

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

October 6, 2015

The Council convened at 7:32 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 Kenneth Chase of the Sacred Heart Catholic Church delivered the invocation.

By Tafelski supported by Abraham.

10-497-15. RESOLVED: That the minutes of the previous regular meeting of September 22, and special meeting of September 23, 2015, 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).

Councilmember Sareini introduced Ordinance No. 15-1490, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located at 7227 Barrie from a Residential A (One Family Residential District) to a VP (Vehicular Parking 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 Tafelski supported by Abraham.

10-498-15. RESOLVED: That proposed Ordinance No. 15-1490 be laid on the table.

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

Councilmember Tafelski introduced Ordinance No. 15-1491, entitled, "An Ordinance to Amend the Zoning Ordinance of the City of Dearborn by Amending Article 4.00, Section 4.01 entitled 'Off-Street Parking Requirements'."

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.

10-499-15. RESOLVED: That proposed Ordinance No. 15-1491 be laid on the table.

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

Councilmember Tafelski introduced Ordinance No. 15-1492, entitled, "An Ordinance to Amend the Zoning Ordinance of the City of Dearborn by Amending Article 7.00, Section 7.02 entitled 'Site Development Standards for Nonresidential Uses'."

The Clerk read the Ordinance by title.

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

By Sareini supported by Bazzy.

10-500-15. RESOLVED: That proposed Ordinance No. 15-1492 be laid on the table.

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

Councilmember Tafelski introduced Ordinance No. 15-1493, entitled, "An Ordinance to Amend the Zoning Ordinance of The City of Dearborn by Amending Article 15.00 (B-B, Community Business District), Section 15.02, entitled 'Permitted Uses and Structures'."

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 Abraham.

10-501-15. RESOLVED: That proposed Ordinance No. 15-1493 be laid on the table.

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

Councilmember Bazzy introduced Ordinance No. 15-1494, entitled, "An Ordinance to Amend Article II of Chapter 18 of the Code of the City of Dearborn, entitled 'Traffic Code'."

The Clerk read the Ordinance by title.

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

By Sareini supported by Tafelski.

10-502-15. RESOLVED: That proposed Ordinance No. 15-1494 be laid on the table.

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

Councilmember Tafelski introduced Ordinance No. 15-1495, entitled, "An Ordinance to Amend Chapter 18, Article II, Division 13 of the Code of the City of Dearborn, entitled 'Railway Crossing'."

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 Abraham.

10-503-15. RESOLVED: That proposed Ordinance No. 15-1495 be laid on the table.

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

Councilmember Sareini introduced Ordinance No. 15-1496, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located at 23830 Harvard from an Industrial A (Light Industrial District) to a VPD (Vehicular Parking District - Class A Auto Dealer) 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 Tafelski supported by Shooshanian.

10-504-15. RESOLVED: That proposed Ordinance No. 15-1496 be laid on the table.

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

By Shooshanian supported by Tafelski.

10-505-15. WHEREAS: Fonson Company, Inc., under contract with the Michigan Department of Transportation, is presently executing asphalt resurfacing of Greenfield Road from the Rail Road Tracks to Rotunda Drive. The Wayne County Department of Public Services is the Engineer and Executor of this project. This project also includes replacement of the City's existing water main that is old and experiencing frequent water main breaks. The water main replacement work from the Rail Road Tracks to Rotunda Drive is now complete, and

WHEREAS: Approximately 520 feet of water main between Butler Road and the Rail Road Tracks is also old; however, it is beyond the project limit of the Greenfield resurfacing Project. Multiple water main breaks were observed between Butler Road and the Rail Road Tracks in recent months and the existing water main is currently out of service for this section. The Engineering Division had requested that Wayne County authorize Fonson Company, Inc. to replace the water main from Butler Road to the Rail Road Tracks as a Change order to the current contract. However, because of Contract provisions, the scope of work may not be extended beyond the specified project limit, and

WHEREAS: Since the existing water main between Butler Road and the Rail Road Tracks is out of service following major water main breaks; it is necessary to replace this section of water main without further delay. Replacement of water main will provide uninterrupted water supply and fire protection to the service area, and

WHEREAS: Staff from the Engineering Division communicated with Fonson Company, Inc. asking if they were willing to replace the existing water main from Butler Road to the Rail Road Tracks with the same unit prices as the Greenfield Road Asphalt Resurfacing Contract presently under contract with the Michigan Department of Transportation. Fonson Company, Inc. has agreed to abide by the same unit prices. The total estimated cost of the project is \$142,277.80, and

WHEREAS: A separate contract between the City of Dearborn and Fonson Company, Inc. must be executed to replace 520 l.f. of water main and related items. Therefore, the Engineering Division is requesting that the City Council approve a Contract with Fonson Company, Inc. in the amount of \$142,277.80 for the 12 inch diameter water main replacement on Greenfield Road between Butler Road and the Rail Road Tracks subject to review by Corporation Counsel; therefore be it

RESOLVED: That the aforementioned contract with Fonson Company, Inc. in the amount of \$142,277.80 for Water Main Replacement on Greenfield from Butler Road to the Rail Road Tracks is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however; be it further

RESOLVED: That this contract shall be financed from CIP Q74009 account 591-2011-435.45-20; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Sareini.

10-506-15. WHEREAS: Wayne County has recently completed the construction of a 12" diameter water main in Greenfield Road as part of the MDOT-administered Greenfield Water Main and Resurfacing project from the CN Railroad to Rotunda Drive replacing the existing 8" diameter water main which is old, observed frequent water main breaks and has been calcified over the years. The City wishes to complete the water main replacement beyond the current Wayne County project limits by continuing with the construction of a new 12" diameter water main from the CN Railroad to Butler Road under a separate City contract. Greenfield Road is under the jurisdiction of Wayne County, therefore the water main construction requires Wayne County review and approval, and

WHEREAS: It is normal practice to replace water main with parallel pipe concept in which new water main is constructed parallel to and away from the existing water main. Once the new water main is tested for pressure and bacteriological test and all services are transferred, the old water main is abandoned, and

WHEREAS: In recent years Wayne County has changed their requirements with regards to underground utility installations. Wayne County now requires that all utility replacement be undertaken at the same location of the existing utility by replacing the existing utility. The purpose of this new requirement is to minimize unused/abandoned pipes within the right of way, and

WHEREAS: After communication with Wayne County, the City plans to remove and replace approximately 300 feet of existing water main that is located in the sidewalk area but plans to abandon approximately 200 feet of existing water main located within the Greenfield Road pavement area. The removal of water main in the roadway area requires removal of 20" thick pavement, excavation, removal of excavation material, backfilling with sand, and pavement restoration. The cost of mere removal of existing water main is extensive and because this section of pavement was resurfaced in recent years and is in good condition, the County agreed that it is in the best interest of both parties that the City not disturb this pavement and continue with the construction of the new water main in the sidewalk area, and

WHEREAS: Upon further communication with Wayne County and based on Dearborn's financial hardship, Wayne County has agreed to allow the City to abandon a portion of the existing water main under Greenfield Road provided that the City Council adopts a resolution that the City of Dearborn will abide by the following conditions:

1. City of Dearborn shall maintain ownership and responsibility for the abandoned water mains within the Greenfield Road rights-of-way (ROW).
2. City of Dearborn shall fill all abandoned water mains, conduits, and structures with flowable fill material.
3. City of Dearborn shall maintain detailed records of the abandoned water mains including, but not limited to, the locations, depths, sizes and type of material. A copy of these records shall be submitted to the Wayne County Permit Office.
4. City of Dearborn must notify "Miss Dig" to record the abandoned water mains as dead/inactive water mains.
5. At the discretion of Wayne County, the City of Dearborn shall remove the abandoned water mains and restore all areas to conditions satisfactory to Wayne County,

and

WHEREAS: The Engineering Division has no objection to the first four Wayne County conditions; however the division has a concern on agreeing to Condition No. 5. However, Wayne County has already directed the City to not disturb the Greenfield roadway pavement and unless significant changes are proposed within the right of way in the future such as depressing the pavement, reconstructing the pavement, or vacating the right of way, the City Engineer has no objections to agreeing with Condition No. 5, and

WHEREAS: Based on the above mentioned fact, and not to delay the project, the City Engineer hereby recommends that the City Council adopt a separate resolution stating that the City of Dearborn, as part of the Greenfield Road Water Main Extension Project from Butler Road to CN Railroad, Wayne County Review #R15-432, will abide by the Wayne County conditions as stated above; therefore be it

RESOLVED: That the City of Dearborn, as part of the Greenfield Road Water Main Extension Project from Butler Road to CN Railroad, Wayne County Review #R15-432, will abide by the Wayne County conditions as stated above; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Tafelski.

10-507-15. RESOLVED: That all bids received for Bulk Leaf Pick-up and Haul are hereby rejected except the bid of Bedrock Express Ltd. in the amount of \$124,500, 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 will be for one (1) season beginning November 5, 2015 through December 4, 2015, with two (2) one-year renewal options available under the same pricing and the same general seasonal time period, terms and conditions; be it further

RESOLVED: That this contract shall be financed from the General Fund, DPW, Sanitation Division, Rubbish Pickup and Disposal, Contractual Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Shooshanian.

10-508-15. RESOLVED: That all bids received for Indoor Soccer Feasibility Study are hereby rejected except the bid of C.H. Johnson Consulting in an amount not to exceed \$45,000, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be charged to the General Capital Improvement Fund, Recreation Construction Services Budget, Project I52714, and will be funded by CDBG funds not to exceed \$58,000.; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by Tafelski.

10-509-15. WHEREAS: Ordinance No. 05-1062, Section 2-568 (b) (6) b, authorizes sole source procurement in certain circumstances, and

WHEREAS: The Purchasing Agent has received a request for a sole source procurement; be it

RESOLVED: That SunGard Public Sector and ExecuTime Software be designated as a sole source for purchase of Automated Time and Attendance System in an amount not to exceed \$237,624 (\$136,504 from SunGard Public Sector and \$101,120 from ExecuTime Software) and that the Purchasing Agent be authorized to enter into a purchase order for the aforementioned items; be it further

RESOLVED: That SunGard Public Sector and ExecuTime Software be designated as a sole source for purchase of annual maintenance for the software as long as the City is using the system in the amount of \$19,049 for the first year, to increase no more than five percent each year and that the Purchasing Agent be authorized to enter into a purchase order for the aforementioned items; be it further

RESOLVED: That the MIS Director be and is hereby authorized to execute all formal contracts related to the Time and Attendance System; be it further

RESOLVED: That this purchase order shall be financed from Information Systems Fund, MIS, Capital Project Support budget, Project ZT1603; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Abraham supported by Tafelski.

10-510-15. WHEREAS: Omar and Mahra Alsakkaf, owners and occupants of the property at 9910 Omar, a single-family home with a driveway and detached garage, and Mohamed Mawri and Ali Mawri, owners and occupants of 3259 Robert, a single-family home with a driveway and detached garage, are asking the City of Dearborn to split and sell to them the vacant lot located at 3253 Robert so that they may combine that portion of the lot with the adjacent lots they own, and

WHEREAS: The Assessor's Department valued the unbuildable lot at \$1,600, and

WHEREAS: Sale of the lot is recommended and 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. Use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchasers are waiving their right to seek any variances.
8. If Purchasers violate any of the restrictions imposed, they are obligated to sell the property back to the City for \$800, 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; therefore be it

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$800 to Messrs. Mawri of the parcel described as:

North 15 ft. of Lot 1, Fordson Loop Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 39, Page 77 of Plats, Wayne County records.

Tax I.D.: Part of 82-10-211-12-009

and to effect the sale at a price of \$800 to Mr. and Mrs. Alsakkaf of the parcel described as:

South 15 ft. of Lot 1, Fordson Loop Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 39, Page 77 of Plats, Wayne County records.

Tax I.D.: Part of 82-10-211-12-009

and that the Mayor be and is hereby authorized to execute a deed for said land to Messrs. Mawri, and Mr. and Mrs. Alsakkaf, 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 Messrs. Mawri and Mr. and Mrs. Alsakkaf 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 3253 Robert as side yard for the expansion of lots is consistent with the public purpose identified when the City originally purchased the property through the Neighborhood Stabilization 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: Yes: Abraham, Bazy, Dabaja, Sareini, Shooshanian and Tafelski (6). No: None. Absent: O'Donnell (1).

By Bazzy supported by Tafelski.

10-511-15. WHEREAS: Sadeq Jabbar and Sabrine Al-Ajeeb, owners of the vacant lot located at 14442 Lithgow, have requested that the City sell them the vacant lot located at 14448 Lithgow so that they may combine it with the adjacent lot they own and build a single-family home on the combined lot, and

WHEREAS: The Assessor's Department valued the unbuildable City-owned lot located at 14448 Lithgow at \$3,600, and

WHEREAS: The neighbor who owns the adjoining property on the other side, David Rossi, was also contacted via regular and certified mail, but did not express interest in purchasing any portion of the City lot located at 14448 Lithgow, and

WHEREAS: The City purchased this property in January 2006 under the HUD \$1 Program. The house was demolished in February 2007, and

WHEREAS: In an effort to increase existing lot sizes, the City has offered it to the adjoining owners for lot expansion, and

WHEREAS: Although it is the City's preference to split the lot and sell one-half to each adjoining homeowner, and since Mr. Rossi is not interested in purchasing 15 ft., Mr. Jabbar and Ms. Al-Ajeeb have requested to purchase the entire 30 ft. lot for \$3,600, and

WHEREAS: They wish to increase their lot size and intend to combine the lot with their existing property for tax and assessment purposes, and for construction of a new house, and

WHEREAS: They understand that if the sale is approved, they cannot seek any variances from the Dearborn Zoning Ordinance, and

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

WHEREAS: The sale is conditioned on the following conditions:

1. The lot must be combined with the Purchasers' property and may not be resplit or combined with other land for a resplitting as two buildable lots. Purchasers may seek permission to split and sell a portion of the side yard to the neighboring property owner.
2. The lot may only be sold or developed in combination with the Purchasers' adjacent property at 14442 Lithgow.
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 at 14442 Lithgow for tax and assessment purposes at the closing. Failure to do so shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
6. Use of this property for construction or expansion of any dwelling shall require the owners to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchasers are waiving their right to seek any variances.
7. If Purchasers violate any of the restrictions imposed, they are obligated to sell the property back to the City for \$3,600, less 10% and less costs associated with the transfer of property back to the City.

8. 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, and
 - b. Building permits have been issued, and
 - c. Excavation of the basement/foundation is started.
9. Purchasers must complete construction before building permits expire.
10. Purchasers agree that, in constructing a single-family dwelling, 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.
11. Purchasers must comply with Land Sale Guidelines;

therefore be it

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$3,600 to Sadeq Jabbar and Sabrina Al-Ajeeb of the parcel described as:

Lot 245, Williamson Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 65 of Plats, Wayne County records.

Tax I.D. 82-10-184-07-003
Commonly known as vacant lot at 14448 Lithgow
Lot size: 30' x 100'

and that the Mayor be and is hereby authorized to execute a Deed for said land to Sadeq Jabbar and Sabrina Al-Ajeeb 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 Sadeq Jabbar and Sabrina Al-Ajeeb closing within ninety (90) days of the effective date of this Resolution; be it further

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

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

RESOLVED: That the sale of 14448 Lithgow as side yard to combine for new construction serves a public purpose by promoting lot expansion to enhance the neighborhoods and complies with the public purpose identified when the City originally purchased the property through the HUD \$1 Program; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Shooshanian.

10-512-15. WHEREAS: Ali Ajami, on behalf of Pluto Investments, LLC, has requested that the City sell the parking lot located behind its business located at 15800 Michigan Ave. for use as additional parking, and

WHEREAS: The City Assessor valued the parking lot at \$45,000, and

WHEREAS: It was originally the City's intent to divide the parking lot between the owner of 15800 Michigan Avenue and the owner of the dental office located at 15846 Michigan Ave., and

WHEREAS: Dr. Ramzi Atoui who owns the dental office at 15846 Michigan Avenue near Rosalie St. stated that he did not wish to purchase the parking lot for the price for which it was being offered, and

WHEREAS: Dr. Atoui stated that he did not wish to purchase the parking lot for the price for which it was being offered and understood that Pluto Investments was interested and willing to purchase the entire lot, and

WHEREAS: It is therefore recommended that the entire parking lot be sold to Pluto Investments, LLC, subject to the following conditions:

1. Purchaser may not assign the purchase option without approval of the Dearborn City Council.
2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
3. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions. Purchaser shall conduct a Phase I environmental test, at Purchaser's sole cost and expense, and provide a copy to Corporation Counsel within 45 days of City Council approval.

4. The City reserves the right to repurchase the property for the original sale price, less 10% and less costs associated with the transfer of property back to the City, in the event of any default by Purchaser.
5. Purchaser may only use and sell the Property as a parking lot in conjunction with building located at 15800 Michigan Avenue, Dearborn, MI. If purchaser wishes to sell any portion of the Property separate from the building located at 15800 Michigan Avenue, Purchaser is required to first offer it for sale back to Seller for the original sale price, proportional to the amount of Property being offered for sale. The Right of First Refusal shall be indicated on the deed as a restriction.
6. Right of Reverter. If Purchaser fails to complete paving/improvement of the property within (24) months of the closing date or if the property ceases to be used by Purchaser as a parking lot, then Purchaser is deemed to be in default and the City may exercise its right to repurchase the Property.
7. Any improvements to the Property must comply with the Dearborn Zoning Ordinance and other applicable ordinances, rules, and regulations. Purchaser acknowledges that this is a waiver to seek any variance of any zoning requirements;

therefore be it

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$45,000 to Pluto Investments, LLC the parcel described as:

Land in Private Claim 312, City of Dearborn, Wayne County, Michigan, being more particularly described as:

The South 25 feet of Lot 215, all of Lots 216, 228, 229, 230 and ½ of the vacated 16 foot North-South alley adjacent thereto of Cloverdale Park Subdivision, as recorded in Liber 34, Page 87 of Plats, Wayne County records.

Tax I.D.: 82-09-134-17-020
Zoned: V-P (Vehicular Parking)

and that the Mayor be and is hereby authorized to execute a deed for said land to Pluto Investments, 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 Pluto Investments, LLC closing within ninety (90) days of the effective date of this Resolution; be it further

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

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

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

RESOLVED: That said sale of the property serves a public purpose by requiring the paving and improvement of the property within 24 months of the closing date and by adding said property back to the tax rolls to generate revenue for the City; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Bazzy.

10-513-15. WHEREAS: Council Resolution 1-16-15 authorized the sale of 15439 Prospect to Omar Muthanna and Fadumo Abobakir. Unfortunately, Mr. Muthanna and Ms. Abobakir were unable to close on the purchase of the home with an approved mortgage lender in accordance with the stipulated 120 day timeframe, and

WHEREAS: Haider Tememi and Doua Alhilal, subject to the requirements for participation in the First-Time Homebuyer Program (C.R. 2-108-12), have offered to purchase the renovated residential property at 15439 Prospect at a sale price of \$105,000, and

WHEREAS: Haider Tememi and Doua Alhilal, 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 homebuyers agree to own and occupy the property as their primary residence.
2. The selected homebuyers will execute a program mortgage and note to secure the homebuyer financial assistance amount.
3. The selected homebuyers accept the property "AS IS".
4. The selected homebuyers may not assign their purchase option.
5. Closing of this transaction must take place within one hundred twenty (120) 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, 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; be it therefore

RESOLVED: That Council Resolution 1-16-15 authorizing the sale of 15439 Prospect to Omar Muthanna and Fadumo Abobakir be and is hereby rescinded; be it further

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$105,000 to Haider Tememi and Doua Alhilal of the residential property described as:

Lot 144, Greenfield Manor Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 72, Page 90 of Plats, Wayne County records.

Tax ID No. 82-10-183-21-002
Commonly known as 15439 Prospect, Dearborn, MI.

be it further

RESOLVED: That the sale of the rehabilitated house located at 15439 Prospect serves a public purpose by adding the house 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 15439 Prospect; be it further

RESOLVED: That the Mayor be and is hereby authorized to execute a Deed for said residential property to Haider Tememi and Doua Alhilal 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. C08000; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

10-514-15. WHEREAS: LML Dearborn, LLC has offered to sell the substandard dwelling located at 2233 Banner, Dearborn, Michigan, to the City of Dearborn for the sum of \$22,000 cash, and

WHEREAS: The Assessor's land value range for the property is \$12,000 to \$17,500 and the SEV is valued at \$22,800, and

WHEREAS: The house was identified as an Operation Eyesore house (garage home) and will be demolished, and

WHEREAS: The City owns the adjacent lot at 2241 Banner. The vacant lots may be combined and offered for new construction on a future lot list or held for future development, and

WHEREAS: The price at which this property is offered to the City is deemed fair and reasonable, and the acquisition is within the intent and spirit of the Neighborhood Stabilization Program and Operation Eyesore Program; therefore be it

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

North 45 ft. of Lot 38, Robert M. Grindley's Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 29, Page 45 of Plats, Wayne County records.

Parcel I.D. 82-09-292-08-016
Commonly known as 2233 Banner, Dearborn, MI

from the owner thereof and pay therefore the sum of \$22,000 upon furnishing to the City by said owner of a title insurance policy showing marketable title thereon and when a deed to the premises has been properly executed, approved by the office of the Corporation Counsel and delivered to the City; be it further

RESOLVED: That the acquisition of 2233 Banner is in accordance with the spirit and intent and public purpose of the Neighborhood Stabilization Program and the Operation Eyesore Program; be it further

RESOLVED: That there is a public purpose served by the City of Dearborn in that the neighborhood will be improved by removing and demolishing a substandard house in the area; be it further

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

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

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount of \$22,000, subject to adjustments, if any, as shown on the closing statement prepared, reviewed, and approved by the office of the Corporation Counsel, drawn upon the General Capital Improvement Fund Project No.C05500, Acct. #401-1299-435.71-10, payable to the grantor, or its nominee, in payment of said property; be it further

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

RESOLVED: That this resolution be given immediate effect.

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

By Bazzy supported by Shooshanian.

10-515-15. WHEREAS: City Council previously authorized Hussain Al-Naem to purchase the vacant lot at 14251 Robertson (CR 10-532-14) for \$21,100 so that he may construct a single-family dwelling on this property within 12 months from the date of closing, and

WHEREAS: He purchased it from the leftover lot list. The closing took place on November 25, 2014; therefore, Mr. Al-Naem is required to commence construction of a single-family dwelling on the property by November 25, 2015, and

WHEREAS: Mr. Al-Naem states that he was delayed in starting construction due to a family emergency overseas and due to being out of the country for six months, and

WHEREAS: He is requesting that the City buy back this property and also that the City returns all deposits he made on the property, and

WHEREAS: Paragraph 4 of the Offer to Purchase that Mr. Al-Naem signed states that if the Purchaser does not build on the property within 12 months and the City repurchases the property, all deposits shall be forfeited as liquidated damages, and

WHEREAS: CR 10-532-14 also states that if the Purchaser wishes to sell the vacant property, the City shall have the right to repurchase the property for the original purchase price, less 10%, and less the costs associated with the transfer back to the City, and

WHEREAS: It is recommended that Mr. Al-Naem's request for the City to buy back his property for the original purchase price be approved, but that his request for the return of all deposits and a waiver of all costs associated with the transfer back to the City be denied; therefore be it

RESOLVED: That the City is authorized to purchase the following lot:

Lots 182 and 183, Williamson Sub., City of Dearborn, Wayne County, Michigan as recorded in Liber 32, Page 65 of Plats, Wayne County records.

Commonly known as vacant lot at 14251 Robertson
Tax I.D. No. 82-10-184-13-037

from Mr. Al-Naem and pay therefore the sum of \$21,100, less \$2,600 and less closing costs and all costs associated with the transfer of the property back to the City, upon the furnishing to the City by said owner a title insurance policy showing marketable title thereon and when a deed to the premises has been properly executed, approved by the Corporation Counsel and delivered to the City; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant in the amount of \$21,100, less \$2,600 and less closing costs and all costs associated with the transfer of the property back to the City, as shown on the closing statement prepared by Corporation Counsel, drawn upon fund 401-5200-435.71-10, C10000, payable to Hussain Al-Naem, in payment of said land; 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: Yes:
Abraham, Bazy, Dabaja, Sareini, Shooshanian and Tafelski (6).
No: None. Absent: O'Donnell (1).

By Tafelski supported by Abraham.

10-516-15. RESOLVED: That the proposed resolution by Councilmembers Sareini and Tafelski granting a twelve (12) month extension of time for Mashawi LLC to commence construction on the vacant lots at 5035 Jonathon (C.R. 6-303-14) and 5065 Middlesex (C.R. 5-253-14) be and is hereby tabled.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, Shooshanian and Tafelski (5). No: Sareini (1). Absent: O'Donnell (1).

By Tafelski supported by Sareini.

10-517-15. WHEREAS: City Council previously authorized Ameen Abdulmalik to purchase the vacant lot at 5656 Calhoun (C.R. 5-252-14) for \$22,300 so that he may construct a single-family dwelling on this property within 12 months from the date of closing, and

WHEREAS: The closing took place on August 11, 2014; therefore, Mr. Abdulmalik was required to commence construction of a single-family dwelling on the property by August 11, 2015, and

WHEREAS: According to Mr. Abdulmalik, he has encountered issues with his architectural plans and financing. He is requesting an additional 12 months in which to commence construction on this property, and

WHEREAS: Mr. Abdulmalik has submitted \$2,776 to cover the required processing fee and extension fees, and

WHEREAS: It has been the City's past practice to grant a request for an extension for time in which to commence construction for a good reason, such as this; therefore be it

RESOLVED: That Mr. Abdulmalik's request for a 12 month extension of time in which to commence construction is hereby granted. His extension of time in which to build is extended to August 11, 2016; be it further

RESOLVED: That if Mr. Abdulmalik does not require the full 12 months to commence construction (as defined by the Land Sales Guidelines), he may request a refund of \$223 per month from Corporation Counsel if construction commences before August 11, 2016; be it further

RESOLVED: That all other terms and conditions contained in the original purchase agreement and CR 5-252-14 shall remain in effect; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Abraham.

10-518-15. WHEREAS: City Council previously authorized Azhar Mohsen to purchase the vacant lot on Yinger St. (C.R. 10-533-14) for \$40,400 so that she may construct a single-family dwelling on this property within 12 months from the date of closing, and

WHEREAS: The closing took place on January 14, 2015; therefore, Ms. Mohsen is required to commence construction of a single-family dwelling on the property by January 14, 2016, and

WHEREAS: According to Ms. Mohsen, she has encountered financial issues due to the war in Iraq. She is requesting an additional six (6) months in which to commence construction on this property, and

WHEREAS: Ms. Mohsen has submitted \$2,524.00 to cover the required processing fee and extension fees, and

WHEREAS: It has been the City's past practice to grant a request for an extension for time in which to commence construction for a good reason, such as this; therefore be it

RESOLVED: That Ms. Mohsen's request for a six (6) month extension of time in which to commence construction is extended to July 14, 2016; be it further

RESOLVED: That if Ms. Mohsen does not require the full 6 months to commence construction (as defined by the Land Sales Guidelines), she may request a refund of \$404 per month from Corporation Counsel if construction commences before July 14, 2016, be it further

RESOLVED: That all other terms and conditions contained in the original purchase agreement and CR 10-533-14 shall remain in effect; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Abraham supported by Tafelski.

10-519-15. WHEREAS: the Warren Avenue Business District Improvement Authority ("Authority") is required by the Corridor Improvement Authority Act, P.A. 280 of 2005, to "adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body", and

WHEREAS: On September 24, 2015, at its inaugural meeting, the Authority approved the adoption of proposed bylaws subject to the approval by City Council, and

WHEREAS: Approval of said bylaws by City Council is necessary for the Authority to conduct business at future meetings; therefore be it

RESOLVED: That the proposed bylaws presented and approved by the Authority on September 24, 2015 are hereby approved; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Shooshanian.

10-520-15. WHEREAS: The City of Dearborn has engaged in the MEDC Redevelopment Ready Communities Program, including entering into a Memorandum of Understanding (MOU) with the MEDC and undergoing an evaluation of the City's redevelopment practices as reported in the Redevelopment Ready Communities Community Assessment Report and Evaluation of Findings dated July 2015, and

WHEREAS: The MEDC has developed a program for certifying Redevelopment Ready Communities and the City of Dearborn desires to achieve that certification by implementing best practices and recommended strategies for redevelopment, and

WHEREAS: The City of Dearborn has recently updated its Master Plan (2030) and is embarking on an update of its Zoning Ordinance and related policies to align its development strategies, and

WHEREAS: The RRC program includes evaluating the strong partnerships with city boards and commissions related to development including the City Council, City Plan Commission, Zoning Board of Appeals, DDA's and Corridor Authorities, and

WHEREAS: Certain recommendations have and will be made by the MEDC that are required in order for the City to attain Redevelopment Ready Communities Certification, and

WHEREAS: After review of the Redevelopment Ready Community Assessment Report, the City of Dearborn is willing to complete the tasks as outlined, which will involve interaction with the aforementioned City boards and commissions; therefore be it

RESOLVED: That the City of Dearborn, through its City Council, authorizes the implementation of the recommendations made by the MEDC that are necessary to receive Redevelopment Ready Certification from the State of Michigan; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Abraham.

10-521-15. WHEREAS: The Dearborn Recreation & Parks Department Administration and Commission have requested approval of the proposed City of Dearborn Recreation & Parks Department Five-Year Master Plan for the period 2015-2020, and

WHEREAS: A contract was awarded to Landscape Architects & Planners, Inc. in the amount of \$17,500 on December 17, 2014 (P.O. #088748) to research, develop and assist in the preparation of a new comprehensive Recreation & Parks Department Five-Year Master Plan for the City of Dearborn. The preparation process for this new Five-Year Master Plan document has taken nearly one (1) year incorporating the following major elements:

- Development of a Project Website with Blog (www.DearbornRecPlan.com)
- Public/Community Online Survey
- Numerous Study sessions with the Recreation & Parks Commission Five-Year Master Plan Sub-Committee
- Eight (8) Focus Group Stakeholder meetings (Dearborn Soccer Club, Dearborn Community Arts Council, Dearborn Area Chamber of Commerce, Dearborn Public Schools, Dearborn Federation of Neighborhood Associations, ACCESS, Dearborn Community Fund and the Ford Employees Recreation Association)
- Three (3) Public Hearings (March 18, 2015 - FCPAC; March 24, 2015 - Woodworth Middle School; and April 13, 2015 - Bryant Middle School)
- Recreation Commission Public Hearing and Adoption Meeting - September 9, 2015
- Proposed Final Plan Adoption by City Council - October 6, 2015,

and

WHEREAS: The 2015-2020 Dearborn Recreation & Parks Department Master Plan has been prepared according to both the National Recreation and Park Association's Commission for Accreditation of Park and Recreation Agencies (CAPRA) and the Michigan Department of Natural Resources and Environment (MDNRE) guidelines for the development of Community Park, Recreation, Open Space and Greenway Plans. The proposed Recreation & Parks Department Five-Year Master Plan also contains all of the components required by the MDNRE for grant funding eligibility, as well as, additional components requested by the Recreation & Parks Department Administration and Commission. They are as

follows: Community Description; Administrative Structure; Recreation Inventory; Description of the Planning and Public Input Process; Goals and Objectives; Supporting Strategic Actions/Plan; Capital Improvement Plan & Program Development Plan; Public Input Documentation; and Adoption Documentation, and

WHEREAS: The Dearborn Recreation & Parks Department Administration and Commission requests that the new City of Dearborn Recreation & Parks Department Five-Year Master Plan be approved and take effect as of January 1, 2016; therefore be it

RESOLVED: That the City Council hereby approves the Dearborn Recreation & Parks Five-Year Master Plan with an effective date of January 1, 2016 as submitted by the Dearborn Recreation & Parks Department Administration and Commission; be it further

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

By Tafelski supported by Sareini.

10-522-15. WHEREAS: The Motor City Brass Band has requested that the City of Dearborn recognize it as a "nonprofit organization" and their Articles of Incorporation and/or constitution and bylaws designate their nonprofit status of five (5) plus years; be it

RESOLVED: That The Motor City Brass Band be and is hereby recognized by the City of Dearborn as a "nonprofit organization" functioning within the community; be it further

RESOLVED: That a copy of this resolution be forwarded to the State of Michigan, Bureau of State Lottery, Charitable Gaming Division, 101 E. Hillsdale, Box 30023, Lansing, Michigan 48909, as evidence of the City of Dearborn's recognition of The Motor City Brass Band as a "nonprofit organization" functioning within the City of Dearborn.

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

By Bazzy supported by Tafelski.

10-523-15. RESOLVED: That Sacred Heart Church be and they are hereby granted permission to conduct their "Second Annual Oktoberfest" event on October 16-18, 2015, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the Sacred Heart Oktoberfest will be a three-day celebration fundraiser event that will consist of a food tent, beverage/beer tent with entertainment stage, family activities and games, and a 50/50 raffle. The daily hours of operation will be as follows:

Friday, October 16, 2015	5:00 P.M. - 11:00 P.M.
Saturday, October 17, 2015	11:00 A.M. - 11:00 P.M.
Sunday, October 18, 2015	12:30 P.M. - 5:00 P.M.;

be it further

RESOLVED: That in order to successfully conduct the "Oktoberfest" event, City Council hereby authorizes the following:

- Assistance with the installation of a street banner across Military Street at Garrison.
- Police assistance with traffic safety/control as deemed necessary for the duration of the event.
- Police assistance with the provision of a small security detail (2 officers and use of the Explorers Post) for both Friday, October 16th and Saturday, October 17th evenings.
- Conduct a 50/50 raffle subject to all State of Michigan rules and guidelines;

be it further

RESOLVED: That the event is subject to Sacred Heart Church reimbursing the City of Dearborn for all incurred costs; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported unanimously.

10-524-15. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of William George Boudreau, 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: Yes:
Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6).
No: None. Absent: O'Donnell (1).

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 9:10 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk