

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

MAY 28, 2002

02-232 The meeting was called to order at 8:03 p.m. by Council Chair Daniel S. Paletko.

Roll Call showed the following:

Present: Councilwoman Elizabeth J. Agius, Councilman Kenneth R. Baron, Councilwoman Janet S. Badalow, Councilman Bob Constan, Councilwoman Margaret M. Horvath, Council Chair Daniel S. Paletko, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: Mayor Canfield, Corporation Counsel Miotke, City Clerk Robbins, Deputy Clerk Pawlukiewicz, Treasurer Riley, Comptroller Barrow, Assessor Riedel, Interim Building & Engineering Director Lamontagne, Police Chief Gust, Deputy Fire Chief McElroy, Recreation Director Grybel (arrived at 8:28 p.m.), Public Service Administrator Blackburn.

The Pledge of Allegiance was led by Councilwoman Margaret Van Houten.

02-233 Motion by Councilman Baron, seconded by Councilman Constan, that the Agenda for the Regular Meeting of May 28, 2002, be approved as submitted.

Motion unanimously adopted.

02-234 Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the Minutes from the Regular Meeting of May 14, 2002, be approved as submitted.

Motion unanimously adopted.

The Public Hearing for the 2002-2003 Corporate Fund Budget was called to order at 8:06 p.m. by Council Chair Daniel S. Paletko.

Council Chair Paletko asked City Clerk Robbins to read the official Notice of Public Hearing.

PLEASE TAKE NOTICE that a Public Hearing will be held on Tuesday, May 28, 2002 at 8:00 P.M. in the Council Chambers located at 6045 Fenton Street, Dearborn Heights, Michigan, for the purpose of hearing objections, if any, to the proposed budget for the City of Dearborn Heights for the fiscal year 2002-2003.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing. A copy of the budget will be available for inspection at the office of the City Clerk, 6045 Fenton, Dearborn Heights, Michigan.

This notice is published and posted by direction of the City Council under and by virtue of the City Clerk, Joyce A. Robbins, City of Dearborn Heights. Published May 23, 2002.

Council Chairman Paletko "We will open up for public comment, first there are a couple of things I would like to mention. The proposed budget does not include, at this present time, a passage of any additional millage, it is balanced without the additional millage in it. I only want to entertain comments and/or questions dealing specifically with the budget. Don't really wish to hear and I'm not sure of the legality of campaign speeches for or against the millage. I'm not sure since this is going on our cable TV program if somehow we would somehow violate campaign items by having speakers going pro for the particular millage or opposed for the particular millage. So to be safe we will handle any question dealing with the budget but I'm not sure we want to handle long dissertations or any dissertations on the millage, so with that if anyone has any comments or questions this would be the time to present them. I would ask that give us your name and address

Minutes MAY 28, 2002 - Continued

prior to speaking. Does anyone wish to make any comments? No one wishes to make any comments I'll entertain a motion to close the Public Hearing."

02-235 Motion by Councilman Baron, seconded by Councilwoman Horvath, that the Public Hearing be closed.

Motion unanimously adopted.

Council Chair Paletko "Hopefully my comments didn't scare everybody to not make comments I didn't mean to do that but it was necessary in order to set the record so we didn't actually make a violation of campaign rules."

The Public Hearing for the 2002-2003 Corporate Fund Budget closed at 8:08 p.m.

02-236 Motion by Councilwoman Agius, seconded by Councilwoman Horvath, that Current Claims 6-1 through 6-14, be approved as submitted.

1. ABC PAVING COMPANY - Parkland Park Phase III Renovation - Cert. #6 dated 05/20/02 from A/C 274-673-930-200 (Parkland Park) \$5,813.18. Misc. Grants.
2. ACCUMED BILLING, INC. - Ambulance Fees April 2002 from A/C 101-000-626-000 (Ambulance) \$3,507.67. Fire Dept.
3. JOHNSON CONTROLS - Service Agreement City Buildings - Inv. 58047 dated 05/02/02 from A/C 101-265-818-000 (Contract Serv.) \$15,476.25. Building/Maint.
4. ELLEFSON BUILDING DEMOLITION CO. INC. - Haul Away Debris - Inv. 1141 dated 05/15/02 from A/C 101-200-810-000 (Sanitation) \$5,700.00. General Govt.
5. MIKE BYRNE ADVERTISING - Dearborn Heights Today Newsletter - Inv. 1842 from A/C 103-960-918-200 (Administration) \$10,353.00. ENC. CDBG.
6. NAGEL CONSTRUCTION CO. - Sewer Cleaning Program - Inv. 1568 dated 05/07/02 from A/C 592-537-818-000 (Contract Serv.) \$10,000.00. Water Dept.
7. PLANTE & MORAN - Accounting Fees 03/16/02 to 04/30/02 - Inv. 826648 dated 05/08/02 from A/C 101-200-817-000 (Profess/Consult) \$3,970.00 and A/C 592-536-817-000 (Profess/Consult) \$10,220.00. General Govt.
8. STANLEY S ADVERTISING - Distribution of Newsletter - Inv. 49858 dated 04/25/02 from A/C 103-960-918-200 (Administration) \$3,059.00. ENC. CDBG.
9. WADE-TRIM/ASSOCIATES - Downriver Tech Assistance Phase II CSO Plan - Inv. 73540 and 73553 dated 04/24/02 from A/C 592-XXX-154-000 (Sewers) \$7,133.82. Water Dept.
10. WADE-TRIM/ASSOCIATES - Site Review, Plot Plan, House Grade - Invs 73546, 73532, 73533 dated 04/24/02 from A/C 101-371-809-000 (Eng. Serv.) \$1,760.25. Building/Eng.
11. WADE-TRIM/ASSOCIATES - Site Plan Review Oil/Lube Facility - Inv. 73545 dated 04/24/02 from A/C 101-371-809-000 (Eng. Serv.) \$1,703.21. Building/Eng.
12. WAYNE COUNTY DEPARTMENT OF PUBLIC HEALTH - Cross Connections 01/02/02 to 03/02/02 - Inv. 207930 dated 05/10/02 from A/C 592-536-818-000 (Contract Serv.) \$6,599.00. Water Dept.
13. CUMMINGS, MCCLOREY, DAVIS.... - Corporation Counsel Services 03/02/02 and 04/02/02 - Inv. dated 05/21/02 from A/C 101-210-826-000 (Counsel Services) \$7,074.00. Corp. Counsel.
14. SECREST, WARDLE, LYNCH.... - Corporation Counsel Services 02/02; 03/02 and 04/02 - Inv. dated 05/21/02 from A/C 101-210-826-000 (Counsel Services) \$13,338.50. Corp. Counsel.

Motion unanimously adopted.

02-237 Motion by Councilman Baron, seconded by Councilwoman Agius, that the low bid from Richmar Construction, Inc., PO Box 924, Novi, MI 48376, for the replacement of the

Minutes MAY 28, 2002 - Continued

Swapka/Powers Park pavilion, in the amount of \$70,437.00, be approved, per Recreation Director Grybel, communication dated May 20, 2002. Funds for this project have been allocated in the CDBG program account for Swapka/Powers Park.

Motion unanimously adopted.

- 02-238** Motion by Councilman Baron, seconded by Councilwoman Agius, that the lowest bidder meeting all specifications, Play Environment, Inc., 563 College Avenue, Holland, MI 49423 for ten (10) 6' CCA pressure treated picnic tables and two (2) 8' ADA accessible CCA pressure treated picnic tables, in the amount of \$2,892.00, and payment thereof, be approved, per Recreation Director Grybel, communication dated May 20, 2002. Funds for this project have been made available in the Parkland Park C.M.I. Grant account for Phase III of the Parkland Park Renovation Project.

Motion unanimously adopted.

- 02-239** Motion by Councilman Baron, seconded by Councilman Constan, that the Critical Bridge Funding Application for the Gulley Road Bridge Over the Ecorse Creek and Resolution be adopted as follows:

Whereas, the City of Dearborn Heights has reviewed the bridge inspection report for the Gulley road Bridge over the Ecorse Creek, prepared by Wade-Trim/Associates, Inc. In May 2002; and,

Whereas, the City of Dearborn Heights concurs with the findings of the 2001 Bridge Inspections Report for the City of Dearborn Heights, prepared by Wade-Trim/Associates, Inc., that the deck of this bridge should be removed and replaced; and,

Whereas, the City of Dearborn Heights has authorized Wade-Trim/Associates, Inc. To prepare the Application Documents for the Gulley road Bridge Critical Bridge Application.

Now, therefore, be it resolved that the City of Dearborn Heights is actively seeking participation in the replacement of the deck of the Gulley Road bridge over the Ecorse Creek from the State and Federal Critical Bridge Program, per a communication from Mayor Canfield, dated May 20, 2002. Further, that the City Clerk be authorized to sign the resolution on behalf of the City.

Motion unanimously adopted.

- 02-240** Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the Comptroller be authorized to issue a check to Detroit Edison, Cash Management - 319 SB, 2000 Second Avenue, Detroit, MI 48226 for one (1) 175 watt MH fluted post, seventeen (17) pedestrian streetlights and spare non standard streetlight equipment for the Warren Avenue Streetscape Project, in the amount of \$39,021, per Community Development Director Oliverio, communication dated May 21, 2002. This purchase is budgeted in the CDBG Warren Avenue account.

Motion unanimously adopted.

- 02-241** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the City Council concurs with and approves the "Interlocal Agreement Resolution and Agreement between Participating Political Subdivisions as Signatories to this Interlocal Agreement Creating the Western Wayne County Fire Department Mutual Aid Association, a Michigan Public Body Corporate" per Fire Chief Barnett, communication dated May 20, 2002. Further, that the Mayor and City Clerk sign the Resolution and Agreement on behalf of the City.

Minutes MAY 28, 2002 - Continued

Motion unanimously adopted.

02-242 Motion by Councilwoman Agius, seconded by Councilman Constan, that the City Council concurs with and approves the US Geological Survey Joint Funding Agreement for the installation and lease of the Ecorse Creek flood warning sensor, per Emergency Management Coordinator McElroy, communication dated May 10, 2002. Further, that the Mayor and City Clerk be authorized to sign the agreement on behalf of the City.

Motion unanimously adopted.

02-243 Motion by Councilwoman Badalow, seconded by Councilman Constan, that the City Council concurs with and approves the following drug forfeiture vehicles be auctioned at Dalton s impound yard:

1991 Mitsubishi; 1994 Chrysler; 1988 Mercury; 1994 Ford; 1987 Dodge and 1984 Buick, per Police Chief Gust, communication dated April 29, 2002. Revenue from the sale of these vehicles to be deposited into the Special Operations Abatement account and Narcotic Forfeiture account.

Motion unanimously adopted.

02-244 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-08, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 3-21 (Merchant Equally Liable) TO CLARIFY THAT ONE WHO VIOLATES IT IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City s official newspaper of record.

Motion unanimously adopted.

02-245 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-09, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 6-86 (Cruelty to Animals) IN ORDER TO MAKE VIOLATION OF IT A MISDEMEANOR, be considered read for the second time to become effective upon publication in the City s official newspaper of record.

Motion unanimously adopted.

02-246 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-10, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 6-148 (Rabid Animals) IN ORDER TO MAKE VIOLATION OF IT A MISDEMEANOR, be considered read for the second time to become effective upon publication in the City s official newspaper of record.

Motion unanimously adopted.

02-247 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-11, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-303 (Violation) IN ORDER TO MAKE EVERY VIOLATION OF ARTICLE VII OF CHAPTER 7 (Building & Building Regulations) A MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City s official newspaper of record.

Minutes MAY 28, 2002 - Continued

Motion unanimously adopted.

- 02-248** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-12, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-443 TO PRESCRIBE THE NATURE OF VIOLATIONS OF ARTICLE VIII OF CHAPTER 7 (Building & Building Regulations), be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-249** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-13, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 7-657 (Failure or Refusal to Comply with Order), be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-250** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-14, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 8-15 (Liability of Violator) IN ORDER TO MAKE EVERY VIOLATION OF CHAPTER 8 (Business Licensing) A MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-251** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-15, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 17-30 (Penalty; Violation) IN ORDER TO MAKE EVERY VIOLATION OF ARTICLE II OF CHAPTER 17 (Garbage, Rubbish & Litter) A MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-252** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-16, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 32-818 (Penalty) IN ORDER TO MAKE EVERY VIOLATION OF ARTICLE VI OF CHAPTER 32 (Traffic & Motor Vehicles) A MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-253** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-17, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 33-56 (Penalty) IN ORDER TO MAKE EVERY VIOLATION OF ARTICLE III OF CHAPTER 33 (Vegetation) A

Minutes MAY 28, 2002 - Continued

MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-254** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-18, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-5 (Violations and Penalties) IN ORDER TO MAKE EVERY VIOLATION OF CHAPTER 36 (Zoning) A MUNICIPAL CIVIL INFRACTION, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-255** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-19, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 33-38 PROVIDING FOR TREE PLANTING AND MAINTENANCE REGULATIONS, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-256** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-20, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 33-39 PROVIDING FOR SOD PLANTING AND MAINTENANCE REGULATIONS, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-257** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that proposed Ordinance H-02-21, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING VARIOUS PORTIONS OF CHAPTER 36 (Zoning) PROVIDING FOR GENERAL LANDSCAPING STANDARDS, be considered read for the second time to become effective upon publication in the City's official newspaper of record.

Motion unanimously adopted.

- 02-258** Motion by Councilman Baron, seconded by Councilwoman Badalow, that Permanent Traffic Control Device Request T-134, International "No Parking" Sign to be located on the west side of Clippert ten feet north of the Clippert entrance to the Clark Gas Station (21314 Van Born), be approved.

Motion unanimously adopted.

- 02-259** Motion by Councilwoman Agius, seconded by Councilman Baron, that the City Council support the Planning Commission and recommend the Special Land Use request from Town & Country Florist, 20475 W Warren to conduct outside nursery sales. SPR 02-10.

Motion unanimously adopted.

Minutes MAY 28, 2002 - Continued

- 02-260** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the City

Council adopt the General Government Fiscal 2002-2003 balanced budget in the amount of \$33,476,867.00.

Motion unanimously adopted.

- 02-261** Motion by Councilwoman Agius, seconded by Councilwoman Van Houten, that the City Council approve tax levy for the 2002-2003 fiscal year to be set at 6.7096 mills.

Motion unanimously adopted.

- 02-262** Motion by Councilwoman Horvath, seconded by Councilman Baron, that 2.1400 mills be levied to finance the voter approved Act 345 Fire and Police Pension Plan for fiscal year 2002-2003 in the amount of \$2,601,935.00.

Motion unanimously adopted.

- 02-263** Motion by Councilman Baron, seconded by Councilwoman Agius, that the City Council levy an additional 2.3679 mills on the Taxable Valuation for financing garbage and rubbish disposal for fiscal year 2002-03.

Motion unanimously adopted.

- 02-264** Motion by Councilwoman Badalow, seconded by Councilman Baron, that the City Council levy an additional 1.5785 mills on the Taxable Valuation of Public Safety, as approved by the voters of the City of Dearborn Heights for fiscal year 2002-03.

Motion unanimously adopted.

- 02-265** Motion by Councilwoman Horvath, seconded by Councilwoman Van Houten, that the City Council levy an additional assessment for fiscal year 2002-03 of .1036 mills to satisfy debt requirements established for the Ecorse Creek Pollution Abatement Drain No. 1 with the stipulation that this assessment be collected on the December 1, 2002 County and School Tax bill.

Motion unanimously adopted.

- 02-266** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the millage approved for solid waste disposal by the electorate in May, 2000, be levied at .7893 mills.

Motion unanimously adopted.

- 02-267** Motion by Councilwoman Van Houten, seconded by Councilman Constan, that the City Council approve the 2002-03 lump sum budget for the 20th District Court, in the amount of \$ 1,304,113.00. Salaries not-to-exceed amount specified in the budget.

Motion unanimously adopted.

- 02-268** Motion by Councilwoman Agius, seconded by Councilwoman Van Houten, that the City Council levy an additional assessment of 2.5 mills for the construction of federally mandated sewer system and combined sewer overflow improvements as approved by the voters of the City of Dearborn Heights.

Motion unanimously adopted.

- 02-269** Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that the City
- Minutes MAY 28, 2002 - Continued**

Council levy an additional .9751 mill to fund the City Department for Libraries including new improvements of library buildings as approved by the voters of

the City of Dearborn Heights.

Motion unanimously adopted.

02-270 Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 8:52 p.m.

**JOYCE A. ROBBINS
CITY CLERK**

**DANIEL S. PALETKO, CHAIR
CITY COUNCIL**

**MARIA E. LAWRENCE
COUNCIL/CLERK SECRETARY**