

8-A

Daniel S. Paletko
Mayor



Mayor's Office

January 19, 2012

Honorable City Council
City of Dearborn Heights

Dear Council Members:

Attached are the Property Tax Abatement Agreement and Resolution Approving New Personal Property Exemption Application of the Armored Group, LLC for the property located at 2727 S. Beech Daly. Please authorize myself and City Clerk Walter Prusiewicz to execute the Agreement on behalf of the City.

Sincerely,

Daniel S. Paletko / KK

Daniel S. Paletko
Mayor
City of Dearborn Heights

DSP/rjh

RESOLUTION APPROVING NEW PERSONAL PROPERTY EXEMPTION
APPLICATION OF THE ARMORED GROUP, LLC

At a regular meeting of the City Council of the City of Dearborn Heights, Wayne County, Michigan held in the Council Chambers in the Dearborn Heights City Hall at 6045 Fenton, Dearborn Heights, Michigan 48127 at 8:00 p.m. on January 24th, 2012.

PRESENT:

ABSENT:

The following resolution offered by _____, and supported by _____.

WHEREAS, The Armored Group, LLC has filed an Application for Exemption of New Personal Property (hereafter "Application") with the Clerk of the City of Dearborn Heights pursuant to Public Act Number 328 of 1998, as amended (hereafter "Act 328") with respect to property located at 2727 S. Beech Daly, Dearborn Heights, Michigan 48125 (hereafter "the subject property");

WHEREAS, the City Clerk has notified in writing the Assessor of the City of Dearborn Heights and the legislative bodies of each taxing unit that levies ad valorem property tax within the eligible district within the City of Dearborn Heights wherein the subject property is located so that they were afforded an opportunity to be heard at a public hearing to determine whether the Application should be approved or disapproved;

WHEREAS, said public hearing was held on the 24th day of January, 2012 at a regularly scheduled meeting of the City Council;

WHEREAS, comments on granting the Application were heard and considered;

WHEREAS, the City of Dearborn Heights established a tax increment finance authority and district known as the Tax Increment Finance Authority of the City of Dearborn Heights (hereafter "the T.I.F.A.") on December 29, 1986, following a public hearing, as required by Public Act Number 450 of 1980;

WHEREAS, the T.I.F.A. is an "eligible district" pursuant to Act 328;

WHEREAS, the City of Dearborn Heights is an "eligible local assessing district" pursuant to Act 328;

WHEREAS, it is hereby found and determined by the City Council of the City of Dearborn Heights that The Armored Group, LLC is an "eligible business" pursuant to Act 328;

WHEREAS, the new personal property was not placed in the facility within the qualified district prior to approval of the exemption by the City Council of the City of Dearborn Heights;

WHEREAS, the taxable value of the property proposed to be exempt under PA 328 of 1998 considered together with the aggregate total taxable value of property previously exempt and currently in force under PA 328 of 1998, shall not have the effect of substantially impeding the operation of the City of Dearborn Heights or impairing the financial soundness of an affected taxing unit;

WHEREAS, the applicant The Armored Group, LLC is not delinquent on any taxes related to the facility, including taxes owed on existing personal property; and

WHEREAS, the City Council of the City of Dearborn Heights has further determined that granting the Application of The Armored Group, LLC will reduce unemployment, promote economic growth, and increase capital investment in the City of Dearborn Heights and the T.I.F.A. district;

NOW, THEREFORE, BE IT RESOLVED that the Application for Exemption of New Personal Property of The Armored Group, LLC is hereby approved subject to all of the following conditions:

- (1) The period of time for which the exemption of new personal property shall remain in effect shall be five (5) years, beginning December 31, 2011, and ending December 30, 2016.
- (2) The Application and this Resolution must be approved by entities and officials of the State of Michigan as required by Act 328, specifically Section 211.9f(2) and (3) of the Michigan Compiled Laws.
- (3) The Armored Group, LLC must enter into the Property Tax Abatement Agreement (hereafter "Agreement") with the City of Dearborn Heights that is approved below.
- (4) The conditions set forth at paragraph 2 in the Agreement must be met and must continue to be met throughout the period applicable to the exemption.

BE IT FURTHER RESOLVED that the Property Tax Abatement Agreement between The Armored Group, LLC and the City of Dearborn Heights is approved and that Mayor Paletko and City Clerk Prusiewicz are authorized to execute the Agreement on behalf of the City of Dearborn Heights.

PROPERTY TAX ABATEMENT AGREEMENT

Whereas, The Armored Group, LLC, 2727 S. Beech Daly, Dearborn Heights, Michigan has filed an Application for Exemption of New Personal Property (hereafter "Application") with the City of Dearborn Heights for a Public Act 328 of 1998 New Personal Property Exemption, for new personal property, to be used in the manufacture and/or assembly of armored vehicles;

Whereas, the real estate of The Armored Group, LLC that is located at 2727 S. Beech Daly, Dearborn Heights, Michigan is located within the district of the Tax Increment Finance Authority of the City of Dearborn Heights; and

Whereas, the City of Dearborn Heights, a Municipal Corporation, of 6045 Fenton, Dearborn Heights, Michigan did consider and approve the Application and the requested Public Act 328 of 1998 New Personal Property Exemption at a duly scheduled meeting of the City Council of the City on January 24, 2012 under the terms and conditions contained in the Resolution;

NOW, THEREFORE, The Armored Group, LLC and the City of Dearborn Heights (hereafter "City") hereby agree as follows:

(1) Approval of Tax Abatement Application

The City approves the Application for Exemption of New Personal Property of The Armored Group, LLC, dated 12/27/2011 pursuant to Public Act 328 of 1998 (hereafter "Act 328"). The property tax abatement on the personal property shall be for a period of five (5) years, beginning December 31, 2011, and ending December 30, 2016. The exemption effectively abates 100% of the property taxes which would have otherwise been due. This exemption is subject to the conditions and terms specified in Act 328, the City Council's Resolution adopted on 01/24/2012, and this Agreement.

(2) Conditions of Abatement

The Exemption and abatement are specifically conditioned upon:

(a) As required by Act 328 (specifically Section 211.9f(2) and (3) of the Michigan Compiled Laws), the Application and the Dearborn Heights City Council's 01/24/2012 Resolution Approving New Personal Property Exemption Application of The Armored Group, LLC must be approved by appropriate entries and officials affiliated with the State of Michigan.

(b) The Armored Group, LLC must provide written confirmation to the City, and to others as the City may direct, that both (i) and (ii) of this subparagraph (b) are true:

(i) Either The Armored Group, LLC seeks to apply the exemption to new personal property as described further below in this (i) or The Armored Group, LLC seeks to apply the exemption to previously used personal property as described further below in this (i). To the extent that The Armored Group, LLC seeks to apply the exemption to new personal property, then The Armored Group, LLC must provide written confirmation that the purportedly exempt personal property expenditure is for new personal property which was not previously subject to the personal property tax, because the property did not exist as of a prior tax day. To the extent that The Armored Group, LLC seeks to apply the exemption to previously used personal property, then The Armored Group, LLC must provide written confirmation that the purportedly exempt personal property is previously used personal property which was not previously subject to the personal property tax, because it was previously exempt.

(ii) The Armored Group, LLC placed the purportedly exempt personal property at 2727 S. Beech Daly, Dearborn Heights, Michigan after the Dearborn Heights City Council adopted

the 01/24/2012 Resolution Approving New Personal Property Exemption Application of The Armored Group, LLC.

(c) The Armored Group, LLC must timely file two (2) personal property statements as related to Section 211.19 of the Michigan Compiled Laws Annotated, by February 1st annually, unless an extension of time in which to file is specifically granted by the City Assessor. The reporting for one statement will contain dollar amounts for non-exempt personal property and the other statement will contain one dollar amounts for exempt personal property

(d) The Armored Group, LLC must timely pay all property taxes imposed on and/or all special assessments assessed against The Armored Group, LLC. As part of this condition, The Armored Group, LLC must timely pay all such taxes and/or special assessments as long as they are in the name of The Armored Group, LLC.

(e) The Armored Group, LLC must not appeal any real property assessment or any personal property assessment with respect to the property located at 2727 S. Beech Daly, Dearborn Heights, Michigan 48125 at any time during the period that the personal property tax exemption and abatement are in effect. That is, the property tax abatement on the personal property is for a period of five (5) years, beginning December 31, 2011, and ending December 30, 2016. Thus, as part of this condition, The Armored Group, LLC must not appeal any real property assessment or personal property assessment as long as it is in the name of The Armored Group, LLC and bears a date falling within this period.

(f) The Armored Group, LLC must operate and maintain its facility at 2727 S. Beech Daly, Dearborn Heights, Michigan as a functioning and operating facility for the full term of the said Act 328 exemption, namely starting no later than December 31, 2011 and continuing through and ending no earlier than December 30, 2016.

(g) The Armored Group, LLC must allow necessary interior and exterior physical inspection of the premises by representatives of the State Tax Commission, the City's Assessor's Office and/or the Wayne County Equalization Department, for the purposes of assessment administration. Reasonable notice will be given The Armored Group, LLC of the need for inspection.

(h) The Armored Group, LLC must comply with Public Act 328 of 1998, as amended and State Tax Commission Bulletin No. 9 of 1998 and No. 9 of 1999.

(i) The Armored Group, LLC must comply with any condition imposed by any entity or official affiliated with the State of Michigan related to the approval of either its Application or of the Dearborn Heights City Council's 01/24/2012 Resolution Approving New Personal Property Exemption Application of The Armored Group, LLC.

(3) Appeals from Assessments:

In the event that The Armored Group, LLC appeals any City real or personal property assessment to the Michigan Tax Tribunal, or beyond, The Armored Group, LLC shall pay to the City, the City's reasonable costs of such appeal, including but not limited to attorney fees and appraisal costs. In addition to the payment of such costs, any such appeal that is filed in violation of the condition set forth at Paragraph 2(e) above shall also be cause for termination of the exemption and abatement pursuant to Paragraph 5(h) below whether or not The Armored Group, LLC pays the City's reasonable costs of appeal.

(4) Abandonment of Productive Activities or Relocation of Personal Property Outside the City of Dearborn Heights:

The incentive for the City to grant the abatement is to further economic development and to provide employment opportunities to its residents and others through the granting of the tax abatement as provided by statute. The Armored Group, LLC acknowledges such purposes of the City and accepts the tax abatement under the terms and conditions herein. Further, The Armored

Group, LLC agrees that the tax abatement will terminate in the event that the facilities are abandoned by The Armored Group, LLC or there is a general and substantial cessation of production activities (other than normal or seasonal adjustments during the ordinary course of business). Moreover, if The Armored Group, LLC removes or has removed any of the exempted equipment from the identified site to a location outside the City of Dearborn Heights, Michigan, the abatement will terminate and The Armored Group, LLC will rebate the abated taxes for all years at the time of removal in accordance with the following schedule:

Tax Year	Date of Removal: On or Before	% of Cumulative Abated Taxes Repayable to the City
2012	12/31/2011	80%
2013	12/31/2012	60%
2014	12/31/2013	40%
2015	12/31/2014	20%
2016	12/31/2015	0.0%

For purpose of this provision, all “Cumulative Abated Taxes Repayable to the City” means the sum of all the aggregate taxes for each of the years before the removal of personal property that would have been due and payable to the City, but for the tax abatement. The “Cumulative Abated Taxes” are to be paid to the City of Dearborn Heights, within 90 days of the date of the billing.

(5) Other Termination of Abatement

In addition to the termination of the tax abatement specified in Paragraph 4 above, the tax abatement shall terminate upon the occurrence of any of the following events:

(a) Failure to file personal property statements, as related to Section 211.19 of the Michigan Compiled Laws Annotated, by February 1st annually, unless an extension of time in which to file is specifically granted by the City Assessor.

(b) Nonpayment of property taxes and/or special assessments owed by The Armored Group, LLC, by the stated due date.

(c) The abandonment of the properties or cessation of normal operations of the facilities under the ownership or control of The Armored Group, LLC.

(d) The expiration of the term of the Public Act 328 of 1998 New Personal Property Exemption, namely the five (5) year term noted above.

(e) Avoiding or not allowing necessary interior and/or exterior physical inspection of the premises of The Armored Group, LLC, by representatives of the State Tax Commission, City Assessor’s Office and/or Wayne County Equalization Department, for the purposes of assessment administration.

(f) Non-compliance with Public Act 328 of 1998, as amended and State Tax Commission Bulletin No. 9 of 1998 and No. 9 of 1999.

(g) Non-payment of the City’s reasonable costs of such appeal, including but not limited to attorney fees and appraisal costs in the event that The Armored Group, LLC, appeals any City real or personal property assessment to the Michigan Tax Tribunal, or beyond.

(h) Pursuit of an appeal of a real property assessment or of a personal property assessment in violation of the condition set forth at Paragraph 2(e) above.

(i) Non-payment of the City’s reasonable costs of such appeal, including but not limited to attorney fees and appraisal costs in the event that The Armored Group, LLC, appeals any City real or personal property assessment to the Michigan Tax Tribunal, or beyond.

(j) Non-compliance with any condition imposed by any entity or official affiliated with the State of Michigan on the approval of either the Application or of the Dearborn Heights City

Council's 01/24/2012 Resolution Approving New Personal Property Exemption Application of The Armored Group, LLC.

(6) Interpretation

This Agreement shall be interpreted in accordance with the laws of the State of Michigan and Public Act 328 of 1998, as amended. The Parties agree that the proper venue for any suit or claim, other than matters of assessment, is in a court of competent jurisdiction in the County of Wayne, Michigan.

(7) Binding Effect

This Agreement shall be binding upon the Parties and their respective successors, heirs and assigns. However, The Armored Group, LLC acknowledges and agrees that this Agreement and the Act 328 abatement granted are **not** assignable or transferrable by The Armored Group, LLC to any other person or entity under any circumstances.

(8) Authority to Execute

Each of the Parties to this Agreement represents and warrants that the person signing on its behalf has first obtained full authorization from its respective governing board or person before signing this Agreement.

(9) Entire Agreement

The Parties acknowledge and agree that this Agreement represents the entire agreement between them regarding the Act 328 personal property exemption and abatement relative to property at 2727 S. Beech Daly, Dearborn Heights, Michigan. Further, the Parties acknowledge and agree that there are no other agreements regarding said subject matter, either expressed in writing or orally, that have not been incorporated herein. Moreover, the Parties agree that this Agreement can only be amended or modified by another written agreement properly authorized, approved, and executed by both Parties.

In witness whereof, the Parties execute this Agreement on the dates indicated next to their respective signatures.

The Armored Group, LLC

Dated: _____

By: _____
Its: _____

City of Dearborn Heights

Dated: _____

By: Daniel S. Paletko
Its: Mayor

Dated: _____

By: Walter J. Prusiewicz
Its: City Clerk

Application for Exemption of New Personal Property


Issued under P.A. 328 of 1998. An exemption will not be effective until approved by the State Tax Commission.

INSTRUCTIONS: Read instructions on page 2 of this form before completing this application. File the original and two copies of this form and the required attachments (resolution approving, copy of legal description and a detailed description of the business operations) with the clerk of the local government unit. The State Tax Commission requires two complete sets.

PART 1: APPLICANT INFORMATION

1a. Applicant/Company Name (Applicant must be an ELIGIBLE BUSINESS) The Armored Group LLC		2. County Wayne	
1b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP Code) 5221 N. Saddlerock Drive, Phoenix, Arizona 85018		3. City/Township/Village (Indicate which) Dearborn Heights	
1c. Location of Eligible Business (No. and Street, City, State, ZIP Code) 2727 Beech Daly, Dearborn Heights, MI 48125		4a. Local School District Westwood School District	4b. School Code 82240
5. Check below the type of business in which you are engaged and provide a detailed description of the business operation on a separate sheet <input checked="" type="checkbox"/> Manufacturing <input type="checkbox"/> Research & Development <input type="checkbox"/> Office Operations <input type="checkbox"/> Mining <input type="checkbox"/> Wholesale Trade			
6a. Identify type of ELIGIBLE DISTRICT where Eligible Business and New Personal Property will be located See Attachment: Motion 86-769		6b. Governing Unit that Established ELIGIBLE DISTRICT See Attachment: Motion 86-769	
		6c. Date ELIGIBLE DISTRICT was Established December 30, 1986	
7. Name of Person in the Eligible Business to Contact for Further Information Gerald Cooper		8. Telephone Number (248) 921-2682	
9. Mailing Address 5221 N. Saddlerock Drive, Phoenix, Arizona 85018			

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which application is being made. The undersigned, authorized officer further certifies that the applicant is an Eligible Business as defined in P.A. 328 of 1998.

11. Name of Company Official Jacque Hughes		12. Title V.P.	
13. Signature (No Authorized Agents) 		14. Date 12/27/11	
15. Mailing Address (Include City, State and ZIP Code) 5221 N. Saddlerock Drive, Phoenix, Arizona 85018			
16. Email Address Jacque@armoredcars.com		17. Telephone Number (602) 840-2271	18. Fax Number (602) 840-6162

PART 2: LOCAL GOVERNMENT UNIT CLERK VERIFICATION

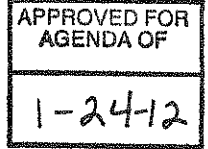
19. Name of Local Governmental Unit Which Passed Resolution for Exemption of New Personal Property		20. Date of Resolution (Attach Copy)	21. Expiration Date of Exemption
22. Name of Clerk		23. Date application was received by Local Unit	
24. Clerk's Signature		25. Clerk's Mailing Address	
26. Telephone Number		27. Fax Number	28. Email Address
29. LUCl Code		30. School Code	31. Date District was Established

STATE TAX COMMISSION USE			
Application No.	Date Received	LUCl Code	School Code



Treasurer's Office

9-A
John J. Riley II
Treasurer



January 18, 2012

Honorable City Council
City of Dearborn Heights

Dear Council Members,

The Winter 2011 Tax Bills are due on February 14, 2012. In my history with the City, I have noticed many taxpayers assume the due date to be on the 15th. Maybe because the Federal Income Taxes are due on the 15th of April and the City's Summer Tax Bills are due on the 15th of August. The penalty for paying a Winter Tax Bill one day late is 3%.

In the past, the City Council would waive the 3% penalty on the Winter Taxes for the entire month of February. This would give the taxpayers until February 28 to pay their Winter Taxes without penalty.

In order to avoid the slight confusion on the 14th/15th due dates, I am requesting the City Council waive the 3% penalty on all taxes paid on February 15, 2012 giving the taxpayers a one day extension.

If you have any questions, please contact me at 313-791-3417.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Riley II".

John J. Riley II, Treasurer
City of Dearborn Heights

9-B



Tax Increment Finance Authority

February 17, 2012

APPROVED FOR AGENDA OF
1-24-12

Honorable City Council
City of Dearborn Heights

Dear Council Members:

At the February 11, 2012, meeting of the Tax Increment Finance Authority, the following motion was passed:

12-03 Motion made by Krochmalny, supported by Emery, to adopt the recommended Amended 2011-2012 TIFA Budget as presented in letter dated December 7, 2011, from Carmine Oliverio and to forward to City Council for their acceptance.

YES: Calhoun, Emery, Gnatek, Hull, Kellett, Krochmalny,
Markowsky, Nason, Tripepi, Willis.

ABSENT: Zachary.

Motion adopted.

I hereby certify that the above is a true and correct copy of the motion adopted by the Tax Increment Finance Authority.

Very truly yours,

Exie Markowsky
Chairman

Cc: Mayor Dan Paletko
Treasurer John Riley
Carmine Oliverio
Vince Macari



Tax Increment Finance Authority

December 7, 2011

Ms Exie Markowsky, TIFA Chairperson
And TIFA Board Members

Dear Ms Markowsky and TIFA Members,

As you will recall each year the City Treasurer gives us the exact amount of revenue we captured that fiscal year.

In the 2011-2012 Proposed Budget we budgeted \$2,120,000 as expected revenue.

After meeting with the Treasurer and reviewing the actual capture amount, the TIF Authority captured \$2,210,000. That is a difference of \$90,000.

I am proposing to transfer unexpended funds from the following:

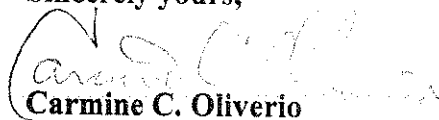
Daly Park	\$ 3,000
DPW Improvements	\$ 20,000
Tree Trimming	\$ 7,000
Westwood Drug Education	\$ 7,600
Emergency Mgt (EOC)	\$ 10,000
Gulley Road Impr.	\$ 9,000
Sewer Lining	\$ 25,000

These transfers total \$81,600. The amendments are reflected in the attached TIFA Budget Report.

I am recommending that we amend TIFA's 2011-2012 Budget, including transfers (\$81,600) and the final revenue amount (\$90,000), by \$171,600 for a new Budget total of \$2,291,600. I also recommend that the TIFA Contingency Account be increased by \$161,000 and to increase the Admin account by \$10,600 (City contribution increase).

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely yours,


Carmine C. Oliverio
TIFA Administrator

Cc: Mayor Paletko

City of Dearborn Heights - Tax Increment Finance Authority
2011 Budget Report - FINAL BUDGET AMENDMENT

Fixed Expenses	2009 Amended	2010 Final Amended	2011 Proposed
Justice Center Bond	\$ 1,300,000	\$ 1,360,000	\$ 950,000
Library Bond / Improvements	307,600	300,000	350,000
Crime Prevention	30,000	30,000	30,000
Justice Center Improvements	35,000	35,000	30,000
Operating	2009 Amended	2010 Final Amended	2011 Proposed
Administration ¹	258,150	233,200	224,000
City Contribution	178,800	151,900	142,000
Attorney	4,000	4,000	4,000
Office Supplies	2,000	2,000	2,000
Mileage / Vehicle Maintenance	1,350	1,300	1,000
Salaries / FICA	67,000	69,000	70,000
Planning / Consulting	5,000	5,000	5,000
Projects	2009 Amended	2010 Final Amended	2011 Proposed
Westwood Schools	225,000	50,000	10,000
TIFA Ordinance Officer		10,000	10,000
Water Main		135,000	263,000
Commercial Rehab		60,000	60,000
Fire Station Improvements			
Westwood Drug Education			
Right of Way	45,000		
Tree Trimming			
Daly Park			
DPW Improvements			
Sewer Lining			
Fire Rescue Squad			
Gulley Road			
Beech Daly Road			
Fire Truck	140,250	50,000	
Sidewalk	200,000	162,400	203,600
Van Born Commercial		24,400	
Improvement Program			
Contingency			161,000
Total Expenses	2009 Amended	2010 Final Amended	2011 Proposed
	\$ 3,324,000	\$ 2,450,000	\$ 2,291,600

1 - see attached "2011 Administration Breakdown"

City of Dearborn Heights - Tax Increment Finance Authority
2011 Administration Breakdown - Budget Report - FINAL BUDGET AMENDMENT
Proposed

Administration	
Direct City Administration Contribution	\$ 142,000
Attorney Fees	4,000
Office Supplies	2,000
Mileage / Vehicle Maintenance	1,000
Salaries	60,000
FICA	10,000
Planning / Consulting	5,000
Total	\$ 224,000

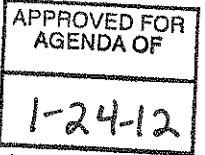
Staff Members	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Administrator (Part-time)	\$ 24,000	\$ 25,000	\$ 26,000	\$ 27,000	\$ 28,000	\$ 29,000	\$ 29,000
Secretary (Part-time)	\$ 12,000	\$ 12,500	\$ 13,000	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000
Aide (Part-time)	\$ 9,200	\$ 9,000	\$ 9,000	\$ 10,000	\$ 15,000	\$ 16,000	\$ 17,000
Property Mgmt. Inspector	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



Department of
Public Works

9-C
William Zimmer
Public Service Administrator

Daniel S. Paletko
Mayor



CONCUR
Daniel S. Paletko

January 9, 2012

Mayor Paletko and
Dearborn Heights City Council

Dear Mayor and City Council Members

I am requesting permission to proceed with the annual Safety Award Program year end prize program. As in the past, prizes of \$500, \$300, and \$200 are awarded for 1st, 2nd, and 3rd place drawing winners. This drawing will be for the year ending 2011.

Our employees look forward to this program and the year end drawing, and it has proven to be a deterrent to sick day usage.

Sincerely,

William Zimmer
Public Service Administrator



Corporation Counsel

Gary T. Miotke
Corporation Counsel

Daniel S. Paletko
Mayor

11-A

January 17, 2012

HAND-DELIVERED

Honorable City Council
City of Dearborn Heights
6045 Fenton
Dearborn Heights, Michigan 48127

AGENDA

Daniel Paletko

APPROVED FOR
AGENDA OF
1-24-12

Re: Proposed Ordinance Amending Section 20-248 regarding Narcotics Paraphernalia

Dear City Council Members:

Please find enclosed a proposed ordinance amending Section 20-248 of the City Code regarding narcotics paraphernalia. If this ordinance is adopted, it would improve Section 20-248 by making it clearer, more comprehensive, and more up-to-date.

This proposed ordinance contains four (4) subsections. Subsection (1) sets forth relevant definitions. It improves this section by being clearer, more comprehensive, and more up-to-date. Subsection (2) sets forth the actions prohibited under this section. It improves it by prohibiting possession, use, manufacture, delivery, sale, and/or advertisement of narcotics paraphernalia. Subsection (3) sets forth both a medical exemption and a Michigan Medical Marihuana Act exemption to reflect the current state of the law. Subsection (4) provides for civil forfeitures of narcotics paraphernalia; but it also provides for an exception to this in the case of paraphernalia possessed, used, or owned in connection with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act. Again, this is necessary to be consistent with the current state of the law.

If I may be of further assistance regarding this or any other matter, please feel free to contact me at your convenience.

Very truly yours,

GARY T. MIOTKE

GTM/egf
enclosure

xc w/ enclosure via hand-delivery: Mayor Daniel S. Paletko

xc w/ enclosure via hand-delivery: Police Chief Lee Gavin



**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-12-01**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 20-248 REGARDING NARCOTICS PARAPHERNALIA TO IMPROVE IT.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT SECTION 20-248 OF THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I.

Sec. 20-248. Narcotics paraphernalia.

(1) Definitions.

Whenever any words and phrases used in this article are not defined, but are defined in Public Act No. 368 of 1978 (MCL 333.1101 et seq.), any such definition therein shall be deemed to apply to such words and phrases used herein. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Public Health Code, Public Act No. 368 of 1978 (MCL 333.1101 et seq.).

Controlled substance means any substance as that term is defined in the Act.

Deliver or *delivery* means the actual, constructive or attempted transfer from one person to another of narcotics paraphernalia, whether or not there is an agency relationship.

Narcotics paraphernalia means all devices, equipment, products, and materials of any kind, or a combination of devices, equipment, products, or materials, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of state or local law. For purposes of illustration, and not for purposes of limitation, the term *narcotics paraphernalia* includes, but is not limited to, the following:

(a) An isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant which plant is a controlled substance.

(b) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of a controlled substance.

(c) A diluent or adulterant, including, but not limited to quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use with a controlled substance.

(d) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(e) A device commonly known as a cocaine kit used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.

(f) A device commonly known as a bullet, that is used, intended for use, or designed for use in delivering a measured amount of controlled substances to the user's nose.

(g) A device commonly known as a snorter, that is used, intended for use, or designed for use in carrying a small amount of controlled substance to the user's nose.

(h) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

(i) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

(j) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

(k) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging controlled substances.

(l) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(m) A device commonly known as an automotive safe, that is used, intended for use, or designed for use in carrying and concealing a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.

(n) A spoon, with or without chain attached, that is used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing controlled substances into the human body.

(o) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

(p) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or other controlled substances into the human body, including, but not limited to, the following:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(ii) Water pipes.

(iii) Smoking and carburetion masks.

(iv) Roach clips (meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand).

(v) Miniature straws, cocaine spoons, and cocaine vials.

(vi) Chamber pipes.

(vii) Carburetor pipes.

(viii) Miniature locket, rings, or vials designed, marketed, or used for the storing of controlled substances.

(ix) Bongs.

(2) Prohibitions.

(a) *Possession, use.* Any person who uses, or possesses with intent to use, narcotics paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state or local law shall be guilty of a misdemeanor.

(b) *Manufacture, delivery or sale.* Any person who delivers, sells, possesses with intent to deliver or sell, or manufactures with intent to deliver or sell narcotics paraphernalia, knowing that it is meant to be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state or local law shall be guilty of a misdemeanor.

(c) *Advertisement.* Any person who places in a newspaper, magazine, handbill, sign, poster, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as narcotics paraphernalia shall be guilty of a misdemeanor.

(3) Exemptions.

(a) *Medical exemption.* This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

(b) *Michigan Medical Marijuana Act exemption.* A person shall not be subject to arrest, prosecution, or the penalties provided in this section for providing a registered qualifying patient or a registered primary caregiver with marijuana paraphernalia for purpose of a qualifying patient's medical use of marijuana in accordance with the Michigan Medical Marijuana Act, MCL 333.26421 et seq., as amended.

(3) Civil forfeiture.

Any narcotics paraphernalia used, sold, or processed with intent to use or sell, or manufactured with intent to use or sell, in violation of this section shall be seized and forfeited to the City, except that any marijuana paraphernalia or licit property that is possessed, owned, or used in connection with the medical use of marijuana, in accordance with the Michigan Medical Marijuana Act, MCL 333.26241 et seq., as amended, shall not be seized or forfeited.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

DANIEL S. PALETKO, Mayor

WALTER J. PRUSIEWICZ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the _____ day of _____, 2012, and became effective by

publication in the official newspaper of the City of Dearborn Heights on the _____ day of _____, 2012.

WALTER J. PRUSIEWICZ, Clerk

Publication Date: _____, 2012.

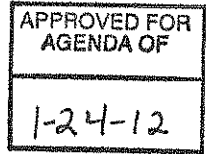


Corporation Counsel

11-B
Gary T. Miotke
Corporation Counsel

Daniel S. Paletko
Mayor

January 17, 2012



HAND-DELIVERED

Honorable City Council
City of Dearborn Heights
6045 Fenton
Dearborn Heights, Michigan 48127

AGENDA
Daniel Paletko

Re: Proposed Ordinance Adding Code Section 7-308 Prohibiting Collection Boxes

Dear City Council Members:

Please find enclosed a proposed ordinance adding Section 7-308 to the City Code. If this ordinance is adopted, it would prohibit collection boxes from being placed or maintained outdoors anywhere in the City.

This proposed ordinance contains four (4) subsections. Subsection (1) sets forth the relevant definitions under the ordinance. Subsection (2) sets forth findings to be made justifying the ordinance. Subsection (3) sets forth and clarifies what actions or omissions constitute violations of the ordinance. Subsection (4) makes violations of the ordinance municipal civil infractions.

Other approaches could be taken to address the problems posed by collection boxes other than the outright ban on them proposed in this ordinance. For example, a zoning or regulatory approach could be taken; and this may avoid the possible state preemption arguments that might be raised if the City adopts the outright ban on collection boxes.

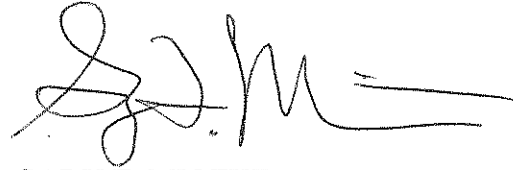
Regardless, I recommend that your Honorable Body refer this proposed ordinance to a study session. I also recommend that Building and Engineering Department Director Sobh, members of the Planning Commission, the City's planning consultant, and Mr. Roberts be invited to attend the Study Session.

If I may be of further assistance regarding this or any other matter, please feel free



to contact me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G.T. Miotke', with a long horizontal line extending to the right.

GARY T. MIOTKE

GTM/egf

enclosure

xc w/ enclosure via hand-delivery:

Mayor Daniel S. Paletko

Building and Engineering Department Director Mohamed Sobh

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-12- 02**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 7-308 REGARDING COLLECTION BOXES.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED 7-308, WHICH SHALL READ AS FOLLOWS:

SECTION I.

Sec. 7-308. Prohibition of collection boxes.

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clothing means anything worn, capable of being worn, or formerly worn on the body of any type, nature, or description. For purposes of illustration, and not for purposes of limitation, *clothing* includes, but is not limited to, helmets, hats, earrings, headbands, scarves, shirts, blouses, sweaters, sweatshirts, skirts, dresses, halters, pants, trousers, kilts, jewelry, necklaces, rings, underwear, undergarments, shorts, socks, hose, leotards, swimwear, shoes, flip flops, sandals, and boots.

Clothing donation box means a receptacle in which a person may place clothing or other items of personal property that he or she intends to donate and that has a capacity of at least 27 cubic feet.

Collection box means a receptacle or container that has the following characteristics: 1. It is used, designed to be used, intended to be used, and/or adapted to be used for the receipt, holding, or storage of any type of clothing or of any item formerly used or capable of being used as clothing. 2. It is placed, stored, or situated outdoors. That is, it is not inside of a "building" as defined under Section 36-37 of this Code. 3. It does not itself constitute a "building" as defined under Section 36-37 of this Code. Notwithstanding the foregoing, every clothing donation box shall also be deemed to be a collection box as long as it is located outdoors.

Collection boxes means more than one collection box.

(2) *Findings.* Collection boxes have proliferated within the City in recent years. Collection boxes increase the risks of: 1. Traffic accidents by virtue of typically being located in parking areas thus acting as visual distractions and clutter, 2. Crime by shielding criminals from detection, 3. Aesthetic blight by being designed and situated to attract maximum attention to themselves, 4. Non-aesthetic blight by offering a refuge to

vermin, and 5. Fraud by failing to offer adequate information to potential donors about the nature of the entity receiving donations. Plus, these risks are compounded by the possibility of multiple collection boxes being located on the same property. Thus, collection boxes constitute a threat to the health, safety, and welfare of the City, its residents, its businesses, and its visitors. Further, the mere regulation of collection boxes to address these increased risks is not reasonably feasible given the number of collection boxes and the fact that they are readily moveable. Accordingly, collection boxes are declared to be nuisances *per se* within the City.

(3) *Prohibitions.*

(a) It shall be unlawful for any person, natural or otherwise, to place outdoors or to cause to be placed outdoors any collection box in the City.

(b) It shall be unlawful in the City for any person, natural or otherwise, to maintain outdoors any collection box or to cause to be maintained outdoors any collection box. Any person who owns, occupies, or controls property wherein a collection box is maintained in violation of the preceding sentence shall be deemed to have violated this section.

(c) Any person, natural or otherwise, who assists in any violation of this section, shall be liable for violation of this section. This includes any employee, agent, officer, member, director, shareholder, or other person affiliated with a person who placed or maintained a collection box in violation of this section who was involved in any way in causing the violation whether or not the violation was intended.

(d) Actions that violate this section are strict liability offenses.

(4) *Penalty.* A person who violates any portion of this section shall be deemed responsible of a municipal civil infraction.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

DANIEL S. PALETKO, Mayor

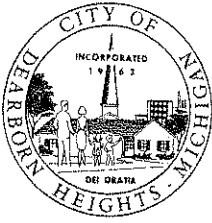
WALTER J. PRUSIEWICZ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the _____ day of _____, 2012, and became effective by publication in the official newspaper of the City of Dearborn Heights on the _____ day of _____, 2012.

WALTER J. PRUSIEWICZ, Clerk

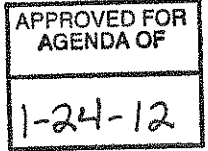
Publication Date: _____, 2012.



City of Dearborn Heights

6045 FENTON • DEARBORN HEIGHTS, MICHIGAN 48127

11-C
Walter Prusiewicz
CITY CLERK



TO: CORPORATION COUNSEL MIOTKE
FROM: CITY CLERK PRUSIEWICZ *WJP*
DATE: DECEMBER 15, 2011
RE: FLOODPLAIN MANAGEMENT ORDINANCE AND RESOLUTION

The following is a copy of a motion adopted at the Regular Meeting of the Dearborn Heights City Council held on December 13, 2011.

11-437 Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, to approve and adopt the Michigan Community Resolution to Manage Floodplain Development for the National Flood Insurance Program. Further, to authorize the Mayor and City Clerk to sign the resolution. Per Corporation Counsel Miotke, communication dated December 5, 2011.

Ayes: Councilwoman Agius, Councilman Apigian, Councilwoman Badalow, Council Chairman Baron, Councilman Berry, Councilwoman Horvath, Councilwoman Van Houten.
Nays: None.
Absent: None.

Motion unanimously adopted.

11-438 Motion by Councilwoman Horvath, seconded by Councilwoman Badalow, that Proposed Ordinance H-11-14, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS BE AMENDED BY AMENDING SECTIONS 7-26 AND 7-28 (WHICH PREVIOUSLY ADOPTED THE MICHIGAN BUILDING CODE 2009, HAD THE CITY ASSUME RESPONSIBILITY FOR ENFORCEMENT OF PUBLIC ACT NO. 230 OF 1972 AND OF SAID CODE, AND DESIGNATED AN ENFORCING AGENCY), AND BY AMENDING SECTIONS 7-29 AND 7-31 (WHICH PREVIOUSLY ADOPTED THE MICHIGAN RESIDENTIAL CODE 2009, HAD THE CITY ASSUME RESPONSIBILITY FOR ENFORCEMENT OF PUBLIC ACT NO. 230 OF 1972 AND OF SAID CODE, AND DESIGNATED AN ENFORCING AGENCY) IN ORDER TO ADOPT FURTHER PROVISIONS REGARDING FLOODPLAIN MANAGEMENT AND TO DESIGNATE

REGULATED FLOOD HAZARD AREAS UNDER THE STATE CONSTRUCTION CODE ACT,
PUBLIC ACT NO. 230 OF 1972, AS AMENDED, be considered read for the 1st time.

Ayes: Councilwoman Agius, Councilman Apigian, Councilwoman Badalow, Council Chairman
Baron, Councilman Berry, Councilwoman Horvath, Councilwoman Van Houten.

Nays: None.

Absent: None.

Motion unanimously adopted.

WJP/es

cc: Mayor
Building Director Sobh



Corporation Counsel

December 5, 2011

HAND-DELIVERED

Honorable City Council
City of Dearborn Heights
6045 Fenton
Dearborn Heights, Michigan 48127

Re: Floodplain Management Ordinance and Resolution

Dear City Council Members:

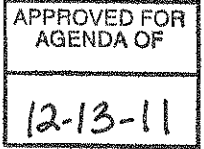
Please find enclosed two (2) proposed documents that must be approved by the City to comply with State and Federal laws regarding floodplain management: 1. an ordinance adopting by reference the Michigan Building Code 2009 and the Michigan Residential Code 2009 with additional required provisions with regard to floodplain management and regulated flood hazard areas ("the Ordinance") and 2. a Michigan Community Resolution to Manage Floodplain Development for the National Flood Insurance Program ("the Resolution"). Both of these documents have been pre-approved by the Michigan Department of Environmental Quality ("MDEQ").

The Ordinance amends Sections 7-26, 7-28, 7-29, and 7-31 of the City Code. As you may recall, your Honorable Body recently adopted ordinances amending Sections 7-26 through 7-31 of the City Code in order to adopt by reference the Michigan Building Code 2009 and the Michigan Residential Code 2009. It was recently brought to my attention that the City also had to adopt certain provisions affecting the content of these same codes with respect to floodplain management and the designation of regulated flood hazard areas. As such, the Ordinance amends certain City Code sections that had been recently amended (namely Sections 7-26, 7-28, 7-29, and 7-31) while it leaves unchanged others City Code sections that had been recently amended (namely Sections 7-27 and 7-30).

The Resolution must be adopted by the City in order for the City to be eligible for and to participate in the Federal Emergency Management Agency's National Flood Insurance Program ("NFIP"). By adopting the Resolution, the City will be committing itself to: 1. administer, apply, and enforce the floodplain management regulations contained in the State Construction Code and to act consistently with said regulations; 2. assure the Federal Insurance Administrator ("Administrator") that the City intends to review, on an ongoing basis, all amended and revised Flood Hazard Boundary Maps ("FHBMs"), Flood Insurance Rate Maps ("FIRMs"), and supporting data, and to make

Gary T. Miotke
Corporation Counsel

Daniel S. Paletko
Mayor



CONCUR
Daniel Paletko

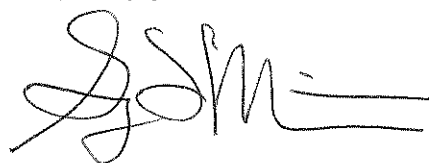


such revisions to its floodplain management regulations as may be necessary to continue to participate in the program; and 3. assure the Administrator that the City will adopt the current effective FEMA Flood Insurance Study, FHBMs, and/or FIRMs by reference within its ordinances.

These documents must be approved and/or adopted as soon as possible. It is my understanding that the approved, executed, and/or fully filled in versions of these documents must be received by the MDEQ by or before February 2011.

If I may be of further assistance regarding this or any other matter, please feel free to contact me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. T. Miotke', with a horizontal line extending to the right.

GARY T. MIOTKE

GTM/egf

enclosures

xc w/ enclosures via hand-delivery:

Mayor Daniel S. Paletko

Building and Engineering Department Director Mohamed Sobh

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-11-i4**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 7-26 AND 7-28 (WHICH PREVIOUSLY ADOPTED THE MICHIGAN BUILDING CODE 2009, HAD THE CITY ASSUME RESPONSIBILITY FOR ENFORCEMENT OF PUBLIC ACT NO. 230 OF 1972 AND OF SAID CODE, AND DESIGNATED AN ENFORCING AGENCY), AND BY AMENDING SECTIONS 7-29 AND 7-31 (WHICH PREVIOUSLY ADOPTED THE MICHIGAN RESIDENTIAL CODE 2009, HAD THE CITY ASSUME RESPONSIBILITY FOR ENFORCEMENT OF PUBLIC ACT NO. 230 OF 1972 AND OF SAID CODE, AND DESIGNATED AN ENFORCING AGENCY) IN ORDER TO ADOPT FURTHER PROVISIONS REGARDING FLOODPLAIN MANAGEMENT AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE STATE CONSTRUCTION CODE ACT, PUBLIC ACT NO. 230 OF 1972, AS AMENDED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEARBORN HEIGHTS, THAT SECTIONS 7-26, 7-28, 7-29, AND 7-31 OF THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN ARE HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I.

ARTICLE II. BUILDING CODES

Sec. 7-26. Adoption of the Michigan Building Code by reference.

(a) In general. A certain booklet, three (3) copies of which are on file in the office of the City Clerk of Dearborn Heights, being marked and designated the Michigan Building Code 2009 (which incorporates the 2009 edition of the International Building Code), including all portions thereof, as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Dearborn Heights for providing "minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations" (as stated in Section 101.3 of the code), except to the extent that the Michigan Residential Code 2009 applies (as alluded to in Section 101.2 of the code). Each and all of the regulations, provisions, conditions, and terms of such Michigan Building Code, 2009 edition, published by the International Code Council, Inc., on file in the office of the City Clerk of the City of Dearborn Heights, are hereby referred to, adopted, and made a part hereof as if fully set forth in this Ordinance. Further, the City assumes full responsibility pursuant to Act 230 of the Public Acts of 1972, as amended, for the administration and enforcement of the Act and the Michigan Building Code throughout its corporate limits and hereby designates the Director of the Building and Engineering Department

as the enforcing agency to discharge the City's responsibility under the Act and under the Michigan Building Code.

(b) Optional provisions. The Michigan Building Code 2009 is adopted by reference, but the following item needs to be addressed by its terms: Appendix G is specifically adopted by references as required by Section 101.2.1 of the code. Appendix G of the Michigan Building Code shall be enforced within the City of Dearborn Heights by the enforcing agency as noted in and designated in subsection (a) above of this Section 7-26.

(c) Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency ("FEMA") Flood Insurance Study ("FIS") entitled "Wayne County, Michigan (All Jurisdictions)" and dated 2/2/12 and the Flood Insurance Rate Map(s) ("FIRMS") panel number(s) of 26163C, 0227E, 0231E, 0232E, 0233E, 0234E, 0241E, 0242E, 0243E, 0244E, 0253E, 0261E, 0263E, and 0264E dated 2/2/12 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Sec. 7-28. Provisions to fulfill publication and notice requirements.

(a) In general. Pursuant to Section 117.3(k) of the Michigan Compiled Laws, the City shall publish a true copy of this Ordinance, but the City shall not publish a true copy of the Michigan Building Code in its entirety.

(b) Notice of right to inspect, use, and/or obtain. The office of the City Clerk is the location where complete, true copies of this Ordinance and the Michigan Building Code may be inspected, obtained, and/or used. In compliance with State law and the Charter, these documents are records of a public body that are to be available for inspection by, and distribution to, the public at all times. The office of the City Clerk is located at 6045 Fenton, Dearborn Heights, Michigan 48127.

Sec. 7-29. Adoption of the Michigan Residential Code by reference.

(a) In general. A certain booklet, three (3) copies of which are on file in the office of the City Clerk of Dearborn Heights, being marked and designated the Michigan Residential Code 2009 (which incorporates the 2009 edition of the International Residential Code for One- and Two-Family Dwellings), including all portions thereof, as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Dearborn Heights providing "minimum requirements to safeguard the public safety, health and general welfare" (as stated in Section 101.3 of the code), relative to certain residential dwellings (as delineated in Section 101.2 of the code). Each and all of the regulations, provisions, conditions, and terms of such Michigan Residential Code, 2009 edition, published by the International Code Council, Inc., on file in the office of the City Clerk of the City of Dearborn Heights, are hereby referred to, adopted, and made a part hereof as if fully set forth in this Ordinance. Further, the City assumes full responsibility pursuant to Act 230 of the Public Acts of 1972, as amended, for the administration and enforcement of the Act and the Michigan Residential Code throughout its

corporate limits and hereby designates the Director of the Building and Engineering Department as the enforcing agency to discharge the City's responsibility under the Act and under the Michigan Residential Code.

(b) Optional provisions. The Michigan Residential Code 2009 is adopted by reference, but the following item needs to be addressed by its terms: All appendices are specifically adopted by references as required by Section R102.5 of the code.

(c) Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency ("FEMA") Flood Insurance Study ("FIS") entitled "Wayne County, Michigan (All Jurisdictions)" and dated 2/2/12 and the Flood Insurance Rate Map(s) ("FIRMS") panel number(s) of 26163C, 0227E, 0231E, 0232E, 0233E, 0234E, 0241E, 0242E, 0243E, 0244E, 0253E, 0261E, 0263E, and 0264E dated 2/2/12 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Sec. 7-31. Provisions to fulfill publication and notice requirements.

(a) In general. Pursuant to Section 117.3(k) of the Michigan Compiled Laws, the City shall publish a true copy of this Ordinance, but the City shall not publish a true copy of the Michigan Residential Code in its entirety.

(b) Notice of right to inspect, use, and/or obtain. The office of the City Clerk is the location where complete, true copies of this Ordinance and the Michigan Residential Code may be inspected, obtained, and/or used. In compliance with State law and the Charter, these documents are records of a public body that are to be available for inspection by, and distribution to, the public at all times. The office of the City Clerk is located at 6045 Fenton, Dearborn Heights, Michigan 48127.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

DANIEL S. PALETKO, Mayor

WALTER J. PRUSIEWICZ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the _____ day of _____, 2012, and became effective by publication in the official newspaper of the City of Dearborn Heights on the _____ day of _____, 2012.

WALTER J. PRUSIEWICZ, Clerk

Publication Date: _____, 2012.



City of Dearborn Heights

6045 FENTON • DEARBORN HEIGHTS, MICHIGAN 48127

13-A
Walter Prusiewicz
CITY CLERK

TO: MAYOR PALETKO
FROM: CITY CLERK PRUSIEWICZ *WJP*
DATE: NOVEMBER 29, 2011
RE: ACTUARIAL CALCULATIONS AFSCME

The following are copies of motions adopted at the Regular Meeting of the Dearborn Heights City Council held on November 22, 2011.

11-397 Motion by Councilwoman Agius, seconded by Councilwoman Badalow, that the Report for the actuarial calculations of the pension costs for Letter of Understanding between the City and AFSCME be received, contents noted and filed. Further, to forward this onto the General Government Pension Board.

No vote.

11-398 Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, to table the Report for the actuarial calculations of the pension costs for Letter of Understanding between the City and AFSCME Actuarial Report.

Ayes: Councilwoman Agius, Councilman Apigian, Councilwoman Badalow, Council Chairman Baron, Councilman Berry, Councilwoman Horvath, Councilwoman Van Houten.
Nays: None.
Absent: None.

Motion unanimously adopted.

WJP/es

cc: Comptroller
Human Resources
Corp. Counsel
Files

B-B

Daniel S. Paletko
Mayor



Mayor's Office

November 14, 2011

APPROVED
No vote
MOTION #
11-397

APPROVED FOR
AGENDA OF
11-22-11

Hon. City Council
City of Dearborn Heights

APPROVED
Table
MOTION #
11-398

Dear Councilmembers:

Attached is the actuarial calculations of the pension costs for Letter of Understanding between the City of Dearborn Heights and Dearborn Heights Chapter of Local 290 Affiliated with Council #25 of the American Federation of State, County and Municipal Employees that your Honorable Body approved on the 27th of September.

Please receive, note and file this report and forward this onto the General Government Pension Board.

If you have any concerns, please contact me at mayor@ci.dearborn-heights.mi.us or 313-791-3490.

Sincerely,

Daniel S. Paletko
Daniel S. Paletko
Mayor

City of Dearborn Heights Employees Retirement Plan
Actuarial Impact of Early Retirement Proposal Under Consideration

Subject: Proposals requested 9/12/2011

Submitted To: Krystina Kramarz, Office of the Mayor

Submitted By: Rodwan Consulting Company – Sandra W. Rodwan
Denise M. Jones

Date: October 17, 2011

As requested, we have performed an actuarial valuation in order to estimate the actuarial impact of proposals under consideration for certain members of the City of Dearborn Heights Employees Retirement Plan.

Proposals Submitted for Valuation

Current provisions for members are as follows:

Retirement Eligibility: Age 65 with 5 years of credited service or age 55 with 25 years of credited service.

Final Average Compensation (FAC): FAC is best 3 out of the last 5 years.

Proposals

Proposal 1 - FAC: FAC is best 3 out of entire career.

Proposal 2 - Retirement Eligibility: Allow members whose age plus service equals 67 or more to purchase up to 3 years of service and retire as of 12/31/2011 with no penalty. (Anyone within 1 year of retirement will be granted no more than 1 year of service at no cost to the member, provided the member does not purchase any additional service). Purchased service will be used for both benefit eligibility and the benefit calculation. Purchase cost is 5% of base pay times service purchased. All members must make his or her election and retire by December 31, 2011.

Proposal 3 - Service Purchase: Allow specified members who are not eligible for the early retirement provision in Proposal 2 to purchase up to 3 years of “other” service time. Purchase cost is 10% of base pay for the first year purchased, 11% for the second year, and 12% for the third year.

Data Used for the Valuation

We based our computations on data used for the annual actuarial valuation of the Retirement System as of June 30, 2010, together with a list of eligible members submitted by the City. The data concerning eligible members can be summarized as follows:

	Proposal 1	Proposal 2	Proposal 3
Number	149 (all)	23	63
Annual Payroll	6,736,225	\$974,239	2,630,338
Averages			
Age	48.1 yrs.	43.4 yrs.	42.0 yrs.
Service	14.8 yrs.	21.0 yrs.	8.5 yrs.
Annual Pay	45,210	\$42,358	\$41,751

Valuation Results

Proposal 1 - FAC: We do not have career payroll history for the active members. Generally, the highest 3 years would be contained within the last 5 years of employment. However, if there are a significant number of members whose pay was higher prior to 5 years before retirement, there would be a negative impact on Retirement System costs associated with allowing selection of any 3 years within the career.

Proposal 2 – Early Retirement Window: In order to compute the effect on the Retirement System we have performed an actuarial valuation to determine the liabilities and contribution rates assuming all eligible members retired under the early retirement incentive proposal (e.g. 100% utilization) and all eligible members purchased the maximum of 3 years of service. For estimation purposes, results for less than 100% utilization would be approximately proportional. We then compared this to the regular annual actuarial valuation before the proposal to determine the change in liabilities and computed contributions. We used the most recently completed actuarial valuation as of July 1, 2010 for this comparison.

	Annual Valuation 07/01/2010
Number of Active Members	149
Annual Payroll	\$6,736,225
City's Normal Cost %	11.10%
Actuarial Accrued Liability (AAL)	\$41,514,594
Funding Value of Assets	42,196,846
Unfunded AAL	(682,252)
Amortization % (20 years)	(0.62)%
Total City Contribution	
% of Payroll	10.48%
\$ Based on Valuation Payroll	\$736,081

**Proposal 2 - Assuming 100% Utilization of Early Retirement Proposal
And NO REPLACEMENT**

Number of Active Members	126
Valuation Payroll	\$5,761,987
City's Normal Cost %	11.03%
Actuarial Accrued Liability (AAL)#	\$42,861,216
Funding Value of Assets	42,196,846
Unfunded AAL	664,370
Amortization % (20 yrs.)	0.71%
Total City Contribution	
- % of Payroll	11.74%
- \$ Based on Valn. Pays*	\$705,245
Increase in contrib. rate as a % of payroll	1.26%
Increase (Decrease) in First Yr. \$ contrib.*	\$(30,836)

#Less estimated employee contributions for purchased service.

*Dollar contributions are assumed to increase 4.25% per year in future years.

The increase in the contribution rate reflects the amortization of the additional \$1,346,622 actuarial accrued liability and the fact that existing unfunded actuarial accrued liability is amortized over a smaller payroll.

These results assume the retiring members will not be replaced. If the members are replaced, there would be an increase in the dollar contribution since the normal cost rate would be applied to a larger payroll.

Proposal 3 – Three Year Service Purchase: In order to compute the effect on the Retirement System we performed an actuarial valuation to determine the liabilities and contribution rates assuming all eligible members purchased the maximum of 3 years of service. For estimation purposes, results for less than 100% utilization would be approximately proportional. We then compared this to the regular annual actuarial valuation before the proposal to determine the change in liabilities and computed contributions. We used the most recently completed actuarial valuation as of July 1, 2010 for this comparison.

Proposal 3 – Three Year “Other” Service Purchase

Number of Eligible Members	63
Valuation Payroll	\$2,630,338
City’s Normal Cost %	10.78%
Actuarial Accrued Liability (AAL)#	\$43,671,672
Funding Value of Assets	42,196,846
Unfunded AAL	1,474,826
Amortization % (20 yrs.)	1.35%
Total City Contribution	
- % of Payroll	12.13%
- \$ Based on Valn. Pays*	\$851,786
Increase in contrib. rate as a % of payroll	1.65%
Increase (Decrease) in First Yr. \$ contrib.*	\$115,705

#Less estimated employee contributions for purchased service.

*Dollar contributions are assumed to increase 4.25% per year in future years.

Valuation Methods and Assumptions

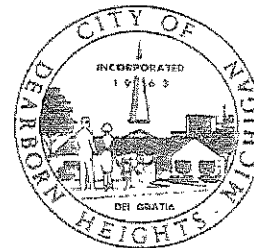
Valuation methods and assumptions were the same as those used for the annual actuarial valuation of the Retirement System as of July 1, 2010, except immediate retirement was assumed for Proposal 2. Please note that the cost for the combination of two or more proposals may be more than the sum of the individual costs shown.

13-B

BUSINESS LICENSE

NO. BL-12-000003593

City of Dearborn Heights



TO WHOM IT MAY CONCERN:

In consideration of the total sum shown below and paid to the City Treasurer, the City of Dearborn Heights hereby grants

THE FOLLOWING LICENSE(S):

ARCADE 100.00	\$100.00
CABARET A-COUNCIL APPROVAL 5	\$50.00
JUKE BOX-MUSICAL DEVICES 10.0	\$10.00
MECHANICAL AMUSEMENT DEVIC	\$125.00
TOBACCO 10.00	\$10.00
VENDOR MACHINE	\$10.00
PENALTY	\$0.00
TOTAL	\$305.00

BUSINESS

ROUGE PARK BAR
16515 OUTER DR
Dearborn Heights, MI 48127

City Ordinance Provides that this license must be displayed in a conspicuous place.

EXPIRES ➤ **Feb 28, 2012**

(surrender of license shall not entitle licensee to any refund)

Licensee accepts the license(s) herein granted upon the express condition that the same may be revoked by the proper authority under the provisions of the City Ordinances. License is not transferrable.

Walter Prusiewicz

City Clerk

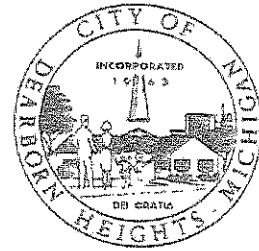
APPROVED FOR AGENDA OF
1-24-12

ROUGE PARK BAR
ALEXANDER DEBAY/JUDITH MAY
16515 OUTER DR
DEARBORN HEIGHTS, MI 48127

BUSINESS LICENSE

NO. BL-12-000003594

City of Dearborn Heights



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In consideration of the total sum shown below and paid to the City Treasurer, the City of Dearborn Heights hereby grants

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ARCADE 100.00	\$100.00
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Walter Prusiewicz

City Clerk

APPROVED FOR AGENDA OF
1-24-12

ROUGE PARK BAR
ALEXANDER DEBAY/JUDITH MAY
16515 OUTER DR
DEARBORN HEIGHTS, MI 48127

13-C

APPLICATION FOR SOLICITATION LICENSE
CITY OF DEARBORN HEIGHTS

6045 FENTON
DEARBORN HEIGHTS, MI 48127
313-791-3430
CITY CODE - ORDINANCE H-03-10

APPROVED FOR
AGENDA OF
1-24-12

PLEASE PRINT - THIS FORM MUST BE COMPLETELY FILLED OUT
IN ORDER TO BE PROCESSED

DATE OF APPLICATION: 1-5-2012

The undersigned hereby applies for a license under the provisions of the City Codes of the City of Dearborn Heights regulating the licensing of solicitors, represents that the statements hereinafter contained are true and undertakes and promises to comply with all the provisions of the City Code of the City of Dearborn Heights in the conduct of the business to be carried on. It is understood that any license issued upon this application shall be revocable for cause as stipulated in the said City Code.

NAME OF APPLICATION DAVID V. KLINE PHONE# 313 278 8841

ADDRESS 26450 ANN ARBOR TRAIL

CITY, STATE, ZIP DEARBORN HGT. MI 48127

ORGANIZATION P.V.T. JOHN LYBKAWA V.F.W. POST 7546

PURPOSE FOR WHICH CONTRIBUTIONS WILL BE USED: _____

NUMBER OF DAYS OF SOLICITATION (LIMIT OF THREE DAYS) 3
DATES OF SOLICITATION MAY 10-11-12-2012

LOCATION (STREETS) WHERE SOLICITATION WILL TAKE PLACE:
FORD RD. TELEGRAPH W. WARREN + TELEGRAPH JOY + TELEGRAPH
VARIOUS BUSINESSES + NORTH OF MICHIGAN AVENUE

CODE# _____ TYPE OF LICENSE NON PROFIT

SIGNATURE OF APPLICANT David V. Kline

DRIVER'S LICENSE NO. K450 135 847 359 DATE OF BIRTH 5-11-47