

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

April 26, 2016

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

The Pastor Joel Basely from the Church of the Emmanuel Lutheran delivered the invocation.

By Bazzy supported by O'Donnell.

4-215-16. RESOLVED: That the minutes of the previous regular meeting of April 12, special meetings of April 4, April 5, April 7, April 11 and special closed meeting of April 5, 2016, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By O'Donnell supported by Sareini.

4-216-16. RESOLVED: That City Council hereby suspends their Council Rules of Order to bring forward Item 25, allowing Mary Kate Abraham to share event information for Speak Hope Walk for Hunger on Saturday, July 23, 2016.

The resolution was unanimously adopted.

By Abraham supported by Shooshanian.

4-217-16. RESOLVED: That City Council hereby sets Thursday, June 2, 2016 at 7:30 P.M. as the date and time to conduct a Public Hearing on the City's proposed Fiscal Year 2016/2017 Budget.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 16-1535, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located at 6122 Greenfield from an Office S (Business Office District) to a Business A (Local 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 O'Donnell.

4-218-16. RESOLVED: That proposed Ordinance No. 16-1535 be laid on the table.

The resolution was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 16-1536, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the properties located at 6050 Greenfield, 6140 Greenfield and 6150 Greenfield from an Office S (Business Office District) to a Business A (Local 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 O'Donnell.

4-219-16. RESOLVED: That proposed Ordinance No. 16-1536 be laid on the table.

The resolution was unanimously adopted.

By Abraham supported by Sareini.

4-220-16. WHEREAS: The State of Michigan, Department of Transportation is soliciting applications to the Local Bridge Program fund for the replacement/rehabilitation of bridge structures by local governmental agencies, and

WHEREAS: The Engineering Division of the City of Dearborn has assembled all the information necessary for the application requirements for Local Bridge Program funds to perform replacement/rehabilitation activities on the following bridge structure:

Structure Number	NBI Bridge	Facility Carries & ID Features Intersected
12314	824173400104B01	Superstructure Replacement for Brady Bridge over Lower Branch of Rouge River in the City of Dearborn.

therefore be it

RESOLVED: That the City Council of the City of Dearborn supports this project and the Engineering Division of the City of Dearborn is hereby authorized and directed to submit application to request funding from the State of Michigan, Department of Transportation, Local Bridge Program for the following bridge structure:

Structure Number	NBI Bridge	Facility Carries & ID Features Intersected
12314	824173400104B01	Superstructure Replacement for Brady Bridge over Lower Branch of Rouge River in the City of Dearborn.

be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, O'Donnell, Sareini, Shooshanian and Tafelski (7). No: None. Absent: None (0).

By Shooshanian supported by Bazzy.

4-221-16. WHEREAS: The new sanitary sewer was constructed as part of the Sewer Separation Project within the parking lot of Crowley Park by Pamar Enterprises, Inc. The next step for Pamar is to restore the disturbed parking lot with aggregate base and hot mix asphalt. The parking lot restoration cost associated with the sewer work is estimated at \$71,000 because of the high as bid unit prices, and

WHEREAS: The City has also scheduled resurfacing of the entire parking lot this summer the Engineering cost of which is estimated at \$237,467. Since Pamar has already disturbed the parking lot and is in the process of restoring the lot as part of this work, the following immediate actions were necessary:

1. In order to properly resurface the entire parking lot with proper grading and drainage, Pamar was directed to place on hold the partial restoration of the parking lot associated with the contractual sewer work (value of \$71,000).
2. Pamar was directed to provide his estimate to resurface the entire lot to the City staff for their view. Pamar has since provided an estimate in the amount of \$201,705 to resurface the entire Crowley Park Parking Lot providing an itemized breakdown with unit prices of items of work. Pamar's estimate of \$201,705 is lower than the Engineer's estimate,

and

WHEREAS: Since Pamar Enterprises, Inc. has provided reasonable cost to resurface Crowley Park Parking Lot, and there will be project savings in the amount of \$71,000 for not restoring the parking lot associated with the sewer work, the Engineering Division is recommending that Crowley Park resurfacing work be included as Change Order No. 1 for the CSO 003 & 005 Sewer Separation, Phase I project presently under contract with Pamar Enterprises, Inc. Subsequently, we will also be executing a negative change order in the amount of \$71,000 deleting the scope from the main contract for CSO 003 Sewer Separation, Phase I, Job#10-01-071, CIP N95300, and

WHEREAS: The Engineering Division is also requesting a contingency in the amount of \$20,000 to allow for any unforeseen conditions that may be encountered during the execution of the project. It is also requested that the City Engineer be authorized to execute all change orders or modifications that utilize all approved contingency, and

WHEREAS: The Engineering Division is also requesting that the Finance Director be authorized to appropriate the fund balance of the General Fund in an amount up to \$150,705 to the General Fund, Recreation Department, City Parks, Distribution to Other Funds, Facility Lease account, which will be subsequently contributed to the Facility Fund. They additionally request to recognize and budget the General Fund contribution in the Facility Fund, as well as a \$71,000 contribution from the Sewer Fund in the Facility Fund, Contribution from Sewer account, and appropriate both for Project I50610, Crowley Park Parking Lots project; therefore be it

RESOLVED: That Change Order No. 1 with Pamar Enterprises, Inc. for Resurfacing of Crowley Park Parking Lot in the total amount of \$201,705 be and is hereby approved; be it further

RESOLVED: That a contingency amount of \$20,000 is hereby approved to provide for any unforeseen conditions encountered during the execution of the project; be it further

RESOLVED: That the City Engineer be and is hereby authorized to execute all change orders or modifications that utilize all approved contingency; be it further

RESOLVED: That this Change Order will be funded as follows;

CSO 003 & 005 Sewer Separation, CIP N95300	\$ 71,000
General Fund Appropriation and Contribution	130,705
	<u>+20,000</u>
Total	\$221,705

be it further

RESOLVED: That the Finance Director be and is hereby authorized to appropriate the fund balance of the General Fund in an amount up to \$150,705 to the General Fund, Recreation Department, City Parks, Distribution to Other Funds, Facility Lease account, which will be subsequently contributed to the Facility Fund; be it further

RESOLVED: That the Finance Director be and is hereby authorized to recognize and budget the General Fund contribution in the Facility Fund, as well as a \$71,000 contribution from the Sewer Fund in the Facility Fund, Contribution from Sewer account, and appropriate both for Project I50610, Crowley Park Parking Lots project; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Shooshanian supported by Bazzy.

4-222-16. WHEREAS: Council Resolution 1-37-16 awarded a Contract to DiPonio Contracting, Inc. in the amount of \$3,530,999.05 for the Asphalt Street Resurfacing and Water Main Replacement Contract Job No. 2015-026. As part of this contract the water main will be replaced on Appoline Street from Ford Road to Warren Avenue; and Appoline Street will be resurfaced with two layers of hot mix asphalt. FY 2014-15 approved the Block Grant budget in the amount of \$527,266 to partially fund the Appoline Street project. The remainder of the Appoline Street project was originally scheduled to be funded by the Local Street Fund. Additional Block Grant Funds in the amount of \$603,863.50 have now been made available for this project by various fund transfers, bringing the total contributions of Block Grant Funds to \$1,131,129.50. Reprogramming will free up Local Street Funds in the amount of \$603,863.50 which will be used for future Capital Projects, and

WHEREAS: The Engineering Department is requesting that the City Council approve this reprogramming of Block Grant Funds in the amount of \$603,863.50 to CIP Q74011, Street Resurfacing and Water Main Reconstruction 2015-16; therefore be it

RESOLVED: That the reprogramming of FY 2014-2015 Housing and Community Development Budget with Block Grant Funds in the amount of \$603,863.50 to CIP Q74011, Street Resurfacing and Water Main Reconstruction 2015-16 be and is hereby approved; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Sareini.

4-223-16. RESOLVED: That all bids received for the Ballistic Reinforcements at the Police Station are hereby rejected except the bid of Cross Renovation in an amount not expected to exceed \$88,925, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Facilities Fund, Capital Project Support budget, Project K22300; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Abraham.

4-224-16. RESOLVED: That the proposed resolution by Councilmembers Bazzy and Abraham authorizing a competitive purchase from Bullex, Inc. in an amount not to exceed \$352,856 for a Fire Training System be and is hereby tabled.

The resolution was unanimously adopted.

By Tafelski supported by Abraham.

4-225-16. RESOLVED: That the proposed resolution by Councilmembers Bazzy and Shooshanian authorizing a competitive purchase from Drager Safety, Inc. in an amount not to exceed \$64,535 for an SCBA Gallery/Obstacle Course be and is hereby tabled.

The resolution was unanimously adopted.

By Tafelski supported by Sareini.

4-226-16. RESOLVED: That the proposed resolution by Councilmembers Bazzy and Abraham authorizing a competitive purchase from FAAC Incorporated in an amount not to exceed \$310,995 for a Driving Simulator; also authorizing the Finance Director to recognize and appropriate \$61,000 be and is hereby tabled.

The resolution was unanimously adopted.

By Tafelski supported by Abraham.

4-227-16. RESOLVED: That the proposed resolution by Councilmembers Shooshanian and Bazzy authorizing a sole source purchase from C.P.A.T. Distribution, Inc. in an amount not to exceed \$56,525 for a Fire Ground Safety Trailer and Props; also authorizing the Finance Director to recognize and appropriate \$56,525 in Federal Grant funding be and is hereby tabled.

The resolution was unanimously adopted.

By Sareini supported by Abraham.

4-228-16. WHEREAS: Miller, Canfield, Paddock, and Stone, P.L.C., has represented the City of Dearborn in U.S. District Court and the 19th District Court in Wayne County Circuit Court and the Michigan Court of Appeals concerning the defense of the garnishment actions filed against them in Pucci v Somers, 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 \$6,000; now therefore be it

RESOLVED: That the professional services agreement with Miller, Canfield, Paddock, and Stone, P.L.C., is extended in the amount of \$6,000; be it further

RESOLVED: That in order to fund this contract extension, an appropriation of \$6,000 of General Fund fund balance to the Professional/Legal Fees account 101-1100-411.30-12 is approved; be it further

RESOLVED: That this resolution shall be given immediate effect.

The resolution was unanimously adopted.

By Shooshanian supported by Bazzy.

4-229-16. WHEREAS: The City of Dearborn anticipates an entitlement allocation of approximately \$1,729,721 for the 42nd Year (FY2016-17) Community Development Block Grant (CDBG) program from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS: The City will also be programming \$50,000 anticipated program income; therefore be it

RESOLVED: That the Mayor be and is hereby authorized to execute an application and grant agreement in the approximate total amount of \$1,779,721 (includes estimated program income) for the 42nd Year Community Development Block Grant Program to support eligible projects, programs, and activities; be it further

RESOLVED: That the Mayor be and is hereby authorized to execute subrecipient agreement between the City of Dearborn and the Arab Community Center for Economic and Social Services (ACCESS) and a contract agreement between the Fair Housing Center of Metropolitan Detroit; be it further

RESOLVED: That prior period funding for the Home Rehabilitation Program (Project Z51200) that is unexpended at June 30, 2016 shall roll forward to the 42nd Year Home Rehabilitation budget; be it further

RESOLVED: That the Economic and Community Development Department is hereby authorized to administer the program in accordance with program regulations; be it further

RESOLVED: That the Finance Department is hereby authorized to recognize and appropriate the grant award and to receive and disburse funds in the Community Development Fund (283) as authorized within this resolution; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Tafelski.

4-230-16. RESOLVED: That the proposed resolution by Councilmembers Abraham and O'Donnell authorizing the Finance Director to establish a project for the construction of a dog park behind the Henry Ford Centennial Library; also authorizing the Finance Director to appropriate funds in the amount of \$138,680 be and is hereby tabled.

The resolution was unanimously adopted.

By Bazzy supported by Shooshanian.

4-231-16. WHEREAS: The vacant lot located at 5852 Kendal was placed on the City's 2015 lot list for the new construction of a single-family house. The minimum bid price was \$15,100. No one bid on the property at the time, and

WHEREAS: Abdelqwee M. Yaffai has offered to purchase this property for \$15,100 cash from the leftover lot list. He plans to construct a single-family dwelling on this property within one year of the date of the closing, and

WHEREAS: Abdelqwee M. Yaffai has been informed and agrees to the following conditions applicable to the proposed sale:

1. Purchaser may not assign his purchase option or sell the vacant land without approval of the Dearborn City Council.
2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
3. If Purchaser elects to sell the vacant property during the 12-month period, the Purchaser must first offer to resell the property to the City for the purchase price, less 10%, all deposits, and less costs associated with the transfer back to the City of Dearborn.
4. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions.

5. Construction of a single-family dwelling on this property must begin within a 12-month period from the date of closing.
Construction shall be deemed started when:
 - a. The plans have been approved by the Property Maintenance Development Services Department.
 - b. Building permits have been issued.
 - c. Excavation of the basement/foundation is started.
6. Purchaser must complete construction before building permits expire.
7. Purchaser agrees that, in constructing a single-family dwelling, he shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchaser further acknowledges that this is a waiver of his right to seek a variance of these requirements.
8. Purchaser must comply with Land Sale Guidelines,

and

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

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

Lot 241, Ford-Chase Sub., City of Dearborn, Wayne County, MI, as recorded in Liber 46, Page 61 of Plats, Wayne County records.

Commonly known as vacant lot at 5852 Kendal
Tax I.D. No. 82-10-074-18-009

to Abdelqwee M. Yaffai for \$15,100; be it further

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

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

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

RESOLVED: That if Purchaser wishes to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$15,100, less 10%, all deposits, and less costs associated with the transfer back to the City of Dearborn; be it further

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

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

4-232-16. WHEREAS: The vacant lot located at 4965 Kenilworth was placed on the City's 2015 lot list for the new construction of a single-family house. The minimum bid price was \$30,500. No one bid on the property at the time, and

WHEREAS: Maznaa S. Ali has offered to purchase this property for \$30,500 cash from the leftover lot list. She plans to construct a single-family dwelling on this property within one year of the date of the closing, and

WHEREAS: Maznaa S. Ali has been informed and agrees to the following conditions applicable to the proposed sale:

1. Purchaser may not assign her purchase option or sell the vacant land without approval of the Dearborn City Council.
2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
3. If Purchaser elects to sell the vacant property during the 12-month period, the Purchaser must first offer to resell the property to the City for the purchase price, less 10%, all deposits, and less costs associated with the transfer back to the City of Dearborn.
4. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions.
5. Construction of a single-family dwelling on this property must begin within a 12-month period from the date of closing.
Construction shall be deemed started when:

- a. The plans have been approved by the Property Maintenance Development Services Department.
 - b. Building permits have been issued.
 - c. Excavation of the basement/foundation is started.
6. Purchaser must complete construction before building permits expire.
 7. Purchaser agrees that, in constructing a single-family dwelling, she shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchaser further acknowledges that this is a waiver of her right to seek a variance of these requirements.
 8. Purchaser must comply with Land Sale Guidelines,

and

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

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

South 10 ft. of Lot 394 and all of Lot 395, Ardross Sub., City of Dearborn, Wayne County, MI, as recorded in Liber 36, Page 30 of Plats, Wayne County records.

Commonly known as vacant lot at 4965 Kenilworth
Tax I.D. No. 82-10-182-21-040

to Maznaa S. Ali for \$30,500; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Maznaa S. Ali upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon Maznaa S. Ali closing within ninety (90) days of the effective date of this Resolution; be it further

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

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

RESOLVED: That if Purchaser wishes to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$30,500, less 10%, all deposits, and less costs associated with the transfer back to the City of Dearborn; be it further

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

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

4-233-16. WHEREAS: The vacant lot located at 4926 Middlesex was placed on the City's 2015 lot list for the new construction of a single-family house. The minimum bid price was \$16,900. No one bid on the property at the time, and

WHEREAS: Jose Guadalupe Lopez has offered to purchase this property for \$16,900 cash from the leftover lot list. He plans to construct a single-family dwelling on this property within one year of the date of the closing, and

WHEREAS: Jose Guadalupe Lopez has been informed and agrees to the following conditions applicable to the proposed sale:

1. Purchaser may not assign his purchase option or sell the vacant land without approval of the Dearborn City Council.
2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
3. If Purchaser elects to sell the vacant property during the 12-month period, the Purchaser must first offer to resell the property to the City for the purchase price, less 10%, all deposits, and less costs associated with the transfer back to the City of Dearborn.
4. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions.
5. Construction of a single-family dwelling on this property must begin within a 12-month period from the date of closing. Construction shall be deemed started when:

- a. The plans have been approved by the Property Maintenance Development Services Department.
 - b. Building permits have been issued.
 - c. Excavation of the basement/foundation is started.
6. Purchaser must complete construction before building permits expire.
 7. Purchaser agrees that, in constructing a single-family dwelling, he shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchaser further acknowledges that this is a waiver of his right to seek a variance of these requirements.
 8. Purchaser must comply with Land Sale Guidelines,

and

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

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

Lot 67, Ardross Sub., City of Dearborn, Wayne County, MI, as recorded in Liber 36, Page 30 of Plats, Wayne County records.

Commonly known as vacant lot at 4926 Middlesex
Tax I.D. No. 82-10-182-25-014

to Jose Guadalupe Lopez for \$16,900; be it further

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

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

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

RESOLVED: That if Purchaser wishes to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$16,900, less 10%, all deposits, and less costs associated with the transfer back to the City of Dearborn; be it further

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

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Shooshanian.

4-234-16. WHEREAS: The City currently applies the Council-approved Land Sales Guidelines to the property transactions that include the sale of vacant, buildable lots, and

WHEREAS: The City Council recently requested that certain conditions be added to the Land Sales Guidelines pertaining to the sale of side yards, and

WHEREAS: If adopted, construction of off-street parking spaces will be required if the residence is deficient, as follows:

1. For non-owner occupied property, off-street parking must be installed within five (5) years of the date of closing on the purchase of side yard from the City.
2. For owner occupied and non-owner occupied property, off-street parking must be installed before the property is transferred to another purchaser.
3. For owner occupied and non-owner occupied property, if the installation of off-street parking is completed within five 5 years of the date of the closing on the purchase of side yard from the City, Purchaser may request a \$1,000 refund of the purchase price, or request a refund of the actual purchase price of the lot, whichever is less,

and

WHEREAS: It is recommended that the City Council adopts Land Sales Guidelines pertaining to side yard sales, and

WHEREAS: It is also recommended that these guidelines do not apply retroactively to any pending or completed side yard sales, and

WHEREAS: If any of the side yard purchasers with pending sales or completed sales within the last 5 years wish to request a \$1,000 refund, or request a refund of the actual purchase price of the lot, whichever is less, because they have installed required off-street parking, it is recommended that Corporation Counsel be authorized to fulfill such requests, reviewable on a case-by-case basis; therefore be it

RESOLVED: That the City's Land Sales Guidelines pertaining to side yard sales be adopted as presented; be it further

RESOLVED: That if any of the side yard purchasers with pending sales or completed sales within the last 5 years wish to request a \$1,000 refund, or request a refund of the actual purchase price of the lot, whichever is less, because they have installed required off-street parking, Corporation Counsel is hereby authorized to fulfill such requests, reviewable on a case-by-case basis; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Shooshanian.

4-235-16. WHEREAS: The City of Melvindale has submitted an application for a license to conduct a fireworks display on City of Dearborn-owned property on June 12, 2016, and

WHEREAS: The Fire Department has reviewed the request and required that certain specifications be met in accordance with the International Fire Code and the NFPA (National Fire Protection Association). The required documents have been submitted and approved, and

WHEREAS: The City of Melvindale is also required to submit necessary insurance certificates to the Department of Law for approval to perform the fireworks display before June 12, 2016, and

WHEREAS: Contact has also been made with Elaine Greene, Director of the Dearborn Animal Shelter, to secure two employees to be on site at the Animal Shelter during the event, at a cost to the City of Melvindale, and

WHEREAS: The City of Dearborn will have one of its engines at the site, in case of an emergency, and

WHEREAS: The Dearborn Fire Department shift commander will be present to ensure that there is no unauthorized entry into the sewerage yard, and

WHEREAS: Pursuant to the NFPA, specific approval must be given to the requesting entity by an owner or other authorized party of any building, dwelling, or structure that is located within the display radius/site. Those buildings must either be unoccupied during the event or protected by non-combustible or fire resistant construction, and

WHEREAS: Since there are City-owned buildings that fall within the firing radius, the Dearborn City Council must approve the requested sites within the display radius (Sewerage building, part of Central Garage, Animal Shelter, truck ports on DPW property), and

WHEREAS: It is recommended by the Corporation Counsel and the Fire Chief that the Dearborn City Council approve the City of Melvindale's application and request to use City-owned property for its fireworks display to be held on June 12, 2016; be it therefore

RESOLVED: That the City Council approves the City of Melvindale's application and request to use City-owned property for its fireworks display to be held on June 12, 2016; be it further

RESOLVED: That this approval is contingent upon Melvindale complying with all conditions set forth above and any other requirements of Dearborn Fire Department, Dearborn Department of Law, Dearborn Police Department, International Fire Code, and NFPA; be it further

RESOLVED: That is resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported unanimously.

4-236-16. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Richard Knight, 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 unanimously adopted.

By Shooshanian supported by Bazzy.

4-237-16. WHEREAS: The City Council recommends submission to the voters of a Charter Amendment at a Special Election to be held on August 2, 2016, and

WHEREAS: MCL §117.21, as amended, authorizes the submission of proposed Charter amendments by a 3/5 vote of the legislative body of a City and the designation of the purpose of any such proposed Charter amendment in not more than one hundred words as an explanatory caption, and

WHEREAS: A proposed Charter Amendment requires review and approval by the Attorney General and the Governor, and

WHEREAS: Modifications which do not change the substance of the proposed Charter Amendment may be required by either the Attorney General or the Governor; therefore be it

RESOLVED: That the City Council, pursuant to authority granted by MCL §117.21, as amended, does hereby propose that the following question be presented to voters at a Special Election to be held on August 2, 2016, and that the proposed Charter Amendment, if approved by the Attorney General and the Governor, be published in full with existing Charter provisions which would be altered or abrogated thereby, in accordance with MCL §117.21:

PROPOSAL 1 - CITY OF DEARBORN REQUEST TO RENEW A TAX RATE LIMITATION CURRENTLY IN PLACE THAT PROVIDES FOR A TEMPORARY 3.5 MILL SUPPLEMENTAL MILLAGE TO AVOID REDUCTIONS IN PROGRAMS AND SERVICES

Ballot Question Explanation:

In 2011, Dearborn voters approved a supplemental millage that helped to maintain Police and Fire services and quality of life programs. If it is not renewed, the City's revenues will fall approximately \$11,123,028 beginning in July 2017 and each year after, resulting in service reductions. Renewing it temporarily maintains the same tax rate limitation that is currently in place.

Ballot Question:

Shall Section 13.2 of the Dearborn City Charter continue to authorize the city to levy for no more than 5 years an additional ad valorem tax up to \$3.50 per \$1,000 in taxable value (3.5 mills) which is currently being levied? *****
*******(end of ballot question)**

CHAPTER 13. FINANCE AND TAXATION, Section 13.2 currently states as follows:

Section 13.2. Limitation on taxation.

The Council shall have the power to and shall raise annually by taxation, such sum of money as may be necessary to defray the general expenses and liabilities of the City and to carry into effect the powers in this Charter granted, subject to the limitations of this section. The total tax rate limitation in any fiscal year, beginning July 1, 2008, for municipal purposes shall not exceed 16 mills on all the taxable real and personal property in the City, according to the assessment roll last confirmed prior to the beginning of such fiscal year, as such tax rate may be reduced from time to time by operation of law; provided that the total amount of all taxes which the Council shall have the power to raise in any fiscal year for municipal purposes shall not exceed the lesser of the foregoing rate, as reduced from time to time or 15 mills on all the taxable real and personal property in the City, according to the assessment roll last confirmed prior to the beginning of such fiscal year. Notwithstanding the foregoing, beginning July 1, 2012, and ending five years later, the total tax limitation may be increased by 3.5 mills.

If the Charter Amendment is approved, Section 13.2 will state as follows:

(Change in the text is shown in bold)

Section 13.2. Limitation on taxation.

The Council shall have the power to and shall raise annually by taxation, such sum of money as may be necessary to defray the general expenses and liabilities of the City and to carry into effect the powers in this Charter granted, subject to the limitations of this section. The total tax rate limitation in any fiscal year, beginning July 1, 2008, for municipal purposes shall not exceed 16 mills on all the taxable real and personal property in the City, according to the assessment roll last confirmed prior to the beginning of such fiscal year, as such tax rate may be reduced from time to time by operation of law; provided that the total amount of all taxes which the Council shall have the power to raise in any fiscal year for municipal purposes shall not exceed the lesser of the foregoing rate, as reduced from time to time or 15 mills on all the taxable real and personal property in the City, according to the assessment roll last confirmed prior to the beginning of such fiscal year. Notwithstanding the foregoing, beginning **July 1, 2017**, and ending five years later, the total tax limitation may be increased by 3.5 mills;

be it further

RESOLVED: That Corporation Counsel is authorized to transmit the ballot question entitled Proposal 1 Renewal of Operating Millage, which involves a City Charter Amendment, to the Governor and the Attorney General for approval, in accordance with MCL §117.21 and MCL §117.22; be it further

RESOLVED: That Corporation Counsel is authorized to make modifications to either the Explanation or the Ballot Question, or both, which do not change the proposed Charter Amendment, if requested by either the Attorney General or the Governor, or their respective designees; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

ALI G. CHEATIO, CAPEX LAW FIRM, PLC, 22870 OUTER DRIVE, DEARBORN - Requesting that City Council take immediate action to prevent enforcement by the Zoning Board of Appeals procedures by passing a resolution permitting individuals/businesses, who have obtained State certification, to sell fireworks in a permitted tent or temporary structure.

4-238-16. The foregoing matter was referred to the Legal Department.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 10:23 P.M.

APPROVED:

President of the Council

ATTESTED:

Acting City Clerk