



CONTROL NO. _____

REQUEST FOR PUBLIC RECORDS

FOIA SUBPOENA

DEPARTMENT OF LAW
16901 MICHIGAN AVENUE, STE. 14
DEARBORN, MICHIGAN 48126 Ph# 313.943-2035 FAX# 313.943.2469
EMAIL COMPLETED REQUEST TO: FOIA@CI.DEARBORN.MI.US

YOUR NAME/ORGANIZATION Courtney E. Morgan, Jr./Morgan & Meyers, PLC

ADDRESS 3200 Greenfield, Suite 260

CITY, STATE, ZIP CODE Dearborn, MI 48120

DAYTIME TELEPHONE NUMBER (313) 961-0130

DESCRIBE THE PUBLIC RECORDS AS SPECIFICALLY AS POSSIBLE March 1, 2016,

Meeting of City Counsel, Resolution #30: ALL back up file documents / letters etc.

All Night Parking Comm Vehicles Prohibited "RESOLUTION BY COUNSEIL MEMBERS SHOOSHANIAN AND SAREINI

I have requested a copy of records pursuant to FOIA. I understand that the City must respond to my request within five (5) business days after receiving it, except that the City may extend the period for an additional ten (10) business days. I hereby agree and consent to extending the time for the City to respond. Additionally, I understand that I will have to pay for the materials before they will be released to me.

SIGNATURE *Courtney E. Morgan, Jr.* DATE April 29, 2016

When the requested documents have been compiled, I would like:

The documents MAILED to me. Send amount due (indicated below), along with a copy of this form, to: City of Dearborn, Treasury Division, 16901 Michigan Ave., Ste. 21, Dearborn, Michigan 48126 and records will be mailed to you. LIST CONTROL NUMBER ON CHECK.

OR

to PICK UP the documents. Pay amount due (indicated below) and pick up at Dearborn Administrative Center (DAC), Treasury Division, 16901 Michigan Ave., Ste. 21. Payment by credit/debit card (Visa is not accepted) M-F, 8am - 5pm. Service fees apply. Must have FOIA Control No. for credit/debit card transaction.

FOR CITY OF DEARBORN USE ONLY

LABOR (number of minutes _____ @ \$45.00/hr)	\$ _____
COPYING (\$.25 per page; number of pages _____)	\$ _____
EXEMPT/NON-EXEMPT (number of minutes _____ @ \$75.00/hr)	\$ _____
DVD/VIDEO/AUDIO (\$30.00 ea).....	\$ _____
TOTAL	\$ _____
LESS DEPOSIT (if any)	\$ _____
AMOUNT DUE	\$ _____

A SEARCH OF CITY RECORDS HAS REVEALED NO RECORDS THAT MEET THE CRITERIA SET FORTH IN YOUR REQUEST.

Request processed by: _____ Date: _____

Requested
Phone Call

DEARBORN CITY COUNCIL
Call / Walk-In Information Received

Date: 1/14/2016

Time: 4:15pm

Name: Nancy Bouchard

Phone #:

Address: 22351 Columbia

Brief Description of Request: Nancy Bouchard is having issues with her husband's commercial vehicle. She mentioned that she lives on a dead-end street and has a driveway and garage but her husband parks his vehicle in the alley because it doesn't fit on the driveway or in the garage. Mrs. Bouchard's neighbors have signed a petition to allow the van to be parked there. However, the Police Dept. mentioned to her that they have been receiving numerous complaints against the van looking ugly in the alley. Therefore, if the van is parked there, the Police Dept. will issue Mrs. Bouchard a ticket for not complying with city ordinance on Commercial Vehicles. Mrs. Bouchard pointed out that she was denied a parking pass by the Traffic Commission at yesterday's meeting. She is requesting that Council makes an exception to her case and allows her husband to park his van there.

Assigned to: Dabaja & Tafelski

Received by: Manal

Follow-Up: made 3 copies; one for each Councilmember's mailbox and one for file binder. Also emailed to SD & faxed to TT.

Mario Bouchard
22351 Columbia Street
Dearborn, MI 48124
313-274-3979
313-657-2064

City Council Member Board
16901 Michigan Ave. Suite 10
Dearborn, Michigan 48126

January 20, 2016

Re: Appeal for alley parking exemption request/possible amendment for city ordinance sec. 18-356

Members of city council;

I am respectfully requesting to appear before the board and appeal a recent decision by Traffic /Safety Commission to deny a 24 hour parking permit for my work van to be parked in the alley behind my garage.

We have lived at this address since 1988, 15 years of which I have worked as a licensed electrician. For much of this time I have parked either a company van or a company step van in this exact spot without issue. This vehicle is absolutely critical to my livelihood and a highly valued compensation from my employer. It is a new 2015 van that is not unsightly in any way. Without the 24 hour availability of this vehicle I would no longer have transportation to and from Madison Heights, where I work. It is impossible to predict how often I get emergency calls or when. Having my work vehicle located miles away would hinder my response time to those who need these services.

Losing this vehicle will also cause me and my family financial hardship. We are not in a position to afford any additional vehicles and this company van also allows me to carry the necessary tools, equipment and bulky supplies required to perform my trade. Losing the van could potentially mean losing my job. The van is parked at the inside dead end of the alley directly behind my property and has never been in the way of alley maintenance nor has it ever prevented my neighbor from accessing his driveway.

We have always been very diligent on keeping the alley clear of leaves, cutting the grass and picking up trash that is dropped from time to time and packing down the snow. Although we live at the inside dead end of the alley, we maintain the entire alley as none of the other neighbors that boarder it take care of it. We care for it as we do our own property.

In 2004-5 my wife spoke with then Mayor Giudo who assured us that our vehicles both personal and work related would be allowed to park in the alley without offence. Well, that was obviously years ago yet we have never had an issue until recently.

We just want to continue living and working as usual. We've received several warnings and a couple of tickets prior to finding a very temporary place to relocate the work van and we don't see a permanent solution other than receiving the variance being requested by this letter.

Every officer that came out to mention the ordinance agreed it was outdated and many of the neighbors that signed my petition were also surprised how much effort the city was putting into removing my van which was not at issue with any of them. After being told by officers that came out that there were several complaints, we find it difficult to understand this since every one of our neighbors wasn't bothered by the van being in the alley and they understood its presence there.

We do however; have a neighbor that we believe may be the one reporting the complaints. He has a history of having issues with the neighbors around him for years and he is the neighbor we share the alley with. We have tried to be friendly and on many occasions were, as was he. In the past he and we have even considered buying the alley from the city and we have shared common ground on a few other issues as well. But over the years our relationships has been a bumpy road of sorts. On public service days, when we have to park our vehicles in the alley behind our property overnight, he has mentioned being temporarily inconvenienced, although he can still come and go with ease. We are certainly not sure of this and don't want to be the cause of any insult or slander but it just seems oddly coincidental and as a result did not ask his signature on the petition because we didn't want to take a chance and upset him further.

We were eventually referred to Sgt. Steve White who told us "to do what we had to do and if we had any trouble to see him", but we hate to continue to involve him as we are sure he has many more important things to do. We tried covering the van with a tarp to hide the work related writing but were still asked to remove it from the alley.

Since our house and garage were built in 1942, the dimensions of the garage door will not allow for me to park my work van inside.

Please look into my request and find it in your heart to allow the permanent exemption for parking my work van in the alley. I have included all the required documentation to support my request and look forward to attending a hearing or providing whatever is additionally required regarding this matter.

Thank you for your time and consideration.

Respectfully,

Mario Bouchard

Petition For Commercial Vehicle Parking Permit Dearborn Police Traffic Safety Bureau

What is your occupation? Electrician

Are you on call 24 hours per day? No

How many days per week are you on call? Emergency

How many weeks per year are you on call? Basis only

How many calls per month do you take from home? None

Do you work exclusively out of your home? No

What is the name, address and telephone number of your employer and immediate supervisor?

Family Heating, Cooling and Electrical

26324 John R. Rd. Madison Heights, Mi. 48071

Sup. Mike Pavelka

What type of commercial vehicle do you propose to park at your house, and how is this vehicle used in the course of your employment?
(Include a photograph)

My Company Electrical Van. Back + Forth to work (Madison Heights)

Do you propose to park the vehicle in the street or driveway?

ally/driveway END OF ally

Do you have a garage? yes

If you have a garage, what are the dimensions of the door opening?
(Include height and width in feet and inches)

Height: 6'11" Width 16ft.

Truck Height 8'6"

The undersigned is aware that any individual, employee or employer who provides false information to the Traffic Safety Commission for the purpose of obtaining a 24-hour Commercial Vehicle Parking Permit shall be guilty of a misdemeanor.

MARIE BEUCHARD
Name of Petitioner (Print)


Signature

22351 Columbia, Dearborn
Address

MMBeuch@yahoo.com
email address

Daytime and Evening Phone Numbers

MIKE PAVELKA
Name of Employer (Print)

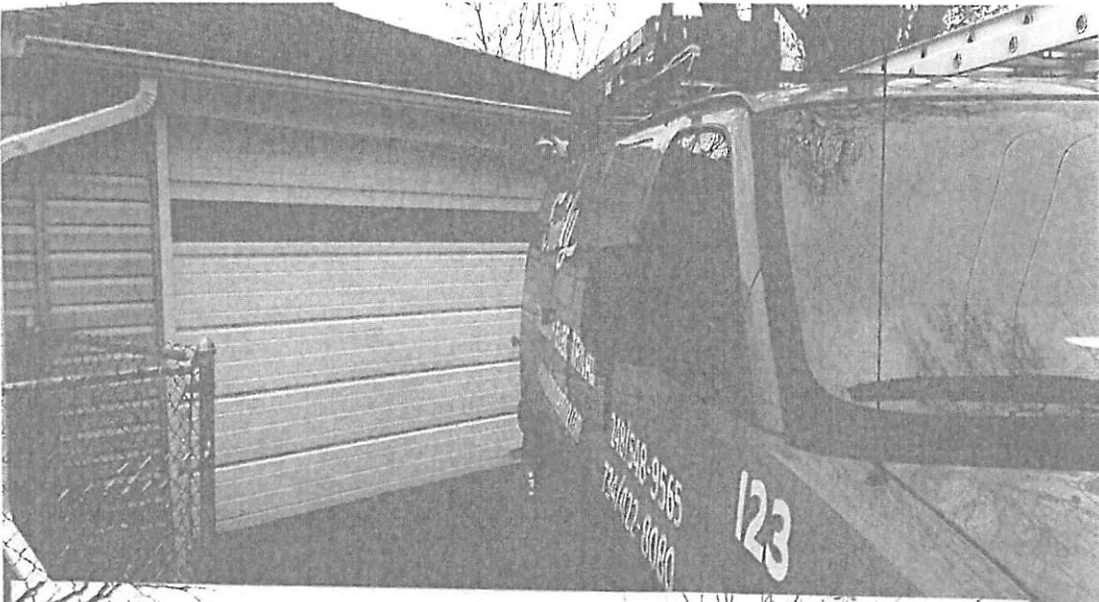

Signature

26324 JOHN R
Address

Daytime and Evening Phone Numbers

Documents necessary to forward petition to the Traffic Safety Commission:

- Completed and signed petition form to include signatures of the five heads of household on each side of petitioner's house as well as 10 heads of household for residences directly across the street from petitioner's house.
- Photograph of Commercial Vehicle
- Affidavit from Employer verifying on-call status and indicating approximate number of times per month the employee will be called in to work.
- Any other proof of on-call status and typical work assignments that may assist the Traffic Safety Commission in determining the on-call status of the petitioner. For example: Time-stamped work orders, receipts, dispatch logs, driver logs, etc.
- Receipt that indicates payment \$50.00 processing fee (payable at Dearborn Police Records Bureau)





COUNCIL OFC, 25JAN2016 4:12:58

Family

HEATING, COOLING & ELECTRICAL, INC.
26324 JOHN R RD
MADISON HEIGHTS, MI 48071
(248)548-9565 FAX (248)398-2686

NOVEMBER 24, 2015

TO WHOM IT MAY CONCERN:

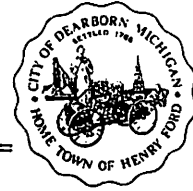
MARIO BOUCHARD IS AN EMPLOYEE OF FAMILY HEATING,
COOLING, AND ELECTRICAL.

PART OF HIS COMPENSATION PACKAGE IS A COMPANY
TRUCK TO DRIVE TO AND FROM HIS HOME.

MIKE PAVELKA, MANAGER

A handwritten signature in black ink, appearing to read "MP", with a long horizontal line extending to the right.

CITY COUNCIL OFFICE



To: Legal via City Clerk
From: Council Office
Date: Jan. 27, 2016
Subject: Requests for work van parking permits

The City Council has received two requests from parties that have gone before the Traffic commission to allow the Parking of work vans on their property and were turned down. They were advised that their only recourse was to seek permission from the City Council and they have done so.

Mario Bouchard, 22351 Columbia Street, Dearborn, submitted a letter on Jan. 20, 2016-see attached.

Francis Maroeusz, 3067 Pardee, Dearborn, came to the City Council Meeting of Jan. 26th and was told his request would be referred to legal. See attached for the information he provided at that time. I have asked Sgt. Tim Stacy to provide the paperwork Mr. Maroeisz submitted to the Traffic Commission.

Freeman, Laura

From: Sabon-Ellebrake, Laurie
Sent: Wednesday, January 27, 2016 9:55 AM
To: Freeman, Laura
Subject: RE: Van parking permit requests

Sounds good!

From: Freeman, Laura
Sent: Wednesday, January 27, 2016 9:38 AM
To: Sabon-Ellebrake, Laurie
Cc: Dabaja, Susan (Home Email); Boudreau, Tracey
Subject: Van parking permit requests

Hi Laurie,

I'm sending you the info provided by Mr. Francis Maroeusz, 3067 Pardee, at last night's meeting regarding his request to park his work van on his residential property. This request was referred to you last night. I have asked Tim Stacy for the information Mr. Maroeusz submitted to the "Traffic Bureau", as per his written note, and will forward when received.

I am also sending you copies of a similar request made by Mario Bouchard, 22351 Columbia Street. I was informed by Clerk's that this cannot be officially referred until presented to Council at the next CoW, but since this was submitted earlier than Mr. Maroeusz's request I'm hoping you can work on it and report on both these requests at the same time. I plan to submit Mario Bouchard's material at the Feb. 4, 2016 Committee of the Whole.

Sound good?

Thank you,

Laura K. Freeman

Dearborn City Council Office
16901 Michigan Ave. #10
Dearborn, MI 48126
Office: (313) 943-3955
Fax: (313) 943-2842
LFreeman@ci.dearborn.mi.us

CITY COUNCIL OFFICE



To: Legal via City Clerk
From: Council Office
Date: Jan. 27, 2016
Subject: Requests for work van parking permits

The City Council has received two requests from parties who were turned down when they went before the Traffic commission to ask for permits to park their work vans on their residential property. They were advised that their only recourse was to seek permission from the City Council and they have done so.

Mario Bouchard, 22351 Columbia Street, Dearborn, submitted a letter, petition and photos on Jan. 20, 2016-see attached.

Francis Maroeusz, 3067 Pardee, Dearborn, came to the City Council Meeting of Jan. 26th and was told his request would be referred to legal. See attached for the information he provided at that time. I have asked Sgt. Tim Stacy to provide the paperwork Mr. Maroeusz submitted to the Traffic Commission.

DEPARTMENT OF LAW



TO: CITY COUNCIL
FROM: CORPORATION COUNSEL
VIA: MAYOR JOHN B. O'REILLY, JR.
SUBJECT: CODE AMENDMENT; CHAPTER 18
PARKING OF COMMERCIAL VEHICLES; EXCEPTION
C.R. 1-52-16
C.W. 2-8-16
DATE: FEBRUARY 25, 2016

Currently, the City Code makes it unlawful "for any person to park any commercial vehicle ... on any street within the city or upon private property within a residential area of the city." (Sec. 18-356.) The same Code section includes an exception for individuals who are required, due to their employment, to be on-call 24-hours a day, with a commercial vehicle (e.g., a plumber). This Code section establishes a procedure for these individuals to present proof of their on-call employment status to the Traffic Commission and gives the Traffic Commission the authority to issue permits allowing such commercial vehicles to be parked in residential neighborhoods. However, Sec. 18-356 clearly states that "no such permit shall be issued to an individual who proposes to park a commercial vehicle on property where a garage exists." The Traffic Commission does not have the discretion to waive this portion, or any portion of the Code.

Recently, the Traffic Commission has received two petitions for commercial vehicle parking permits from individuals who have otherwise complied with Sec. 18-356 (proof of on-call employment) and have provided supporting petitions signed by neighbors. However, because garages are located on the petitioners' property, the Traffic Commission is required to deny the request for a permit. Unfortunately, the commercial vehicles used by the petitioners are too tall to fit into the existing garages.

After review, it is recommended that the Council take the following action:

1. MARIO BOUCHARD, 22351 COLUMBIA (C.W. 2-8-16): Mr. Bouchard is a licensed electrician and is on-call 24 hours a day. Mr. Bouchard's garage door opening is 6'11" and the height of his truck is 8'6". There is no driveway at 22351 Columbia; the garage is accessed from a rear alley. The alley

dead ends at 22351 Columbia (photographs are attached) – there is no through traffic. Therefore, it is recommended that Mr. Bouchard be issued a permit to park his commercial vehicle adjacent to his garage in the alley at the rear of his home. The permit will be valid only while Mr. Bouchard's on-call 24 hours a day employment exists.

2. FRANCIS MARDEUSZ, 3067 PARDEE (C.R. 1-52-16): Mr. Mardeusz works for Home Repair Remodeling and is on-call 24 hours a day to provide board-up services, emergency plumbing and/or electrical repair, etc. The height of Mr. Mardeusz's commercial vehicle exceeds the height of his garage door opening. There is a driveway at 3067 Pardee. Therefore, it is recommended that Mr. Mardeusz be issued a permit to park his commercial vehicle at the back of his driveway (furthest from the street). The permit will be valid only while Mr. Mardeusz's on-call 24 hours a day employment exists.

3. It is recommended that Sec. 18-356 of the Code be amended to give the Traffic Commission some discretion to issue permits where there is a garage on the petitioner's property, but the commercial vehicle does not fit in the garage. In this situation, the attached proposed amendment to the Code indicates that a permit may be issued restricting parking to a driveway (where a driveway exists) or to the public street (where is there no driveway).

Recommendation is made for adoption.

Respectfully submitted,



LAURIE M. ELLERBRAKE
Deputy Corporation Counsel

APPROVED:



DEBRA A. WALLING
Corporation Counsel