

REGULAR MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

March 23, 2021

The Council convened at 8:13 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.

Pastor David Nellist from First United Methodist Church delivered the invocation.

By Herrick supported by Byrnes.

3-113-21. RESOLVED: That the minutes of the previous regular meeting of March 9, 2021, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

3-114-21. Ordinance No. 21-1702 was tabled without a First Reading.

The resolution was unanimously adopted.

By Abraham supported by Bazzy.

3-115-21. Call for question.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

3-116-21. Ordinance No. 21-1703 was tabled without a First Reading.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

3-117-21. Ordinance No. 21-1704 was tabled without a First Reading.

The resolution was unanimously adopted.

By Sareini supported by Herrick.

3-118-21. Ordinance No. 21-1706 was tabled without a First Reading.

The resolution was unanimously adopted.

P.M. Councilmember Bazzy left the Zoom meeting at 8:44

By Dabaja supported by Sareini.

3-119-21. WHEREAS: It has been determined that a need has emerged to study and develop additional regulations for the public health, safety, and welfare applicable to the operation of medical marijuana caregivers, and in particular, non-residential facilities where registered caregivers cultivate medical marijuana (hereinafter "caregiver facilities") as understood and allowed by the Michigan Medical Marijuana Act, Initiated Law 1 of 2008 (hereinafter referred to as the "MMMA"), *Deruiter v. Twp. of Byron*, 505 Mich. 130 (2020), and Article XV, Secs. 5-1384 to 5-1395 of the Dearborn Code of Ordinances, and

WHEREAS: In *Deruiter v. Twp. of Byron*, 505 Mich. 130 (2020), the Michigan Supreme Court held that municipalities may regulate and limit where registered caregivers cultivate medical marijuana, and

WHEREAS: While the City of Dearborn currently has regulations addressing certain aspects of medical marijuana cultivation in the City, those regulations need to be reviewed and amended to more effectively and adequately address where and how registered caregivers may cultivate medical marijuana in the City, including non-residential communal caregiver operations, and

WHEREAS: It is necessary to research the possibility of developing consistent, cohesive, and objective land use, development, and regulatory standards applicable to non-residential communal caregiver operations that may desire to operate within the City of Dearborn, and

WHEREAS: The Administration and the Council find that it would be counterproductive to approve the operation of any additional non-residential communal caregiver operations within the City while it studies, develops, and adopts applicable, consistent regulations; therefore be it

RESOLVED: That during the course of study and deliberations as to the appropriate zoning and regulatory ordinance regulations and amendments for registered medical marijuana patients and caregivers in general, and non-residential communal caregiver operations in particular, a moratorium is hereby declared effective immediately for a period of 90 days beginning on March 23, 2021, the date that Council unanimously approved this resolution; be it further

RESOLVED: That effective March 24, 2021, acceptance, review, and approval of all applications relating to non-residential communal caregiver operations shall be deferred; be it further

RESOLVED: That applicants who are currently and actively engaged in the approval process, and have submitted a Commercial Site Plan/Preliminary Review application for a caregiver facility with the City as of March 23, 2021, shall be excluded from this resolution, and shall be allowed to proceed with review of their applications pursuant to the City's existing caregiver ordinance, Article XV, Secs. 5-1384 to 5-1395 of the Dearborn Code of Ordinances; be it further

RESOLVED: That during this period of moratorium, an aggrieved property owner or business petitioner may request a hearing before the City Council for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of the property at issue or otherwise violate applicable provisions of state or federal law. A request for a hearing shall be made in writing, shall include the basis for the request, and shall be submitted to the City Clerk. The hearing shall be scheduled for the next regular meeting of the City Council. At the conclusion of the hearing, the Council shall determine whether the petitioner has made the required demonstration and, if so, shall grant relief from the moratorium to the extent necessary to cure the effect of violation; be it further

RESOLVED: That this moratorium shall expire 90 days from the date of the resolution on June 22, 2021, or automatically upon adoption of an amended ordinance addressing the allowable number of caregiver cultivation facilities in the City of Dearborn; 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 O'Donnell supported by Herrick.

3-120-21. WHEREAS: The City currently has a contract in the amount of \$297,900 with OHM Advisors (C.R. 5-266-17, 5-197-18, 12-551-18, 12-552-19 and 6-187-20) for Consulting Services related to Water and Sewer activities, Job #10-01-075. Purchasing has received a request from the Department of Public Works to add \$80,000 to that purchase order for Consulting Services related to Water and Sewer activities, Job #10-01-075, resulting in a total contract amount of \$377,900; therefore be it

RESOLVED: That the additional expenditures for OHM Advisors be and is hereby authorized in the amount of \$80,000, bringing the total contract amount to \$377,900, for Consulting Services related to Water and Sewer activities, Job #10-01-075; be it further

RESOLVED: That the additional expenditures shall be financed from the CIP N85002 and P02021 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 Sareini supported by Herrick.

3-121-21. WHEREAS: Christ Episcopal Church of Dearborn acquired this property in the late 1940's and has used this property as a church with accessory residential uses. The property currently has four existing structures on site. These include the main church building, two single-family homes, and a garage. The single-family homes are occupied by people who belong and are employed by the Church, and

WHEREAS: The Church would like to split and sell a portion of the parcel (as indicated in the diagrams below) citing that this portion of their property is unused and under-utilized. Mike Shehadi, the interested purchaser, intends on building a single-family home on the resulting parcel. The proposal also includes a 20' access and utility easement that would run through the parcel, and

WHEREAS: This proposed lot split had been reviewed by the Engineering Division, the Water and Sewerage Division, and Fire Department and all comments have been addressed by the applicant. The only exception being that the Fire Department noted that a dead-end access road over 150 ft. would either need a turn-around or that access could potentially be provided through the proposed access easement (this would be evaluated for compliance during site plan review), and

WHEREAS: This matter is appearing before the Planning Commission and City Council because of the unique configuration of the proposed lot split. The intent of this review is to evaluate if the proposed lot split would allow for the redevelopment of land in a way which is compatible with the surrounding land uses and development, and ensure that it is consistent with the purpose and intent of the City's Zoning Ordinance, and

WHEREAS: The Key Facts are as follows:

- The proposed residential parcel is an outlier in comparison to adjacent residential parcels both in regard to its configuration and size.
- The proposed parcel shape is considered to be inconsistent with the existing pattern of development.
- A larger-sized residential parcel could be an appropriate transition based on the adjacent land uses and parcel sizes.

- In 2019 the City adopted residential design standards with the intent of regulating the development of single-family homes in a way that would promote orderly development and mitigate negative design elements considered to be inconsistent with neighborhood character. These standards dictate that lot combinations that exceed twice the size of the typical lot in the plat or those that result in a parcel that is over 20,000 sq. ft. require site plan review and approval by the Planning Commission.
- Although these standards specifically apply to lot combinations, the intent and spirit of the regulation is to more closely monitor the development of residential land and larger residential homes. There are currently no provisions that require site plan review from Planning Commission for lot splits.
- The resulting parcel configurations could create challenges if the church parcel was redeveloped and/or any additional lot splits were proposed.
- It is likely that a single-family home on Parcel 2 could meet all zoning ordinance requirements. The only regulation that may not be able to be met is the maximum front-yard pavement coverage due to the proposed parcel shape.
- The redevelopment of the proposed parcel for a single-family home would place this piece of property back on the tax roll and generate new revenue for the City.

### **Analysis**

A review of the residential parcels adjacent to this site provided the following findings:

- The subject parcel abuts a platted residential subdivision to the east and Dearborn Country Club to the north.
- The existing parcel sizes range from 0.1 Acres to 0.6 Acres (excluding Dearborn Hills Country Club which is approximately 161 Acres).
- The most common lot dimensions are 40'x120'; 60'x125'; 100'x150', and 120'x150'. However, there are three irregularly-shaped parcels that can be found at the end of Cherry Hill Ct. which are directly adjacent to the subject parcel.

- Due to their unique configuration, these three parcels are the largest in the immediate area. Two of these parcels are 0.6 Acres and one of them 0.5 Acres.
- The west side of Military and south side of Cherry Hill is characterized by smaller parcels in comparison to those on the north side of Cherry Hill.
- Even when expanding the analysis to a larger area, the proposed parcel is larger than the majority of residential parcels. The two largest parcels with a single-family home are approximately 2.12 Acres and 2.47 Acres.
- There is one existing flag lot located east of the site which resulted from several platted 'out lots' being combined and subdivided. There is currently a single-family home located on this parcel and it is the largest parcel in the immediate area measuring at 2.47 Acres

therefore be it

RESOLVED: That Mike Shehadi, on behalf of Christ Episcopal Church of Dearborn be and hereby granted permission to split and sell a portion of the parcel of the property located at 120 N. Military Road; 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 Sareini supported by Herrick.

3-122-21. WHEREAS: The State of Michigan is compiling usage figures to include in their 2021/2022 winter salt solicitation and has inquired if it is the City's intention to continue procuring road salt through the MiDeal Program. All quantities submitted represent a commitment to participate in the State of Michigan road salt solicitation. Pricing for the 2021/2022 salt will be available September 2021, and

WHEREAS: Most counties and municipalities in Michigan rely on the state contract. The City has realized benefits from this program over the past several seasons when salt availability was limited and prices sky-rocketed. The state contracted vendors have always held firm to their commitment to supplying participating communities before releasing salt for sale on the open market. Dearborn has participated in salt purchases under the MiDeal Program since 2000, and

WHEREAS: The Director of Public Works has requested City Council authorize the Purchasing Agent to make a commitment to the State of Michigan under the MiDeal Program to purchase 3,000 tons of salt for "early delivery" and 3,000 tons as "seasonal back-up" for the 2021/2022 winter period. Current season MiDeal salt prices are \$58.13 per ton for "early delivery" and \$50.02 per ton for "seasonal backup"; 2019/2020 season pricing was \$60.87 per ton and \$52.38 per ton respectively; therefore be it

RESOLVED: That City Council hereby authorizes the Purchasing Agent to make a commitment to the State of Michigan under the MiDeal Program to purchase 3,000 tons of salt for "early delivery" and 3,000 tons as "seasonal back-up" for the 2021/2022 winter period; 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 Sareini supported by Byrnes.

3-123-21. WHEREAS: The City presently has a contract with Zuniga Cement Construction, Inc. (C.R. 3-130-19 and 3-101-20) for Street and Alley Pavement Replacement - 2021, Job No. 2021-026, and

WHEREAS: The original contract specifications allow for two (2), one-year renewal options beyond the expiration of the present contract, this is the second renewal; therefore be it

RESOLVED: That the contract for Street and Alley Pavement Replacement - 2021, Job No. 2021-026 is hereby renewed with Zuniga Cement Construction, Inc. in the amount of \$2,861,000; be it further

RESOLVED: That this contract shall be financed from the Major Street & Trunkline Fund, Local Street Fund, General Capital Improvement Fund, Sewer Fund, and Water Fund 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 Sareini supported by Herrick.

3-124-21. WHEREAS: The City presently has a contract with Four Seasons Property Maintenance (C.R. 8-363-19) for Turf Maintenance, and

WHEREAS: The original contract specifications allow for four, one-season renewal options beyond the expiration of the present contract, this is the second renewal, and

WHEREAS: Four Seasons Property Maintenance has offered to renew the present contract prices through November 2021; be it

RESOLVED: That the contract for Turf Maintenance is hereby renewed with Four Seasons Property Maintenance through November 2021 in the amount of \$256,557; be it further

RESOLVED: That this contract shall be financed from the General Fund, Sewer Fund, Public Works, 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 Byrnes supported by Herrick.

3-125-21. WHEREAS: The City of Dearborn has been certified as a Redevelopment Ready Community (RRC) by the Michigan Economic Development Corporation (MEDC), and

WHEREAS: The RRC certification entitles the City of Dearborn to special support from the MEDC for economic and community development efforts on the part of the City, and

WHEREAS: MEDC has offered the City of Dearborn the opportunity to use the Neighborhood Intel software application from Dynamo Metrics, a software company that provides data solutions to local government, and

WHEREAS: MEDC will pay the costs associated with the setup and use of the Neighborhood Intel software for a period of one year; therefore be it

RESOLVED: That the Mayor be and is hereby authorized to execute a formal contract with Dynamo Metrics for the set up and use of the Neighborhood Intel application for a period of one year, provided that costs associated with the setup and use are paid by MEDC, subject to the review and approval of Corporation Counsel, 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 Sareini supported by Herrick.

3-126-21. WHEREAS: Section 19.5 of the Charter of the City of Dearborn requires that the question of general revision of the Charter shall be submitted to the electors of the City at the City primary election to be held August 3, 2021, and

WHEREAS: It is necessary to determine the form in which the question is to be submitted to the electorate; therefore be it

RESOLVED: That the following proposed City Charter revision question shall appear precisely as set forth immediately below on the August 3, 2021 primary ballot:

**Shall the Charter of the City of Dearborn, adopted November 6, 2007, as amended, be reviewed, updated and revised by a Charter Commission elected at a subsequent election?**

Yes

No

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 Sareini supported by Herrick.

3-127-21. WHEREAS: The City of Dearborn has entered into a grant agreement with the US Department of Housing and Urban Development to provide for the planning and delivery of services under its authority as an Entitlement City under the Housing and Community Development Act of 1974, as amended, for the jurisdiction of the City of Dearborn, and

WHEREAS: The City of Dearborn receives an annual entitlement allocation of approximately \$1.9 million dollars for the Community Development Block Grant (CDBG) program from the US Department of Housing and Urban Development (HUD), and

WHEREAS: Due to the COVID-19 pandemic, the City has been allocated approximately \$1.8 million in CARES Act CDBG-CV funds, and

WHEREAS: The CDBG program allows for up to 20 percent of the grant to be used for program planning and administration, and

WHEREAS: The awarded 1<sup>st</sup> and 3<sup>rd</sup> rounds of funding for CDBG-CV allowed administration allocation in an amount not to exceed \$355,154 for activity of general program administration, and

WHEREAS: Due to the COVID-19 pandemic, the workload demands of the CDBG and CDBG-CV program require additional staff, therefore be it

RESOLVED: That a temporary, part-time position be approved to for the Community Development Block Grant Program in the Department of Economic and Community Development to support eligible projects, programs, and activities; be it further

RESOLVED: That the Finance Director is hereby authorized to receive, direct, and disperse those awarded and appropriated funds authorized previously in Council Resolutions 6-190-20 2<sup>nd</sup> Round of additional CDBG-CV funding and 12-513-20 3<sup>rd</sup> Round of additional CDBG-CV funding within the Community Development Fund (283) or other funds which could include the General Fund (101), Library Fund (271), Water Fund (591), or Facilities Fund (634); be it further

RESOLVED: That the Finance Director is hereby authorized to increase the position count by one (1) part-time office position within the Economic and Community Development Department within the General Fund to complete the added administrative work duties which will be funded via direct transfer of annual CDBG grant dollars and CDBG-CV grant dollars awarded and appropriated in the Council resolutions of 6-190-20 and 12-513-20; be it further

RESOLVED: That the position is approved for a period not to exceed 24 months from the date of hire; be it further

RESOLVED: That this position and the program on which the position is based are funded by the CDBG and CDBG-CV grant for a specified amount and period of time and the continuation of employment is contingent upon the continued availability of funds for this position and or program; 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.

3-128-21. RESOLVED: That City Council hereby authorizes the Fire Department to renew their memberships with the Western Wayne County Mutual Aid Association (WWCMAA) in the amount of \$18,705; be it further

RESOLVED: That these membership renewals shall be financed from the Fire Department Membership Account #101-2540-621.65-00.

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

By Sareini supported by Byrnes.

3-129-21. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Mustapha Hawily, to the East Dearborn Downtown Development Authority for a term ending June 30, 2022; 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 Byrnes supported by Herrick.

3-130-21. RESOLVED: That receipt of a donation in the amount of \$2,000 from the estate of Lenore Churgay to the Friends of the Library - Dearborn is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby extends its appreciation to the donor for the aforementioned gift; be it further

RESOLVED: That City Council hereby directs the Finance Director to recognize the donation in the Designated Purposes account 276-5100-365.90-00, Project Z71200.

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 Herrick.

3-131-21. RESOLVED: That City Council hereby concurs with the Mayor in proclaiming April 2021 as Arab American Heritage Month; 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).

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 9:52 P.M.

APPROVED:

\_\_\_\_\_  
President of the Council

ATTESTED:

\_\_\_\_\_  
City Clerk