

Lincoln Park, Michigan  
April 6, 2009

## REGULAR MEETING

The meeting was called to order at 8:00 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Invocation by Reverend Gary Schippling of Blessed Hope Church

PRESENT: Councilpersons Valerie Brady, Mario DiSanto, Mark Kandes, Thomas McPartlin,  
Thomas Murphy and Michael Myers

ALSO PRESENT: City Manager Steve Duchane, City Attorney Ed Zelenak and City Clerk  
Donna Breeding

Mayor's remarks

### RESOLUTION 09-81 Minutes

By Councilwoman Brady, supported by Councilman Myers

RESOLVED, that the minutes of the Regular Meeting held under the date of March 30, 2009 be approved as recorded.

Motion unanimously carried.

(Note: Study Session held March 30, 2009 at 8:37 p.m.)

(Note: Closed Meeting held March 30, 2009 at 9:30 p.m. re: Labor Negotiations)

### RESOLUTION 09-82 Proclaim Arbor Day

By Mayor Vaslo, supported by the Full Council

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln Park Mayor and Council do hereby proclaim April 24, 2009 as Arbor Day in the City of Lincoln Park and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, all citizens are urged to plant trees to gladden the heart and promote the well-being of this and future generations.

Motion unanimously carried.

### RESOLUTION 09-83 Proclaim Public Works Week

By Mayor Vaslo, supported by the Full Council

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collections, and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities as well as the planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials, and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, the Mayor and City Council do hereby proclaim the week of May 17-May 23, 2009 as "National Public Works Week" in the City of Lincoln Park upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Motion unanimously carried.

Commercial Beautification Award presented to Taco Bell, 2306 Dix

**RESOLUTION 09-84 Lot Split/Combination – Dix-Ford Sub**

By Councilwoman Brady, supported by Councilman McPartlin

RESOLVED, that the Lot Split/Combination for Parcels 45-022-08-0118-000 and 45-022-08-0120-000 be approved. The new Parcel ID’s and Legal Descriptions to be determined by Wayne County.

Motion unanimously carried.

**RESOLUTION 09-85 Prop. Ord. Amend/Chap. 606/Alcohol-Minors**

By Council President Murphy, supported by Councilman Kandes

RESOLVED, that “AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY ADDING A NEW SECTION .03 TO CHAPTER 606 Alcoholic Beverages, ENTITLED, FURNISHING ALCOHOLIC LIQUOR TO A MINOR.”, be given its first and second reading.

THE CITY OF LINCOLN PARK ORDAINS:

That Chapter 606 of the codified Ordinances of the City of Lincoln Park be amended to include a new Section .03 to read as follows:

606.03 Furnishing alcoholic liquor to a minor

It shall be unlawful for any person within the city to furnish alcoholic liquor to a person, unless the person has attained 21 years of age. A person who knowingly furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age, is guilty of a misdemeanor.

Motion unanimously carried.

**RESOLUTION 09-86 Prop. Ord. Amend/Chap. 893/Tax Abatement**

By Councilwoman Brady, supported by Councilman Kandes

RESOLVED, that “AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY ADDING A NEW CHAPTER 893, ENTITLED TAX ABATEMENT – LINCOLN PARK LOFTS.”, be given its first and second reading.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances of the City of Lincoln Park be amended to include a new Chapter 893 as follows:

CHAPTER 893 – TAX ABATEMENT – LINCOLN PARK LOFTS

893.01 SHORT TITLE

This Chapter shall be known and cited as the City of Lincoln Park Tax Abatement Ordinance for the Lincoln Park Lofts.

893.02 PREAMBLE AND PURPOSE

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low or moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 et. Seq.) (“Act”).

The City of Lincoln Park is authorized by said Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act. It is further acknowledged that such housing for persons and families of low or moderate income is a public necessity, and as the City of Lincoln Park will be benefited and improved by such housing, that the encouragement of same by providing certain real estate exemption for housing is a valid public purpose; further that the continuation of the provisions of this article for tax exemption and service charge in lieu of taxes during the periods hereafter contemplated in this article are essential to the determination of economic feasibility of the housing development which is constructed and financed in reliance thereon.

The City of Lincoln Park acknowledges that Lincoln Park Lofts Housing Limited Dividend Housing Association Limited Partnership (the “Sponsor”), a Michigan limited partnership, and whose General Partner is a wholly-owned subsidiary of Wayne Metropolitan Community Action Agency, has offered, subject to receipt of a Mortgage Loan from the Authority (as defined below) and an allocation of Low Income Housing Tax Credits (“LIHTC”) from the Authority, to acquire land and build a housing development to be identified as Lincoln Park Lofts on certain property located in the City of Lincoln Park at 1583 West Fort Street and more particularly described on Exhibit “A” attached hereto and incorporated herein, to serve persons of low or moderate income, and that the sponsor has offered to pay the City on account of this housing development an annual service charge for public services in lieu of all taxes.

continued

## 893.03 DEFINITIONS.

- A. Authority means the Michigan State Housing Development Authority.
- B. Act means the State Housing Development Authority Act, being Public Act 436 of 1966, of the State of Michigan, as amended.
- C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges.
- D. Housing Development means a development which contains a significant element of housing for persons of low or moderate income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low and moderate income.
- E. Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.
- F. Persons of Low or Moderate Income means persons who meet the eligibility criteria set by the Authority to move into the Housing Development.
- G. Sponsor means the person(s) or entities which have applied to the Authority for a mortgage loan to finance a Housing Development and for an allocation under the LIHTC Program and which is qualified to receive a tax exemption under the Act as determined by the Authority.
- H. Utilities mean the water, sanitary sewer service, gas, and/or electrical service which are paid by the Housing Development.

## 893.04 CLASS OF HOUSING DEVELOPMENTS.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be Persons of Low and Moderate Income, which are financed or assisted pursuant to the Act. It is further determined that Lincoln Park Lofts is of this class.

## 893.05 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

The Housing Development identified as Lincoln Park Lofts and the property on which it shall be situated shall be exempt for all property taxes from and after the effective date of this Ordinance. The City of Lincoln Park, acknowledging that the Sponsor and Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this article and qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to the receipt of an allocation under the LIHTC Program, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of property taxes. The annual service charge shall be equal to four and one-half percent (4.5 %) of the difference between the Annual Shelter Rents actually collected and Utilities.

## 893.06 LIMITATIONS OF THE PAYMENT OF ANNUAL SERVICE CHARGE.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low or moderate income persons and families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income" as used herein shall be the same as found in Section 15(a)(7) of the Act.

## 893.07 CONTRACTUAL EFFECT OF THE ORDINANCE.

Notwithstanding the provisions of Section 15(a)(2) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as the third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

## 893.08 PAYMENT OF SERVICE CHARGE.

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes, except the annual payment shall be collected by the City of Lincoln Park on or before March 15<sup>th</sup> of every year. The first Annual Service Charge shall be due and payable on March 15, 2011. The Sponsor shall submit with the March 15<sup>th</sup> payment a statement from a mutually agreed upon independent auditor verifying that the amounts to be used to compute the Service Charge are correct as reported.

The first Annual Period for purposes of this Ordinance shall commence January 1, 2010 and end December 31, 2010.

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**893.09 DURATION**

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid, or the Authority has any interest in the Property, or the Housing Development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended.

**893.10 SEVERABILITY.**

The various section an provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

**893.11 EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon adoption. All ordinances or parts of ordinances in conflict with the Ordinance are repealed to the extent of such conflict.

Motion unanimously carried.

**RESOLUTION 09-87 Participation/Residential Rehab**

By Councilman McPartlin, supported by Councilman Kandes

RESOLVED, that the following citizens be approved for participation in the CDBG Residential Rehabilitation Program, for a loan not to exceed \$20,000

#1299LI Irma Linares – 1670 Gregory  
Lead based paint corrections, city code violations, new vinyl siding, replace porch, add insulation

#1300DL Patricia Mickey – 2084 Regina  
Lead based paint corrections, city code violations, windows, doors

BE IT FURTHER RESOLVED, that Donald T. Cook, Director of Community Development is hereby authorized and directed to process these applications in accordance with the Policy and Procedures Guidelines previously approved. Funds to come from 33<sup>rd</sup> Program Year CDBG Budget Account Number 24932 720RR.

Motion unanimously carried.

**RESOLUTION 09-88 Solicit Bids/Concrete Replacement**

By Councilman DiSanto, supported by Council President Murphy

RESOLVED, that the Mayor and City Council herby authorize the Director of Public Services to solicit bids for miscellaneous concrete work and sidewalk program for 2009/10.

Motion unanimously carried.

**RESOLUTION 09-89 Solicit Bids/2009 Lawn Maintenance**

By Councilman McPartlin, supported by Councilman DiSanto

RESOLVED, that the Mayor and Council hereby authorize the Director of Public Services to solicit the “2009 Lawn Maintenance” bids for all properties that the City is responsible for.

Motion unanimously carried.

**RESOLUTION 09-90 Solicit Bids/Sewer Replacement – Kings Hwy**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the Mayor and Council authorize the Director of Public Services to solicit bids for Sanitary Sewer Main Replacement for the homes behind Kings Hwy. from Gohl Street to approximately 500 feet west to new manhole.

Motion unanimously carried.

**RESOLUTION 09-91 Solicit Bids/Riverbank & Harrison Bridge**

By Councilman DiSanto, supported by Councilman Myers

RESOLVED, that the Mayor and Council authorize the Director of Public Services to solicit bids Riverbank (Fort to Ferris) Street Reconstruction and Harrison Bridge (East) Overlay Project.

Motion unanimously carried.

**RESOLUTION 09-92 Solicit Bids/Watermain Replacement/Minnie**

By Councilman Myers, supported by Councilman DiSanto

RESOLVED, that the Mayor and Council authorize the Director of Public Services to solicit bids for Minnie Street (Bailey to dead-end) Road and Watermain Replacement Project.

Motion unanimously carried.

**RESOLUTION 09-93 Solicit Bids/09 CDBG Street Sectioning**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the Mayor and Council authorize the Director of Public Services to solicit bids for the 2009 CDBG (Spring) Street Sectioning Project.

Motion unanimously carried.

**RESOLUTION 09-94 Set "Clean-up/Fix-up" Weeks**

By Councilwoman Brady, supported by Councilman McPartlin

RESOLVED, that the Mayor and City Council do hereby authorize the Department of Public Services to conduct the annual "Clean-up/Fix-up" Program during the period of May 18, 2009 through May 29, 2009, excluding May 25, 2009.

BE IT FURTHER RESOLVED, that residents may dispose of six bushels per household, per week, of general household waste, to EXCLUDE ANY hazardous materials, i.e., shingles, paint, insulation, chemicals, cleaning solvents, fertilizers, weed killers, dirt, sod, antifreeze, oil, batteries, automobile parts, or any appliance containing Freon.

Motion unanimously carried.

**RESOLUTION 09-95 Special Event Permit/Farmer's Market**

By Councilman McPartlin, supported by Councilman Myers

RESOLVED, that Special Event Permit #1 be approved for the "Farmer's Market" to be held in the City of Lincoln Park on Sundays, 9:00 a.m. to 4:00 p.m., from May through October, 2009.

Motion unanimously carried.

**RESOLUTION 09-96 Authorize New Reserve Police Officer**

By Council President Murphy, supported by Councilman Myers

RESOLVED, that the Mayor and Council authorize the Lincoln Park Police Department to increase the workforce of the volunteer Reserve Officers program by one person for the 2009/2010 fiscal year. The approximate cost for the physical exam, psychological exam, Reserve Officer School, and uniforms/equipment is \$2,000.00. The funds will come from the Reserve Officer Account 101-305-779R.

Motion unanimously carried.

**RESOLUTION 09-97 Concur/HUD \$1 Home Purchase**

By Council President Murphy, supported by Councilman Kandes

WHEREAS, the Mayor and Council have determined that it is in the best interest of the community to participate in the dollar (\$1.00) home program through the U.S. Department of Housing and Urban Development, and

WHEREAS, the City was afforded the opportunity of purchasing homes through the program.

THEREFORE, BE IT RESOLVED, that the Mayor and Council concur with the decision to purchase 2406 Elliott, 1434 University, 1387 Paris, 1100 St. Johns, 4128 Lafayette, 1256 Fort Park, 425 White, 702 Cleophus, 1553 Applewood, and 536 Farnham.

Motion unanimously carried.

**RESOLUTION 09-98 Nominate Rep/Millennial Mayors Congress**

By Mayor Vaslo, supported by the Full Council

WHEREAS, the City of Lincoln Park is participating in the Michigan Suburbs Alliance's Millennial Mayors Congress, which is a regional partnership of city officials and young leaders who will work together to address metropolitan issues, and

WHEREAS, by incorporating the ideas and perspectives of southeast Michigan's young residents into public problem solving, the Millennial Mayors Congress will create opportunities to significantly innovate local governance and grow a culture of civic engagement throughout the region, and

WHEREAS, the City of Lincoln Park and the Millennial Mayors Congress recognizes the health and vibrancy of the region's urban core is essential to greater regional prosperity and competitiveness, and WHEREAS, the City of Lincoln Park and the Millennial Mayors Congress believes that Metropolitan Detroit's ability to retain and attract young adults is vital to economic prosperity, and

WHEREAS, the Millennial Mayors Congress recognizes the ability of southeast Michigan's local governments to cooperate is essential to resolving region-wide challenges.

NOW, THEREFORE, BE IT RESOLVED, that Michael Parr be appointed to serve as the City of Lincoln Park's millennial representative on Millennial Mayors Congress and will serve a one year term beginning May 2009.

Motion unanimously carried.

**RESOLUTION 09-99 Charitable Solicitation/Relay for Life**

By Councilman McPartlin, supported by Councilman Kandes

RESOLVED, that the American Cancer Society be granted permission to conduct a “Relay for Life” walk at Youth Center Park on May 16-17, 2009 from 10:00 a.m. to 10:00 a.m. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER REPORT

There being no further business the meeting adjourned at 9:13 p.m.

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**FRANK VASLO, MAYOR**

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**DONNA BREEDING, CITY CLERK**