

SPECIAL MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

June 15, 2021

The Council convened at 7:38 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.

DATE : June 14, 2021
TO : City Clerk
FROM : City Council
SUBJECT : Special Council Meeting

You are hereby requested to call a Special Meeting of the City Council to be held on Tuesday, June 15, 2021 at 6:30 P.M. in the Council Chambers of the Dearborn Administrative Center for the following purposes:

1. To waive the requirement contained in Section 2-517 of the City Code which requires budget and tax rate approval by June 13th, and
2. To consider and take action concerning the proposed Fiscal Year 2021-2022 Budget and the 2021 City Tax Rate, and
3. To consider and take action concerning a revised interlocal agreement creating the Wayne County Home Consortium, and
4. To consider and take action to rescind C.R. 10-447-20, which previously approved the interlocal agreement creating the Wayne County Home Consortium, and
5. To consider and take action on the request to sell 2204 Home Place as a side yard, and

6. ORDINANCE ON THE TABLE-ORDINANCE NO. 21-1709 -"An Ordinance to Amend the Water and Sewers Chapter (Chapter 19) of the Code of the City of Dearborn by Amending Article 1, Entitled 'In General'." RESOLUTION BY COUNCILMEMBERS ABRAHAM AND HERRICK - To take from the table for its final reading, and,
7. To consider such other items of business that may properly come before the Council in relation to this matter.

S/Susan Dabaja
President of the Council

S/Mike Sareini
Councilmember

By Bazzy supported by Herrick.

6-270-21. WHEREAS: Extraordinary and unique events in 2021 have necessitated the waiver of the requirement in Section 2-517 of the City Code to adopt a budget and city tax rate for Fiscal Year 2022 by June 13th; therefore be it

RESOLVED: That the requirement in Section 2-517 of the City Code which requires the City Council to adopt a budget and city tax rate by June 13th is hereby waived for this year only; be it further

RESOLVED: That this resolution is given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

6-271-21. WHEREAS: Extraordinary and unique events in 2021 have necessitated the waiver of the requirement in Section 2-517 of the City Code to adopt a budget and city tax rate for Fiscal Year 2022 by June 13th, and

WHEREAS: The requirement in Section 2-517 of the City Code was waived for this year only by the adoption of C.R. 6-270-21; therefore be it

RESOLVED: That estimates of anticipated revenues and proposed appropriations are hereby adopted as contained in the accompanying summary documents as follows; be it further

RESOLVED: That estimates of revenues are approved in total and appropriations are hereby authorized at the department level (lump sum) within the General Fund,

except: the Camp Dearborn, Mystic Creek Golf Course, and Dearborn Hills Golf Course appropriations are authorized for each at the Recreation Division level and budget can only be reallocated from or to each of these Recreation Divisions with prior approval by the City Council,

except: the Police Department-Dispatch Division appropriations are authorized at the Division level and budget can only be reallocated from or to this Division with prior approval by the City Council;

be it further

RESOLVED: That the Director of Finance may automatically appropriate fund balance for leave time payouts exceeding budget with notice to be filed with the City Council within five business days; be it further

RESOLVED: That estimates of revenues are approved in total and appropriations for remaining Governmental funds are approved in total for each fund (lump sum), including the Major Street and Trunkline Fund, Local Street Fund, Indigent Defense Fund, Drug Law Enforcement Fund, Library Fund, Community Development Fund, and General Capital Improvement Fund; be it further

RESOLVED: That estimates of revenues and appropriations for the East Dearborn Downtown Development Authority, the West Dearborn Downtown Development Authority, the Brownfield Redevelopment Authority, Dix-Vernor Business District Improvement Authority, and the Warren Business District Improvement Authority are approved in total for each component unit; be it further

RESOLVED: That the Director of Finance may automatically establish revenue budgets and corresponding appropriations based on actual receipts for the Designated Purposes Fund and the Drug Law Enforcement Fund; be it further

RESOLVED: That the Director of Finance may automatically establish revenue budgets and corresponding appropriations-based reimbursements received from government agencies and utility companies in relation to capital projects; be it further

RESOLVED: That Enterprise, Internal Service and Fiduciary Funds including the Water Fund, Sewer Fund, Seniors Apartment Operating Fund, Information Systems Fund, Facilities Fund, Fleet and Equipment Replacement Fund, Employee Insurance Fund, Fleet and General Liability Insurance Fund, Workers' Compensation Fund, Retiree Death Benefit Fund, Post Employment Health Care Fund, and the three closed Defined Benefit Pension System Funds are authorized to operate as determined by activity levels (lump sum), within constraints of anticipated revenues and available surplus in accordance with law, and budget modifications approved by the Mayor and periodically reported to City Council; be it further

RESOLVED: That unexpended appropriations within all funds and component units will be automatically rolled forward only for support of one-time outlays necessary for support of special programs or projects as designated by the Director of Finance with approval of the Mayor and for multi-year appropriations such as projects and grants, as previously authorized. Ongoing routine purchases for delivery in the new fiscal year shall be financed from the Fiscal 2021-2022 budget; be it further

RESOLVED: That to establish project appropriations as recommended by the Capital Improvement Coordinating Committee and approved by the City Plan Commission, the Council hereby authorizes the Department of Finance to make any necessary transfers or reallocations to establish, augment or close project appropriations as listed on the Capital Improvement Plan; be it further

RESOLVED: That to permit timely implementation of proposed projects including work to start with the current construction season, the proposed project appropriations contained with the Capital Improvement section of the budget are herewith given immediate effect; be it further

RESOLVED: That within the General Capital Improvement Fund, interest earnings and other revenue shall be first used to support capital project appropriations up to the amounts herein authorized after which they shall be credited to unallocated fund balance, for possible appropriation and project amendments at the Council's discretion; be it further

RESOLVED: That the amounts to be raised by taxation are those detailed in the accompanying estimates of revenue and that the tax rates for the July 1, 2021 levy in support of the 2021-2022 General Fund and Library Fund budgets shall be as follows:

for purposes of financing general operations, capital outlay, capital improvements, non-voted debt service and contingencies as detailed in department budgets and supporting documents summarized herewith, pursuant to City Charter and applicable state law: **\$18.5000** mills;

for garbage and rubbish collection and disposal authorized by P.A. 298 of 1917 as amended: **\$1.9100** mills;

for purposes of financing the Library Fund as approved by voters in November, 2011 and authorized by City Council summarized herewith: **\$1.6900** mills;

The total of 2021 Summer City Tax millage is to be **\$22.1000** mills;

be it further

RESOLVED: That the amounts to be raised by taxation, as also detailed in the accompanying estimates of revenue and that the tax rate for the December 1, 2021 levy in support of the federally mandated 2021-2022 Combined Sewer Overflow (CSO) debt service budget shall be as follows:

for purposes of financing General Obligation Combined Sewer Overflow (CSO) debt as approved by voters in November, 2004 summarized herewith: **\$ 3.8400** mills.

for purposes of financing General Obligation Combined Sewer Overflow (CSO) debt as approved by voters in August, 2018 summarized herewith: **\$ 0.7300** mills.

The total of the 2021 Winter CSO Tax millage is to be **\$4.5700** mills;

be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Sareini.

6-272-21. WHEREAS: The US Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) was authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA) for the purpose of providing decent affordable housing to low- and moderate-income households, and

WHEREAS: NAHA provides for the designation of geographically contiguous units of local government to participate as a consortium and be considered a single unit of local government for the purposes of the HOME program, and

WHEREAS: The Cities of Dearborn, Dearborn Heights, Lincoln Park, Livonia, Taylor, and the County of Wayne are contiguous units of local government and desire to form a consortium (the "Wayne County HOME Consortium") for the purposes of formulating and submitting required plans in order to participating in, and receive an allocation from, the HOME Program administered by HUD for which they may be eligible, and for the purpose of cooperating to undertake or to assist in the undertaking of housing assistance activities for the HOME Program, and

WHEREAS: HUD regulations require consortium designations to be re-certified every three years. The current designation expires on June 30, 2021, and

WHEREAS: In October of 2020 at the direction of HUD, Wayne County had Dearborn execute an Interlocal Agreement (ILA) which was to have commenced July 1, 2021 and ended on June 30, 2023, which is only a two-year term. HUD had subsequently found the term of that agreement to be inadequate and has directed that a new agreement be executed, and

WHEREAS: The need for a new HOME ILA is now necessary so that the HOME ILA agreement will extend the required three-year period per HUD regulations. The new HOME ILA agreement will end on June 30, 2024, and

WHEREAS: This proposed HOME ILA agreement expires on June 30, 2024, and it contains a provision for automatic renewal for successive three-year periods all future HOME ILA agreements shall automatically be renewed for the Consortium's participation in successive qualification periods of three HOME program years each at which time the opportunity to renew or discontinue will be available; therefore be it

RESOLVED: That Mayor John B. O'Reilly, Jr. be and is hereby authorized to execute an Interlocal Agreement defining the City of Dearborn's membership and participation in the Wayne County HOME Consortia for the two-year period from July 1, 2022 to June 30, 2024 and make an adjustment to the term to begin July 1, 2021 should Wayne County determine the dates of the term are in error; be it further

RESOLVED: That automatic renewal of the agreement for successive qualification periods with the same provisions except for the relevant dates applicable to a new term for a 3-year cycle and those terms necessary to meet HUD requirements for consortia agreements in successive qualification periods is hereby authorized; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

To consider and take action to rescind C.R. 10-447-20, which previously approved the interlocal agreement creating the Wayne County Home Consortium.

The resolution was withdrawn by the Legal Department.

By Abraham supported by Herrick.

6-273-21. WHEREAS: Erik Biggs is the owner and occupant of the house located at 2212 Home Place, a single-family home with a driveway and detached garage. He has requested that the City sell him the vacant lot located next to his property at 2204 Home Place so that he may combine it with the adjacent lot that he owns, and

WHEREAS: The Assessor's Department valued the lot at \$5,000, and

WHEREAS: The neighbor who owns the adjoining property on the other side, Robert Geroux, was also contacted via regular and certified mail, but did not express interest in purchasing any portion of the lot, and

WHEREAS: The homeowner that owns 2201 Bailey expressed interest in purchasing 2212 Home Place for rear yard. However, it is not recommended that the vacant lot be sold for rear yard because it would generally run contrary to the pattern of development established by the subdivision plat and would result in an awkward configuration where a rear yard of the through lot is situated between the side yards of the homes facing the other street (on Home Place), and

WHEREAS: It is recommended that City Council approves the sale of 2204 Home Place to Erik Biggs, owner of 2212 Home Place for use as side yard, subject to the following conditions:

1. The lot must be combined with the Purchaser's property and may not be resplit or combined with other land for a resplitting as two buildable lots. Purchaser may seek permission to split and sell a portion of the side yard to the neighboring property owner.
2. The lot may only be sold or developed in combination with the Purchaser's adjacent property.
3. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council resolution which authorizes the sale of the property; failure to close within this period shall result in the resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.

4. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions.
5. Lots must be combined with the Purchaser's adjacent land for tax and assessment purposes at the closing. Failure to do so shall result in the resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
6. Use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchaser is waiving his right to seek any variances.
7. If Purchaser violates any of the restrictions imposed, he is obligated to sell the property back to the City for \$5,000, less 10% and less costs associated with the transfer of property back to the City,

and

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

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$5,000 to Erik Biggs of the parcel described as:

Lot 48, Cunnin Homes Sub, City of Dearborn, Wayne County, Michigan, as recorded in Liber 59, Page 47 of Plats, Wayne County Records.

Tax I.D. 82-09-292-05-033
Commonly known as 2204 Home Place

and that the Mayor be and is hereby authorized to execute a Quit Claim Deed for said land to Erik Biggs 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 Erik Biggs closing within ninety (90) days of the effective date of this resolution; be it further

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

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

RESOLVED: That the sale of 2204 Home Place as side yard serves a public purpose by promoting expansion of lots to improve the neighborhoods, and serves a public purpose by adding the property back to the tax rolls; be it further

RESOLVED: That this resolution is given immediate effect.

The resolution was unanimously adopted.

By Bazy supported by Abraham.

6-274-21. RESOLVED: That Ordinance No. 21-1709 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 21-1709 entitled, "An Ordinance to Amend the Water and Sewers Chapter (Chapter 19) of the Code of Ordinances of the City of Dearborn by Amending Article 1, Entitled 'In General'."

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?"

6-274-21. Upon roll call the Ordinance was adopted as follows: Yes: Abraham, Bazy, Byrnes, Dabaja, Herrick, and O'Donnell (6). No: Sareini (1). Absent: None.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 7:28 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk