

REGULAR MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

April 1, 2014

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

Father Hrant Kevorkian of St. Sarkis Armenian Apostolic delivered the invocation.

By Bazy supported by Shooshanian.

4-136-14. RESOLVED: That the minutes of the previous regular meeting of March 27, 2014 and the same are hereby approved as recorded and published.

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

By Shooshanian supported by Bazy.

4-137-14. RESOLVED: That City Council hereby sets Tuesday, May 20, 2014 at 6:30 P.M. as the date and time to hold a Public Hearing on the City's proposed Fiscal Year 2014/2015 Budget.

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

4-138-14. WHEREAS: The City of Dearborn has elected to draft, review and adopt a Master Plan pursuant to the procedures set forth in Public Act 33 of 2008, the Michigan Planning Enabling Act (the "Act"), MCL 125.3801, et seq., and

WHEREAS: The City Council authorized the Planning Commission to revise and amend the City of Dearborn Master Plan, and

WHEREAS: The Planning Commission is nearing the conclusion of the revision and amendment of the City of Dearborn Master Plan, and

WHEREAS: The Planning Commission, per Section 41(1) of the Act, will be requesting the City Council to review and comment on the proposed Master Plan, and

WHEREAS: The Planning Commission will be requesting authorization from City Council to distribute the proposed Master Plan, per Section 41(2) of the Act, to required entities including contiguous municipalities, SEMCOG, Wayne County, each public utility, railroad and transportation system owners, the County Road Commission and Michigan Department of Transportation, and

WHEREAS: According to Section 41 of the Act, entities have 63 days to submit comments, and

WHEREAS: The Planning Commission is required, pursuant to Section 43(1) of the Act, to hold not less than one public hearing on the proposed Master Plan after comments are received, and

WHEREAS: The approval of the Master Plan shall be by resolution of the Planning Commission carried by the affirmative votes of not less than 2/3 of the members, and

WHEREAS: Section 43(3) of the Act states that approval of the proposed Master Plan by the Planning Commission is the final step for adoption of the Master Plan, unless the legislative body by resolution has asserted the right to approve or reject the Master Plan, and

WHEREAS: Section 43(3) of the Act gives the City Council the authority, through resolution, to determine final approval or rejection of the Master Plan; therefore be it

RESOLVED: That the City Council hereby asserts the right to approve or reject the Master Plan as outlined in Public Act 33 of 2008, the Michigan Planning Enabling Act, Section 43(3), MCL 125.3843; be it further

RESOLVED: That once approved, the City Council will include a statement of approval, signed by the City Clerk, to be included on the inside front or back cover of the Master Plan and on the Future Land Use Map; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Bazzy.

4-139-14. RESOLVED: That all bids received for Demolition Services for Outdoor In-Ground Pool Facilities and Site Restoration at Hemlock and Whitmore Bolles Parks are hereby rejected except the bid of Universal Consolidated Enterprises in an amount not to exceed \$62,596.52, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Facilities Fund-Contractual Services, building demolition services budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Bazzy.

4-140-14. RESOLVED: That all bids received for Turf Maintenance on Right-of-Ways are hereby rejected except the bid of Four Seasons Property Management in an amount not to exceed \$49,050, 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 the contract shall be for a term of one (1) season with four (4) seasonal renewal options at \$49,050 annually for a possible term total of \$245,250. Renewal options are contingent upon satisfactory performance of the vendor; be it further

RESOLVED: That this contract shall be financed from the Major Street & Trunk Line, Public Works, Maintenance State Trunk Line Traffic, Contractual Services budget, Project Z77611 (\$38,160); Major Street & Trunk Line, Public Works, County Road Construction, Contractual Services budget, Project Z77611 (\$10,890); be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

4-141-14. RESOLVED: That all bids received for Fertilization and Weed Control Services are hereby rejected except the bid of Green Meadows Landscape, Inc. in an amount not to exceed \$42,074.18, 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 the contract shall be for a term of one (1) season with four (4) seasonal renewal options at \$42,074.18 annually for a possible term total of \$210,370.90. Renewal options are contingent upon satisfactory performance of the vendor; be it further

RESOLVED: That this contract shall be financed from the General Fund, Public Works, Parks Division, Contractual Services budget (\$33,212.18); Sewer Fund, Public Works, CSO Operations, Contractual Services budget (\$297); Sewer Fund, Public Works, Sewerage, Contractual Services budget (\$99); Major Street & Trunk Line, Public Works, Maintenance State Trunk Line Traffic, Contractual Services budget, Project Z77611 (\$6,018); and Major Street & Trunk Line, Public Works, County Road Construction, Contractual Services budget, Project Z77611 (\$2,448); be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Shooshanian.

4-142-14. WHEREAS: The State of Michigan is compiling usage figures to include in their 2014/2015 winter salt solicitation and has inquired if it is the City's intention to continue procuring road salt through the MiDeal Program. All quantities submitted represent a commitment to participate in the State of Michigan road salt solicitation. Pricing for the 2014/2015 salt will be available September, 2014, and

WHEREAS: Most counties and municipalities in Michigan rely on the state contract. The City has realized benefits from this program over the past several seasons when salt availability was limited and prices sky-rocketed. The state contracted vendors have always held firm to their commitment to supplying participating communities before releasing salt for sale on the open market. Dearborn has participated in salt purchases under the MiDeal Program since 2000, and

WHEREAS: The Director of Public Works has requested City Council authorize the Purchasing Agent to make a commitment to the State of Michigan under the MiDeal Program to purchase 9,000 tons of salt for "early delivery" and 2,000 tons as "seasonal back-up" for the 2014/2015 winter period. This compares to a 7,000 tons and 1,000 tons commitment respectively for the current winter season. Current season MiDeal salt prices are \$32.67 per ton for "early delivery" and \$35.21 per ton for "seasonal backup"; 2012/2013 season pricing was \$38.13 per ton and \$41.00 per ton respectively; therefore be it

RESOLVED: That City Council hereby authorizes the Purchasing Agent to make a commitment to the State of Michigan under the MiDeal Program to purchase 9,000 tons of salt for "early delivery" and 2,000 tons as "seasonal back-up" for the 2014/2015 winter period; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

4-143-14. WHEREAS: The City presently has a contract with Citizens Management Inc./Nickel & Saph (C.R. 3-123-13) for the Workers' Compensation Plan, and

WHEREAS: The original contract specifications allows for two renewals of one-year beyond the expiration of the present contract this is the second renewal, and

WHEREAS: Citizens Management Inc./Nickel & Saph has offered to renew the present contract with a 4% increase through April 6, 2015; be it

RESOLVED: That the contract for Workers' Compensation Plan is hereby renewed with Citizens Management Inc./Nickel & Saph through April 6, 2015 in an amount not to exceed \$83,218 with funding contingent upon FY2015 funding; be it further

RESOLVED: That this contract renewal shall be financed from the Workers' Compensation Fund, Law Department, Insurance/Risk Management, Professional Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Bazzy.

4-144-14. WHEREAS: The City presently has a contract with Miller, Canfield, Paddock and Stone (C.R. 5-278-13) for Bond Counsel Services, and

WHEREAS: Miller, Canfield, Paddock and Stone has offered to extend the present contract and to maintain the current discounted pricing through June 30, 2015; be it therefore

RESOLVED: That the contract for Bond Counsel Services is hereby extended with Miller, Canfield, Paddock and Stone through June 30, 2015; be it further

RESOLVED: That payment for these services will only be paid when debt is issued and will be paid from the proceeds of the debt with funding contingent upon adoption of the FY2015 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

4-145-14. RESOLVED: That City Council hereby approves an increase to P.O. 83676 with Miller, Canfield, Paddock and Stone (Thomas Cranmer) in the amount of \$20,000, bringing the total P.O. to an amount not to exceed \$55,000, for continued litigation in the matter of Pucci v. Somers; be it further

RESOLVED: That this increase shall be charged to Account 678-1500-815.30-12 Fleet & General Litigation Fund; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Bazzy.

4-146-14. WHEREAS: City Council adopted C.R. 1-20-14 which confirmed and approved the Consolidated Miscellaneous Assessment Roll for 2013 for the several services affecting private property in the approximate amount of \$349,753.47 plus the 25% transfer fee allowed per CR 11-1102-02, and

WHEREAS: In accordance with City Charter, the Treasury Division billed all affected private properties and accepted payments through March 7, 2014 and certifies that the following amounts are still due the City for the several services affecting private property as follows:

Weed Cuttings	\$ 83,017.00
Nuisance Abatements	\$ 30,821.00
Annual Inspections-ECD	\$ 4,130.00
Fire Inspections	\$ 1,500.00
Annual Monitoring	\$ 1,000.00
Special Pickup	\$ 7,840.00
Recycle Bins	\$ 1,100.00
Trees	\$ 743.00
Secure/Board-Up Building	\$ 8,939.90
Demo/Demo Related Bills	\$ 59,492.85
False Alarm	\$ 10,285.00
Fire False Alarm	\$ 220.00
General Fund Interest	\$ 10,689.58
Sidewalks Bills	\$ 10,650.17
Sewer	\$ 50,750.42
<u>SD859</u>	<u>\$ 416.62</u>
Total	\$281,595.54

therefore be it

RESOLVED: That this Council does hereby confirm and approve the adjusted Consolidated Miscellaneous Assessment Roll for 2013 for the several services affecting private property in the approximate amount of \$281,595.54 plus 25% in the amount of \$70,398.88 per C.R. 11-1102-02 for transfer to the 2014 tax roll in the amount of \$351,994.42; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Bazzy.

4-147-14. WHEREAS: Beginning July 10, 2013 through August 7, 2013, vacant City-owned property was advertised for sale for four weeks in the Dearborn Press and Guide, the City's website, and on CDTV. Among those parcels offered were lots located at the corner of Outer Drive and Gertrude (site of the former Greater Rehoboth Church), zoned Residential A, and

WHEREAS: The City had purchased the Greater Rehoboth Church property in May 2009 for \$250,000. The church was demolished in November 2010, and

WHEREAS: The property was then split into four buildable residential parcels and then offered on the City's Lot List for new construction as follows:

Parcel 1 (Outer Drive)

Easterly 10 ft. of Lot 358, Lots 359 and 360, and westerly 8 ft. of Lot 361, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-033

Minimum bid price: \$20,600

Parcel 2 (Outer Drive)

Easterly 12 ft. of Lot 361, Lots 362 and 363, and westerly 6 ft. of Lot 364, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-032

Minimum bid price: \$18,600

Parcel 3 (Outer Drive)

Easterly 14 ft. of Lot 364, Lots 365 and 366, Fordson Heights Sub. No. 1, not including a triangular portion on the rear of lots 364-366, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-031

Minimum bid price: \$20,100

Parcel 4 (Gertrude Street)

Lot 456, Fordson Heights Sub. No. 1, including a triangular portion on the rear of lots 364-366, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-030



2. If at any time Purchasers wish to sell the improved property, Purchasers are required to first offer it for sale back to Seller for the fair market value of the property at the time of the sale. Seller shall exercise its Right of First Refusal within 60 days of the offer or the right will be deemed waived. The Right of First Refusal shall be indicated on the deed as a restriction.
3. The Property is currently zoned Residential A (One Family Residential District). Any use of the Property must be consistent with the zoning at the time it is used, occupied, or sold.
4. 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.
5. The Purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.
6. Purchasers have obtained special use and site plan approval by the Planning Commission at its February 10, 2014 meeting. Purchasers agree to comply with all conditions set forth by the Planning Commission.
7. Purchasers are required to combine the four vacant lots to form one construction site. The lot combination form must be executed at closing. The costs associated with combination of the lots will appear as a cost to Purchasers on the closing documents.
8. Construction of a child care center on this property must begin within a 12-month period from the date of closing. Construction shall be deemed started when:

- a. The plans have been approved by the Commercial Services Department.
  - b. Building permits have been issued.
  - c. Excavation of the basement/foundation is started.
9. Purchasers must complete construction before building permits expire.
  10. Purchasers agree that, in constructing a child care center, they shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchasers further acknowledge that this is a waiver of their right to seek a variance of these requirements.

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; therefore be it

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

Parcel 1 (Outer Drive)

Easterly 10 ft. of Lot 358, Lots 359 and 360, and westerly 8 ft. of Lot 361, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-033

Parcel 2 (Outer Drive)

Easterly 12 ft. of Lot 361, Lots 362 and 363, and westerly 6 ft. of Lot 364, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-032

Parcel 3 (Outer Drive)

Easterly 14 ft. of Lot 364, Lots 365 and 366, Fordson Heights Sub. No. 1, not including triangular portion on the rear of lots

364-366, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.  
Tax I.D. 82-09-273-14-031

Parcel 4 (Gertrude Street)  
Lot 456, Fordson Heights Sub. No. 1, including a triangular portion on the rear of lots 364-366, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.  
Tax I.D. 82-09-273-14-030

to LM & M Limited, LLC (an entity formed by James and Sandra O'Leary for this purpose) for \$87,500; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to LM & M Limited, LLC, 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 the Purchaser closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the satisfaction of the terms contained in the Purchase Agreement, the conditions listed above, and compliance with the conditions set forth by the Planning Commission; be it further

RESOLVED: That the sale of the property for the construction of a new child care facility will serve a public purpose by developing the vacant property, by accommodating the need for child care services in the community, and by adding the property to the tax rolls to generate revenue for the City; 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 this resolution be given immediate effect.

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

By Sareini supported by Bazzy.

4-148-14. WHEREAS: Mohammad Rustam, who owns 6416 Payne, a single-family, registered rental with a valid C of O, with a driveway and a detached garage, and Samar Hazime, who owns 6406 Payne, a two-family, registered rental with a valid C of O, with a driveway and a 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 adjacent lots they own, and

WHEREAS: The Assessor's Department valued the unbuildable lot at \$4,100, 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 resplit or combined with other land for a re-splitting as two buildable lots. Lot may only be sold or developed in combination with Purchasers' adjacent land.

7. With respect to 6416 Payne, 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. Purchaser is waiving his right to seek any variances.
8. Since 6406 Payne is a two-family rental property, any construction is limited to providing for more parking and/or construction of a garage. Purchaser is waiving his right to seek any variances.
9. If Purchasers violate any of the restrictions imposed, they are obligated to sell the property back to the City for \$2,050, less 10% and less costs associated with the transfer of property back to the City,

and

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

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$2,050 to Mohammad Rustam of the parcel described as:

North 17 ½ ft. of Lot 439, Albert P. Ternes Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, page 12 of Plats, Wayne County records.

Tax I.D.: Part of 82-10-071-33-014

and to effect the sale at a price of \$2,050 to Samar Hazime of the parcel described as:

South 17 ½ ft. of Lot 439, Albert P. Ternes Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 40, page 12 of Plats, Wayne County records.

Tax I.D.: Part of 82-10-071-33-014

and that the Mayor be and is hereby authorized to execute a deed for said land to Mr. Rustam and Mr. Hazime 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. Rustam and Mr. Hazime 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 Offer to Purchase Real Estate; 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 the vacant lot at 6412 Payne as side yard for the expansion of lots is consistent with the public purpose identified when the City originally purchased the property through the Operation Eyesore Program and serves a public purpose by promoting lot expansion to enhance the neighborhoods; be it further

RESOLVED: that this resolution be given immediate effect.

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

By Bazzy supported by Sareini.

4-149-14. WHEREAS: The vacant lot located at 7115 Payne was placed on the City's 2013 lot list for the new construction of a single-family house. The minimum bid price was \$17,300. No one bid on the property at the time, and

WHEREAS: The lot remained on the "leftover lot list" wherein the lots may be purchased on a first-come, first-served basis, and

WHEREAS: Fahmi Mawari has offered to purchase the lot for the minimum bid price of \$17,300 cash from the leftover lot list, and

WHEREAS: Fahmi Mawari has been informed and agrees to the following conditions applicable to the proposed sale:

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. If Purchaser elects to sell the vacant property during the 12-month period, the Purchaser must first offer to resell the property to the City for the purchase price, less 10% and less costs associated with the transfer back to the City of Dearborn.
4. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions.
5. Construction of a single-family dwelling on this property must begin within a 12-month period from the date of closing.  
Construction shall be deemed started when:

- a. The plans have been approved by the Residential Services Department.
  - b. Building permits have been issued.
  - c. Excavation of the basement/foundation is started.
6. Purchaser must complete construction before building permits expire.
  7. Purchaser agrees that, in constructing a single-family dwelling, 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 waiver of his right to seek a variance of these requirements.
  8. Purchaser must comply with Land Sale Guidelines.

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 of the parcel described as:

South 30 ft. of Lot 278 and the North 10 ft. of Lot 279, Melrose Garden Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 42, Page 95 of Plats, Wayne County, Michigan.

Commonly known as vacant lot at 7115 Payne  
Tax I.D. No. 82-10-071-04-021

to Fahmi Mawari for \$17,300; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Fahmi Mawari 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 Fahmi Mawari closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the satisfaction of the terms contained in the Purchase Agreement and the conditions outlined above; be it further

RESOLVED: That the sale of the property for the construction of a new house will serve a public purpose by revitalizing and stabilizing the neighborhood and by adding the property to the tax rolls to generate revenue for the City; be it further

RESOLVED: That if Purchaser wishes to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$17,300, less 10%, and less costs associated with the transfer back to the City of Dearborn; 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 this resolution be given immediate effect.

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

By Shooshanian supported by Sareini.

4-150-14. WHEREAS: In 2012, City-owned property was advertised for sale, including the former DPW Yard located at 2020 South Telegraph Rd. The minimum bid price for the property was \$176,000, and

WHEREAS: LML Dearborn, LLC (Michael LaFontaine) was the highest bidder for the property, bidding \$200,666 for the purchase. In 2013, Mr. LaFontaine requested a reduction in the purchase price to reflect the cost of an encroachment approval by MDOT, at a price of \$14,360, and

WHEREAS: Council Resolution 4-215-13 approved the sale and approved the reduction in purchase price to \$186,306 to reflect the cost of the encroachment, and

WHEREAS: To date, MDOT has not completed the transaction with LML Dearborn for the encroachment. The City and LML Dearborn are eager to complete the transaction in respect to the sale of the property, but have been delayed due to the pending encroachment deal, and

WHEREAS: In order to proceed with the closing on the sale of the property, it is recommended that, at closing, \$14,360 be held in escrow by the title company for a period of time not to exceed 180 days. After 180 days from the date of closing, the title company will be directed to release escrow as follows:

- If Purchaser is successful in obtaining the license from MDOT within 180 days of the date of closing for the price of \$14,360 or more, \$14,360 shall be released to Purchaser.
- If Purchaser is successful in obtaining a license from MDOT within 180 days of the date of closing for a price less than \$14,360, the actual cost of the license shall be released to Purchaser. The remainder of the escrow shall be released to the Seller.
- If Purchaser is not successful in obtaining a license from MDOT within 180 days of the

date of closing, \$14,360 shall be released fully to Seller.

and

WHEREAS: LML Dearborn was required to close on the purchase of the property within 90 days of the City Council resolution authorizing the sale (July 2013). Because the MDOT encroachment issue remained unresolved, LML Dearborn was not able to schedule the closing. Since the escrow language proposed above will address the encroachment situation, it is recommended that LML Dearborn be given 90 days from the date of the Council resolution approving the escrow language within which to close, and

WHEREAS: All other terms and conditions set forth in the previous resolutions remain in effect; therefore be it

RESOLVED: That at closing, \$14,360 will be held in escrow by the title company, for a period of time not to exceed 180 days. After 180 days from the date of closing, the title company will be directed to release the escrow as follows:

- If Purchaser is successful in obtaining the license from MDOT within 180 days of the date of closing for the price of \$14,360 or more, \$14,360 shall be released to Purchaser.
- If Purchaser is successful in obtaining a license from MDOT within 180 days of the date of closing for a price less than \$14,360, the actual cost of the license shall be released to Purchaser. The remainder of the escrow shall be released to the Seller.
- If Purchaser is not successful in obtaining a license from MDOT within 180 days of the date of closing, \$14,360 shall be released fully to Seller.

be it further

RESOLVED: That since the escrow language proposed above will address the encroachment situation, LML Dearborn is given 90 days from the date of the Council

resolution approving the escrow language within which to close;  
be it further

RESOLVED: That all other terms and conditions  
set forth in the previous resolutions remain in effect; be it  
further

RESOLVED: That this resolution be given  
immediate effect.

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

By Shooshanian supported by Bazzy.

4-151-14. RESOLVED: That the Articles of Agreement between  
the City of Dearborn and the Teamsters Local #214 representing  
the Operative Unit, as adopted by Civil Service Resolution No.  
7653-14 for the period July 1, 2010 through June 30, 2015, be  
and is hereby approved; be it further

RESOLVED: That this resolution be given immediate  
effect.

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

By Shooshanian supported by Sareini.

4-152-14. WHEREAS: When the project to renovate and relocate to the Dearborn Administrative Center (DAC) began an initial budget of \$3.9 million was established that included resources to purchase the building, hold it until renovation would begin, and secure both project management and design and engineering services to guide the renovation. The City is now ready to move into the second phase of the project which will require establishing a construction and relocation budget, and

WHEREAS: This budget reflects the space programming and design work that has been ongoing since the beginning of the project. It will allow the City to construct the centerpiece of this project which is the customer service area that will feature department representatives from areas that deal with the public most often, and

WHEREAS: The DAC will feature a new Council Chambers that will also serve as a flexible, multi-purpose room when not being used by the Council. This will allow for training, larger meetings, and other needed activities to take place in a very accommodating setting. Conference rooms of various sizes will also be spread throughout the facility to support collaboration and provide privacy when necessary, and

WHEREAS: A single, center entrance will guide people directly to the service area during normal business hours. The west end of the building is being designed to support nighttime and weekend activities with a separate entrance and the ability to be segregated from the rest of the facility, and

WHEREAS: Support departments and other administrative activities will be located on the upper floor plan that will encourage teamwork and communication. Interactions with visitors will be managed to heighten security, and

WHEREAS: During the City Council's Study Session on this project on June 20, 2013, a preliminary estimate for the renovation and the relocation phase of this project of \$5,526,000 was provided. The current request is to establish the budget for this phase at \$5.5 million; therefore be it

RESOLVED: That the project budget for Relocation and Renovation of the Dearborn Administrative Center be and is

hereby established in the amount of \$5.5 million as shown on the attached preliminary budget estimate; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, and Shooshanian (5). Nays: Tafelski (1). Absent: O'Donnell (1).

By Sareini supported by Bazzy.

4-153-14. RESOLVED: That The Friends for the Dearborn Animal Shelter be and they are hereby granted permission to conduct the Ninth Annual Mutt Strut and Pet Expo on Saturday, May 10, 2014 from approximately 9:00 A.M. to 3:00 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the Mutt Strut route is attached and that all participants in the events shall be restricted to utilizing the sidewalks only, and no portion of the roadways designated within the dog walk route and must make lawful and proper use of all traffic signals and signs in a manner so as not to interfere with any vehicular or pedestrian traffic; be it further

RESOLVED: That City Council hereby approves the installation of street light pole banners (along Michigan Avenue between Brady and Military Streets) and temporary lawn signs/balloons (along Garrison between Brady and Haigh Streets); waives all ECD permitting fees (tents, electrical and sidewalk/temporary sales, etc.) for all merchandise/food vendors; and authorizes assistance and use of materials from the following departments: Recreation & Parks, Public Works, Police, Fire and Economic & Community Development; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Sareini.

4-154-14. RESOLVED: That the Dearborn Chamber of Commerce be and they are hereby granted permission to conduct the 2014 Dearborn Farmer's and Artisan's Market on Fridays for the period of May 30 through October 17, 2014 from 9:00 A.M. to 3:00 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

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

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

- The closure of the service drive/alley to thru traffic from just east of the Buddy's Pizza parking lot to the stop sign, located behind Hair Studio 932, during Market hours.
- A "Special Event" flat parking rate of \$3 in Lots A & B on Fridays from 9:00 A.M. to 3:00 P.M. for the period of May 30 through October 17, 2014.
- Waiving of all ECD permitting fees (tents, electrical and sidewalk/temporary sales, etc.) for all Market vendors.
- Installation of street light pole banners (along Michigan Avenue between Monroe Street and Outer Drive) for the period of May 30 through October 17, 2014.
- Installation of street banners across Military and Howard Streets, north of Michigan Avenue for the period of May 30 through October 17, 2014.
- Assistance and various materials from the Recreation & Parks, Public Works, Police, Library and Economic & Community Development Departments.

be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

4-155-14. RESOLVED: That receipt of a reimbursement in the amount of \$260 from the New York Council for the Humanities for Muslim Voices training and travel for Isabella Rowan, Librarian I, is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby directs the Finance Director to deposit this money into the Friends of the Library account #276-5100-365.90-00 (Contributions/Donations) and then to appropriate the money to Friends of the Library account 276-5100-721.58-10 (Staff Travel and Training) to use for travel reimbursement costs; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Shooshanian.

4-156-14. WHEREAS: Ordinance No. 09-1205 amends Chapter 2, Article III, Division 2A of the Code of the City of Dearborn, entitled "Parking Advisory Commission" (PAC), states that it is the duty and responsibility of the PAC to make recommendations to the council regarding parking rates and hours of operation, and

WHEREAS: The Parking Advisory Commission has studied and discussed the benefit to the paid parking system to modify the user paid rate for the underutilized meters on the north side of Garrison, to help draw long term parking customers into the district and to draw employees from Lots A, B, and C, thereby opening up parking spaces in these lots for customers, and

WHEREAS: The PAC recommends to City Council that they set the hourly rate for meters located on the north side of Garrison from Military to Oakwood at 25 cents per hour; be it therefore

RESOLVED: That the City Council approves an hourly rate of 25 cents for meters located on the north side of Garrison between Military and Oakwood; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Sareini.

4-157-14. WHEREAS: Ordinance No. 09-1205 amends Chapter 2, Article III, Division 2A of the Code of the City of Dearborn, Entitled "Parking Advisory Commission" (PAC), states that the purpose of the PAC is set and oversee policies affecting the use, maintenance, enforcement, and future development of the City's on-street, off-street, and deck parking in downtown West Dearborn, and

WHEREAS: The Paid Parking System meters currently in use are out dated, fail to provide convenience to parking customers, and are nearing the end of their useful life, and

WHEREAS: There are other high-tech pay station systems available that provide convenience to the customers, as well as, cost saving benefits to the parking system, and

WHEREAS: The PAC Equipment Up-grade Committee has researched a variety of pay stations and the PAC Board recommends City Council authorize Republic Parking Systems to implement a 90-120 day pilot program with LUC pay stations to test the effectiveness and value of pay stations in the Paid Parking District; be it therefore

RESOLVED: That the City Council authorize Republic Parking Systems, with input from the PAC Equipment Up-grade Committee and City's Purchasing Department, to implement a 90-120 day pay station pilot program for the purpose of evaluating whether an upgrade from meters to pay stations will be of a benefit to the paid parking system; be it further

RESOLVED: That the PAC make a recommendation to Council at the conclusion of the pilot whether or not to make the equipment upgrade permanent; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Shooshanian.

4-158-14. WHEREAS: The West Dearborn Downtown Development Authority (WDDDA), wishes to host the annual Friday Nites in the Park Concert Series in the WDDDA District, by presenting live bands on the evenings of June 13, June 27, July 11, July 25, August 8, and August 22, 2014, and

WHEREAS: The WDDDA wishes to host these live concerts at the Bryant Library, which is public property; be it therefore

RESOLVED: City Council authorizes the WDDDA to hold the Friday Nites in the Park Concert Series on the Bryant Library grounds; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Sareini.

4-159-14. RESOLVED: That the Dearborn Allied War Veterans Council be and they are hereby granted permission to conduct the 90th Annual Memorial Day Parade on Monday, May 26, 2014 from 9:00 A.M. to approximately 12:00 P.M. on Michigan Avenue (from Mercury Drive to Schaefer Road, curb to curb) subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That City Council hereby grants permission to the Dearborn Allied War Veterans Council to use City Hall Park and the War Memorial Plaza from 8:00 A.M. to 4:00 P.M. for a memorial service and some new activities; be it further

RESOLVED: That City Council hereby grants permission to the Dearborn Allied War Veterans Council to use Maple Road (curb to curb) from John Nagy to Michigan Avenue from 8:00 A.M. to 4:00 P.M. for a public display of military vehicles, two to three food trucks, and potential exhibits; be it further

RESOLVED: That City Council hereby authorizes the Dearborn Allied War Veterans Council to conduct their annual raffle with proceeds directed to help fund its programs and projects and hereby gives all rights to public vending to the Dearborn Allied War Veterans Council and their respected vendors; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported unanimously.

4-160-14. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Nunzio Curcuru, 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, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

Councilmember Tafelski left the Council Chambers at 8:29 p.m.

By Shooshanian supported by Sareini.

4-161-14. RESOLVED: That City Council hereby approves a contract increase with Vortex Midwest in the amount of \$175,000, bringing the total contract to an amount not to exceed \$350,000, for an additional splash park/pad at Crowley Park; be it further

RESOLVED: That this contract increase shall be charged to the Facilities Fund, Recreation, Additions and Improvements budget, Project I51714; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Sareini.

4-162-14. WHEREAS: The Michigan Department of Transportation (MDOT) is improving the rail corridor between Dearborn and Wayne, Michigan with a Double Track Project to add a second rail to the Michigan Line Corridor for high speed service between Detroit and Chicago, and

WHEREAS: In preparation for adding the second rail, several underground fiber optic utility lines need to be relocated beneath the rail bed for the new tracks, and

WHEREAS: The fiber optics lines are to be relocated to the edge of the MDOT rail corridor, which in the vicinity of the new Dearborn Intermodal Station places them between the main station and the north passenger platform, and

WHEREAS: MDOT has determined that the best course of action is to place a duct bank in the vicinity of the new station running approximately 2,000 linear feet along the north side of Michigan Line ROW, and

WHEREAS: MDOT has selected Tooles-Clark, the City's General Contractor for the Intermodal Station to place the duct bank prior to building the station's north platform; therefore be it

RESOLVED: That the Tooles-Clark Contract Amendment #5 for the Dearborn Intermodal Passenger Rail Station in the amount of \$143,319 is hereby approved to install the MDOT fiber optics duct bank in the rail ROW; be it further

RESOLVED: That the funding for this project, which is part of the CIP Project J08011, comes from the Federal Railroad Administration (FRA) grant for the Dearborn Intermodal Station under the rail improvements budget controlled by MDOT and assigned to the City for this purpose; be it further

RESOLVED: That this amendment brings the Tooles-Clark contract to a total revised amount of \$19,103,737.43; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

4-163-14. WHEREAS: The Biergarten Bar has experienced some structural deterioration over many years at its 22184 Michigan Avenue location in Dearborn's West Downtown District, and

WHEREAS: The ownership of the Biergarten has commissioned the necessary engineering studies and architectural drawings to address deterioration of the building façade and west wall to effect the necessary repairs and improvements, and

WHEREAS: The City of Dearborn is supportive of encouraging downtown businesses to improve their facilities for general commerce and ongoing economic development of the community; therefore be it

RESOLVED: That the City of Dearborn City Council hereby grants access to the Biergarten ownership and its contractors to the adjacent City owned vacant lot at 22190 Michigan Avenue for construction related activities on the Biergarten site; be it further

RESOLVED: That this access will be allowed until April 15, 2014 per the contractor estimate of time required to complete the necessary repairs and improvements at the site; be it further

RESOLVED: That access is conditioned upon Biergarten's execution of a hold harmless agreement, releasing and indemnifying the City from claims resulting from the use of any City property, subject to the review and approval of Corporation Counsel; be it further

RESOLVED: That Biergarten's contractors must provide certificates of insurance, naming the City as an additional insured, 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, Bazy, Dabaja, 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 8:45 P.M.

APPROVED:

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President of the Council

ATTESTED:

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City Clerk