

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

February 23, 2021

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

Father Greg Deters from St. Alphonsus - St. Clement Church delivered the invocation.

By Byrnes supported by Herrick.

2-77-21. RESOLVED: That the minutes of the previous regular meeting of February 9, 2021, and the same are hereby approved as recorded and published.

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

By Herrick supported by Abraham.

2-78-21. RESOLVED: That Ordinance No. 20-1694 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 20-1694, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the properties at 2440 and 2506 Akron Road from Residential A (Single Family Residential District) to VP (Vehicular Parking District) zoning classification.

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

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

2-78-21. Upon roll call the Ordinance was adopted as follows: Yes: Abraham, Dabaja, Herrick, O'Donnell and Sareini (5). No: Byrnes (1). Absent: Bazy (1).

By Abraham supported by O'Donnell.

2-79-21. WHEREAS: Roman Village Investments, LLC has requested that all of an alley adjacent to Lots 1 through 10 and 161 through 163 of "FAIRFIELD SUB'N", Part of Survey of Wm Heutter's Farm, P.C. 216, Springwells Township (now the City of Dearborn), Wayne County, Michigan, as recorded in Liber 37 of Plats, Page 57, Wayne County Records be vacated, and

WHEREAS: All parcels adjacent to the alley and located within the Fairfield Subdivision are under common ownership of Roman Village Investment, LLC, and

WHEREAS: Roman Village also owns the adjacent vacant lot at 2526 Akron (PID# 82-10-213-29-015). The frontage of the property faces the existing alley that is the subject of the vacation request, and

WHEREAS: The City Engineer has reviewed the alley vacation request and has determined that maintaining an easement is not necessary for public use or public utility purposes provided that the property owner provides relevant utility companies with access to overhead lines, and

WHEREAS: A public meeting of the Dearborn Planning Commission was held on February 8, 2021 which recommended approval of the alley vacation request; therefore be it,

RESOLVED: That the Council does hereby determine that the vacation of the alley is necessary for the health, welfare, comfort and safety of the people of the City of Dearborn; be it further

RESOLVED: That all of the public alley adjacent to Lots 1 through 10 and 161 through 163 of "FAIRFIELD SUB'N", Part of Survey of Wm Heutter's Farm, P.C. 216, Springwells Township (now the City of Dearborn), Wayne County, Michigan, as recorded in Liber 37 of Plats, Page 57, Wayne County Records is hereby vacated, discontinued, and abolished; be it further

RESOLVED: That upon the effective date of the alley vacation, title of the vacated alley shall vest in the lots abutting the vacated alley as follows:

Lot 162 of Fairfield Subdivision also known as 2506 Akron Ave (PID#: 82-10-213-29-008) shall receive all of the alley between the southern lot line of Lot 161 and the southern lot line of Lot 162, and extending approximately 39 ft. northeast to the end of the Fairfield Subdivision.

Lots 1-10 of Fairfield Subdivision also known as 9924 Dix (PID#: 82-10-213-29-010) shall receive half of the remaining 18 ft. wide vacated alley.

Lot 163 of Fairfield Subdivision also known as 2440 Akron Ave (PID#: 82-10-213-29-009) shall receive half of the remaining 18 ft. wide vacated alley;

be it further

RESOLVED: That the property owner must provide relevant utility companies with access to overhead lines; be it further

RESOLVED: That the petitioner shall combine the properties described above, including 2526 Akron, within thirty (30) days of the effective date of this resolution; be it further

RESOLVED: That the City Clerk be and is hereby directed to record a certified copy of the resolution within thirty (30) days at the Wayne County Register of Deeds and shall send a copy to the Director of the Department of Energy, Labor, and Economic Growth.

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

Councilmember Herrick introduced Ordinance No. 21-1705, entitled, "An Ordinance to Amend the Licenses and Business Regulations Chapter (Chapter 12) of the Code of Ordinances of the City of Dearborn by Amending Article XXVI, Section 12-1250, Entitled 'Sunset Provision'."

The Clerk read the Ordinance by title.

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

By O'Donnell supported by Sareini.

RESOLVED: That proposed Ordinance No. 21-1705 be laid on the table.

2-80-21. The resolution was adopted as follows: Yes: Abraham, Byrnes, Dabaja, Herrick, O'Donnell and Sareini (6). No: None. Absent: Bazy (1).

By O'Donnell supported by Herrick.

2-81-21. RESOLVED: That the Council Rules of Order be temporarily suspended to bring forward Item #10 "Adopting a resolution prohibiting any and all Marijuana establishments within the geographic boundaries of the City of Dearborn to cover the time gap between ordinances."

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

By Herrick supported by O'Donnell.

2-82-21. WHEREAS: Initiated Law 1 of 2018, otherwise known as the Michigan Regulation and Taxation of Marihuana Act (hereinafter "Act"}, became law on December 6, 2018, and

WHEREAS: The Act legalized the recreational use and possession of marijuana by adults 21 years of age or older, subject to specific requirements and restrictions as further stated in the Act, and

WHEREAS: Pursuant to MCL 333.27956 of the Act, municipalities may completely prohibit or limit the number of marijuana establishments within its boundaries, and

WHEREAS: On December 18, 2018, City Council adopted Sections 12-1247 and 12-1250 of the Dearborn Code of Ordinance, which respectively prohibited recreational marijuana establishments in the City and established an expiration date of July 1, 2020 for this prohibition, and

WHEREAS: On June 2, 2020, City Council amended Sec. 12-1250 of the Dearborn Code of Ordinances, extending the prohibition of recreational marijuana establishments to March 1, 2021, and

WHEREAS: At a City Council Study Session held on February 10, 2021, City Council expressed a desire to extend the prohibition of recreational marijuana establishments to March 1, 2022. The purpose of this extension is to allow Council to further study the impact of recreational marijuana establishments on municipalities that have opted into the Act, as well as the rules and regulations adopted by these municipalities, and

WHEREAS: This Resolution extending the City's opt-out from recreational marijuana is being adopted in addition to an amendment of Sec. 12-1250 opting out until March 1, 2022, because, due to scheduling, City Council will not have an opportunity to formally adopt an ordinance extending the opt-out before the current version of Sec. 12-1250 is scheduled to expire, and

WHEREAS: This Resolution is intended to fill the gap between the time the current version of Sec. 12-1250 expires and when an amended version of Sec. 12-1250 extending the opt-out can be formally adopted; therefore be it

RESOLVED: That any and all marijuana establishments as defined by Article XXVI of Chapter 12 of the Code of Ordinances, Secs. 12-1244 et seq., are hereby prohibited within the geographic boundaries of the City of Dearborn pursuant to MCL 333.27956 of the Act; be it further

RESOLVED: That this prohibition shall expire on March 1, 2022, but that Council may extend or discontinue this prohibition at any time prior thereto; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Herrick supported by Byrnes.

2-83-21. RESOLVED: That Change Order No. 7 with CDM Smith, Inc. (C.R. 7-472-09, 3-121-10, 6-328-10, 3-139-11, 2-52-15, 5-228-15, and 8-417-16) which provides for the Combined Sewer Overflow Control Project, Job No. 10-04-081 and 04-06-066 in the amount of \$398,125, the new contract total is \$6,957,506 is hereby approved; be it further

RESOLVED: That the Finance Director be and is hereby authorized to establish the CIP Project - Caisson Abandonment and Site Restoration at Caisson Site C2 and appropriate \$420,000 to fund the project which is being requested in FY 22 budget; be it further

RESOLVED: That the City Engineer be authorized to execute it on behalf of the City; be it further

RESOLVED: That this Change Order shall be financed from the respective Capital Improvement projects; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Herrick supported by Byrnes.

2-84-21. WHEREAS: The City presently has a contract with Brantley Development (C.R. 12-553-19) for Immediate Abatement, and

WHEREAS: The original contract specifications allow for four (4) one-year renewal options beyond the expiration of the present contract, and

WHEREAS: Brantley Development has offered to renew the present contract prices through January 20, 2022; therefore be it

RESOLVED: That the contract for Immediate Abatement is hereby renewed with Brantley Development through January 20, 2022 in the amount of \$38,436.75; be it further

RESOLVED: That this contract shall be financed from the General Fund, Property Maintenance & Development Services, Contractual Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Abraham supported by Byrnes.

2-85-21. RESOLVED: That the Tentative Agreement between the Police Officers Association of Michigan Representing Police Dispatchers and the City of Dearborn be and is hereby approved with an effective date of July 1, 2021 - June 30, 2022; be it further

RESOLVED: That the resolution be given immediate effect.

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

By Herrick supported by Byrnes.

2-86-21. RESOLVED: That the Tentative Agreement between the Police Officers Association of Michigan Representing Police Dispatchers Supervisors and the City of Dearborn be and is hereby approved with an effective date of July 1, 2021 - June 30, 2022; be it further

RESOLVED: That the resolution be given immediate effect.

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

By Herrick supported by Byrnes.

2-87-21. WHEREAS: Council Resolution 2-68-15 was adopted, authorizing the City to enter into a lease agreement with Flex Holdings, LLC which owns the building located at 22062 Michigan Avenue and the business, Brome Artisan Hamburger restaurant, and

WHEREAS: The lease allowed for Brome to install outdoor seating on 650 sq. ft. of the 6,640 sq. ft. west downtown pocket park, and

WHEREAS: The lease was a five-year lease which expired on March 22, 2020, and

WHEREAS: Council Resolution 6-196-20 was adopted which renewed the lease with Flex Holdings, LLC for an additional five years, at a rate of \$1,365 per year, adjusted annually by the Consumer Price Index, and

WHEREAS: The current lease prohibits any alterations, additions, or improvements to the leased area without prior written approval by the City and requires the leased area to remain open to the general public, and

WHEREAS: Sam Abbas, on behalf of Flex Holdings, LLC, has submitted a request to install an awning that has openings on all sides and some panels for wind protection, and

WHEREAS: According to Mr. Abbas, the purpose of the awning is to give patrons more options for dining with some added protection against the outside elements, and

WHEREAS: No foundation work or footings are necessary for the installation of the awning, and

WHEREAS: It is recommended that the request of Flex Holdings, LLC to amend the current lease agreement to permit the installation of an awning in the leased area be approved, subject to Flex Holdings, LLC obtaining all necessary permits and approvals; therefore be it

RESOLVED: That the request of Sam Abbas on behalf of Flex Holdings, LLC to amend the current outdoor seating lease agreement with the City be approved to permit the installation of an awning; be it further

RESOLVED: That the approval is conditioned upon the area remaining open to the public; be it further

RESOLVED: That Flex Holdings, LLC must install a sign, at its sole cost and expense, which indicates that the area under the awning is open to the public; be it further

RESOLVED: That all necessary permits and approvals must be obtained and the size, content, and location of the sign are subject to the Mayor's approval; be it further

RESOLVED: That the Mayor is authorized to execute documents necessary to memorialize the lease amendment, subject to review and approval of Corporation Counsel; be it further

RESOLVED: That all other terms and conditions contained in the Lease Agreement shall remain in full force and effect; be it further

RESOLVED: That this resolution is given immediate effect.

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

By Byrnes supported by Herrick.

2-88-21. WHEREAS: Brian Church representing Accountability for Dearborn is seeking City Council approval to conduct a free brake light Clinic where motorists will only receive free repairs and/or replacement of brake light bulbs in the former Snow Branch Library parking lot, 23950 Princeton St. on Saturday, April 17, 2021 from 10 a.m. - 4 p.m. The organization anticipates 5-50 cars, and

WHEREAS: Accountability for Dearborn will comply with all applicable ordinances, rules, and regulations of the City of Dearborn. The group will clearly identify that the event is no way sponsored by the City of Dearborn. The group must get written permission from the Michigan Department of Transportation before placing any signs on Telegraph Road. Accountability for Dearborn must provide an insurance certificate and sign a hold harmless agreement that satisfies all the City's insurance requirements; therefore be it

RESOLVED: That Brian Church, representing Accountability for Dearborn be and is hereby granted to conduct a Free Brake Light Clinic in the parking lot of the former Snow Branch Library, 23950 Princeton on Saturday, April 17, 2021 from 10 a.m. to 4 p.m.; be it further

RESOLVED: That this resolution is given immediate effect.

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

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 10:43 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk