

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

May 15, 2018

The Council convened at 7:32 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazzy, Byrnes, Herrick, O'Donnell, Sareini and President of the Council Dabaja; absent, none. A quorum being present, the Council was declared in session.

Reverend Colleen Nieman of St. Paul Lutheran Church delivered the invocation.

By Bazzy supported by Sareini.

5-221-18. RESOLVED: That the minutes of the previous regular meeting of May 1, 2018, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Bazzy supported by Herrick.

5-222-18. RESOLVED: That Ordinance No. 18-1611 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 18-1611 entitled, "An Ordinance to amend the Zoning Ordinance of The City of Dearborn by Amending Article 16.00, Section 16.02, Entitled 'Permitted Uses and Structures'."

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

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

5-222-18. Upon roll call the Ordinance was unanimously adopted.

By Byrnes supported by Sareini.

5-223-18. RESOLVED: That Ordinance No. 18-1612 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 18-1612 entitled, "An Ordinance to Amend the Building and Building Regulations Chapter (Chapter 5) of the Code of the City of Dearborn by Amending Section 5-1335, Entitled 'General Requirements for All Signs'."

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

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

5-223-18. Upon roll call the Ordinance was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 18-1613, entitled, "An Ordinance to Amend the Licenses and Business Regulations Chapter (Chapter 12) of the Code of the City of Dearborn by Adding Article VIIA, Entitled 'Food Trucks'."

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 Herrick.

5-224-18. RESOLVED: That proposed Ordinance No. 18-1613 be laid on the table.

The resolution was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 18-1614, entitled, "An Ordinance to Amend the Licenses and Business Regulations Chapter (Chapter 12) of the Code of the City of Dearborn by Amending Article VII, Section 12-230, Entitled 'Street Vendors'."

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 Byrnes.

5-225-18. RESOLVED: That proposed Ordinance No. 18-1614 be laid on the table.

The resolution was unanimously adopted.

By Sareini supported by Herrick.

5-226-18. WHEREAS: The City Engineer has submitted an Intergovernmental Agreement between the Charter County of Wayne and the City of Dearborn for Improvements of Greenfield Road from Michigan Avenue to Ford Road, and

WHEREAS: The estimated project cost is \$1,703,500 of which 81.85% of it will be paid for by the federal funds. The remaining 18.15% of local match is required to be paid for by Wayne County and the City of Dearborn with Wayne County's share at \$174,757 and Dearborn's share at \$134,428. All indicated amounts are based on engineer's estimate and they are subject to change based on as built quantities, and

WHEREAS: The City is required to provide a working capital advance to the County of Wayne in the amount of \$67,214, as fifty percent (50%) of the City of Dearborn's participation of the total project cost upon execution of the Intergovernmental Agreement. The construction for this project will be administered by Wayne County. The contractor is already on board. The construction duration is between June and November of year 2018, and

WHEREAS: The City Engineer has requested that this Agreement be approved subject to a review by the Legal Department and that the Finance Director be authorized to release an advance payment of \$67,214 to Wayne County, and

WHEREAS: The City Engineer has requested that the Mayor be authorized to execute this agreement on behalf of the City; therefore be it

RESOLVED: That the Intergovernmental Agreement (IGA) between the Charter County of Wayne and the City of Dearborn for improvements of Greenfield Road from Michigan Avenue to Ford Road, Job #2018-029, CIP Q74026, WO #47017, subject to review by the Legal Department be and is hereby approved; be it further

RESOLVED: That the Finance Director be and is hereby authorized to release an advance payment of \$67,214 to Wayne County; be it further

RESOLVED: That the Mayor be and is hereby authorized to execute this agreement on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Byrnes.

5-227-18. WHEREAS: The City Engineer has submitted an Intergovernmental Agreement between the Charter County of Wayne and the City of Dearborn for Improvements of Wyoming Avenue from Ford Road to CSX Railroad, and

WHEREAS: The estimated project cost is \$887,900 of which 81.85% of it will be paid for by the federal funds. The remaining 18.15% of local match is required to be paid for by Wayne County and the City of Dearborn with Wayne County's share at \$126,116 and Dearborn's share at \$35,038. All indicated amounts are based on the engineer's estimate and they are subject to change based on as built quantities, and

WHEREAS: The City is required to provide a working capital advance to the County of Wayne in the amount of \$17,519 as fifty percent (50%) of the City of Dearborn's participation of the total project cost upon execution of the Intergovernmental Agreement. The construction for this project will be administered by Wayne County. The construction duration is between August and November of year 2018, and

WHEREAS: The City Engineer has requested that this Agreement be approved subject to a review by the Legal Department and that the Finance Director be authorized to release an advance payment of \$17,519 to Wayne County, and

WHEREAS: The City Engineer has also requested that the Mayor be authorized to execute this agreement on behalf of the City; therefore be it

RESOLVED: That the Intergovernmental Agreement (IGA) between the Charter County of Wayne and the City of Dearborn for improvements of Wyoming Avenue from Ford Road to CSX Railroad, Job #2018-035, CIP Q74027, WO #47024, subject to review by the Legal Department be and is hereby approved; be it further

RESOLVED: That the Finance Director be and is hereby authorized to release an advance payment of \$17,519 to Wayne County; be it further

RESOLVED: That the Mayor be and is hereby authorized to execute the IGA on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Herrick.

5-228-18. RESOLVED: That all bids received for Water Main Replacement and Asphalt Street Resurfacing are hereby rejected except the bid of DiPonio Contracting, Inc. in the amount of \$1,481,000.75, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That a contingency in the amount of \$75,000 is hereby approved to provide for any unforeseen conditions encountered during the execution of the project; be it further

RESOLVED: That this contract shall be financed from the Water Fund, Local Street Fund, Public Works, Construction Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Byrnes.

5-229-18. 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; therefore be it

RESOLVED: That TT Technologies, Inc. be designated as a sole source for purchase of a Grundodrill 4X Boring Machine in the amount of \$135,600 and that the Purchasing Agent be authorized to enter into a purchase order for the aforementioned items; be it further

RESOLVED: That this purchase order shall be financed from the Water Fund, Public Works, Water Supply Division, Capital Equipment budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Byrnes supported by Sareini.

5-230-18. WHEREAS: The Dearborn Police Department applied for and received an additional grant award from the Auto Theft Prevention Authority (ATPA) in the amount of \$45,000 to purchase digital forensic equipment, a mobile license plate reader (LPR) unit, barcode readers and global positioning system (GPS) trackers for use in the prevention of auto theft. There is no local match required, and

WHEREAS: The Police Department requests that the Finance Director be authorized to recognize \$45,000 in 101-2410-330.04-61 General Fund, Police Administration, Intergovernmental State ATPA Revenue and appropriate \$45,000 in the appropriate General Fund, Police Administration, Equipment expenditure accounts; therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to recognize and appropriate a 2018 Auto Theft Prevention Authority (ATPA) Grant in the amount of \$45,000, in 101-2410-330.04-61 General Fund, Police Administration, Intergovernmental State ATPA Revenue and appropriate \$45,000 in the appropriate General Fund, Police Administration, Equipment expenditure accounts to purchase digital forensic equipment, a mobile license plate reader (LPR) unit, barcode readers and global positioning system (GPS) trackers for use in the prevention of auto theft.

The resolution was unanimously adopted.

By Sareini supported by Byrnes.

5-231-18. WHEREAS: Beginning February 18, 2018 through March 14, 2018, two of the City owned parking lots, 7231 Neckel and 19201 Audette, were advertised for sale for four weeks in the Dearborn Press and Guide, the City's website, and on CDTV, and

WHEREAS: The City Assessor opined that the minimum bid price for the property at 19201 Audette was \$8,000. All bids were submitted in sealed envelopes and opened in City Council Chambers on March 14, 2018, and

WHEREAS: One bid was received for the property at 19201 Audette as follows:

1. PJT Properties, LLC \$10,000

and

WHEREAS: PJT Properties, LLC was the only bidder and has offered to purchase this property for the sum of \$10,000 cash, and

WHEREAS: The following conditions are recommended and set forth in the proposed resolution pertaining to this transaction:

1. Purchaser may not assign its 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. Purchaser must petition the Planning Commission to rezone the property from O-S (Business Office) to Vehicular Parking within 30 days of closing. A restriction will be noted on the deed that the property is restricted for parking lot use only. No requests to seek a variance from the Dearborn Zoning Ordinances shall be permitted,

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 630, Amended Plat of Dearborn Point Sub., City of Dearborn, Wayne County, MI, as recorded in Liber 44, Page 81 of Plats, Wayne County records.

Tax I.D: 82-09-263-17-007
Commonly known as parking lot located at 19201 Audette
Lot size: 38.75' x 113'

to PJT Properties, LLC for \$10,000; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to PJT Properties, 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 PJT Properties, LLC 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 for use by a nearby business will serve a public purpose by providing for more parking and by adding the property to the tax rolls to generate revenue for the City; be it further

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

The resolution was unanimously adopted.

By Herrick supported by Sareini.

5-232-18. WHEREAS: The City of Dearborn is a founding member of the Michigan Coalition to Protect Public Rights-of-Way (PROTEC), an intergovernmental group formed in 1996 to work on issues related to rights-of-way, and

WHEREAS: PROTEC works to ensure that local governments' ability to effectively manage public rights-of-way is safeguarded while for-profit users of the public rights-of-way pay a fair rental for the use of this public property, and

WHEREAS: PROTEC dues are set at 12.5¢ per resident; based on the most recent census, the City's dues would be \$12,269.13; therefore be it

RESOLVED: That City Council hereby authorizes Corporation Counsel to renew the City's membership with the Michigan Coalition to Protect Public Rights-of-Way (PROTEC) in the amount of \$12,269.13 for the period of one year; be it further

RESOLVED: That this membership renewal shall be financed from the General Fund (101-2350-874.65-00).

The resolution was unanimously adopted.

By Bazzy supported by Byrnes.

5-233-18. WHEREAS: The Rouge River Gateway Trail Extension Project has been approved by the City Council via Council Resolutions 3-162-12, 5-283-13, 5-222-14, 3-108-15 and 6-348-16, and

WHEREAS: The contractor, Dan's Excavating, Inc. has submitted to the Michigan Department of Transportation (MDOT) a claim for the full amount of their Project Management cost associated with the construction delays due to the engineering redesign. MDOT has ruled in the contractor's favor for the full amount of \$84,925.75. As a result, Spicer Group has agreed to reimburse the City for 50% of this amount or \$42,462.88, and

WHEREAS: The Finance Department requests the City Council authorize the Finance Director to recognize the reimbursement revenue from Spicer in the Major Street Fund, Reimbursement Account, Project Q52909; therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to recognize and appropriate the reimbursement revenue from the Spicer Group in the amount of \$42,462.88, in the Major Street Fund, Reimbursement Account, Project Q52909 from the Rouge River Gateway Trail Extension Project; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazy supported by Herrick.

5-234-18. WHEREAS: City Council passed CR 2-70-18 which confirmed and approved the Consolidated Miscellaneous Assessment Roll for 2017 for the several services affecting private property in the approximate amount of \$285,922.32 including the 25% transfer fee allowed per CR 11-1102-02, and

WHEREAS: In accordance with the City Charter, the Treasury Division billed all affected private properties and accepted payments through April 13, 2018 and certifies that the following amounts are still due the City for the several services affecting private property as follows:

Tall (Weed Cuttings)	\$58,864.00
Litter	6,573.00
Trash	203.25
Nuisance Abatements	9,903.00
Special Pickup	3,190.00
Ordinance Special Pickup	3,885.00
Recycle Bins	2,805.00
Snow Removal	103.25
Secure/Board-Up Building	685.50
Demo/Demo Related Bills	48,205.20
False Alarm	50,696.25
Fire False Alarm Bills	2,860.00
General Fund Interest	8,584.92
Sidewalk Bills	2,122.19
Sewer	28,264.50
Total	\$226,945.06

therefore be it

RESOLVED: That this Council does hereby confirm and approve the adjusted Consolidated Miscellaneous Roll for 2017 for the several services affecting private property in the approximate amount of \$226,945.06 plus 25% in the amount of \$56,736.26 per Council Resolution 11-1102-02 for transfer to the 2018 tax roll in the approximate amount of \$283,681.32; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Byrnes.

5-235-18. WHEREAS: The West Dearborn Downtown Development Authority (WDDDA) has authorized the following budget amendments to FY2018:

- Farmers & Artisans Market Revenue \$15,000
- Farmers & Artisans Market Expenditures \$6,500
- Branding Initiative Revenue \$50,000
- Branding Initiative Additional Expenditures \$50,000;

therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to recognize a contribution to the West Dearborn Downtown Development Authority from Ford Land of \$50,000 in the West Dearborn Downtown Development Authority, ECD, Contributions/Donations from Private Sources account and appropriate expenditures of \$50,000 in the West Dearborn Downtown Development Authority, ECD, Community Promotions account for the Downtown Dearborn branding initiative for FY2018; be it further

RESOLVED: That the Finance Director be and is hereby authorized to recognize contributions to the West Dearborn Downtown Development Authority from the Farmers & Artisans Market of \$15,000 in the West Dearborn Downtown Development Authority, ECD, Contributions/Miscellaneous account and appropriate expenditures of \$6,500 in the West Dearborn Downtown Development Authority, ECD, Contractual Services account for the Downtown Dearborn Farmers & Artisans Market; be it further

RESOLVED: That this resolution is given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Herrick.

5-236-18. RESOLVED: That City Council hereby grants permission to the Dearborn Allied War Veterans Council to conduct their annual Flag Day Ceremony, at the horseshoe drive at the top of the hill in Ford Field Park, preparation and cleanup from 4 p.m. to approximately 8:00 p.m., with the Ceremony scheduled for 6:00 p.m. on June 14, 2018, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the parking lot on top of the hill be reserved for the participants and attendees of the ceremony, and the Police Department is authorized to block off the parking lot from approximately 10 a.m. to 8 p.m.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-237-18. RESOLVED: That Canyon Lounge, Mango's Café, Signature Café, and Sky Lounge, lawfully operating smoking lounges, are granted permission to extend their hours until 4:00 a.m. from May 15, 2018 through June 15, 2018 in observance of Ramadan; be it further

RESOLVED: That the outside hours for Mango's Café, Signature Café and Sky Lounge are hereby extended until 2:00 a.m. at which time all outdoor activities must cease in order to preserve the peace and tranquility of the surrounding residential neighborhoods (the noise ordinance will be strictly enforced); be it further

RESOLVED: That this waiver is granted by Council and is based on proof that these smoking lounges are good business neighbors; be it further

RESOLVED: That during this period, the Chief of Police, or his designee, has the discretion to close a smoking lounge in the interest of public safety. This includes, but is not limited to, violation of other provisions of the Smoking Lounge Ordinance (e.g., minors on the premises) or violation of other codes or ordinances (e.g., violation of the noise ordinance); be it further

RESOLVED: That during this period there will be zero tolerance for minors on the premises and the Chief of Police, or his designee, will immediately revoke the authorization for extended hours for any establishment where minors are on the premises; be it further

RESOLVED: That all other provisions contained in the Smoking Lounge Ordinance remain in full force and effect; be it further

RESOLVED: That all other provisions of the Code of the City of Dearborn and the Dearborn Zoning Ordinance remain in full force and effect; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Byrnes supported by Herrick.

5-238-18. RESOLVED: That the City of Dearborn, in accord with Section 436.1111(10) of the Michigan Liquor Control Act, does hereby authorize John Rucinski the owner of Dearborn Brewing located at 21930 Michigan Avenue, Dearborn, Michigan to add a Small Winemaker's License to the existing Micro Brewery operation; be it further

RESOLVED: That such approval shall not be effective and shall not be so forwarded unless and until the payment of all personal property taxes assessed to the transferor have been made and no sales would be allowed until final approval; be it further

RESOLVED: That a certified copy of this resolution be forwarded to the Michigan Liquor Control Commission (MLCC), 525 Allegan, P.O. Box 30005, Lansing, Michigan 48909.

The resolution was unanimously adopted

By Bazzy supported by Sareini.

5-239-18. WHEREAS: The Veteran's Resource Center, 14225 W. Warren, Dearborn, MI 48126, 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; therefore be it

RESOLVED: That the Veteran's Resource Center 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. Hilldale, Box 30023, Lansing, Michigan 48909, as evidence of the City of Dearborn's recognition of the Veteran's Resource Center as a "nonprofit organization" functioning within the City of Dearborn.

The resolution was unanimously adopted.

By Dabaja supported unanimously.

5-240-18. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Brian Whiston, 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 Sareini supported by Bazzy.

5-241-18. RESOLVED: That the American Moslem Bekaa Center be and is hereby granted permission to erect a 40' x 34' hex frame tent (no sides) in the parking lot adjacent to their building located at 6110 Chase to hold nightly prayer services during Ramadan from Wednesday, May 16 through Monday, June 18, 2018 from approximately 8:30 P.M. to midnight subject to all applicable ordinances and the rules and regulations of the Police Department.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

5-242-18. RESOLVED: That Lava Java Cafe, a lawfully operating smoking lounge, is granted permission to extend its hours until 4:00 a.m. from May 15, 2018 through June 15, 2018 in observance of Ramadan; be it further

RESOLVED: That this waiver is granted by Council and is based on proof that this smoking lounge is a good business neighbor; be it further

RESOLVED: That during this period, the Chief of Police, or his designee, has the discretion to close a smoking lounge in the interest of public safety. This includes, but is not limited to, violation of other provisions of the Smoking Lounge Ordinance (e.g., minors on the premises) or violation of other codes or ordinances (e.g., violation of the noise ordinance); be it further

RESOLVED: That during this period there will be zero tolerance for minors on the premises and the Chief of Police, or his designee, will immediately revoke the authorization for extended hours for any establishment where minors are on the premises; be it further

RESOLVED: That all other provisions contained in the Smoking Lounge Ordinance remain in full force and effect; be it further

RESOLVED: That all other provisions of the Code of the City of Dearborn and the Dearborn Zoning Ordinance remain in full force and effect; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-243-18. RESOLVED: That Joe Bojovic, owner of Joe's Top Dog Restaurant & Bar be and is hereby granted permission to change the date of their "Backyard Bar-B-Q" in the City-owned alley located directly behind Joe's and between Bingham and Calhoun Streets and a small portion of the City-owned parking lot from Saturday, May 12, 2018 to Saturday, May 19, 2018 subject to all applicable ordinances and the rules and regulations of the Police Department.

The resolution was unanimously adopted.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 8:38 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk