

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

December 8, 2015

The Council convened at 7:32 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazy, O'Donnell, Sareini, Shooshanian and President of the Council Dabaja; absent, Councilmember Tafelski. A quorum being present, the Council was declared in session.

The Reverend Mark Philips of Cherry Hill Presbyterian Church delivered the invocation.

By Shooshanian supported by O'Donnell.

12-646-15. RESOLVED: That the minutes of the previous regular meeting of November 24, and special meeting of November 23, 2015, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by O'Donnell.

12-647-15. RESOLVED: That the City Council hereby requests that the City Plan Commission review and recommend the rezoning of the property located on the east side of Gulley Road, from the railroad tracks to approximately Princeton Street, from an Industrial A (Light Industrial District) to an Industrial B (Medium Industrial District) zoning classification; be it further

RESOLVED: That the Council also requests that tabled Ord. 15-1505 be amended to not allow RV Storage Facilities in I-A Districts, Ord. 15-1506 be amended to make RV Storage Facilities a Special Land Use in I-B Districts, and Ord. 15-1507 and 15-1508 be amended to permit RV Storage Facilities in I-C and I-D Districts; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Sareini supported by Bazzy.

12-648-15. RESOLVED: That Ordinance No. 15-1510 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1510 entitled, "An Ordinance to Amend Chapter 2, Article VII of the Code of the City of Dearborn, Entitled 'Administrative Fees'."

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?"

12-648-15. Upon roll call the Ordinance was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Sareini supported by Bazzy.

12-649-15. RESOLVED: That Ordinance No. 15-1511 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1511 entitled, "An Ordinance to Amend Chapter 17.5 of the Code of the City of Dearborn, Entitled 'Subdivisions'."

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?"

12-649-15. Upon roll call the Ordinance was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Shooshanian supported by O'Donnell.

12-650-15. RESOLVED: That Ordinance No. 15-1512 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1512 entitled, "An Ordinance to Amend Article II of the Elections Chapter (Chapter 8) of the Code of the City of Dearborn."

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?"

12-650-15. Upon roll call the Ordinance was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

Councilmember Bazzy introduced Ordinance No. 15-1513, entitled, "An Ordinance to Amend the City of Dearborn 401 (A) Defined Contribution Plan."

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.

12-651-15. RESOLVED: That proposed Ordinance No. 15-1513 be laid on the table.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

Councilmember Shooshanian introduced Ordinance No. 15-1514, entitled, "An Ordinance to Amend Chapter 13, Article I of the Code of the City of Dearborn, Entitled 'Nuisances'."

The Clerk read the Ordinance by title.

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

By Bazzy supported by O'Donnell.

12-652-15. RESOLVED: That proposed Ordinance No. 15-1514 be laid on the table.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

Councilmember Sareini introduced Ordinance No. 15-1515, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located on the south side of Ford Road from Drexel to Silvery Lane from a Business A (Local Business District) to a Business B (Community Business 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 Bazzy.

12-653-15. RESOLVED: That proposed Ordinance No. 15-1515 be laid on the table.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

Councilmember Sareini introduced Ordinance No. 15-1516, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located on the south side of Ford Road from Elizabeth to Rosevere from a Business A (Local Business District) to a Business B (Community Business 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 Bazzy supported by Shooshanian.

12-654-15. RESOLVED: That proposed Ordinance No. 15-1516 be laid on the table.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

Councilmember Sareini introduced Ordinance No. 15-1517, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located on the south side of Ford Road from Silvery Lane to Gulley Road from a Business A (Local Business District) to a Business B (Community Business 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 Bazzy supported by Shooshanian.

12-655-15. RESOLVED: That proposed Ordinance No. 15-1517 be laid on the table.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by Shooshanian.

12-656-15. WHEREAS: The City is eligible for contract pricing through the State of Michigan's MiDeal Cooperative Program, Contract No. 071B3300202 for Motorola Radios for the Police/Fire Departments, and

WHEREAS: Motorola Solutions, the authorized distributor for the State of Michigan, will supply these radios at a cost of \$2,454,837.97; be it

RESOLVED: That a purchase order be awarded to in the amount of \$2,454,837.97 for Motorola Radios for the Police/Fire Departments; be it further

RESOLVED: That this purchase order shall be financed from the Information Systems Fund, MIS, Capital Equipment budget, Project ZT2502 in the amount of \$2,298,355.57 and the Information Systems Fund, MIS, Contractual Services budget, Project ZT2505 in the amount of \$156,482; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by O'Donnell.

12-657-15. RESOLVED: That all bids received for Renovation of the Locker Rooms at the DPW Sewerage Building are hereby rejected except the bid of Cross Renovation in an amount not to exceed \$156,228, 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 a 5% contingency in the amount of \$7,812 be and is hereby authorized; be it further

RESOLVED: That the Public Works Director be and is hereby authorized to execute all change orders or modifications; be it further

RESOLVED: That this contract shall be financed from the Sewer Fund, Capital Project Support, Construction Services budget, Project L15413; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Shooshanian supported by Bazzy.

12-658-15. RESOLVED: That all bids received for Tree Removal Services are hereby rejected except the bid of Platinum Landscape in an amount not to exceed \$128,465, 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 one year with two (2) one-year renewal options contingent upon satisfactory performance; be it further

RESOLVED: That this contract shall be financed from the General Fund, Public Works, Parks Division, Contractual Services budget in the amount of \$100,000; the Sewer Fund, Public Works, Construction Services budget, Project N95300 in the amount of \$22,465, and various budget accounts on an as-needed basis in the amount of \$6,000; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by O'Donnell.

12-659-15. RESOLVED: That all bids received to Lease Golf Carts for Mystic Creek are hereby rejected except the bid of Spartan Distributors, Inc. in an amount not to exceed \$450,882.24 over a four year lease, 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 appropriate \$12,500 of the General Fund balance to support the lease replacement; be it further

RESOLVED: That this contract shall be financed from the General Fund, Recreation, Rentals, Operating Equipment budget. Future funding will be contingent upon the adoption of subsequent years' budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Shooshanian supported by O'Donnell.

12-660-15. WHEREAS: The City presently has a contract with Fairlane Ford for OEM Parts and Certified Repairs, and

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

WHEREAS: Fairlane Ford has offered to renew the present contract prices through December 3, 2016; be it

RESOLVED: That the contract for OEM Parts and Certified Repairs is hereby renewed with Fairlane Ford through December 3, 2016 in an amount not to exceed \$94,200; be it further

RESOLVED: That this contract shall be financed from the General Fund, Vehicle Repair and Maintenance, and the Operating Supplies budgets. This requires \$47,100 from the FY16 Budget and \$47,100 from the FY17 Budget contingent on the adoption of the FY17 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazy supported by Sareini.

12-661-15. WHEREAS: The City of Dearborn presently has a contract with Bell Equipment Company for Elgin Street Sweeper and parts, Epoke Spreader parts, and repairs in the amount of \$35,000 as authorized by C.R. 3-133-15, and

WHEREAS: The Purchasing Division has received a request from the Central Garage Division requesting approval for Additional Expenditures of Elgin Parts and Repairs for the remainder of Fiscal Year 2016, and

WHEREAS: The contract will be increased in the amount of \$52,500, bringing the new total of the contract to \$87,500; therefore be it

RESOLVED: That the contract for Elgin Street Sweepers parts, Epoke Spreader parts, and repairs be awarded to Bell Equipment Company be increased in the amount of \$52,500, bringing the total amount of the contract to \$87,500 for Additional Expenditures of Elgin Parts and Repairs; be it further

RESOLVED: This contract increase shall be charged to the General Fund, Public Works, Vehicle Repair & Maintenance budget; be it

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Sareini supported by Shooshanian.

12-662-15. WHEREAS: Zausmer, Kaufman, August & Caldwell, P.C. has represented the City of Dearborn concerning CSO litigation since January 2008, and

WHEREAS: It is estimated that legal actions and continued representation in this litigation will require an extension of the professional services agreement in the amount of \$150,000; therefore be it

RESOLVED: That the professional services agreement with Zausmer, August & Caldwell, P.C. is extended in the amount of \$150,000; be it further

RESOLVED: That in order to fund this contract extension, a transfer of \$150,000 from the Sewer Fund - CSO, Department of Public Works, Sewerage Division, Professional Services Account, Project N85000 is approved; be it further

RESOLVED: That this resolution shall be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by Shooshanian.

12-663-15. WHEREAS: The City of Dearborn and the East Dearborn Downtown Development Authority (EDDDA) entered into a loan agreement with the Downriver Community Conference (DCC) on September 4, 2014 for a Revolving Loan Fund (RLF) loan of \$400,000 from the funds available to the DCC Brownfield Consortium through the U.S. Environmental Protection Agency (USEPA). This money was targeted to perform the entire environmental cleanup of the former City Hall site related to asbestos and other potential hazardous materials in buildings. The funds were to be repaid by Artspace to the EDDDA after five years through annual payments (beginning 2019) of 10% of the loan amount for the following ten (10) years at 0% interest, and

WHEREAS: The asbestos and related cleanup of the former City Hall buildings amounted to \$166,832 leaving \$233,168 as the balance of the loan. As that cleanup project was completed, Artspace turned its attention to the lead and other hazardous materials in the former gun range on the fourth floor of the Annex building on Maple Street. Unfortunately its petition to the USEPA to use the remaining balance toward this purpose was denied. The USEPA determined that this cleanup was ineligible due to the fact that the gun range was a facility created by the City for its purpose within the complex. This denial created a significant hole in Artspace's remediation budget. Therefore Artspace inquired about the EDDDA substituting the remaining difference between what was spent on asbestos cleanup and what was needed to complete the gun range remediation with EDDDA funds to be repaid according to the same terms as noted above. The EDDDA agreed to this approach at its November 12, 2015 meeting and has the authority to loan funds to Artspace for this purpose under the DDA Act (P.A. 197 of 1975), and

WHEREAS: The EDDDA is requesting that the Director of Finance be authorized to appropriate \$233,168 from East Dearborn Downtown Development Authority fund balance to the East Dearborn Downtown Development Authority Artspace Project Z77620 as a loan to Artspace and to recognize the incremental repayment from Artspace to be repaid by 2028 and for the Legal Department to amend the loan agreements accordingly. The DCC Brownfield Consortium concurs with amending the agreement with them to reflect the use of only \$166,832 of the original \$400,000 loan; therefore be it

RESOLVED: That the Finance Director be and hereby is authorized to appropriate \$233,168 from the East Dearborn Downtown Development Authority fund balance to the East Dearborn Downtown Development Authority Artspace Project Z77620 as a loan to Artspace and to recognize the incremental repayment from Artspace to be repaid by 2028; be it further

RESOLVED: That the Legal Department be and is hereby authorized to amend the loan agreements accordingly; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by Shooshanian.

12-664-15. WHEREAS: Latasha Williams, subject to the requirements for participation in the First-Time Homebuyer Program (CR# 2-108-12), has offered to purchase the renovated residential property at 7950 Normile at a sale price of \$118,000, and

WHEREAS: Latasha Williams, may qualify for homebuyer financial assistance (affordability discount and down payment or closing cost assistance) that will be provided in the form of a zero-interest, deferred loan secured by a program mortgage and note that is due upon sale, transfer, or other default of the conditions for assistance, and

WHEREAS: The Sale is conditioned on the following:

1. The selected homebuyer agrees to own and occupy the property as their primary residence.
2. The selected homebuyer will execute a program mortgage and note to secure the homebuyer financial assistance amount.
3. The selected homebuyer accepts the property "AS IS."
4. The selected homebuyer may not assign their purchase option.
5. Closing of this transaction must take place within one hundred twenty (120) days of the effective closing 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, and the sale declared null and void,

and

WHEREAS: Council believes that this offer is reasonable and is in accordance with the spirit and intent of the First-Time Homebuyer Program; therefore be it

RESOLVED: That this Council does hereby determine to affect the sale at a price of \$118,000 to Latasha Williams of the residential property described as:

Lot 173, Robert Oakman Land Cos. Aviation Field Sub. No. 1, City of Dearborn, Wayne County, Michigan, as recorded in Liber 44, Page 5 of Plats, Wayne County records.

Tax ID No. 82-10-054-12-001
Commonly known as 7950 Normile, Dearborn, MI;

be it further

RESOLVED: That the sale of the rehabilitated house located at 7950 Normile serves a public purpose by adding the house back to the tax rolls to generate revenue for the City, serves the public purpose intended by the HUD NSP Program, and is in accordance with the spirit and intent of the First-Time Homebuyer Program; be it further

RESOLVED: That the Community Development Coordinator for the City of Dearborn is authorized to execute FHA documents on behalf of 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 for the sale of 7950 Normile; be it further

RESOLVED: That the Mayor be and is hereby authorized to execute a Deed for said residential property to Latasha Williams upon delivery to the City of the net purchase price (above purchase price less homebuyer financial assistance), executed program mortgage and note, and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement reviewed by Corporation Counsel; be it further

RESOLVED: That the proceeds of this transaction shall be deposited to the Community Development Fund (283) Project No. C07300; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Shooshanian supported by O'Donnell.

12-665-15. WHEREAS: In November 2003, the City of Dearborn became the owner of Dearborn Refining Company through the Wayne County tax-reversion process, when the previous owner, Aram Moloian, failed to pay property taxes for the site, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS: In August, 2014, the City purchased the strip of property adjacent to 3901 Wyoming from the Wayne County Treasurer for \$2,173.90, by exercising its right of first refusal, and

WHEREAS: The strip was originally contained within the larger site at 3901 Wyoming, but not properly split and sold by the former owner, and

WHEREAS: Though it has a different tax identification number than the larger site at 3901 Wyoming, the property has been included in the cleanup efforts by the PRPs and monitored by the EPA, and

WHEREAS: When Council Resolution 1-26-13 was adopted approving the execution of the restrictive covenant, the extra strip of land was not included, and

WHEREAS: It is recommended that the City Council authorizes Corporation Counsel to execute a revised restrictive covenant document on behalf of the City that includes the following additional piece of property in the legal description:

LAND IN PARCELS 216 & 328, T2SR 11 E BEGINNING AT A POINT IN WESTERLY LINE OF WYOMING AVE., POINT BEING N31DEGREES W 1176.27 FEET FROM INTERSECTION OF WESTERLY LINE OF WYOMING AVENUE WITH NORTHERLY LINE OF CLIPPERS EAGLE AVE. SUB, THENCE N. 31-00-00W. 277.73 FEET TO POINTE OF BEGINNING, THENCE N.31-00-00W 18 FEET, THENCE S.59-00-00W. 468.16 FEET, THENCE S.75-31-41E. 73.005 FEET, THENCE N.59-04-05E. 137.12 FEET, THENCE N.30-23-29W. 34.43 FEET, THENCE N.59-04-05E. 279.59 FEET TO POINT OF BEGINNING.

Tax I.D. 82-10-163-04-004,

and

WHEREAS: Corporation Counsel will also request a formal combination of the properties through the City Assessor; therefore be it

RESOLVED: That the City Council authorizes the Corporation Counsel or her designee to execute and record a revised restrictive covenant document on behalf of the City of Dearborn related to the 3901 Wyoming site, to include the additional piece of property described as:

LAND IN PARCELS 216 & 328, T2SR 11 E BEGINNING AT A POINT IN WESTERLY LINE OF WYOMING AVE., POINT BEING N31DEGREES W 1176.27 FEET FROM INTERSECTION OF WESTERLY LINE OF WYOMING AVENUE WITH NORTHERLY LINE OF CLIPPERS EAGLE AVE. SUB, THENCE N. 31-00-00W. 277.73 FEET TO POINTE OF BEGINNING, THENCE N.31-00-00W 18 FEET, THENCE S.59-00-00W. 468.16 FEET, THENCE S.75-31-41E. 73.005 FEET, THENCE N.59-04-05E. 137.12 FEET, THENCE N.30-23-29W. 34.43 FEET, THENCE N.59-04-05E. 279.59 FEET TO POINT OF BEGINNING.

Tax I.D. No. 82-10-163-04-004;

be it further

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

RESOLVED: That this resolution is given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by O'Donnell.

12-666-15. WHEREAS: Mr. Michael Hamame, managing member of West Village Commons Holdings, LLC ("WVCH"), the owner of the West Village Commons project, has requested approval of the outdoor seating on City-owned property, as shown on the attached drawing for a proposed new Bar Louie restaurant to be located at 22269 Michigan Avenue. This was formerly the space occupied by Maestro Restaurant, and

WHEREAS: Bar Louie is a contemporary casual dining bar and restaurant chain with approximately 85 locations. There are eight locations in Michigan including Ann Arbor, Grand Rapids, Livonia, Rochester and Clinton Township (Partridge Creek) to name a few. The company started in 1991, and

WHEREAS: The outdoor seating area as proposed requires the removal of one handicapped parking space currently located at the northwest corner of the parking area within the West Village Commons plaza. This space is not required to meet ADA standards for the plaza, and since the entire plaza surface is constructed of brick pavers, the removal of the space only requires removal/replacement of a few bricks that provide the space markings plus the handicapped parking sign. The project owner will perform this work. One handicapped space will remain on the other side of the plaza, which is sufficient for a parking lot with 20 spaces, and

WHEREAS: The outdoor seating as shown is located on both private and City-owned property (approximately 1,500 square feet on City property), so it is requested that City Council consider leasing this area for outdoor seating. WVCH maintains the plaza as part of the existing agreement with the City. Since there are several other WVCH tenants who are occupying City-owned property for outdoor seating but that have not previously leased their outdoor seating areas on public property, it is proposed that a lease agreement with WVCH is executed, using the same approach and terms as that which were recently approved for Brome and Kabuki restaurants, which are also within the West Downtown District. Therefore, the City will enter into a lease agreement with Mr. Hamame's West Village Commons Holdings, LLC for the various outdoor seating areas where City land is being or proposed to be occupied. The lease rate for this purpose has been determined by the City Assessor to be \$1.50 per square foot per year, so the Bar Louie lease fee for the area shown is \$2,250, and

WHEREAS: The Economic & Community Development Department is requesting approval for the removal of the handicapped parking space required to accommodate the Bar Louie restaurant outdoor seating at this location subject to all applicable local ordinances, and

WHEREAS: The Economic & Community Development Department is also requesting approval for a lease agreement between West Village Commons Holdings, LLC and the City of Dearborn for use of publicly owned property in the WVC plaza for outdoor seating subject to final approval by Corporation Counsel. Each of the other four establishments (Moose's Martini Bar, the Red Martini, Le Cigar and la Hooka) currently using City plaza land for outdoor seating will also be calculated using the same rate and formula and added to the lease. Future additions or deletions of outdoor seating in the plaza will be calculated accordingly as businesses within the project change or change their operations; therefore be it

RESOLVED: That the Economic & Community Development Department's request for the removal of the handicapped parking space required to accommodate the Bar Louie restaurant outdoor seating be and is hereby approved; be it further

RESOLVED: That Corporation Counsel is hereby authorized to negotiate the terms of a lease agreement between West Village Commons Holdings, LLC and the City of Dearborn for use of publicly owned property in the WVC plaza for outdoor seating including a lease payment from \$1 to \$2,250; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Shooshanian supported by O'Donnell.

12-667-15. RESOLVED: That the Executive and Administrative Unit Salary Plan adopted September 16, 1980 by C.R. 9-863-80 be and is hereby amended pursuant to Civil Service Resolution No. 7812-15, effective December 13, 2015; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by Sareini.

12-668-15. WHEREAS: Sandra Bejster submitted a letter asking for a waiver of Zoning Board of Appeals fees associated with her request to install a Little Free Library in front of her home at 2145 Banner, six feet from the sidewalk, and

WHEREAS: The installation of a Little Free Library at 2145 Banner requires 2 variances from the Zoning Ordinance since the library is considered an accessory structure, and

WHEREAS: Ms. Bejster requires variances from the Dearborn Zoning Ordinance section 2.03(D.1) which requires accessory structures to be located in rear yard and section 2.03(D.3) which requires detached accessory structures to be approved by the Zoning Board of Appeals, and

WHEREAS: Ms. Bejster is requesting that the City Council waive the \$350 fee since she feels that she is providing a public service by installing the free library, and

WHEREAS: Historically, waivers of fees are only approved in limited or unusual circumstances, i.e., when multiple hearings are required at no fault of a petitioner and for nonprofit organization appeals for community activity; be it therefore

RESOLVED: That Sandra Bejster's request to waive Zoning Board of Appeals fees in this circumstance be denied; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Bazzy supported by O'Donnell.

12-669-15. RESOLVED: That the Cycling Saddlemen Bicycling Club be and they are hereby granted permission to conduct their 44th annual First Dozen Bicycle Ride on Friday, January 1, 2016 beginning at 2:00 P.M., subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the bicycle ride route is as follows: Beginning in the Olive Branch Masonic Lodge parking lot, the bicyclists will go out onto Mason Street and proceed south to Beech Street; east on Beech Street to Oakwood; south-east on Oakwood to the Southfield Service Drive; south on the Southfield Service Drive to Outer Drive; north on Outer Drive to S. York Street; turn left and continue north on S. York Street to Cherry Hill Road; west on Cherry Hill Road to N. Silvery Lane; north on N. Silvery Lane to Wilson Street; east on Wilson Street to Outer Drive; south on Outer Drive to Military; continuing south on Military to Cherry Hill Road; east on Cherry Hill Road to Brady Street; south on Brady Street to Morley; west on Morley to Mason Street; and south on Mason Street finishing back at the Olive Branch Masonic Lodge; be it further

RESOLVED: That all participants in the bicycle ride shall be restricted to using the right lane of all roadways designated in conjunction with this event, as well as, make lawful and proper use of all traffic signs and signals so as not to interfere with any vehicular traffic; be it further

RESOLVED: That City Council hereby authorizes assistance from the Dearborn Police Department for traffic control/safety spot checks for the duration of the of the event, as well as, assistance from the Recreation Department with the use of its sound truck for the start of the bicycle tour; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Sareini supported by Bazzy.

12-670-15. WHEREAS: The Michigan Department of Transportation (MDOT) will begin a concrete pavement restoration project on M-39 (Southfield Freeway) mainline between M-153 (Ford Road) and Pinecrest Drive. Work is expected to begin in or around May of next year (2016), and

WHEREAS: The proposed work will include full depth concrete patches on M-39 as well as partial depth non-cementitious (emerging technology) patching. Single and double lane closures will be needed at various times during construction to access the middle lanes. One lane will always be open in each direction. Ramps to and from M-39 will need to be closed and detoured at certain times while work is occurring within their areas of influence, and

WHEREAS: Patching operations will occur on weeknights and weekends. Ramp closures will also occur during these hours. Weeknights are defined as 9 p.m. to 5 a.m., and weekends are from 9 p.m. Friday continuously through 5 a.m. Monday, and

WHEREAS: These time frames should help preserve weekday travel mobility as well as contractor safety. Because some work will occur at night, MDOT respectfully requests a reprieve from Dearborn's ordinance regarding work and noise during the nighttime hours; therefore be it

RESOLVED: That the City Council hereby approves the Michigan Department of Transportation's request for a Noise Ordinance Waiver for concrete patching on M-39 between M-153 and Pinecrest Drive to start in or around May 2016; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini and Shooshanian (6). No: None. Absent: Tafelski (1).

By Sareini supported by Bazzy.

12-671-15. RESOLVED: That City Council hereby concurs in the appointment of Helal A. Farhat, to the 19th District Court as a part-time Attorney Magistrate; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, O'Donnell, Sareini and Shooshanian (5). No: None. Abstained: Dabaja (1). Absent: Tafelski (1).

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 8:39 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk