

REGULAR MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

January 15, 2013

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

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

By Shooshanian supported by Sareini.

1-3-13. RESOLVED: That the minutes of the previous regular meeting of December 18, 2012, and the same are hereby approved as recorded and published.

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

By Hubbard supported by Sareini.

1-4-13. RESOLVED: That Ordinance No. 13-1378 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 13-1378 entitled, "An Ordinance to Amend the Administration Chapter (Chapter 2) of the Code of the City of Dearborn by Amending Sections 2-566 and 2-568 of Article IV, Division 4, entitled 'Purchasing and Disposition of Goods and Services'."

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?"

1-4-13. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, Sareini and Shooshanian (5). Nays: None. Absent: O'Donnell and Tafelski (2).

By Sareini supported by Hubbard.

1-5-13. RESOLVED: That Ordinance No. 13-1379 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 13-1379, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located at the corner of South Telegraph Road and Scott (Parcel 82-09-292-08-039) from a Business B (Community Business District) to a Business C (General Business District) zoning classification.

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?"

1-5-13. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, Sareini and Shooshanian (5). Nays: None. Absent: O'Donnell and Tafelski (2).

By Bazzy supported by Shooshanian.

1-6-13. RESOLVED: That Ordinance No. 13-1380 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 13-1380, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the westerly 200 feet of property located east of South Telegraph Road between Lloyd Court and Oxford by rezoning parcels: 82-09-281-11-006, 82-09-281-11-033, 82-09-281-11-034, 82-09-281-11-036, 82-09-281-11-038 and 82-09-281-11-039 from Business B (Community Business District) to Residential A (One Family Residential District) zoning classifications.

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?"

1-6-13. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, Sareini and Shooshanian (5). Nays: None. Absent: O'Donnell and Tafelski (2).

Councilmember Hubbard introduced Ordinance No. 13-1381, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the following Parcels: 82-09-281-11-001 through 82-09-281-11-05, located east of S. Telegraph Road between Lloyd Court and Oxford 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 Sareini supported by Bazzy.

1-7-13. RESOLVED: That proposed Ordinance No. 13-1381 be laid on the table.

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

By Bazzy supported by Hubbard.

1-8-13. WHEREAS: Over the last several years, Dearborn Public Schools has undertaken the construction of new schools and/or expanded existing schools. The construction of a water main within each of these properties was required to provide adequate water service and fire protection for the following Dearborn Public Schools Projects:

- Miller Elementary School Construction, Job #95-01-054, CIP Z62400
- Cotter Early Childhood Center Construction, Job #98-04-079, CIP Z67100
- Henry Ford Elementary School Addition, Job #97-01-057, CIP Z64600
- Stout Middle School Addition, Job #98-04-080, Z65900
- McCollough Elementary/Unis Middle School Construction, Job #02-07-090, CIP 75600

and

WHEREAS: Prior to issuing a permit for construction, the builder or architect for each project was required to submit a monetary deposit on behalf of Dearborn Public Schools to be placed in a City-established Expendable Trust Account prior to the start of construction to cover the City's costs for plan review, construction inspection, and administration, and

WHEREAS: New 8" diameter water mains for each project have been constructed according to City standards by Dearborn Public School contractors under City inspection and are now in service. The City of Dearborn requires a 12-foot wide easement along each new water main for the City to accept it as a public water main and assume future maintenance, and

WHEREAS: The City Engineer has presented to City Council the water main easement agreements from Dearborn Public Schools for the construction and maintenance of public water mains for:

- Miller Elementary School
- Cotter Early Childhood Center
- Henry Ford Elementary School
- Stout Middle School
- McCollough Elementary/Unis Middle School

and

WHEREAS: The balance of Expendable Trust Account deposits are to be refunded upon execution and recording of all Water Main Easements, and

WHEREAS: The City Engineer has requested authorization to accept the water main easements and to record the necessary documents with the Wayne County Register of Deeds, subject to the approval of the Corporation Counsel; be it

RESOLVED: That City Council hereby authorizes the City Engineer to accept the water main easements from Dearborn Public Schools for the aforementioned schools and to record the necessary documents with the Wayne County Register of Deeds, subject to the approval of the Corporation Counsel; be it further

RESOLVED: That the balance of Expendable Trust Account deposits shall be refunded upon execution and recording of all Water Main Easements; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Abraham.

1-9-13. WHEREAS: The City Engineer has presented to City Council for approval an Intergovernmental Agreement with Wayne County for the Federal Grant, in the amount of \$120,000, related to the Rouge River National Wet Weather Demonstration Project, Round XI, Part "A" Grant Program for the Combined and Sanitary Sewer Overflow Control Activities, Sewer Separation Project (CSO-03), North of Michigan Avenue, West of Telegraph (RX1A-04), Job #2013-061, subject to a review by Corporation Counsel, and

WHEREAS: The proposed work involves:  
a) construction of approximately 584 linear feet of 12-inch diameter sanitary sewer across Michigan Avenue and Omaha Beach Drive and b) construction of 480 linear feet of 12-inch diameter sanitary sewer within the alley north of Michigan Avenue from Woodcroft to 480 feet east, and

WHEREAS: The total construction cost of the project is \$351,000 of which \$120,000 is Federal Grant money, the remaining City share of \$231,000 will be funded by C.I.P. N95300, and

WHEREAS: The City Engineer has requested that the Mayor be authorized to execute the agreement on behalf of the City and that the Finance Director be authorized to recognize the grant in the amount of \$120,000 and appropriate it in C.I.P. N95300; be it

RESOLVED: That City Council hereby approves an Intergovernmental Agreement with Wayne County for the Federal Grant, in the amount of \$120,000, related to the Rouge River National Wet Weather Demonstration Project, Round XI, Part "A" Grant Program for the Combined and Sanitary Sewer Overflow Control Activities, Sewer Separation Project (CSO-03), North of Michigan Avenue, West of Telegraph (RX1A-04), Job #2013-061 and authorizes the Mayor to execute the Agreement on behalf of the City, subject to a review by Corporation Counsel; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to recognize the federal grant in the amount of \$120,000 and appropriate the same in C.I.P. N95300; be it further

RESOLVED: That this Intergovernmental Agreement shall be financed from C.I.P. N95300; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Abraham.

1-10-13. RESOLVED: That all bids received for One (1) Model Year 2013 Freightliner Platform Truck, equipped with Log Loader, are hereby rejected except the bid of Wolverine Truck Sales, Inc. in the total amount of \$194,000, 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 Fleet & Equipment Replacement Fund, Public Works, Parks Division, Capital Equipment, Operating Equipment Vehicle Account (Account #668-2074-693.74-10); be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Sareini.

1-11-13. RESOLVED: That all proposals received for Services to Convert Construction As-Built Data to GIS Data are hereby rejected except the proposal of Geographic Information Services, Inc. (GISi) in the total amount of \$57,000, 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 this contract shall be financed from Project X06213 As-Built Data Conversion to GIS as follows:

Sewer Fund Project X06213	\$28,500
Water Fund Project X06213	\$28,500

be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

1-12-13. RESOLVED: That City Council hereby renews the contract with J & B Medical Supply, Inc., as authorized by C.R. 2-62-12 through the Oakland County Medical Control Authority Emergency Medical Supplies Purchasing Consortium, in the amount of \$35,000 for Emergency Medical Supplies for the Fire Department for the period of February 1, 2013 through January 31, 2014; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Fire, Medical Supplies Account, Account #101-2540-621.61-85 (\$25,000 for FY13 and \$10,000 for FY14) with Emergency Medical Supplies purchased 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 adopted as follows: Yeas: Abraham, Bazzy, Hubbard, Sareini and Shooshanian (5). Nays: None. Absent: O'Donnell and Tafelski (2).



By Hubbard supported by Shooshanian.

1-13-13. RESOLVED: That City Council hereby authorizes a three-year contract renewal with Azteca Systems, Inc. (C.R. 10-680-09) in the three year total amount of \$165,000 and with Environmental Systems Research, Inc. in the three year total amount of \$167,793.25 for Computerized Maintenance Management Systems and Related Database Software for the period of April 1, 2013 through March 31, 2016; be it further

RESOLVED: That these contract renewals shall be financed from the Water Fund, Public Works, Professional Services Software Account (Account #591-2011-484.30-25) in the total amount of \$332,793.25 (\$122,793.25 for FY13; \$105,000 for FY14 and \$105,000 for FY15) with future funding being dependent on adoption of the prospective Fiscal Year Budgets; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

1-14-13. RESOLVED: That City Council hereby authorizes the Mayor to renew the City's membership with the Dearborn Chamber of Commerce in the amount of \$3,100 for the period of January 1, 2013 through December 31, 2013; be it further

RESOLVED: That this membership renewal shall be financed from the 2013 Fiscal Year City-wide Account (Account #101-1299-421.65-00); be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Hubbard.

1-15-13. RESOLVED: That City Council hereby authorizes an extension of the Professional Services Agreement with Robert Gordon of Clark Hill P.L.C. (C.R. 5-269-12) in the amount of \$6,000, bringing the total contract amount to \$185,000, for Continued Representation in the litigation of the Burton-Katzman Development Company; be it further

RESOLVED: That this professional services agreement extension shall be financed from the Fleet & General Liability Insurance, Law Department, Professional Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Bazzy.

1-16-13. RESOLVED: That City Council hereby authorizes a contract increase with Cynergy Wireless in the amount of \$29,000, bringing the total contract amount to \$186,644, to include Mandated Conversion of City Radios to Narrowband and Radio Repair and Maintenance; be it further

RESOLVED: That this contract increase shall be financed from the MIS Fund, MIS, Radio Equipment R & M Account; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Sareini.

1-17-13. RESOLVED: That Change Order No. 1 with Professional Service Industries which provides for Geotechnical Testing and Construction Services, Job No. 11-01-069, in the amount of \$35,000 is hereby approved; be it further

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

RESOLVED: That this Change Order shall be financed from the Capital Infrastructure Projects for which testing services are needed including but not limited to Sewer Separation Projects N95200 and N95211 and Street Projects Q59912, Q60613, Q60713 and Q60813; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Hubbard.

1-18-13. RESOLVED: That Change Order No. 1 with Parsons Brinckerhoff of Michigan which provides for Expert Witness Services associated with on-going litigation for the Combined Sewer Overflow Contract C2 and C5, in the amount of \$16,900 is hereby approved; be it further

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

RESOLVED: That this Change Order shall be financed from the Sewer Fund, CSO, Litigations Expense, Project N85000; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Sareini.

1-19-13. RESOLVED: That City Council hereby establishes a Revenue Budget in the amount of \$694,500 and appropriates \$425,650 in the Camp Dearborn Fund, for FY13, to finance the Mystic Creek Golf Club & Banquet Center Operations; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Abraham supported by Bazzy.

1-20-13. RESOLVED: That City Council hereby recognizes the Southwest Detroit Environmental Vision Clean Diesel Grant in the amount of \$110,000 for the replacement of Two (2) City-owned Diesel Trucks with EPA Certified 2012 or Newer Trucks; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to recognize and appropriate \$110,000 in the Fleet Replacement Fund Highways and Parks Divisions and to apply the funds to the purchase of the vehicles; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Hubbard.

1-21-13. WHEREAS: The City has requested permission to utilize a portion of The Henry Ford property to install, construct, and maintain a tower, platform, plaza, walkways, bridge, and landscaping to accommodate public access to the Dearborn Intermodal Passenger Rail Facility located at 21201 Michigan Avenue, and

WHEREAS: The Edison Institute (owner of The Henry Ford property) is willing to grant the requested access to the City of Dearborn, provided that the City executes necessary easement agreements, and

WHEREAS: The City has agreed to fund up to \$500,000 in coaling station mitigation from the \$28.2 Million FRA Intermodal Station grant and The Henry Ford has agreed to fund the rail track, switch and signal relocation mitigation for the Intermodal Project, and

WHEREAS: The City has also requested permission to utilize a portion of the rail corridor Right-of-Way (ROW) to install portions of the tower, bridge, platforms as necessary to construct and maintain the project elements, and

WHEREAS: The Michigan Department of Transportation (MDOT) has purchased the rail corridor from Dearborn to Kalamazoo and leased it back to Norfolk Southern Corporation (NS) to operate until the spring of 2013, and

WHEREAS: Both NS and MDOT are willing to grant the requested access to the City of Dearborn, provided the City executes necessary easement agreements, and

WHEREAS: Corporation Counsel recommends that the Dearborn City Council authorizes the Mayor to sign necessary easement agreements with the Edison Institute, Norfolk Southern Corporation (transferrable to MDOT) on behalf of the City of Dearborn, subject to review and approval by the Corporation Counsel; now therefore be it

RESOLVED: That the Mayor, on behalf of the City of Dearborn, is authorized to execute necessary easement agreements with the Edison Institute for the installation, construction, and maintenance of portions of the Dearborn Intermodal Passenger Rail Facility located at 21201 Michigan Avenue contingent upon the agreement requiring compliance with the City's Capital Contract with MDOT for this ARRA funded project with payment contingent upon satisfactory documentation of such compliance, if necessary; be it further

RESOLVED: That the Edison Institute be awarded up to but not exceeding \$500,000 from the \$28.2 Million FRA Intermodal Passenger Rail Station grant to fund the construction of an historic coaling tower for the Greenfield Village internal railroad as mitigation for impacts of the Intermodal Station on The Henry Ford property in accordance with the terms of the aforementioned access/easement agreement; be it further

RESOLVED: That the Mayor, on behalf of the City of Dearborn, is authorized to execute necessary access and easement agreements with Norfolk Southern (transferrable to MDOT) for the installation, construction, and maintenance of portions of the Dearborn Intermodal Passenger Rail Facility located at 21201 Michigan Avenue; be it further

RESOLVED: That the access and easement agreements are 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, Sareini and Shooshanian (5). Nays: None. Absent: O'Donnell and Tafelski (2).

By Bazzy supported by Shooshanian.

1-22-13. WHEREAS: Olaa Habhab and Habhab Elhabhab, owners and occupants of 7834 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 they own, and

WHEREAS: The owner of the other neighboring property 7848 Barrie did not express interest in purchasing any portion of the City lot located at 7840 Barrie, 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, and

WHEREAS: Sale is conditioned on the following:

1. The lot must be combined with the Purchasers' property and may not be re-split or combined with other land for a re-splitting as two buildable lots. Purchasers may seek permission to split and sell a portion of the side yard to the neighboring property owner.
2. The lot may only be sold or developed in combination with the Purchasers' adjacent property.
3. 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 owners 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 sell the land back to the City for \$3,800, less 10% and less costs associated with the transfer of property back to the City.

therefore be it

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$3,800 to Olaa Habhab and Habhab Elhabhab of the parcel described as:

Lot 704, Robert Oakman Land Company's Warren Grove Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, Page 91 of Plats, Wayne County Records.

Tax I.D. 82-10-063-04-009  
Commonly known as vacant lot at 7840 Barrie

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Olaa Habhab and Habhab Elhabhab 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 Olaa Habhab and Habhab Elhabhab closing within ninety (90) days of the effective date of this Resolution; be it further

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

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

RESOLVED: That the sale of 7840 Barrie as side yard serves as a public purpose by promoting larger lot sizes to enhance the neighborhoods and complies with the public purpose identified when the City originally purchased the property through the HUD \$1 Program; be it further

RESOLVED: That this resolution be given immediate effect.

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



By Hubbard supported by Sareini.

1-23-13. WHEREAS: Beginning August 10, 2011 through September 14, 2011, vacant City-owned property was advertised for sale for five weeks in the Dearborn Press and Guide, the City's website, and on CDTV, and

WHEREAS: Among those parcels offered was a vacant 40' lot located at 9470 Dix, zoned Business B, and

WHEREAS: The minimum bid price for this property was \$5,800; no bids were received for this property, and

WHEREAS: The City had originally purchased this land from the Department of Natural Resources in 1976, and

WHEREAS: The City has attempted to sell this property in the past, but has been unsuccessful, and

WHEREAS: On two occasions, there were bidders who withdrew their bids because the property was not large enough to construct the type of commercial buildings that the bidders wished to construct without the need to obtain variances, and

WHEREAS: Most recently, a sale of the property was rescinded in 2012 because the bidder could not construct a new commercial building without the need to obtain a variance, and

WHEREAS: Redwan Ali, the owner of the property and building located at 9480 Dix (currently a vacant building which is adjacent to 9470 Dix), has offered to purchase 9470 Dix for the minimum bid price of \$5,800 so he may combine it with the adjacent property he owns, and

WHEREAS: Mr. Ali wishes to establish a computer sales and repair business on the combined site, and

WHEREAS: Since the City has not been successful in selling 9470 Dix for the construction of a new commercial business and does not allow buyers of City-owned properties to apply for variances, it is the recommendation of Corporation Counsel that the City Council approves Mr. Ali's request to purchase the vacant lot at 9470 Dix for the minimum bid price of \$5,800 for use in conjunction with the property he owns at 9480 Dix, subject to conditions as follows:

1. Purchaser may not assign his purchase option or sell the vacant land without approval of the Dearborn City Council.

2. 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.
3. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions.
4. Lot must be combined with the Purchaser's adjacent land for tax and assessment purposes within ninety (90) days of the closing date. Failure to do so shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
5. Purchaser agrees that, in establishing a commercial business utilizing any portion of 9470 Dix (including, but limited to, use of the property for parking), he shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchaser further acknowledges that this is a waiver of his right to seek a variance of these requirements.
6. The business that is intended to be established on the combined property must be open for business within a 12-month period from the date of closing.
7. Purchaser must complete construction before building permits expire.
8. The combined lot 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 buyer's adjacent land.
9. If Purchaser wishes to sell the vacant property during this 12-month period, the City shall have the right of first refusal to repurchase the vacant property for the sum of \$5,800, less 10%.

and

WHEREAS: It is the recommendation of Corporation Counsel that City Council accepts the offer of Redwan Ali to purchase 9470 Dix to utilize in conjunction with the property he owns at 9480 Dix, and

WHEREAS: A public purpose is being served by selling 9470 Dix since the property will be utilized to enhance an existing commercial site and will put 9470 Dix on the tax rolls; therefore be it

RESOLVED: That 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 further

RESOLVED: That a public purpose is being served by selling 9470 Dix for the purpose described since the property will be utilized to enhance an existing commercial site and will put 9470 Dix on the tax rolls; be it further

RESOLVED: That this Council does hereby determine to effect the sale of the parcel described as:

Lots 12 and 13, Dix Ave. Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 33, Page 99 of Plats, Wayne County Records.

Tax I.D. 82-10-213-07-026  
Commonly known as 9470 Dix

to Redwan Ali for \$5,800 and that the Mayor be and is hereby authorized to execute a deed for said land to Redwan Ali 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 Redwan Ali closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That purchaser must comply with the conditions outlined above and must comply with the terms as set forth in the Offer to Purchase; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Abraham.

1-24-13. WHEREAS: Abdulla Ali, Adelah Alharsh, and Zaid Omar, owners and occupants of 14274 Lithgow (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 they own, and

WHEREAS: The owner of the other neighboring property at 14264 Lithgow did not express interest in purchasing any portion of the City-owned vacant lot located at 14268 Lithgow, 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, and

WHEREAS: Sale is conditioned on the following:

1. The lot must be combined with the Purchasers' property and may not be re-split or combined with other land for a re-splitting as two buildable lots. Purchasers may seek permission to split and sell a portion of the side yard to the neighboring property owner.
2. The lot may only be sold or developed in combination with the Purchasers' adjacent property.
3. 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. 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 right to seek any variances.
7. If Purchasers violate any of the restrictions imposed, they are obligated to sell the land back to the City for \$3,600, less 10% and less costs with the transfer of property back to the City.

therefore be it

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$3,600 to Abdulla Ali, Adelah Alharsh, and Zaid Omar of the parcel described as:

Lot 227, Williamson Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 65 of Plats, Wayne County Records.

Tax I.D. 82-10-184-08-003  
Commonly known as vacant lot at 14268 Lithgow

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Abdulla Ali, Adelah Alharsh, and Zaid Omar 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 Abdulla Ali, Adelah Alharsh, and Zaid Omar closing within ninety (90) days of the effective date of this Resolution; be it further

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

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

RESOLVED: That the sale of 14268 Lithgow as side yard serves a public purpose by promoting larger lot sizes to enhance the neighborhoods and complies with the public purpose identified when the City originally purchased the property through the Neighborhood Stabilization Program; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Bazzy.

1-25-13. WHEREAS: Council Resolution 10-541-12 authorized the purchase of the substandard dwelling located at 2706 Home Place for \$8,000, under the Neighborhood Stabilization Program, and

WHEREAS: The house has been identified as an Operation Eyesore acquisition. The Assessor's land value range for the property is \$10,000 to \$15,200, and

WHEREAS: The owner of the property is in default to the bank that holds the mortgage, and

WHEREAS: The bank rejected the City's offer to pay \$8,000 for the house and has proposed a counter-offer of \$10,000, and

WHEREAS: The bank's counter-offer of \$10,000 is reasonable and still falls within the Assessor's range for the value of the property, and

WHEREAS: It is recommended that the City Council amend C.R. 10-541-12 to reflect authorization to pay the owner \$10,000 for the property located at 2706 Home Place; therefore be it

RESOLVED: That the City council hereby amends C.R. 10-541-12 to reflect authorization for the City to pay the owner of 2706 Home Place \$10,000 for the property; be it further

RESOLVED: That the \$10,000 counter-offer still falls within the value range for the property as set by the Dearborn Assessor; be it further

RESOLVED: That this Council does hereby determine to acquire the premises described as:

Lot 68, Cunnin Homes Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 59, Page 47 of Plats, Wayne County Records.

Tax I.D. 82-09-292-11-033  
Commonly known as 2706 Home Place

from the owner thereof and pay therefore the sum of \$10,000 upon furnishing to the City by said owner of a title insurance policy showing marketable title thereon and when a deed to the premises has been properly executed, approved by the Office of the Corporation Counsel and delivered to the City; be it further

RESOLVED: That the acquisition complies with the public purpose for which the Operation Eyesore and Neighborhood Stabilization Programs were created by removing substandard homes from the neighborhood; be it further

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

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

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount of \$10,000, subject to adjustments, if any, as shown on the Closing Statement prepared, reviewed, and approved by the Office of the Corporation Counsel, drawn upon the General Capital Improvement Fund Project No. C05500, Neighborhood Stabilization, payable to the grantor, or their nominee, in payment of said land; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount up to \$16,000 for appurtenant costs, drawn upon the General Capital Improvement Fund Project No. C05500, Neighborhood Stabilization, payable to the necessary entities in payment of said demolition and appurtenant costs; be it further

RESOLVED: That this resolution be given immediate effect.

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



By Sareini supported by Bazzy.

1-26-13. WHEREAS: In November 2003, the City of Dearborn became the owner of Dearborn Refining Company through the Wayne County tax-reversion process, when the previous owner, Aram Moloian, failed to pay property taxes for the site, and

WHEREAS: When the City acquired the property, it was unaware of the environmental concerns caused by Mr. Moloian's business conduct, and

WHEREAS: The City had not received any notification by any environmental authorities that the site was contaminated, and

WHEREAS: City Council Resolution 1-7-06 was adopted, authorizing the City to enter into a Consent for Access agreement with the Environmental Protection Agency (EPA), and

WHEREAS: That agreement allowed the EPA to access the property to conduct an assessment of the existing site conditions and clean-up process, and

WHEREAS: Once the assessment was completed, the EPA began a clean-up effort, funded by federal resources and pursued reimbursement and assistance for additional clean-up from potentially responsible parties ("PRPs"), due to the serious contamination violations at issue, and

WHEREAS: Council Resolution 7-490-07 was adopted, authorizing the City to enter into a settlement agreement with the EPA wherein the EPA agreed to release the City from any potential liability associated with its status as the owner of the contaminated site, and

WHEREAS: The City agreed to comply with certain EPA directives, including the performance of an asbestos survey, maintenance of fencing around the site, and the shut off of gas and utility services, and

WHEREAS: The City also agreed to limit the future use of the property, consistent with the work required and approved by the EPA, and

WHEREAS: The PRPs have completed most of the cap and cover work to contain the contamination, and

WHEREAS: Since the ground was saturated with petroleum in certain areas, the PRPs are now working to extract petroleum from the ground, and

WHEREAS: Depending on the level of saturation, this part of the process may take several years to complete, and

WHEREAS: The extraction activities encompass approximately 1.75 of the 6.5 acres at the site, and

WHEREAS: It is possible that the City may make use of the remaining acreage while the extraction continues, and

WHEREAS: In the meantime, the EPA has requested that the City record a restrictive covenant which limits the use of the property and runs with the land, and

WHEREAS: The restrictive covenant will limit allowable activities and uses for the property, compatible with the EPA's directives, work plans, and Administrative Settlement Agreement and Order on Consent, and

WHEREAS: It is recommended that the restrictive covenant be executed and recorded to protect the public health, safety, and welfare, and to protect the environment; therefore be it

RESOLVED: That the City Council authorizes the Corporation Counsel or her designee to execute and record restrictive covenant documents on behalf of the City of Dearborn, as they relate to the property located at 3901 Wyoming in the City of Dearborn; be it further

RESOLVED: That such documents are necessary to protect the public health, safety, and welfare, and to protect the environment; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Hubbard.

1-27-13. WHEREAS: The City of Dearborn is a member of the Downriver Community Conference, a consortium of twenty Downriver communities in Wayne County whose total population is approximately 500,000, joined in an effort to improve local government and enhance the quality of life for area residents through municipal cooperation, and

WHEREAS: The City of Dearborn desires to cooperate with other members of the Downriver Community Conference in issues relating to Department of Public Works/Services collaborative purchasing, information sharing and mutual aid, and

WHEREAS: The State of Michigan has initiated legislation to encourage such collaboration among Municipal governments, and

WHEREAS: The various Directors of Public Works and Public Services Departments of the Downriver Community Conference's member municipalities have been meeting, and desire to formalize this Collaborative through By-Laws which have been adopted by the Directors, pending approval of membership and participation by each municipality, and

WHEREAS: Those By-Laws state, *"Should a DCC member community wish to have a representative on the Collaborative, a formal resolution from that member community's governing board should be provided, specifically requesting representation, along with the name and title of the community's appointed representative, and an alternate if desired. Communities may appoint any individual that is directly employed by that DCC member community whose job responsibility is the management, administration or oversight of the community's public works/services department,"* and

WHEREAS: The Director of the City of Dearborn's Department of Public Works/Services recommends approval of this resolution and requests formal appointment to the Collaborative in accordance with the Collaborative By-Laws; now therefore be it

RESOLVED: That this Resolution Approving Membership and Participation in the Downriver Department of Public Works/Services Collaborative is hereby approved as presented; be it further

RESOLVED: That the Director of the City of Dearborn's Department of Public Works/Services, James Murray, is designated as the appointed representative to the Collaborative and the Deputy Director of the City of Dearborn's Department of Public Works/Services, Eric W. Witte, is designated as an alternate representative to the Collaborative; be it further

RESOLVED: That the City Clerk is directed to transmit a certified copy of this Resolution, along with the names of the Municipality's appointed representative to the Collaborative (James Murray, Director of Public Works), and an alternate representative (Eric W. Witte, Deputy Director of Public Works), to the Director of Planning of the Downriver Community Conference. These individuals will have voting rights as Collaborative members; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Abraham supported by Sareini.

1-28-13. RESOLVED: That Running Fit, Inc. be and they are hereby granted permission to conduct their Annual Martian Marathon on April 13, 2013 from 7:00 A.M. to 2:00 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That all five (5) Martian Marathon races will begin and end in the main parking lot at Ford Field as indicated in the attached marathon/run route maps; be it further

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

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

1. Usage and closure of the curb lane and next lane of eastbound Ford Road between Golfview and the exit ramp to Evergreen Road, also, placement of barricades/traffic cones in this area to denote same.
2. Usage and closure of the exit ramp from southbound Hines Drive to Ford Road and the exit ramp from eastbound Ford Road to Evergreen Road.
3. Usage and closure of the curb lane and next lane of westbound Michigan Avenue from approximately the Greenways Trailhead at Andiamos to Brady Street, also, placement of barricades/traffic cones in this area to denote same.
4. Usage and placement of DPW barricades and arrow trucks to assist with the closure of the above areas. The City of Dearborn agrees to place, erect and remove the barricades and trucks.
5. Usage of Dearborn Police Officers for crowd control, traffic control and general security of the event.
6. The event shall not commence before 7:15 A.M. and shall conclude by 2:00 P.M.

be it further

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

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Bazzy.

1-29-13. WHEREAS: Kirt Doelle, instructor for a video class at Dearborn High School, has requested permission to allow a Dearborn High class to utilize a City-owned house for the purpose of filming a scene for a movie that the class is producing, and

WHEREAS: Mr. Doelle has requested permission to utilize 5447 Bingham which was purchased by the City in December 2012, and

WHEREAS: The filming will take place during a two-week period beginning on January 16, 2013, and

WHEREAS: It is anticipated that approximately ten people will participate in the shoot, and

WHEREAS: The filming will be in 3-hour increments on certain days during that timeframe, and

WHEREAS: It is recommended by Corporation Counsel that the Dearborn City Council authorizes Dearborn High School to utilize 5447 Bingham for the purpose of filming a scene that the video class is producing for a two-week period beginning on January 16, 2013, subject to the execution of hold harmless agreements by the participants; therefore be it

RESOLVED: That Dearborn High School is granted permission to utilize the City-owned house located at 5447 Bingham in the City of Dearborn, for the purpose of filming a scene for a movie that a video class is producing for a two-week period beginning on January 16, 2013; be it further

RESOLVED: That the participants in the film shoot are 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, Sareini and Shooshanian (5). Nays: None. Absent: O'Donnell and Tafelski (2).

By Sareini supported unanimously.

1-30-13. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Marianna Kay Siblani, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

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

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 8:15 P.M.

APPROVED:

THOMAS P. TAFELSKI  
President of the Council

ATTESTED:

KATHLEEN BUDA  
City Clerk