

REGULAR MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

March 22, 2022

The Council convened at 7:32 P.M., President of the Council Michael Sareini presiding. Present at roll call were Councilmembers Abraham, Alsawafy, Byrnes, Hammoud, Herrick, Paris and President of the Council Sareini; absent, none (0). A quorum being present, the Council was declared in session.

Dr. Shadi Azar from Solid Rock Church of Dearborn delivered the invocation.

By Byrnes supported by Hammoud.

03-160-22. RESOLVED: That the minutes of the previous special closed meeting of March 2<sup>nd</sup>, 2022, special meeting of March 3<sup>rd</sup>, 2022 and regular meeting of March 8<sup>th</sup>, 2022 and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

Councilmember Byrnes introduced Ordinance No. 22-1741, entitled - "An Ordinance to Amend Chapter 18, Article II, Division 6, Section 18-278 Titled 'Traffic and Motor Vehicles,' of The Code of Ordinances of The City of Dearborn by Amending Section 18-278, Entitled 'Reckless Driving'."

The Clerk read the Ordinance by title.

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

By Herrick supported by Hammoud.

03-161-22. RESOLVED: That proposed Ordinance No. 21-1722 be laid on the table.

The resolution was unanimously adopted.

By Byrnes supported by Hammoud.

03-162-22. 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 4,000 tons of salt for "early delivery" and 3,000 tons as "seasonal back-up" for the 2022/2023 winter period. The 2021/2022 season MiDeal salt prices were \$58.48 per ton for "early delivery" and \$50.02 per ton for "seasonal backup"; 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 4,000 tons of salt for "early delivery" and 3,000 tons as "seasonal back-up" for the 2022/2023 winter period; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Herrick supported by Paris.

03-163-22. WHEREAS: Ordinance No. 05-1062, Section 2-568(b)(6)1 authorizes methods of source selection, alternative procurement in certain circumstances, and

WHEREAS: The Purchasing Agent has received a request for a methods of source selection, alternative procurement; therefore be it

RESOLVED: That the Michigan State Police (MSP) be designated as an alternative procurement source for Armed Police services for Camp Dearborn for the 2022 operating season, in an amount not to exceed \$277,200 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 General Fund, Recreation, Camp Dearborn, Contractual Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Alsawafy supported by Herrick.

03-164-22. WHEREAS: The City presently has a contract with Four Seasons Property Management (C.R. 08-363-19) for Turf Maintenance, and

WHEREAS: The original contract specifications allow for four renewal options beyond the expiration of the present contract, and this is the third renewal option, and

WHEREAS: Four Seasons Property Management has offered to renew the present contract prices through the current season; therefore be it

RESOLVED: That the contract for Turf Maintenance is hereby renewed with Four Seasons Property Management through the current season in the amount of \$280,372; be it further

RESOLVED: That this contract shall be financed from the General Fund, Sewer Fund, Public Works, Contractual Service Fund; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Herrick supported by Hammoud.

03-165-22. WHEREAS: The City presently has a contract with Green Meadows Landscape, Inc. (C.R. 03-106-19) for the Annual Fertilization and Weed Control program, and

WHEREAS: The original contract specifications allow for four renewal options beyond the expiration of the present contract, and this is the third renewal option, and

WHEREAS: Green Meadows Landscape has offered to renew the present contract prices through September, 2022; therefore be it

RESOLVED: That the contract for the annual fertilization and weed control program is hereby renewed with Green Meadows Landscape, Inc. through September, 2022 in the amount of \$64,520; be it further

RESOLVED: That this contract shall be financed from the General Fund, Major Street, Sewer Fund, Public Works, Contractual Services Fund; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Herrick supported by Byrnes.

03-166-22. WHEREAS: The City presently has a contract with Nickel & Saph, Inc. through Midwest Employers Casualty Company (C.R. 03-97-20) for Excess Workers' Compensation, and

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

WHEREAS: Nickel & Saph, Inc. has offered to renew the present contract prices from April 7, 2022 through April 6, 2023; therefore be it

RESOLVED: That the contract for Excess Workers' Compensation is hereby renewed with Nickel & Saph, Inc. through Midwest Employers Casualty Company through April 6, 2023 in the amount of \$79,943; be it further

RESOLVED: That this contract shall be financed from the Workers' Compensation Fund, Law Department, Insurance and Bonds Fund.

The resolution was unanimously adopted.

By Byrnes supported by Herrick.

03-167-22. WHEREAS: The City currently has a list of qualified vendors for Appraisal Services that was created by SOQ (statement of qualifications) in January 2021 for a 3-year term. The City's intent was to authorize a list of qualified professional property appraisal firms to provide a broad range of property appraisal services on an as-needed basis. Purchasing has received a request from the Assessment Department to authorize five (5) appraisals to Integra Realty Resources for 15555 Lundy Parkway, 16800 Executive Plaza, 330 Town Center Drive, 500 Town Center Drive and 550 Town Center Drive. Integra Realty Resources has performed successfully under previous contracts with the City, and

WHEREAS: It is requested that Council authorize additional expenditures in the amount of \$49,500 in order to expedite the appraisal of these locations; therefore be it

RESOLVED: That City Council hereby authorizes the additional expenditures in the amount of \$49,500 to Integra Realty Resources for Qualified Vendor Appraisal Services; be it further

RESOLVED: That this contract shall be financed from the General Fund, Assessors, Assessment, Contractual Services Fund; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Byrnes supported by Paris.

03-168-22. WHEREAS: The City of Dearborn currently has a contract with GNJ Construction for project H45710, As-Needed Hardware Installations (CR 03-129-18) in the amount of \$771,213. The Purchasing Division has received a request from the DPW/Housing Department to add an additional \$141,826 to that contract which will bring the total contract value up to \$913,039; therefore be it

RESOLVED: That the additional expenditures for project H45710, As-Needed Hardware Installations with GNJ Construction be and is hereby authorized in the amount of \$141,826, bringing the new total contract amount to \$913,039; be it further

RESOLVED: That the additional expenditures will be financed from the Senior Apartments Operating Fund, Repair and Maint.-Buildings fund; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Byrnes supported by Alsawafy.

03-169-22. WHEREAS: Dearborn Healthy Streets (DHS) is a program organized by Healthy Dearborn coalition to raise awareness and conversation about how we use our streets to promote healthy lifestyles. The program will run from April 11, 2022 through October 31, 2022. Dearborn Healthy Streets are slow and shared spaces intended to make our streets more inviting and to encourage people on bikes to ride in the street and make using community sidewalks more pleasant and safe, and

WHEREAS: Eight streets, up to 1.5 miles in length, are proposed for the 2022 program. They were chosen based on the Multi Modal Transportation Plan, access to schools and parks and community recommendations. Specifically, this year's programs include the original pilot streets and the addition of Morley and Oakwood at the request of the Morley Area Residents Association (MARA):

- Wilson St. (N Silvery Lane to Martha)
- Penn St. (Cornell to Monroe)
- Penn St. (Monroe to Outer Drive)
- Akron St.
- Lowrey St.
- Riverside Dr.
- Morley Ave.
- Oakwood Blvd.

AND

WHEREAS: Dearborn Healthy Streets signage will be posted on barrels, barricades or A-frames at major and minor intersections indicating that the street is a slow and shared space and that all users of the road should yield to more vulnerable users. Approximately 12 signs will be located on each Healthy Street, for a total of 96 signs. Traffic control materials will be funded through donations and contributions by Healthy Dearborn. Parking will not be affected and anyone who needed to drive to destinations on the street will be able to do so, and

WHEREAS: It is requested for City Council to authorize the Mayor to execute the Memorandum of Understanding between the City of Dearborn and Healthy Dearborn to establish the 2022 Healthy Streets Initiative; therefore be it

RESOLVED: That the Mayor is hereby authorized to execute the Memorandum of Understanding between the City of Dearborn and Healthy Dearborn to establish the 2022 Healthy Streets Initiative.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Alsawafy supported by Paris.

03-170-22. RESOLVED: That receipt of the ACCESS High Intensity Drug Trafficking Areas (HIDTA) Grant in the amount of \$18,084 funded through Access Community Health and Research Center for additional patrol money to assist in the ACCESS Post-Overdose Rapid Response Team is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to recognize the grant in the amount of \$18,084; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Herrick supported by Byrnes.

03-171-22. RESOLVED: That receipt of ACCESS National Association of County and City Officials (NACCHO) Post-Overdose Rapid Response Team related Grant in the amount of \$76,590 funded through Access Community Health and Research Center for additional patrol money to assist in the ACCESS Post-Overdose Rapid Response Team is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to recognize the grant in the amount of \$76,590; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Hammoud supported by Paris.

03-172-22. WHEREAS: The Finance Accounting - Pension area has had 1 Full time Accountant II and 1 Part-Time Accountant since December 2019, and

WHEREAS: The Accounting - Pension area has had challenges with turnover during the past 5 years. Part of the discussed analysis was to provide greater structure, stability and succession planning strength. Adjusting the current part-time role to a full-time position will assist in these efforts, and

WHEREAS: The Mayor has committed to increases in operational effectiveness, efficiency, and service delivery quality. This small adjustment in staffing will assist in serving the retirees of all three City pension systems; therefore be it

RESOLVED: That this Council hereby authorizes to move forward with 2 Full-time employees within the Accounting - Pension systems (a net increase of .33 FTE's). Chapter 21 increase in allocation of costs charged to the system are approximately \$1,600 annually; be it further

RESOLVED: That the Finance Director is hereby authorized to increase the Part-Time Accountant role to a Full-Time position effective upon normal posting, interviewing and awarding and carry the increase into the FY23 Budget. No current year appropriation will be needed as the vacancy timings in the department and entry level rate being lower than vacated position offsetting.

RESOLVED: That this resolution be given immediate effect.

Upon a roll call vote as follows; Yeas: Abraham Alsawafy, Byrnes, Hammoud, Herrick, Paris and Sareini (7); Nays: none (0) Absent: (0), the resolution passes.

By Sareini supported by Alsawafy.

03-173-22. WHEREAS: Chapter 21 pension system as of June 30, 2021 had excess assets of \$18,900 ,851, and

WHEREAS: Chapter 21 pension system as of June 30, 2021 has thirty (30) remaining participants or legal beneficiaries currently receiving benefits, and

WHEREAS: Chapter 21 pension system as of June 30, 2021 was 396% over funded. Valuation funding ratio equals pension assets \$25,286,602 divided by \$6,386,021 accrued pension liability, and

WHEREAS: The Mayor has committed to a financially sound budget, while maintaining commitments to our pensioners. This action will assist in reducing current and future costs of legacy unfunded liabilities within the pension system for Police & Fire, and

WHEREAS: The proposed pledging of excess Chapter 21 assets as reviewed and approved by both the City's Actuary, Gabriel, Roeder, Smith Company (GRS) and the City's Auditor, Plante & Moran (P&M) would reduce the Actuarially Determined Contribution (ADC) for the city within the Chapter 23 pension system by \$1,933,850 for the FY23 Budget and continue moving forward with future budgets also, and

WHEREAS The action of pledging excess assets will not impact the funding status under GASB or PA202. The pledging does not violate fiduciary responsibilities, as there is no direct transfer or commitment of any Chapter 21 assets since when the last beneficiary within Chapter 21 is deceased, the excess would revert to the City, and

WHEREAS: It is requested that the Finance Director be authorized to proceed with the pledge of Chapter 21 excess assets solely for the purpose of the funding mechanism for the recommended contribution; therefore be it

RESOLVED: That the request of the Finance - Pension System to pledge the excess assets of Chapter 21 pension system to the City of Dearborn Chapter 23 retirement system to reduce the Actuarially Determined Contribution (ADC) for the city within Chapter 23 pension system (formerly called Actuarially Required Contribution (ARC)) is hereby approved; be it further

RESOLVED: That the Finance Director is hereby authorized to proceed with the pledge of Chapter 21 excess assets solely for the purpose of the funding mechanism for the recommended contribution; be it further

RESOLVED: That this resolution be given immediate effect.

Upon a roll call vote as follows; Yeas: Abraham Alsawafy, Byrnes, Hammoud, Herrick, Paris and Sareini (7); Nays: none (0) Absent: (0), the resolution passes.

By Hammoud supported by Byrnes.

03-174-22. RESOLVED: That the Council Rules of Order be temporarily suspended to address Walk-on Item #34 presented by Councilman Hammoud.

The resolution was unanimously adopted.

By Abraham supported by Herrick.

03-175-22. RESOLVED: To separate the resolved clause regarding the proposed August Deadline from the original motion on the provided back-up for the Walk-on Item #34.

Upon a roll call vote as follows; Yeas: Abraham and Herrick (2); Nays: Alsawafy, Byrnes, Hammoud, Paris and Sareini (5) Absent: (0), the resolution failed.

By Hammoud supported by Byrnes.

03-176-22. WHEREAS: Voting rights are guaranteed by the Fourteenth, Fifteenth, and Nineteenth Amendments to the United States Constitution, and

WHEREAS: The Voting Rights Act (VRA) of 1965 is a landmark piece of federal legislation in the United States that prohibits discrimination in voting, and

WHEREAS: The VRA sought to secure the right to vote for minorities throughout the country, and

WHEREAS: Two provisions of the VRA require certain jurisdictions to provide election materials to voters in multiple languages, Section 4(f)(4) and Section 203(c), and

WHEREAS: A jurisdiction covered by either provision must provide all materials related to an election-such as voter registration materials, ballots, notices, and instructions-in the language of any applicable language minority group residing in the jurisdiction, and

WHEREAS: 52 U.S. Code § 10310 narrowly defines "language minority group" as persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage, and  
WHEREAS: The VRA is considered by the US Justice Department to be the most effective piece of federal civil rights legislation ever enacted in the country, and

WHEREAS: The City Council of Dearborn believes in the values of an accessible, safe, and secure democratic voting process for residents of the City of Dearborn, and

WHEREAS: The City of Dearborn is confident additional accessibility can be accomplished effectively and at reasonable cost; therefore be it

RESOLVED: The Clerk shall provide equitable language access in operations and communications related to its elections; be it further

RESOLVED: Language access for election materials shall be provided in the English language and any language(s) that are the Language Spoken at Home by a minimum of 10,000 or 5% of the city's residents (whichever criterion is met first) as reported by the most recent American Community Survey; be it further

RESOLVED: The Clerk shall provide timely translation for all official ballots, notices, absentee ballot applications, registration forms, appropriate signage, and affidavits; be it further

RESOLVED: The timely translation for all election materials shall be completed for the August 2022 primary election; be it further

RESOLVED: The Clerk shall receive the necessary appropriation as determined by the Council to provide equitable language access for all election related materials from the City's General Fund; be it further

RESOLVED: That this resolution be given immediate effect.

Upon a roll call vote as follows; Yeas: Abraham Alsawafy, Byrnes, Hammoud, Herrick, Paris and Sareini (7); Nays: none (0) Absent: (0), the resolution passes.

**COUNCILMAN HAMMOUD'S LANGUAGE ACCESS ANALYSIS BY POLLING LOCATION**

Polling Location	Polling Location Address	Speak only English	Spanish or Spanish Creole	French (incl. Patois, Cajun)	Italian	German	Greek	Russian	Polish	Serbo-Croatian	Other Slavic languages	Hindi	Urdu	Other Indic languages	Other European languages	Chinese	Arabic	African languages	
MCDONALD SCHOOL	10151 DIVERSEY ST	1,110	181	0	21	0	0	0	0	58	0	0	0	0	33	0	34	4,404	35
MCDONALD SCHOOL	10151 DIVERSEY ST	1,110	181	0	21	0	0	0	0	58	0	0	0	0	33	0	34	4,404	35
ST ALPHONSUS HALL	7500 SCHAEFER	549	48	8	0	11	0	0	0	6	0	0	0	0	33	0	1,337	0	
OAKMAN SCHOOL	7545 CHASE RD	1,290	16	24	49	0	38	0	18	0	0	0	0	0	0	0	3,035	0	
OAKMAN SCHOOL	7545 CHASE RD	1,290	16	24	49	0	38	0	18	0	0	0	0	0	0	0	3,035	0	
BECKER SCHOOL	10821 MILLER ST	1,110	181	0	21	0	0	0	58	0	0	0	0	33	0	34	4,404	35	
LOWREY SCHOOL	6601 JONATHON ST	972	30	7	12	0	0	0	0	0	0	0	0	0	52	7	4,503	0	
MAPLES SCHOOL	6801 MEAD ST	952	0	17	20	0	7	35	10	0	0	59	25	0	43	0	3,894	40	
MAPLES SCHOOL	6801 MEAD ST	952	0	17	20	0	7	35	10	0	0	59	25	0	43	0	3,894	40	
HUBBARD MANOR EAST	5500 CALHOUN	749	18	0	100	9	0	0	7	0	0	0	0	0	19	0	2,759	0	
WILLIAM FORD SCHOOL	14749 ALBER ST	749	18	0	100	9	0	0	7	0	0	0	0	0	19	0	2,759	0	
HENRY FORD VILLAGE	15101 FORD RD	1,214	22	0	27	0	0	0	10	0	3	0	32	0	14	0	2,061	0	
WOODWORTH SCHOOL	4951 TERNES ST	1,097	48	15	94	0	9	0	57	0	0	0	0	33	60	0	3,033	0	
WOODWORTH SCHOOL	4951 TERNES ST	1,214	22	0	27	0	0	0	10	0	3	0	32	0	14	0	2,061	0	
HENRY FORD SCHOOL	16140 DRISCOLL AVE	1,316	62	0	0	0	0	0	8	23	7	150	35	36	23	6	1,441	122	
MILLER SCHOOL	4824 LOIS ST	799	0	0	0	0	0	0	0	0	30	0	214	0	0	10	3,271	0	
GEER PARK SCHOOL	14767 PROSPECT	1,147	75	0	28	0	162	0	0	0	0	0	0	0	10	0	2,292	0	
SALINA SCHOOL	2623 SALINA ST	799	0	0	0	0	0	0	0	0	30	0	214	0	0	10	3,271	0	
ST KATERI PARISH	16101 ROTUNDA	1,938	38	0	28	0	8	13	13	0	0	0	8	24	8	103	388	0	
ST KATERI PARISH	16101 ROTUNDA	1,938	38	0	28	0	8	13	13	0	0	0	8	24	8	103	388	0	
SISSON MANOR	1515 MASON	2,693	109	0	0	63	0	0	14	0	0	0	0	0	0	0	106	0	
SNOW SCHOOL	2000 CULVER AVE	985	144	0	9	0	17	8	10	6	12	11	7	0	16	0	123	0	
SNOW SCHOOL	2000 CULVER AVE	2,853	23	43	19	0	0	0	10	0	0	0	7	0	0	0	397	0	
ADM SERVICE CENTER	18700 AUDETTE ST	2,853	23	43	19	0	0	0	10	0	0	0	7	0	0	0	397	0	
EDSEL FORD HIGH SCH	20601 ROTUNDA DR	2,693	109	0	0	63	0	0	14	0	0	0	0	0	0	0	106	0	
WHITMORE BOLLES SCH	21501 WHITMORE ST	2,693	109	0	0	63	0	0	14	0	0	0	0	0	0	0	106	0	
WHITMORE BOLLES SCH	21501 WHITMORE ST	3,249	73	0	0	0	8	0	0	0	0	0	0	0	14	0	93	0	
FIRST PRESBYTERIAN	600 N. BRADY	2,902	69	50	28	18	31	14	8	0	17	30	0	0	25	32	653	0	
HOWARD SCHOOL	1611 N YORK	2,902	69	50	28	18	31	14	8	0	17	30	0	0	25	32	653	0	
HOWARD SCHOOL	1611 N YORK	3,938	78	17	20	0	0	0	7	0	17	0	0	0	13	0	529	16	
LINDBERGH SCHOOL	500 N WAVERLY ST	3,938	78	17	20	0	0	0	7	0	17	0	0	0	13	0	529	16	
LINDBERGH SCHOOL	500 N WAVERLY ST	3,938	78	17	20	0	0	0	7	0	17	0	0	0	13	0	529	16	
CLARA BRYANT SCHOC	460 N VERNON ST	3,333	117	1	15	36	25	0	83	0	32	0	0	0	24	0	515	0	
CLARA BRYANT SCHOC	460 N VERNON ST	3,333	117	1	15	36	25	0	83	0	32	0	0	0	24	0	515	0	
DEARBORN HIGH SCHC	19501 OUTER DR	1,339	11	29	12	8	8	0	1	0	0	0	0	0	0	0	174	0	
DEARBORN HIGH SCHC	19501 OUTER DR	2,902	69	50	28	18	31	14	8	0	17	30	0	0	25	32	653	0	
DUVALL SCHOOL	22561 BEECH	3,639	80	0	19	23	14	0	78	0	17	0	0	0	0	0	22	13	
CHRISTIAN FELLOWSHIP	21360 DONALDSON ST	3,639	80	0	19	23	14	0	78	0	17	0	0	0	0	0	22	13	
O L SMITH SCHOOL	23851 YALE	2,068	0	0	16	0	0	0	5	0	0	0	0	0	7	54	268	0	
NOWLIN SCHOOL	23600 PENN ST	3,249	73	0	0	0	8	0	0	0	0	0	0	0	14	0	93	0	
NOWLIN SCHOOL	23600 PENN ST	3,249	73	0	0	0	8	0	0	0	0	0	0	0	14	0	93	0	
LONG SCHOOL	3100 WESTWOOD ST	3,073	110	10	23	0	59	51	4	0	0	0	0	0	35	7	127	0	
HAIGH SCHOOL	601 N SILVERY LN	3,073	110	10	23	0	59	51	4	0	0	0	0	0	35	7	127	0	

By Alsawafy supported by Hammoud.

03-177-22. WHEREAS: Cellco Partnership d/b/a Verizon Wireless, has requested to renew its lease on the Police communications tower for a term of five years, with four additional five-year renewals, for a total of 25 years, and

WHEREAS: Corporation Counsel has recommended that the lease renewal be approved; therefore, be it

RESOLVED: That based on the above, the City Council authorizes the Mayor to execute a lease renewal with Cellco Partnership d/b/a Verizon Wireless on terms and conditions approved by the Corporation Counsel; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Alsawafy supported by Herrick.

03-178-22. 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, the moratorium originally adopted on March 23, 2021, is hereby extended effective immediately until December 31, 2022; 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 on December 31, 2022, 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 unanimously adopted.

Council President Pro Tem Byrnes left the Chambers at 9:41 P.M.

Council President Pro Tem Byrnes returned to the Chambers at 9:43 P.M.

By Sareini supported by Alsawafy.

03-179-22. WHEREAS: On December 23, 2021, the City received a written communication from the attorney representing Police Chief Ronald Haddad regarding his transition and concerns relating to his benefits and final compensation. The purpose of this memorandum is to advise on the status of those discussions and potential resolution of the pending disagreement, and

WHEREAS: Ronald Haddad ("Haddad") was employed by the City of Dearborn as its Police Chief on December 15, 2008 until his employment ended on January 1, 2022. At the time of his appointment, Haddad negotiated a higher salary instead of taking retiree healthcare benefits. See attached Exhibit A-Haddad Council Memorandum and Resolution.<sup>1</sup> Since his appointment, Haddad received annual adjustments to his compensation and benefits equal to the average percentage of increases or decreases received by all full-time employees of the City consistent with Section 6.8 of the City Charter, and

WHEREAS: Nonetheless, his attorney has made a demand for the following:

1. A payout covering all forfeited PTO (958 hours) resulting from the annual PTO benefit cap for the reason that Haddad's job prevented him from taking time off;
2. A payout for 520 hours of accumulated Sick Leave. This particular benefit was discontinued before Haddad's employment started with the city;
3. Enrollment into the City's post-employment health care system. In a communication dated January 13, 2022, Haddad alleges, among other things, that he "renegotiated his employment benefits with Mayor O'Reilly to include retiree healthcare" before his separation; and
4. A Police Department retirement card.

AND

WHEREAS: The City has engaged in good faith discussions with Haddad in recognition of his 14 years of dedicated service to the City of Dearborn as Police Chief to resolve this dispute, and

WHREAS: When Haddad was hired by the City in 2008, police officers were still eligible for the retiree health care benefit. Haddad declined this benefit because at that time he was receiving retiree health care benefits through the City of Detroit, which were subsequently taken away as part of the Detroit bankruptcy. Absent Haddad's original waiver of the benefit, he would have qualified for retiree health care on his date of separation. In addition, there is a factual dispute as to whether Haddad "renegotiated" for this benefit with the previous administration prior to his departure from the City.

WHEREAS: In an effort to resolve the dispute, Corporation Counsel recommends that Council make only the benefit of retiree health care available to Haddad and provide him with a Police Department retirement card, subject to execution of a complete waiver and release of all claims; therefore be it

RESOLVED: That this Council hereby authorizes to make only the benefit of retiree health care available to former Police Chief Ronald Haddad and provide him with a Police Department retirement card subject to execution of a complete waiver and release of all claims; be it further

RESOLVED: That this resolution is given immediate effect.

Councilman Hammoud offered to sever the resolved portion of the resolution regarding providing Haddad with a Police Department retirement card. The motion died for lack of support.

Upon a roll call vote as follows; Yeas: Abraham Alsawafy, Byrnes, Hammoud, Herrick, Paris and Sareini (7); Nays: none (0) Absent: (0), the original resolution passes.

By Abraham supported by Alsawafy.

03-180-22. RESOLVED: That the Council Rules of Order be temporarily suspended for Fire Chief Joseph Murray to recognize and award Nadine F. Khanafer and Nicole P. McClain with the Dearborn Fire Department Civilian Life Saving Award.

The resolution was unanimously adopted.

By Hammoud supported by Herrick.

03-181-22. WHEREAS: City Council wishes to be supportive of local brick and mortar restaurants during Ramadan, and

WHEREAS: Temporary outdoor dining areas are an Integral part of the holiday, and

WHEREAS: Certain ordinance provisions preclude or inhibit the full use of outdoor dining areas during the holiday; therefore be It

RESOLVED: That City Council temporarily modify the following ordinance provisions to accommodate the addition or expansion of outdoor dining areas for existing brick and mortar restaurants during Ramadan, resolution expiring on May 5th; be ft further

RESOLVED: Dearborn Zoning Ordinance Section 7.02W -Outdoor Dining be modified to permit dates of operation from the original April 15th- November 15th to April 1<sup>st</sup> - May 5<sup>th</sup>; be it further

RESOLVED: Dearborn Zoning Ordinance Section 7.02W -Outdoor Dining be modified to permit hours of operation from the original 7:00 a.m.- 10:00 p.m. In the BA, BB and BC zoning districts to 7:00 a.m. - 3:00 a.m.; be it further

RESOLVED: Dearborn Zoning Ordinance Section 7.02W -Outdoor Dining be modified to permit hours of operation from the original 7:00 a.m.-12:00 a.m.in the BD and WO zoning districts to 7:00 a.m.-3:00 a.m.; be it further

RESOLVED: Dearborn Code of Ordinances Section 12-81 -Licensing for Coffeehouses, card rooms and athletic clubs be modified to permit hours of operation of Coffeehouses from the original 7:00 a.m.-2:00 a.m.to 7:00 a.m. -3:00 a.m.; be it further

RESOLVED: Dearborn Code of Ordinances  
Section 12-1231- Licensing for Smoking Lounges be modified to  
permit hours of operation from the original 10:00 a.m. - 2:00  
a.m.to 10:00 a.m.-3:00 a.m.; be it further

RESOLVED: That this resolution be given immediate  
effect.

The resolution was unanimously adopted.

By Alsawafy supported by Byrnes.

03-182-22. RESOLVED: Having no objection to the Friends for  
Animals of Metro Detroit (FAMD)to conduct the "17<sup>th</sup> Annual Mutt  
Strut and Pet Expo & Dog Walk" on Saturday, May 21, 2022 from  
approximately 8:00 A.M. to 2:00 P.M., subject to all applicable  
ordinances and the rules and regulations of the Police  
Department; be it further

RESOLVED: All participants in the "17<sup>th</sup> Annual  
Mutt Strut and Pet Expo & Dog Walk" will be restricted to  
utilizing the sidewalks only. Also, the dog walk participants  
must make lawful and proper use of all traffic signals and  
signs, and/or adhere to the instructions of on-site police  
personnel, in a manner so as not to Interfere with any vehicular  
or pedestrian traffic.

RESOLVED: That this Council hereby approves  
for the City of Dearborn to waive all permit fees (tents,  
electrical and sidewalk/temporary sales, etc.) for FAMD and all  
other merchandise/food vendors; and assistance/materials from  
the Recreation & Parks Department, Public Works and Facilities  
and Police Departments. Recreation & Parks, Public Works and  
Facilities, Police and Department Administrations acknowledge  
that they are familiar with all of the details in conjunction  
with this event.

RESOLVED: That this resolution be given immediate  
effect.

The resolution was unanimously adopted.

By Hammoud supported by Herrick.

03-183-22. RESOLVED: That receipt of a donation in the amount of \$5,000 from Ford Motor Company Fund to the City of Dearborn for the Dearborn Youth Theater Program 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 the Finance Director is hereby authorized to recognize and appropriate the donation to Recreation & Parks Department, Fine Arts Division, for the Dearborn Youth Theater Program

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Hammoud.

03-184-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Tahrik Alcodray, to the West Dearborn Downtown Development Authority for a term ending June 30, 2023.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Byrnes supported by Herrick.

03-185-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Patricia Johnson, to the City Beautiful Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Paris supported by Byrnes.

03-186-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Janet Damian, to the City Beautiful Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Herrick supported by Byrnes.

03-187-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Janet Schulz, to the Senior Citizens Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Paris supported by Alsawafy.

03-188-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Mona Alaouie, to the Disability Concerns Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Alsawafy.

03-189-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Kimberly Ismail, to the Dearborn Historical Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Alsawafy supported by Herrick.

03-190-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Madhe Youssef Abdallah, to the Planning Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Alsawafy supported by Herrick.

03-191-22. RESOLVED: That City Council hereby concurs in the Mayor's appointment of Abdelqwee Yaffai, to the Planning Commission for a term ending June 30, 2024.

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Byrnes supported by Herrick.

03-192-22. RESOLVED: That the 34th Dearborn City Council, proclaim March 2022 to be national Women's History Month in the City of Dearborn. We also recognize this year's theme to be "Providing Healing, Promoting Hope," and we encourage our entire community to commemorate this special observance.

The resolution was unanimously adopted.

By Council President Sareini supported  
unanimously.

03-193-22. WHEREAS: The council has learned with sorrow of  
the passing of Haj Tahssine Haj Ahmed Dabaja, and

WHEREAS: This departure at the dictation of  
Divine Providence constitutes an irreplaceable loss to the  
beloved family and numerous friends and neighbors; therefore be  
it

RESOLVED: That the 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  
condolences to the family of the deceased.

The resolution was unanimously adopted.

By Abraham supported unanimously.

03-194-22. WHEREAS: The council has learned with sorrow of  
the passing of Sam Petlichkoff, and

WHEREAS: This departure at the dictation of  
Divine Providence constitutes an irreplaceable loss to the  
beloved family and numerous friends and neighbors; therefore be  
it

RESOLVED: That the 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  
condolences to the family of the deceased.

The resolution was unanimously adopted.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 11:26 P.M.

APPROVED:

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

ATTESTED:

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