulated Uses'."

The Clerk read the Ordinance by title.

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

By O'Donnell supported by Sareini.

8-400-12. RESOLVED: That proposed Ordinance No. 12-1362 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

Councilmember Hubbard introduced Ordinance No. 12-1363, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the west 105 feet of the east ½ of Lot 7 of Robert M. Grindley's Subdivision No. 3 of Little Farms (82-09-292-08-038) from a Business B (Community Business District) to a Business C (General Business District) zoning classification.

The Clerk read the Ordinance by title.

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

By Bazzy supported by O'Donnell.

8-401-12. RESOLVED: That proposed Ordinance No. 12-1363 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

Councilmember Hubbard introduced Ordinance No. 12-1364, entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Amending Section 14-259, entitled ' Manufacture, Sale, Possession of Certain Weapons or Other Dangerous Devices'."

The Clerk read the Ordinance by title.

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

By Sareini supported by Bazzy.

8-402-12. RESOLVED: That proposed Ordinance No. 12-1364 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

Councilmember Hubbard introduced Ordinance No. 12-1365, entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Amending Sections 14-273 - 14-275, entitled 'Individuals Licensed to Carry a Concealed Pistol'."

The Clerk read the Ordinance by title.

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

By Sareini supported by O'Donnell.

8-403-12. RESOLVED: That proposed Ordinance No. 12-1365 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

Councilmember Hubbard introduced Ordinance No. 12-1366, entitled, "An Ordinance to Amend the City of Dearborn Policemen's and Firemen's Retirement System (Chapter 21)."

The Clerk read the Ordinance by title.

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

By Sareini supported by Abraham.

8-404-12. RESOLVED: That proposed Ordinance No. 12-1366 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Abraham.

8-405-12. RESOLVED: That all bids received for Repair of Fire Apparatus are hereby rejected except the bid of R&R Fire Truck Repair, Inc. in the approximate amount of \$50,000, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the General Fund, Public Works, Fleet R&M Operations, Repair & Maintenance, Vehicle Repair Account (Account #101-2085-856.43-65); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By O'Donnell supported by Sareini.

8-406-12. RESOLVED: That all bids received for Cold Patch Paving Mixture are hereby rejected except the bid of Cadillac Asphalt in the approximate amount of \$71,900, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the General Fund, DPW, Highways, Road & Paving R&M, Cold Patch Paving Account (Account #101-2073-452.63-50) in the approximate amount of \$60,000; Sewer Fund, DPW, Sewerage, Road & Paving Maint., Cold Patch Account (Account #590-2006-472.63-50) in the approximate amount of \$5,950 and Water Fund, DPW, Water, Road & Paving Maint., Cold Patch Account (Account #591-2011-484.63-50) in the approximate amount of \$5,950; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-407-12. RESOLVED: That all proposals received for City Hall Project Management and Relocation Services are hereby rejected except the proposal of CBRE, Inc. in an amount not to exceed the revised negotiated price of \$162,500, that the aforementioned proposal 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 proposal have been fully complied with; be it further

RESOLVED: That in order to fund this contract, City Council hereby authorizes an appropriation of General Fund fund balance in the amount of \$162,500 as a contribution to the Facilities Fund and also authorizes the Finance Director to recognize and appropriate the contribution in the Facilities Fund, Project J13512 Dearborn Administrative Center, Contractual Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazzy supported by Sareini.

8-408-12. RESOLVED: That all proposals received for Property Appraisal Services are hereby rejected except the proposals of Raftary Real Estate; IRR Residential Reese Appraisals; Barnas & Associates; Heinowski Appraisal & Consulting, LLC; Valu Tec, Inc.; Frischman Appraisal & Consulting, LLC; Integra Realty Resources - Detroit; EDI Appraisal Services; IRR Residential Independent Appraisal Corporation-Paul Zachos; Judeh & Associates and Terzo & Bologna in the three-year approximate total amount of \$115,000, that the aforementioned proposals are hereby accepted, that the Mayor is hereby authorized to execute formal 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 three-year contracts shall be financed from the General Fund, Assessor, Assessments Contractual Services Account with services rendered 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 adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Hubbard.

8-409-12. WHEREAS: Zausmer, Kaufman, August, Caldwell & Tayler, P.C. has consulted and acted as co-counsel for the City of Dearborn in the case City of Dearborn v Burton-Katzman, *et. al.* since September 2009, and

WHEREAS: It is estimated that legal actions and continued representation in this litigation will require an extension of the professional services agreement in the amount of \$100,000; now therefore be it

RESOLVED: That the professional services agreement with Zausmer, Kaufman, August, Caldwell & Tayler, P.C. is extended in the amount of \$100,000; be it further

RESOLVED: That in order to fund this professional services agreement, the City Council approves that the General Fund fund balance is appropriated as a transfer in the amount of \$100,000 to the Fleet & General Liability Fund to be recognized and appropriated in the Legal Fees Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-410-12. WHEREAS: Zausmer, Kaufman, August, Caldwell & Tayler, P.C. has represented the City of Dearborn concerning CSO litigation since January 2008, and

WHEREAS: It is estimated that legal actions and continued representation in this litigation will require an extension of the professional services agreement in the amount of \$250,000; now therefore be it

RESOLVED: That the professional services agreement with Zausmer, Kaufman, August, Caldwell & Tayler, P.C. is extended in the amount of \$250,000; be it further

RESOLVED: That in order to fund this contract extension, a transfer of \$250,000 from the Sewer Fund - CSO, Department of Public Works, Sewerage Division, Professional Services Account, Project N85000 is approved; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Hubbard.

8-411-12. RESOLVED: That the 2012-2013 budget be and is hereby amended as shown on the schedule below to carry forward appropriations related to purchases at year end pursuant to requests received from involved departments:

General Fund:		
Department		
Assessor	55,100	
Legal	149,520	
Finance	36,000	
Human Resources	5,000	
DPW, Fleet R & M Operations	25,300	
Residential Services	8,200	
Total, General Fund		279,120
Total, Camp Dearborn		22,000
Total, Drug Law		24,035
Total, WDDDA		79,195
Total, EDDDA		80,170
Total, Sewer Fund		20,000
Total, Housing Fund-Senior Operating		13,075
Total, Sewer Fund		90,000
Total, Water Fund		25,000
Total, Facility Fund		79,674
Total, Fleet & Eqpt. Replacement		61,065
Total, Fleet & Gen. Liability		52,960
Total, All Funds		806,294

be it further

RESOLVED: That the Library Fund fund balance in the amount of \$12,000 be and is hereby appropriated for security system initiatives; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Bazzy.

8-412-12. RESOLVED: That City Council hereby authorizes the Finance Director to appropriate \$26,852 from the General Fund fund balance into the Economic & Community Development Department Budget, Commercial Services Division Payroll and Benefits Accounts to hire an additional part-time field inspector; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazzy supported by O'Donnell.

8-413-12. RESOLVED: That City Council hereby adjusts the 2012 Summer Tax Roll by cancelling Invoice #15829 for the property located at 7353 Kendal in the amount of \$421.16 as the board-up fee was paid by the property owner's insurance company.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-414-12. RESOLVED: That City Council hereby rescinds C.R. 3-120-12, which authorized the replacement of specified street light fixtures to convert to energy efficient fixtures in partnership with DTE Energy's Community Lighting Division in the amount of \$242,223.78. More funding is available as well as DTE being able to purchase less expensive energy efficient fixtures. Therefore, a new contract shall be awarded to DTE Energy's Community Lighting Division in the amount of \$400,303.18 for the LED Street Light Conversion Project; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to recognize and appropriate the DTE Energy Optimization Rebate in the amount of \$12,420; be it further

RESOLVED: That this contract shall be recorded in the General Capital Improvement Fund, Project Z77700 EECBG-ARRA, Contractual Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Abraham.

8-415-12. RESOLVED: That City Council hereby recognizes and appropriates the Allstate Foundation Hands in the Community Grant in the amount of \$1,000 in the Fire Department Budget for general operating support or program funding; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Hubbard.

8-416-12. RESOLVED: That City Council hereby approves a Budget Reallocation for the 19th District Court in the amount of \$500 from Account #101-1125-413.22-00 to Account #101-1125-413.23-90 for Part-time Employees who have opted out of social security in lieu of a City contribution to the Prudential Deferred Compensation Program; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazzy supported by O'Donnell.

8-417-12. WHEREAS: The City of Dearborn Policemen and Firemen Retirement System, Chapter 21 currently has 85 members and beneficiaries receiving benefits. One renewal position each for a Police and a Fire Trustee were open for terms beginning July 1, 2012. Only one eligible Police member applied to fill a Trustee position. An additional mailing was sent to all eligible Police and Fire members to fill the vacant Fire position, but no further applications were received by the City Clerk's Office, and

WHEREAS: The City of Dearborn Charter at Section 17.4 (A) states "At such time as there shall be insufficient eligible active and retired members qualified and willing to fill the member trustee positions, then the administration of the System shall become the responsibility of the City of Dearborn to be administered pursuant to the provisions of the City of Dearborn Policemen and Firemen Retirement System," and

WHEREAS: The City Clerk has provided certification that there are no longer qualified and willing members who have applied to fill the member trustee positions. The Finance Director has also certified that there are insufficient members willing to serve as trustees. Therefore, the responsibility for the administration of the System passes to the City of Dearborn; be it

RESOLVED: That in order to seamlessly transition the administration of the Chapter 21 Pension System, City Council hereby adopts the Chapter 21 Investment Policy Statement, as presented by the Finance Director; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Bazzy.

8-418-12. WHEREAS: The City of Dearborn Policemen and Firemen Retirement System, Chapter 21 currently has 85 members and beneficiaries receiving benefits. One renewal position each for a Police and a Fire Trustee were open for terms beginning July 1, 2012. Only one eligible Police member applied to fill a Trustee position. An additional mailing was sent to all eligible Police and Fire members to fill the vacant Fire position, but no further applications were received by the City Clerk's Office, and

WHEREAS: The City of Dearborn Charter at Section 17.4 (A) states "At such time as there shall be insufficient eligible active and retired members qualified and willing to fill the member trustee positions, then the administration of the System shall become the responsibility of the City of Dearborn to be administered pursuant to the provisions of the City of Dearborn Policemen and Firemen Retirement System," and

WHEREAS: The City Clerk has provided certification that there are no longer qualified and willing members who have applied to fill the member trustee positions. The Finance Director has also certified that there are insufficient members willing to serve as trustees. Therefore, the responsibility for the administration of the System passes to the City of Dearborn; be it

RESOLVED: That in order to seamlessly transition the administration of the Chapter 21 Pension System, City Council hereby authorizes the Finance Director to invest portfolio assets with the following investment managers currently employed by the Chapter 21 Policemen and Firemen Retirement System: World Assets Management S&P 500 Index Equity, Foreign Equity; DeRoy and Devereaux All Cap Value Equity; Wells All Cap Growth Equity; Capital International Emerging Markets Growth Fund; J P Morgan Core Bond; PIMCO Total Return; Brandywine Global Fixed Income; BlackRock Inflation Protected Bond; Pictet Emerging Markets Debt Local Currency; Loomis Sayles Credit Asset Trust; Windhaven Global Assets Allocation and PRISA Real Estate Fund; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazy supported by Hubbard.

8-419-12. WHEREAS: The City of Dearborn Policemen and Firemen Retirement System, Chapter 21 currently has 85 members and beneficiaries receiving benefits. One renewal position each for a Police and a Fire Trustee were open for terms beginning July 1, 2012. Only one eligible Police member applied to fill a Trustee position. An additional mailing was sent to all eligible Police and Fire members to fill the vacant Fire position, but no further applications were received by the City Clerk's Office, and

WHEREAS: The City of Dearborn Charter at Section 17.4 (A) states "At such time as there shall be insufficient eligible active and retired members qualified and willing to fill the member trustee positions, then the administration of the System shall become the responsibility of the City of Dearborn to be administered pursuant to the provisions of the City of Dearborn Policemen and Firemen Retirement System," and

WHEREAS: The City Clerk has provided certification that there are no longer qualified and willing members who have applied to fill the member trustee positions. The Finance Director has also certified that there are insufficient members willing to serve as trustees. Therefore, the responsibility for the administration of the System passes to the City of Dearborn; be it

RESOLVED: That in order to seamlessly transition the administration of the Chapter 21 Pension System, City Council hereby authorizes the Finance Director to administer the Policemen and Firemen Retirement System (Chapter 21) in accordance with the provisions of Chapter 21; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Hubbard.

8-420-12. WHEREAS: The City of Dearborn Post Employment Health Care (PEHC) Fund currently employs two investment managers. Investments are made in accordance with the Investment Policy adopted by the City Council per 6-441-04 and 4-226-08. The current investment managers are:

- World Assets Management Equity Securities
- Munder Capital Management - Debt Securities

and

WHEREAS: The Finance Director has requested authority to invest portfolio assets with some or all of the managers currently employed by the Chapter 21 Policemen and Firemen Retirement System. This would allow for a more diversified portfolio that would reflect the conservative investment policy used by the Chapter 21 Pension System. In turn, greater diversification would allow the PEHC Fund to take advantage of up-to-date strategies in investments such as All Cap Equity, International Equity and Fixed Income, Emerging Markets, TIPS and Credit Assets; be it

RESOLVED: That City Council hereby adopts the revised Investment Policy for the Post Employment Health Care Fund, as presented by the Finance Director and authorizes the Finance Director to invest portfolio assets with some or all of the following investment managers mirroring the Chapter 21 Policemen and Firemen Retirement System:

- World Assets Management Equity Securities
- Munder Capital Management - Debt Securities
- World Assets Management S&P 500 Index Equity Foreign Equity
- DeRoy and Devereaux All Cap Value Equity
- Wells All Cap Growth Equity
- Capital International Emerging Markets Growth Fund
- J P Morgan Core Bond
- PIMCO Total Return
- Brandywine Global Fixed Income
- BlackRock Inflation Protected Bond
- Pictet Emerging Markets Debt Local Currency
- Loomis Sayles Credit Asset Trust
- Windhaven Global Assets Allocation
- PRISA Real Estate Fund

be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-421-12. RESOLVED: That City Council hereby authorizes the Mayor to execute a five-year Agreement with the Dearborn Towers Condominium Association in the annual amount of \$1.00 to allow the City to install microwave antennas and related equipment on its rooftop; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazzy supported by Abraham.

8-422-12. RESOLVED: That City Council hereby authorizes the City of Dearborn to enter into an Inter-Governmental Agreement (IGA) with Wayne County for the acceptance and recognition of a FY12 Wayne County Parks Millage Allocation in the amount of \$120,000 for the removal and replacement of two (2) existing bleachers/grandstands at King Boring Field; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to appropriate the FY12 Wayne County Parks Millage Allocation in the amount of \$120,000 for expenditures; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Sareini supported by Hubbard.

8-423-12. WHEREAS: Norfolk Southern Corporation (NS) has requested that the City of Dearborn accept a quit claim deed for the portion of the right of way that requires grading and site preparation necessary to accommodate the intermodal rail station, tower, and bridge (depicted on the attached), and

WHEREAS: Currently, NS and MDOT have a sale transaction that is pending for the Detroit-Kalamazoo rail corridor, and

WHEREAS: Since the transaction is still pending, the City has not been able to gain access to commence preliminary preparation of the construction site, and

WHEREAS: While the sale is pending, NS has offered to quit claim the portion of the right of way to the City of Dearborn that will allow the City to begin the grading and site preparation without further delay, and

WHEREAS: As part of the transfer to the City of Dearborn, the City must agree to accept the property as follows:

1. Property will be deeded "as is" with all existing conditions, including any contamination that may be present;
2. City agrees to indemnify and hold NS harmless for any environmental conditions discovered on the property;
3. City agrees to a use restriction. The property will only be used in conjunction with the intermodal rail station project;
4. City agrees to pay for all recording fees; and
5. NS reserves easement for fiber and utilities.

and

WHEREAS: City staff and consultants believe there is a low risk of encountering any contamination in the rail right of way; but, unknown conditions present some risk, and

WHEREAS: Soil borings previously taken in the area have not uncovered any environmental concerns, and

WHEREAS: Past investigations during the project planning phase reveal that the property has either been undeveloped land or used as a parking lot, and

WHEREAS: It is recommended that the Dearborn City Council authorizes and accepts the transfer of the right of way property depicted on the attached diagram to the City of Dearborn from NS for \$1; therefore be it

RESOLVED: That the City of Dearborn accepts the transfer of right of way property from NS to the City of Dearborn so that the City may begin the grading and site preparation necessary to accommodate the intermodal rail station, tower, and bridge (depicted on the attached); be it further

RESOLVED: That the City of Dearborn accepts the transfer of said property, subject to the following conditions:

1. Property will be deeded "as is" with all existing conditions, including any contamination that may be present;
2. City agrees to indemnify and hold NS harmless for any environmental conditions discovered on the property;
3. City agrees to a use restriction. The property will only be used in conjunction with the intermodal rail station project;
4. City agrees to pay for all recording fees; and
5. NS reserves easement for fiber and utilities.

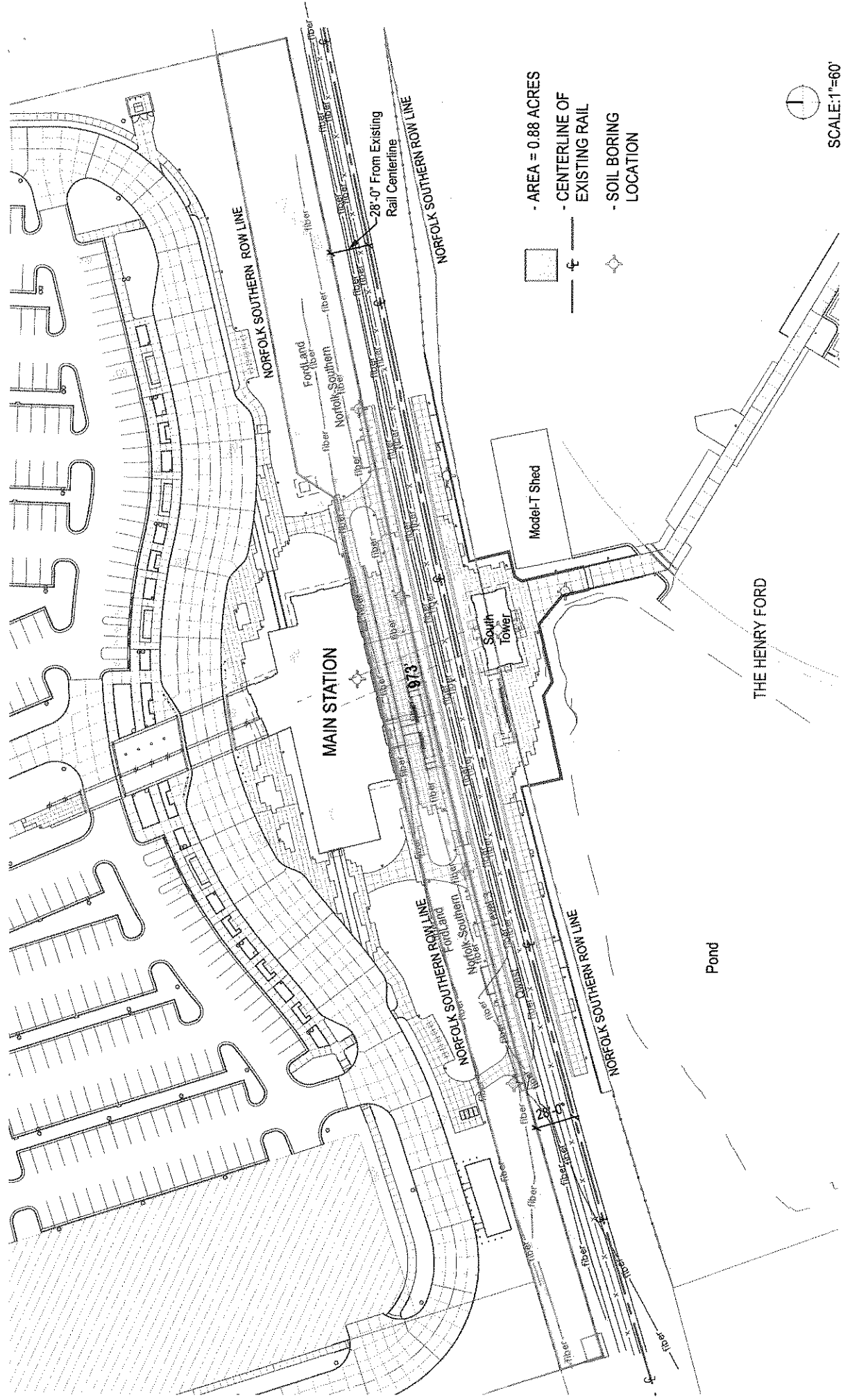
be it further

RESOLVED: That the acquisition of said property serves a public purpose because it is vital to the preparation and construction of the Dearborn Intermodal Rail Facility located at 21010 Michigan Avenue; be it further

RESOLVED: That the Corporation Counsel or her designee and the Mayor are authorized to execute documents on behalf of the City of Dearborn to effectuate the transfer of property to the City of Dearborn; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).



DEARBORN INTERMODAL STATION - RAILROAD ROW EXHIBIT

SCALE: 1"=60'
 JULY 19, 2012

By Sareini supported by O'Donnell.

8-424-12. WHEREAS: The City of Dearborn has been notified by the Wayne County Treasurer that tax-foreclosed properties are available for the City of Dearborn to purchase for public purposes, and

WHEREAS: The City may exercise its right of first refusal to purchase the properties before they are offered at auction to the general public, and

WHEREAS: The City of Dearborn desires to acquire properties that contain houses for the public purpose of demolishing or rehabilitating substandard structures to protect the surrounding neighborhoods, and

WHEREAS: The City of Dearborn desires to acquire vacant properties for the public purpose combining them with other vacant lots to offer as sites for new construction of houses or to split the smaller vacant lots to offer to adjoining owners to utilize for side yard to improve the neighborhoods, and

WHEREAS: It is recommended that eleven of the properties be purchased, at a cost of approximately \$121,948.94, and

WHEREAS: The properties recommended for purchase and observations about the four properties are noted as follows:

5656 Calhoun (60' x 129') - Purchase Price: \$9,437.02
Comments: This is a vacant 60' lot. The lot may be offered for sale as a buildable residential site.

4587 Curtis (35' x 113') - Purchase Price: \$12,878.12
Comments: This is a substandard, unoccupied house located next to a City-owned lot. Once the house is demolished, the lots could be combined and used as a buildable residential site.

8731 Graham (37' x 109) - Purchase Price: \$9,910.71
Comments: This appears to be an occupied house located on a 37' lot. The City owns the adjacent vacant lot and many other properties in the area. The house located at 8737 Graham is also being offered for sale through tax foreclosure. The lots could be combined and used as buildable residential sites or held for future development in the area.

8737 Graham (30' x 110') - Purchase Price: \$8,676.48
 Comments: This appears to be an occupied house located on a 30' lot. The City owns the adjacent vacant lot and many other properties in the area. The house located at 8731 Graham is also being offered for sale through tax foreclosure. The lots could be combined and used as buildable residential sites or held for future development in the area.

5911 Hartwell (67' x 120') - Purchase Price: \$23,353.20
 Comments: This is a substandard, unoccupied house located on a large lot. Once the house is demolished, the lot may be conducive for the Habitat for Humanity Project or as another buildable residential site.

Vacant on Hartwell (30' x 100') - Purchase Price: \$7,827.67 82-10-171-06-014
 Comments: This is a vacant lot located between 2 privately owned residences. This lot may be sold to the adjoining owners to enhance their existing lot sizes.

5256 Hartwell (30' x 100') - Purchase Price: \$7,862.07
 Comments: This is a substandard, unoccupied house that has also been identified as an Operation Eyesore house. The City owns the adjacent lot. Once the house is demolished, the lots may be combined and used as a buildable residential site. The lots may also be conducive for Habitat for Humanity Project.

7616 Kendal (30' x 125') - Purchase Price: \$8,898.89
 Comments: This is a vacant lot located between 2 privately owned residences. This lot may be sold to the adjoining owners to enhance their existing lot sizes.

Vacant on Kentucky (36' x 126') - Purchase Price: \$5,582.11 82-10-043-54-028
 Comments: This is a vacant lot located between 2 privately owned residences. This lot may be sold to the adjoining owners to enhance their existing lot sizes.

6911 Theisen (35' x 140') - Purchase Price: \$7,796.22
 Comments: This is a former two-family rental unit that has fire damage. The house needs to be demolished.

5901 Chase (264' x 105') - Purchase Price: \$19,726.45
 This is an unfinished commercial building that is an eyesore. The property was purchased for the construction of a pharmacy. Construction began but was never completed. The partially built structure is in need of demolition.

and

WHEREAS: The cost of purchasing the above-listed properties is approximately \$121,948.94, plus demolition and appurtenant costs of approximately \$124,326, and

WHEREAS: Other properties that are in foreclosure that are not redeemed by their owners, may be worth purchasing if offered at a further discount, and

WHEREAS: If a further discount is offered, it is recommended that the Corporation Counsel be authorized to purchase other discounted properties in an amount not to exceed \$50,000, and

WHEREAS: Funding for the purchases and costs associated with the properties will be from the Neighborhood Stabilization Project, C05500; be it therefore

RESOLVED: That Corporation Counsel is hereby authorized to make application to the Wayne County Treasurer to purchase the following properties pursuant to the City of Dearborn's right of first refusal:

5656 Calhoun 82-10-083-23-010
4587 Curtis 82-09-134-12-044
8731 Graham 82-10-091-05-022
8737 Graham 82-10-091-05-023
5911 Hartwell 82-10-083-18-021
Vacant on Hartwell 82-10-171-06-014
5256 Hartwell 82-10-171-15-011
7616 Kendal 82-10-064-08-015
Vacant on Kentucky 82-10-043-54-028
6911 Theisen 82-10-082-11-030
5901 Chase 82-10-073-23-020

be it further

RESOLVED: That if further discounts are offered for the tax foreclosed properties, the Corporation Counsel or her designee is hereby authorized to purchase additional properties on behalf of the City of Dearborn for a public purpose in an amount not to exceed \$50,000; be it further

RESOLVED: That there is a public purpose Served by the City of Dearborn purchasing the above-listed properties that contain houses in that the houses are in need of demolition and/or repair. The surrounding neighborhoods will be protected from decline once the listed houses are demolished or rehabilitated, be it further

RESOLVED: That there is a public purpose served by the City of Dearborn purchasing the above-listed vacant lots in that they may be combined with other vacant lots to and offered as building sites for new construction or offered to adjoining property owners for use as side yard to expand existing lots and to open and improve the neighborhoods; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount of \$121,948.94, drawn upon the Neighborhood Stabilization Program Fund, C05500, payable to the Wayne County Treasurer, for payment of said properties; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the approximate amount of \$ \$124,326 for the demolition and appurtenant costs related to said properties once they are acquired, drawn upon the Neighborhood Stabilization Program Fund, C05500; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in an additional amount not exceed \$50,000, drawn upon the Neighborhood Stabilization Program Fund, C05500, payable to the Wayne County Treasurer for payment of further discounted properties as identified by the Corporation Counsel; be it further

RESOLVED: That the City of Dearborn shall set up the necessary procedures and controls to provide the proper distribution of funds arising from the subsequent sale of the acquired property; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by O'Donnell.

8-425-12. WHEREAS: Youssef and Mariam Abbas, who own 5259 Neckel (single-family, properly registered rental with a driveway and detached garage), and Mathew and Roxanne Damore, who own and reside at 5275 Neckel (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 shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
6. Lots may not be re-split or combined with other land for a re-splitting as two buildable lots. Lot may only be sold or developed in combination with buyers' adjacent land.
7. 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 \$3,300 to Youssef and Mariam Abbas the parcel described as:

South 17 1/2 ft. of Lot 172, Maplewood Park Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 25 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-182-17-042

and to effect the sale at a price of \$3,300 to Mathew and Roxanne Damore of the parcel described as:

North 17 1/2 ft. of Lot 172, Maplewood Park Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 25 of Plats, Wayne County Records.

Tax I.D.: Part of 82-10-182-17-042

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Mr. and Mrs. Abbas and Mr. and Mrs. Damore 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. Abbas and Mr. and Mrs. Damore closing simultaneously 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 5265 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, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-426-12. RESOLVED: That City Council hereby authorizes the implementation of a \$3.00 ticket restoration fee on each ticket sold at the Michael A. Guido Theater Box Office; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to create a new project in the Facilities Fund to monitor the accumulation of these revenues and resulting Theater related capital replacement expenditures and to automatically establish revenue budgets and corresponding appropriations based on actual receipts in the Theater Restoration Project; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Abraham supported by Sareini.

8-427-12. RESOLVED: That the City of Dearborn, in accord with Section 436.17 of the Michigan Liquor Control Act, does hereby approve the request of Henry Ford Community College for a New Class C License [to be issued under MCL 436.1513(1)], New Sunday Sales Permit (PM), New Specific Purpose Permit (Food), New Dance-Entertainment Permit and New Add Space to be located at 5101 Evergreen, Dearborn, MI 48128; 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, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-428-12. WHEREAS: Paul Boyce, President of the Ford Historic Homes District (FHHD), has requested permission to hold a workshop, entitled Building Assessment 101, at the City-owned vacant house located at 22668 Nona on Saturday, August 11, 2012 from 9:00 a.m. to 12:00 P.M., and

WHEREAS: Paul Boyce has represented that the workshop will be limited to twenty (20) people and that each participant will be required to execute a hold harmless agreement and the release of liability, and

WHEREAS: Paul Boyce does not intend to cause damage to the house or leave it unsecured, and

WHEREAS: It is recommended by the Director of Residential Services that the Dearborn City Council authorize the FHHD, to use the City-owned vacant house located at 22668 Nona for workshop purposes on Saturday, August 11, 2012 from 9:00 a.m. to 12:00 P.M., subject to the terms and conditions stated above and subject to the execution of a hold harmless agreement; be it therefore

RESOLVED: That the FHHD, by Paul Boyce, is granted permission to use the City-owned vacant house located at 22668 Nona for workshop purposes on Saturday, August 11, 2012 from 9:00 a.m. to 12:00 P.M.; be it further

RESOLVED: That the FHHD is required to abide by the terms and conditions outlined above; be it further

RESOLVED: That the FHHD is required to execute a hold harmless agreement, subject to the review and approval of the Corporation Counsel; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazzy supported by O'Donnell.

8-429-12. RESOLVED: That City Council hereby waives the tent permit fees for the Friends for the Dearborn Animal Shelter in the amount of \$245 for the Annual Hogs 4 Dogs fundraiser on August 23, 2012; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Bazzy supported by Hubbard.

8-430-12. RESOLVED: That City Council hereby grants permission to the Kiwanis Club of Dearborn to conduct their annual Peanut Street Sale on September 6-9, 2012, subject to all applicable ordinances and the rules and regulations of the Police Department.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By Hubbard supported by Sareini.

8-431-12. WHEREAS: The City of Dearborn is owner of land adjacent to 14316 Michigan Avenue, described as follows:

A parcel of land in Fractional Section 18, T. 2 S., R. 11 E., City of Dearborn, Wayne County, Michigan, described as beginning at a point on the northerly line of Michigan Avenue, 100 feet wide, said point being distant South 70° 22' 00" West, 58.93 feet as measured along the said northerly line of Michigan Avenue from the southwest corner of Lot 240 of Ardross Subdivision as recorded in Liber 36, Page 30 of Plats, Wayne County records; continuing thence along the said northerly line of Michigan Avenue South 70° 22' 00" West, 9.00 feet; thence North 70° 55' 30" West, 11.40 feet; thence North 19° 04' 30" East, 16.50 feet; thence North 70° 22' 00" East, 7.58 feet; thence South 19° 38' 00" East, 20.00 feet to the point of beginning, containing 260 square feet of land, more or less,

and

WHEREAS: Dr. Dimitri Pallas is owner of the building at 14316 Michigan Avenue, and lessee of the above-described City-owned property, and

WHEREAS: Habib's Cuisine, Inc., represented by Habib Bazzi, is lessee of the building owned by Dr. Pallas at 14316 Michigan Avenue, and

WHEREAS: Habib's Cuisine, Inc. maintains a pole sign on the above-described property owned by the City and leased by Dr. Pallas, and

WHEREAS: Dr. Pallas and Habib's Cuisine have requested that City Council approve their request to seek a variance from the Zoning Board of Appeals and approval from the Design Review Committee to install an electronic message board sign in place of the existing stationary changeable copy sign on the property, and

WHEREAS: The Zoning Ordinance of the City of Dearborn prohibits internally illuminated signs within the B-D district in which the above-referenced property is located, and

WHEREAS: Applications to the Zoning Board of Appeals require consent of the property owner to proceed with a variance request, and

WHEREAS: The Economic and Community Development Department and Department of Law have reviewed the request and determined that it is reasonable based on the unique characteristics of the property and low likelihood of impacting neighborhood development or business district aesthetics, and

WHEREAS: The City has no objection to Dr. Pallas' and Habib's Cuisine, Inc's request so long as the proposed sign does not exceed the surface area of the existing stationary changeable copy sign, and otherwise complies with the sign ordinance provisions of the Dearborn Code of Ordinances, and

WHEREAS: The City Council's authorization of Dr. Pallas' and Habib's Cuisine, Inc's application is limited to authorizing Dr. Pallas and Habib's Cuisine, Inc. to applying for any required variances, and does not have the effect of immediately approving the sign; be it therefore

RESOLVED: That Dr. Dimitri Pallas and Habib's Cuisine, Inc. are authorized to submit an application to the Zoning Board of Appeals requesting a variance to install an electronic message board sign to replace the existing stationary changeable copy sign on the parcel described as follows:

A parcel of land in Fractional Section 18, T. 2 S., R. 11 E., City of Dearborn, Wayne County, Michigan, described as beginning at a point on the northerly line of Michigan Avenue, 100 feet wide, said point being distant South 70° 22' 00" West, 58.93 feet as measured along the said northerly line of Michigan Avenue from the southwest corner of Lot 240 of Ardross Subdivision as recorded in Liber 36, Page 30 of Plats, Wayne County records; continuing thence along the said northerly line of Michigan Avenue South 70° 22' 00" West, 9.00 feet; thence North 70° 55' 30" West, 11.40 feet; thence North 19° 04' 30" East, 16.50 feet; thence North 70° 22' 00" East, 7.58 feet; thence South 19° 38' 00" East, 20.00 feet to the point of beginning, containing 260 square feet of land, more or less;

be it further

RESOLVED: That the Mayor or his designee is authorized to sign all required applications to the Zoning Board of Appeals and Design Review Committee so as to indicate that the City, as owner of the above-described parcel, concurs with the application; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

By O'Donnell supported by Hubbard.

8-432-12. RESOLVED: That City Council hereby denies the request of the Al-Quds Committee to conduct a Vehicle procession on City streets to celebrate Al-Quds Day on August 17, 2012 from 1:00 P.M. to 4:00 P.M. with assistance from the Police Department for traffic control, subject to reimbursement of all City services, 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 adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell and Sareini (5). Nays: None. Absent: Shooshanian and Tafelski (2).

Steven Arnold, 220 Robindale - Requesting the City pass a non-binding resolution prohibiting the sale of drug-related paraphernalia in the community and strengthen the language of Section 12-328 of the City Code of Ordinances.

8-433-12. The communication was referred to the Legal Department.

Councilmember Abraham left the City Council Chambers at 8:35 P.M.

Councilmember Hubbard left the City Council Chambers at 8:39 P.M.

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 9:01 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk