

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

July 21, 2015

The Council convened at 7:34 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazy, O'Donnell, Sareini, Shooshanian, Tafelski and President of the Council Dabaja; absent, none. A quorum being present, the Council was declared in session.

Pastor Albert Le Blanc of the Hope Lutheran Church delivered the invocation.

By Bazy supported by Shooshanian.

7-329-15. RESOLVED: That the minutes of the previous regular meeting of June 23, and special meetings of June 25 and 30, 2015, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Abraham supported by Shooshanian.

7-330-15. RESOLVED: That Ordinance No. 15-1470 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1470, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located at 10000 Ford Road, parcel 82-10-084-02-016 from an Industrial C (Intensive Industrial District) to a Business C (General Business District) zoning classification.

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

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

7-330-15. Upon roll call the Ordinance was unanimously adopted.

By Sareini supported by Tafelski.

7-331-15. RESOLVED: That Ordinance No. 15-1471 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1471 entitled, "An Ordinance to Amend the City of Dearborn Police and Fire Retirement System (Chapter 21) Defined Benefit Pension Plan for I.R.S. Compliance".

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

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

7-331-15. Upon roll call the Ordinance was unanimously adopted.

By Sareini supported by Tafelski.

7-332-15. RESOLVED: That Ordinance No. 15-1472 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1472 entitled, "An Ordinance to Amend the City of Dearborn Employees Retirement System (Chapter 22) Defined Benefit Pension Plan for I.R.S. Compliance".

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

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

7-332-15. Upon roll call the Ordinance was unanimously adopted.

By Tafelski supported by Bazzy.

7-333-15. RESOLVED: That Ordinance No. 15-1473 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1473 entitled, "An Ordinance to Amend the City of Dearborn Police and Fire Retirement System (Chapter 23) Defined Benefit Pension Plan for I.R.S. Compliance".

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

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

7-333-15. Upon roll call the Ordinance was unanimously adopted.

By Shooshanian supported by Sareini.

7-334-15. RESOLVED: That Ordinance No. 15-1474 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1474, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning Lots 15 thru 26 and all of vacated Marie Street (50ft wide) lying east of Lot 15, Clippert Brick Company's Sub. No.1, from an Industrial A (Light Industrial District) to an Industrial B (Medium Industrial District) zoning classification.

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

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

7-334-15. Upon roll call the Ordinance was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 15-1475, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located at Lots 69-74 inclusive (7041 Orchard), and Lots 77-81 inclusive (parking lot on Ternes Ave), John H. Walsh's Warren and Chase Park Subdivision, from an Industrial A (Light Industrial District) and a VP (Vehicular Parking District) to a Residential D (Multiple Family Residential District) zoning classification..

The Clerk read the Ordinance by title.

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

By Shooshanian supported by Sareini.

7-335-15. RESOLVED: That proposed Ordinance No. 15-1475 be laid on the table.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

7-336-15. RESOLVED: That Change Order No. 1 with Zuniga Cement Construction, Inc. which provides for Street Paving, Curb, Catch Basin and Sidewalk Replacement in the amount of \$70,000, bringing the total contract amount to \$2,120,000 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 CIP I51002 in the amount of \$50,000 and CIP M30114 in the amount of \$20,000; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

7-337-15. WHEREAS: The City Engineer has presented to City Council for approval the Michigan Department of Transportation (M-DOT) Contract No. 15-5135 which provides for:

PART A - FEDERAL PARTICIPATION

Hot mixed asphalt cold milling and resurfacing, including pavement repair, sidewalk ramps, signing and pavement marking work along Schaefer Road from Michigan Avenue (US-12) to Ford Road (M-153); and all together with necessary related work.

PART B - NO FEDERAL PARTICIPATION

Water main upgrade work along Schaefer Road from Michigan Avenue (US-12) to Ford Road (M-153); and all together with necessary related work,

and

WHEREAS: The project cost and the respective shares of the parties, after Federal Aid is estimated as follows:

	Total Estimated Cost	Federal Aid	City Share
Part A (construction)	\$ 934,700	\$765,046	\$169,654
Part A (construction engineering, Inspection & Testing)	\$ 140,200	\$114,754	\$ 25,446
Part B (construction)	\$ 109,500	\$ 0	\$109,500
Total	\$1,184,400	\$879,800	\$304,600

and

WHEREAS: The City Engineer has requested that the Mayor be authorized to sign the contract on behalf of the City, subject to a review by the Legal Department, and

WHEREAS: The Construction Engineering, Inspection and Testing charges related to road resurfacing will be initially paid for by the City, which will be reimbursed by the Federal Aid at 81.85% participation upon the receipt of invoice(s) from the City, and

WHEREAS: It is also requested that a contingency amount of \$50,000 to allow for any unforeseen conditions and quantity variances encountered during the execution of the project be approved; therefore be it

RESOLVED: That City Council hereby approves Michigan Department of Transportation Contract No. 15-5135, MDOT Job #126212A, in the amount of \$1,184,400, City of Dearborn's share is estimated at \$304,600, for Hot Mixed Asphalt Work and Water Main Work along Schaefer Road from Michigan Avenue to Ford Road, Job No. 2015-017, CIP Q74005; be it further

RESOLVED: That City Council hereby authorizes the Mayor to sign the contract on behalf of the City, subject to a review by the Legal Department; be it further

RESOLVED: That a contingency amount of \$50,000 is hereby approved to allow for any unforeseen conditions and quantity variances encountered during the execution of the project; be it further

RESOLVED: That this project will be funded by Q74005 Major Street Fund in the amount of \$195,100 and Q74005 Water Fund in the amount of \$109,500; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Bazzy.

7-338-15. WHEREAS: The Land Policy Institute (LPI) at Michigan State University (MSU) is under contract with the Michigan State Housing Development Authority (MSHDA) to develop products relating to placemaking. In 2013, the City of Dearborn was selected to participate in the MiPlace Partnership statewide placemaking initiative led by MSHDA after completing a competitive application process. The resulting product of this effort was the Dearborn Transit-Oriented Development Project PlacePlan Concept Report, and

WHEREAS: One set of graphics (attached) located on page 70 of the Dearborn 2030: Master Plan is identified for inclusion in the Placemaking Curriculum and associated handouts, the Placemaking Guidebook and/or Summary, and/or associated materials. MSU LPI is requesting permission to use and touch up, if necessary, these images in any format (PowerPoint, handout, book, summary, website, flyers, etc.) without fee, but with proper credit to the City of Dearborn, and

WHEREAS: MSU LPI is also requesting the image(s) in production-quality, high-resolution format of 300dpi or greater, typically with a file size of more than 1 MB, and

WHEREAS: If City Council consents and gives permission to MSU LPI to use the graphics, it will authorize the Mayor to complete the copyright permission form (attached) and return it to MSU LPI; therefore be it

RESOLVED: That the Mayor be and is hereby authorized to approve the use of Dearborn 2030: Master Plan graphics by the Land Policy Institute at Michigan State University; be it further

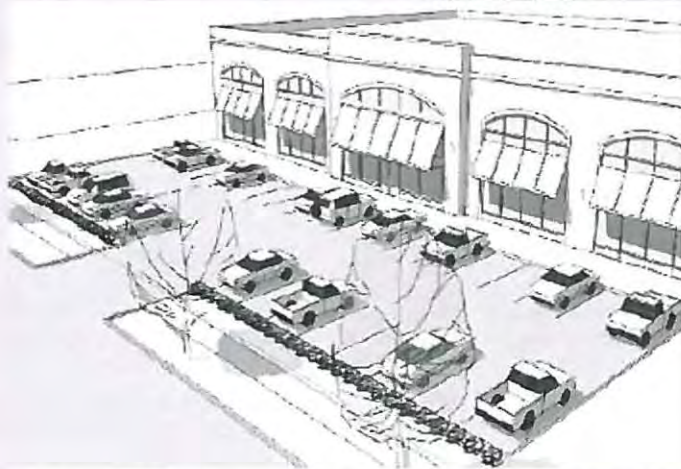
RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

Figure 4-16: Suburban and Urban Commerical Building Frontage Placement



Urban



Suburban

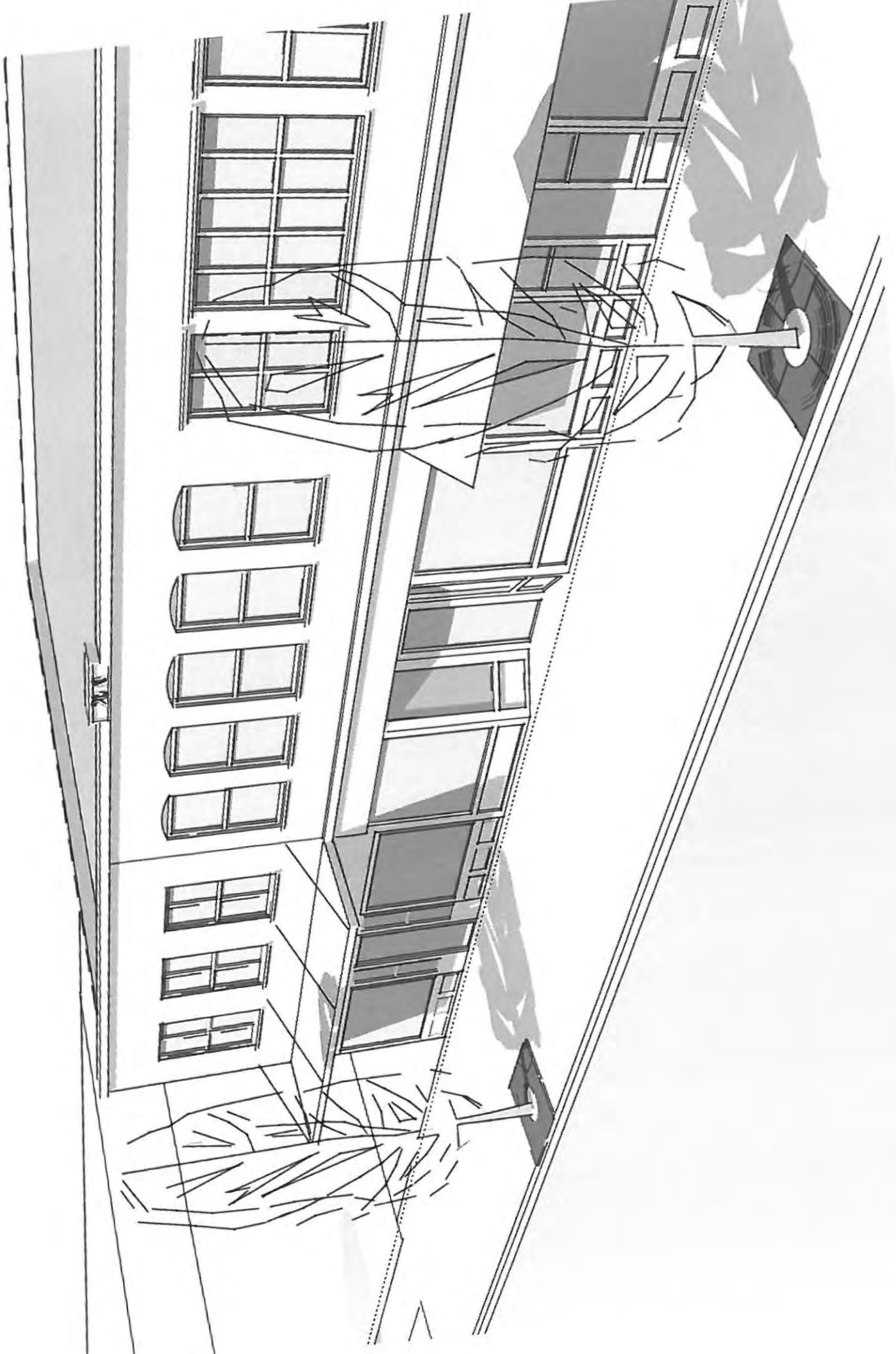
Source: City of Dearborn. 2014. *Dearborn 2030: Master Plan*. City of Dearborn, MI. Available at: <http://cityofdearborn.org/documents/city-departments/city-plan/2223-master-plan-2030/file>; accessed March 17, 2015.

CoD-G-01

Graphics from Pg. 70 of:

Source: City of Dearborn. 2014. *Dearborn 2030: Master Plan*. City of Dearborn, MI. Available at: <http://cityofdearborn.org/documents/city-departments/city-plan/2223-master-plan-2030/file>; accessed March 17, 2015.





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MSU Land Policy Institute
Human Ecology Bldg, 552 W. Circle Dr, Rm 110
East Lansing, MI 48824
Tel: 517-432-8800
Fax: 517-432-3222

Then, please email lpi@landpolicy.msu.edu the high-resolution file versions of the requested image(s) work. If the files are too large to be sent via email, let us know and we will send you a link to load the images into Dropbox.

By Sareini supported by Abraham.

7-339-15. RESOLVED: That all bids received for Trash Collection, Disposal, and Recycling Services for Camp Dearborn are hereby rejected except the bid of Waste Management of Michigan in an amount not to exceed \$98,234.10, 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 for a term of three years; be it further

RESOLVED: That this contract shall be financed from the General Fund, Recreation, Refuse Collection budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

7-340-15. RESOLVED: That the bid from Argus Hasco received for Air Monitors for the Fire Department is hereby accepted in an amount not to exceed \$36,900, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the General Fund, Fire, Capital Equipment budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Abraham.

7-341-15. RESOLVED: That all bids received for Mobile Foam Trailer for the Fire Department are hereby rejected except the bid of Combat Support Products, Inc. in an amount not to exceed \$38,640, 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 Finance Director be and is hereby authorized to establish an appropriation in the Fleet Replacement Fund and recognize the revenue as a transfer from the General Fund; be it further

RESOLVED: That this contract shall be financed from the Fleet Replacement Fund, Fire, Capital Equipment budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

7-342-15. RESOLVED: That all bids received for Tactical Body Armor for the Police Department are hereby rejected except the bid of CMP Distributors, Inc. in an amount not to exceed \$36,218, 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 Drug Law Enforcement Fund, Police, Uniforms and Clothing budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

7-343-15. WHEREAS: The City presently has a contract with Cynergy Wireless Products, Inc. (C.R. 10-499-14) for Vehicle Upfitting Services to City Specialty Vehicles, and

WHEREAS: The original contract specifications allow for three (3) one-year renewal options, this is the final renewal, and

WHEREAS: Cynergy Wireless Products, Inc. has offered to renew the present contract prices through June 30, 2016; be it

RESOLVED: That the contract for Vehicle Upfitting Services to City Specialty Vehicles is hereby renewed with Cynergy Wireless Products, Inc. through June 30, 2016 in an amount not to exceed \$170,000; be it further

RESOLVED: That this contract shall be financed from the General Fund-Motor Transport in the amount of \$6,000, the Technology Fund-MIS in the amount of \$12,000, and the Fleet Replacement Fund-Police Vehicles in the amount of \$144,000, with the remainder available as contingency contract authority to be allocated as needed; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

7-344-15. RESOLVED: That City Council hereby authorizes a contract increase with Four Seasons Property Management in the amount of \$23,380, bringing the total contract to a not-to-exceed total of \$72,430, for Services for Turf Maintenance on Right-of-Ways; be it further

RESOLVED: That this contract increase shall be financed from the Major Street & Trunk Line, Public Works, Contractual Services budget, Project Z77611, and the General Fund, Public Works, Parks Division, Contractual Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazy supported by Shooshanian.

7-345-15. WHEREAS: The Director of Recreation & Parks is requesting that the City Council authorize the City of Dearborn to enter into a Partnership Agreement with the Michigan Recreation and Park Association (MRPA) for acceptance of Michigan Health Endowment grant funding in the amount of \$3,100 with immediate effect, and

WHEREAS: Earlier this year, the MRPA received a grant from the Michigan Health Endowment Fund to improve the health of Michigan's youth, families and seniors by creating program resources that utilize municipal Recreation & Parks Department facilities, parks and trails for fitness activities, and

WHEREAS: The Partnership Agreement/Grant has three goals:

1. Health care, parks and recreation professionals, elected officials and citizens recognize the importance of park and recreation facilities in achieving a healthy Michigan.
2. Michigan youth, families and seniors are aware of and utilize park and recreation facilities to become physically active, fit and healthy.
3. Youth and seniors meet their fitness goals,

and

WHEREAS: The MRPA Partnership Agreement will allow the Dearborn Recreation & Parks Department to use a portion of these grant funds to enhance programming for families, youth and seniors living in the City of Dearborn. The grant will provide up to \$3,100, which will be used to offset staffing and supply costs for fitness programs facilitated during the time period of June 1, 2015 to October 31, 2016, and

WHEREAS: Programs include:

- Intergenerational Exercise, once a month beginning fall 2015.
- Senior Exercise, new and/or existing classes beginning fall 2015

- Youth Basketball Drop-In instruction for ages 13-17 beginning fall 2015;

therefore be it

RESOLVED: That the City be and is hereby authorized to enter into a Partnership Agreement with the Michigan Recreation and Park Association (MRPA) for acceptance of Michigan Health Endowment grant funding in the amount of \$3,100; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Shooshanian.

7-346-15. WHEREAS: The budgeting of payroll was completed by different people due to the departing payroll supervisor starting the process and the process transitioning to an accountant and then to the new payroll supervisor. The post budget adoption position control reconciling process uncovered that some vacated positions were not pulled over into the payroll budget model, some added positions were not completely attached to the corresponding pay/benefit codes, and there was a decimal data entry error resulting in the compensation calculated in thousands instead of thirty thousand. Typically this type of error is identified during the process, but the transitioning people expected that what they inherited had been validated. A majority of dollars for the errors are associated with Police, but there are several departments affected, and

WHEREAS: It is requested that the General Fund fund balance be appropriated in the total amount of \$1,050,000 as follows:

19 th District Court	\$ 70,000
Assessor	\$ 35,000
Finance	\$135,000
DPW	\$ 80,000
Police	\$730,000

therefore be it

RESOLVED: That a budget appropriation be and is hereby authorized to the General Fund for Position Control Corrections for Fiscal Year 2016 in the total amount of \$1,050,000 for several departments; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, O'Donnell, Sareini, and Shooshanian (6). Nays: Tafelski (1). Absent: None (0).

By Sareini supported by Shooshanian.

7-347-15. RESOLVED: That City Council hereby authorizes the removal of a delinquent water lien for the property located at 4797 Westland, Parcel I.D. 82-09-134-02-083 from the 2015 Tax Roll in the amount of \$851.26 due to a billing error; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

7-348-15. WHEREAS: The Dearborn Police Department has received grant funding from the Detroit Wayne County Mental Health Authority in the amount of \$50,000, and

WHEREAS: The Chief of Police has requested that the Finance Director be authorized to recognize the grant revenue in the amount of \$50,000 and appropriate a like amount; therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to recognize \$50,000 in 101-2420-330.07-90 Local Government Revenue and appropriate in 101-2460-561.10-20 Salaries & Wages Part-time; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazy supported by Abraham.

7-349-15. RESOLVED: That receipt of a grant award in the amount of \$3,000 from the American Library Association and National Endowment for the Humanities (NEH) for Latino Americans: 500 years of History, is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby authorizes 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 276-5100-721.98-00 Undistributed Appropriation to use for the grant program costs; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Sareini.

7-350-15. WHEREAS: Beginning April 15, 2015 through May 10, 2015, 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 was a vacant 40' lot located at 5280 Steadman, zoned Residential A, and

WHEREAS: The minimum bid price for this property was \$16,900. All bids were submitted in sealed envelopes and opened in City Council Chambers on May 13, 2015, and

WHEREAS: One bid was received on this property as follows:

1. Zinab Ahmed Sailan \$17,200

and

WHEREAS: Zinab Ahmed Sailan was the only bidder for this property and has offered to purchase this property for the sum of \$17,200 cash. She plans to construct a single-family dwelling on this property within one year of the date of the closing. Ms. Sailan has not purchased from the City's lot list in the past, and

WHEREAS: Ms. Sailan has been informed and agrees to the following conditions applicable to the proposed sale:

1. Purchaser may not assign her 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%, all deposits, 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, she 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 her 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:

Lot 267, John Ford Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 45, Page 15 of Plats, Wayne County records.

Tax I.D: 82-10-181-08-002
Commonly known as vacant lot at 5280 Steadman
Lot size: 40' x 112'

to Zinab Ahmed Sailan for \$17,200; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Zinab Ahmed Sailan 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 Ms. Sailan 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; 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 purchase price, less 10%, all deposits, 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 unanimously adopted.

By Sareini supported by Bazzy.

7-351-15. WHEREAS: Beginning April 15, 2015 through May 10, 2015, 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 was a vacant 53' lot located at 6540 Reuter, zoned Residential A, and

WHEREAS: The minimum bid price for this property was \$20,700. All bids were submitted in sealed envelopes and opened in City Council Chambers on May 13, 2015, and

WHEREAS: One bid was received on this property as follows:

1. Afafe Mosallam \$22,301

and

WHEREAS: Afafe Mosallam was the only bidder for this property and has offered to purchase this property for the sum of \$22,301 cash. She plans to construct a single-family dwelling on this property within one year of the date of the closing. Afafe Mosallam has not purchased from the City's lot list in the past, and

WHEREAS: Afafe Mosallam has been informed and agrees to the following conditions applicable to the proposed sale:

1. Purchaser may not assign her 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%, all deposits, 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, she 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 her 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:

Lot 355 and the South 19 ft. of Lot 356, Schanhite-Morrison Garden Sub., City of Dearborn, Wayne County, MI, as recorded in Liber 37, Page 28 of Plats, Wayne County records

Tax I.D: 82-10-081-21-035
Commonly known as vacant lot at 6540 Reuter
Lot size: 53' x 122'

to Afafe Mosallam for \$22,301; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Afafe Mosallam 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 Afafe Mosallam 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; 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 purchase price, less 10%, all deposits, 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, O'Donnell, Sareini, and Shooshanian (6). Abstained: Tafelski (1). Nays: None. Absent: None (0).

By Sareini supported by Shooshanian.

7-352-15. WHEREAS: On September 9, 2014, a Memorandum of Understanding Regarding the Formation of the Great Lakes Water Authority was adopted by the City of Detroit, the State of Michigan and the counties of Wayne, Oakland and Macomb, and

WHEREAS: The Memorandum of Understanding required, among other things, that the City of Detroit and the counties of Wayne, Oakland and Macomb adopt Articles of Incorporation no later than October 10, 2014, and that the City of Detroit and the Great Lakes Water Authority execute a lease agreement regarding the operation and management of the Detroit water supply and sewage disposal systems, and

WHEREAS: On October 10, 2014, the City of Detroit and the counties of Wayne, Oakland and Macomb adopted the Articles of Incorporation of Great Lakes Water Authority, and

WHEREAS: On December 9, 2014, by CR 12-612-14, City Council entered into a 30 year contract with the City of Detroit Water and Sewerage Department for wastewater disposal services, and

WHEREAS: On June 12, 2015, the City of Detroit and the Great Lakes Water Authority executed two 40-year lease agreements regarding (1) the operation and management of the Detroit water supply system, and (2) the operation and management of the Detroit sewage disposal system ("Sewer Lease"), and

WHEREAS: Pursuant to Sections 4.1(a)(i), 4.1(d) and 4.4 of the Sewer Lease, the City of Detroit assigned and the Great Lakes Water Authority assumed all of Detroit's rights, duties, liabilities, responsibilities and obligations under the wholesale customer wastewater disposal services contracts without any impairment to said contracts, and

WHEREAS: Article III of the Sewer Lease provides that the effective date of the Sewer Lease is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of the wholesale sewer customers to the assignment of their 30-year wastewater disposal services contracts to the Great Lakes Water Authority pursuant to Section 3.2(j) of the Sewer Lease, and

WHEREAS: Pursuant to the Sewer Lease, and as provided in Article 13 of the Wastewater Disposal Services Contract, the City of Detroit has presented an Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority and the City of Dearborn for the assignment of the Wastewater Disposal Services Contract with the City of Detroit Water and Sewerage Department to the Great Lakes Water Authority with a request for approval, and

WHEREAS: City Council finds it is in the best interests of this community to consent to the assignment of the Wastewater Disposal Services Contract to the Great Lakes Water Authority; therefore be it

RESOLVED: That the attached Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority, and the City of Dearborn is approved; be it further

RESOLVED: That the Mayor is hereby authorized to execute the Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract

This Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract (“Agreement”) is entered into by and between the City of Detroit Water and Sewerage Department, a Michigan municipal corporation (“Detroit”), and the Great Lakes Water Authority, a Michigan municipal authority and public body corporate created pursuant to Act 233 of 1955 (“GLWA”), and _____, a municipal corporation (“Customer”) (collectively, the “Parties”), and states as follows:

Recitals

- A. Detroit and Customer entered into a wastewater disposal services contract dated _____ (“Contract”), which is fully incorporated by reference; and
- B. On June 12, 2015, Detroit and the GLWA entered into a lease agreement whereby the GLWA was conveyed, amongst other items, a leasehold interest in all Detroit sewage disposal system facilities (“Sewer Lease Agreement”); and
- C. Pursuant to Sections 4.1(a)(i), 4.1(d) and 4.4 of the Sewer Lease Agreement, Detroit has assigned and the GLWA has assumed all of Detroit’s rights, duties, liabilities, responsibilities and obligations (collectively, “Rights and Obligations”) under the Contract without any impairment to the Contract; and
- D. Article III of the Sewer Lease Agreement provides that the effective date of the Sewer Lease Agreement is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of Customer to the assignment of its Contract to the GLWA as provided in Section 3.2(j); and
- E. The Parties intend to achieve a novation of the Contract by the substitution of the GLWA for Detroit with respect to all rights and Obligations under the Contract; and

Accordingly, in consideration for Detroit’s agreement to assign its Rights and Obligations under the Contract, and the GLWA’s agreement to assume those Rights and Obligations, and the Customer’s agreement to accept this substitution, the Parties agree as follows:

1. The GLWA shall be assigned Detroit’s Rights and Obligations under the Contract as of the date upon which the conditions precedent to the Sewer Lease Agreement have been met, which date shall be the effective date of the novation and of this Agreement (“Effective Date”). All terms and conditions of this Agreement shall take effect only upon the Effective Date. In the event that the conditions precedent necessary to effectuate the Sewer Lease Agreement are not met, then this Agreement shall become null and void and shall have no legal effect.
2. The Rights and Obligations of Detroit under the Contract shall be extinguished and Detroit waives any claims and rights against the Customer that it now has or may have in the future in connection with the Contract and shall not be permitted to bring any such claims against Customer. Any claim brought in violation of this Agreement shall be controlled by the terms of the Water Lease Agreement.

3. The GLWA shall be bound by and perform the Contract in accordance with the terms and conditions of the Contract. The GLWA assumes all Rights and Obligations of, and all claims against, Detroit under the Contract as if the GLWA were the original party to the Contract. The GLWA ratifies all previous actions taken by Detroit with respect to the Contract, with the same force and effect as if the action had been taken by the GLWA.

4. The Customer recognizes the GLWA as Detroit's successor in interest in and to the Contract and that the GLWA is entitled to all rights, titles and interests of Detroit in and to the Contract as if the GLWA were the original party to the Contract.

5. All terms, conditions, and covenants of the Contract shall remain in full force and effect, and the GLWA shall fulfill all such terms, conditions and covenants.

6. This Agreement and all actions arising under it shall be governed by the law of the State of Michigan.

7. This Agreement may be executed and delivered in counterparts, including by facsimile transmission, each of which will be deemed an original.

In Witness Whereof, the Parties, by their duly authorized officers and representatives, indicate their concurrence with the terms and conditions of this Agreement:

City of Detroit, Water and Sewerage Department:

By: _____
Sue F. McCormick
Its: Director

Great Lakes Water Authority:

APPROVED BY GLWA
BOARD OF DIRECTORS ON:

By: _____
Sue F. McCormick
Its: Interim Chief Executive Officer

Date

_____ :

By: _____
Its: Mayor

By: _____
Its: City Clerk

APPROVED BY
CUSTOMER CITY COUNCIL ON:

Date

By Sareini supported by Tafelski.

7-353-15. RESOLVED: That the Agreement between the 19th District Court and the Police Officers Association of Michigan (POAM) for the term of July 1, 2015 thru June 30, 2017 is hereby adopted; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Sareini.

7-354-15. RESOLVED: That City Council does hereby reconsider approval of C.R. 6-263-15 - awarding a contract to Carr's Outdoor Service in the amount of \$240,973.75 for joint sealing City parking lots.

The resolution failed as follows: Yeas: Bazzy, Dabaja and Tafelski (3). Nays: Abraham, O'Donnell, Sareini and Shooshanian (4). Absent: None (0).

By Tafelski supported by Bazzy.

7-355-15. RESOLVED: That the City Council does hereby concur with the action of the City Plan Commission to deny the request of Joseph A. Guido to rezone the westerly 112.5 ft. of lots 23 to 29 (5901 Schaefer) Roemer Jones Subdivision from a Business B (Community Business District) to a Business C (General Business District) zoning classification.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

7-356-15. RESOLVED: That Caroline Maykovich, on behalf of the National Ovarian Cancer Foundation, be and is hereby granted permission to "Turn the Town Teal" by placing teal ribbons on light poles in West Dearborn along Michigan Avenue from Brady to Outer Drive during the month of September subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

7-357-15. RESOLVED: That the Divine Child High School Alumni Association be and they are hereby granted permission to conduct their "23rd Annual Falcon 5K Run" event on August 1, 2015 from 8:15 A.M. to 12:00 P.M. subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the Falcon 1-Mile Fun Run route is as follows: Beginning in Levagood Park between softball diamonds 2 and 3, the runners will proceed south, then south-east throughout Levagood Park and out onto Lafayette; then head south on Lafayette to Coburn; east on Coburn to N. Denwood; north on N. Denwood to Wilson; then turn left and continue west on Wilson, crossing N. Silvery Lane, and into the parking lot located between the Divine Child Elementary and High Schools; be it further

RESOLVED: That the Falcon 5K Run route is as follows: Beginning in Levagood Park between softball diamonds 2 and 3, the runners will proceed south and then east throughout Levagood Park and out onto N. Denwood; then turn right and head south on N. Denwood to Coburn; west on Coburn to N. Silvery Lane; north on N. Silvery Lane to Doxtator; east on Doxtator to N. Denwood; south on N. Denwood to Coburn; west on Coburn to N. Silvery Lane; then continue north on N. Silvery Lane, turning left into the Divine Child High School south parking lot finishing at the Mark Carpenter Memorial; be it further

RESOLVED: That City Council hereby authorizes assistance from the Police Department with traffic control for the entire duration of the event; be it further

RESOLVED: That this event is subject to reimbursement for all City services provided; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

7-358-15. RESOLVED: That the Susan G. Komen Breast Cancer Foundation be and they are hereby granted permission to conduct the Dearborn portion of the "Susan G. Komen Michigan 3-Day for the Cure Walkathon" event on Sunday, August 9, 2015 at 10:45 A.M. subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the Dearborn portion of the Susan G. Komen Michigan 3-Day for the Cure Walkathon event will begin at approximately 10:45 A.M. with participants entering the City of Dearborn via Outer Drive at Ford Road. Upon reaching Ford Road, the event participants will head west along Ford Road to N. York Street; south along N. York Street to Lawrence Street; west on Lawrence Street to Mildred Street; south on Mildred Street to Hollander Street; east on Hollander Street back to N. York Street; south along N. York Street to Cherry Hill Road; east along Cherry Hill Road to Military Street; south on Military Street to Garrison Avenue; east on Garrison Avenue to the east side of Brady Street; proceed south along Brady Street crossing Michigan Avenue; then turn left and advance along eastbound Michigan Avenue to American Road; then turn left and cross Michigan Avenue again finishing on the grounds of Ford World Headquarters; be it further

RESOLVED: That all participants shall be restricted to utilizing the sidewalks only, and no portion of the roadways designated within the 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 authorizes the use of York Park and the Dearborn Historical Museum - McFadden Ross House south lawn as designated event pit stops, as well as assistance from the Police Department with traffic safety/control for the duration of the event; be it further

RESOLVED: That this event is subject to full reimbursement for all City services provided; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

7-359-15. RESOLVED: That receipt of a donation in the amount of \$856 from DTE Energy to the City of Dearborn for replacement commercial Large Group Multi-Level Grill for the Hemlock Park Picnic Shelter is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby extends its appreciation to the donor for the aforementioned gift; be it further

RESOLVED: That City Council hereby directs the City Treasurer to deposit this money in CIP #151014 (Park Facilities R&M), and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated.

The resolution was unanimously adopted.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 9:21 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk