

REGULAR MEETING

The meeting was called to order at 8:00 p.m., Mayor Steven M. Brown presiding

Pledge of Allegiance to the Flag

Invocation by Rev. Russell Bone of Lincoln Park Church of Christ

PRESENT: Councilpersons Mario DiSanto, Michael Higgins, Mark Kandes, Thomas McPartlin,
Thomas Murphy and Frank Vaslo

ALSO PRESENT: City Attorney Ed Zelenak and Deputy Clerk Janice S. Hochberg

Mayor's Remarks

RESOLUTION 07-135 Minutes

By Councilman McPartlin, supported by Council President Higgins

RESOLVED, that the minutes of the Regular Meeting held under the date of April 16, 2007 be approved as recorded.

Motion unanimously carried.

(NOTE: Study Session held April 16, 2007 at 9:07 p.m.)

Moved by Councilman DiSanto, supported by Councilman Kandes, that the minutes of the Special Meeting held April 16, 2007 at 6:00 p.m. regarding the "Interviews for the Building & Engineering Manager" be approved as recorded.

RESOLUTION 07-136 Proclaim Arbor Day

By Mayor Brown, 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 27, 2007 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 07-137 Auth. Solicitation/Lions White Cane Week

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that the Lincoln Park Lions Club be granted permission to solicit donations in front of various businesses in the City of Lincoln Park for the annual "Lions of Michigan White Cane Drive", from April 27, 2007 through May 6, 2007. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

PROCLAMATION given to Dorothy Tank for 31 years of service to the Lincoln Park Skate Co.

RESOLUTION 07-138 Set Salary/Building & Engineering Manager

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that the salary of Building & Engineering Manager is established at the rate of \$70,100.00, per annum and will become effective immediately until January 5, 2009.

Compensation shall include those items commonly referred to as fringe benefits that are contained in the Lincoln Park Administrators Association Collective Bargaining Agreement.

Motion unanimously carried.

RESOLUTION 07-139 Appoint/Building & Engineering Manager

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that Dennis Chegash be appointed Building & Engineering Manager of the City of Lincoln Park effective April 24, 2007 until January 5, 2009; with compensation and fringe benefits as outlined in the Lincoln Park Administrators Association Collective Bargaining Agreement.

Motion unanimously carried.

PUBLIC HEARING re: Reprogramming of CDBG Funds called to order, Mayor Steven Brown presiding.

PRESENT: Councilpersons Mario DiSanto, Michael Higgins, Mark Kandes, Thomas McPartlin, Thomas Murphy and Frank Vaslo

ALSO PRESENT: Acting Director of Community Planning & Development Don Cook, City Attorney Ed Zelenak and Deputy Clerk Janice Hochberg

This is the first of two Public Hearings for the purpose of Reprogramming approximately \$163,981.94 in CDBG funds. The public has been invited to attend.

Discussion – Mayor & Council discussed using approximately \$100,000 for streets and \$63,981.94 for utilities at Lion's Park.

Councilman Kandes –“Would like \$100,000 of money to be focused in NRS Neighborhood for streets.”

No Public Comments

Adjourn Public Hearing

Reconvene Regular Meeting

PUBLIC HEARING re: Dangerous Buildings 1703 LeBlanc, 1401 McLain, and 4036 Dix
CALLED TO ORDER

DISCUSSION: 1703 LeBlanc

No Public Comment– no interested party in attendance

DISCUSSION: 1401 McLain

Public Comment– legal counsel for owner in attendance – opposes demolition

DISCUSSION: 4036 Dix

Public Comment- owner of record in attendance

Adjourn Public Hearing

Reconvene Regular Meeting

RESOLUTION 07-140 Demolition/Dang.Bldg./1703 LeBlanc

By Councilman Kandes, supported by Councilman McPartlin

WHEREAS, the Dangerous Building and Code Appeals Board issued an order to demolish the structure located at 1703 LeBlanc, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as CASE # 06-11, which was held on November 15, 2006 in accordance with Section 1444.04 of the Codified Ordinances of the City of Lincoln Park; and WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of it's findings and a copy of it's order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of April 23, 2007, the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board to demolish and remove the structure located at 1703 LeBlanc, Lincoln Park MI, is hereby approved by the Council of the City of Lincoln Park; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works is hereby directed to comply with the order of the Board as approved by Council after 20 days from the date of this resolution; and

continued

BE IT FURTHER RESOLVED, that the Superintendent of Public Works shall determine the date of demolition and shall notify each party of interest as required by Section 1444.10 of the Codified Ordinances; and

BE IT FURTHER RESOLVED, that the cost of the demolition shall be assessed against the real property on which said structure is located, such costs shall be reported to the City Assessor who shall place said lien.

Motion unanimously carried.

RESOLUTION 07-141 Demolition/Dang. Bldg./1401 McLain

By Council President Higgins, supported by Councilman McPartlin

WHEREAS, the Dangerous Building and Code Appeals Board issued an order to demolish the structure located at 1401 McLain, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as CASE # 06-04, which was held on November 15, 2006 in accordance with Section 1444.04 of the Codified Ordinances of the City of Lincoln Park; and WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of April 23, 2007, the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board to demolish and remove the structure located at 1401 McLain, Lincoln Park MI, is hereby approved by the Council of the City of Lincoln Park; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works is hereby directed to comply with the order of the Board as approved by Council after 20 days from the date of this resolution; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works shall determine the date of demolition and shall notify each party of interest as required by Section 1444.10 of the Codified Ordinances; and

BE IT FURTHER RESOLVED, that the cost of the demolition shall be assessed against the real property on which said structure is located, such costs shall be reported to the City Assessor who shall place said lien.

Motion unanimously carried.

RESOLUTION 07-142 Demolition/Dang. Bldg./4036 Dix

By Councilman DiSanto, supported by Councilman Vaslo

WHEREAS, the Dangerous Building and Code Appeals Board issued an order to demolish the structure located at 4036 Dix, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as CASE # 06-09, which was held on April 26, 2006 in accordance with Section 1444.04 of the Codified Ordinances of the City of Lincoln Park; and WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of April 23, 2007, the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board to demolish and remove the structure located at 4036 Dix, Lincoln Park MI, is hereby approved by the Council of the City of Lincoln Park; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works is hereby directed to comply with the order of the Board as approved by Council after 20 days from the date of this resolution; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works shall determine the date of demolition and shall notify each party of interest as required by Section 1444.10 of the Codified Ordinances; and

BE IT FURTHER RESOLVED, that the cost of the demolition shall be assessed against the real property on which said structure is located, such costs shall be reported to the City Assessor who shall place said lien.

BE IT FURTHER RESOLVED, that **this matter be continued until May 21, 2007.**

Motion unanimously carried.

RESOLUTION 07-143 Sub-Recipient /DCC–Sr. Transportation

By Councilman McPartlin, supported by Councilman Vaslo

RESOLVED, that the standard Sub-Recipient Agreement dated July 1, 2006 between the City of Lincoln Park and the Downriver Community Conference, is hereby approved with a budget allocation of \$7,000 and the Mayor and City Clerk are hereby authorized and directed to execute said Agreement on behalf of the City. Funds to come from 32nd Program Year CDBG Budget Account Number 24932-75513.

Motion unanimously carried.

RESOLUTION 07-144 Participation/Residential Rehab Program

By Councilman McPartlin, supported by Councilman Vaslo

RESOLVED, that the following citizen be approved for participation in the CDBG Residential Rehabilitation Program, for a loan not to exceed \$20,000.00.

#1283DL Dawn Florinchi – 883 Ford

Remodel kitchen and bathroom, install carpet

BE IT FURTHER RESOLVED; Donald T. Cook, Director of Community Planning and Development is hereby authorized and directed to process this application in accordance with the Policy and Procedures Guidelines previously approved. Funds to come from 31st Program Year CDBG Budget Account Number 24931 720R.

Motion unanimously carried.

RESOLUTION 07-145 Set Public Hearing/Proposed Budget

By Councilman Vaslo, supported by Councilman McPartlin

RESOLVED, that the Office of City Management and the Finance Director, are hereby requesting to schedule a special meeting on Monday May 21, 2007 at 7:00p.m. in the John A. Aloisi Council Chambers at City Hall, 1355 Southfield Rd., Lincoln Park, for the purpose of holding a Public Hearing for the proposed Fiscal Year 2007/2008 budget.

Motion unanimously carried.

RESOLUTION 07-146 Approve Special Event Permit/2040 Fort

By Council President Higgins, supported by Councilman DiSanto

RESOLVED, that Special Event Permit #3 be approved for Painters Supply & Equipment, 2040 Fort St. to be held during the “Cruisin’ Downriver” Event on June 30, 2007.

Motion unanimously carried.

RESOLUTION 07-147 Exception/Peddling – Fixed Location

By Council President Higgins, supported by Councilman Murphy

RESOLVED, that the Mayor and Council hereby approve an Exception to the Municipal Code which will allow a hawker or peddlers to sell their wares from a fixed location. Under the following conditions:

If a Special Event permit has been granted by the Mayor and Council a hawker or peddler may participate by selling their wares from a fixed location for the event only. There shall be no additional charges by the city for hawkers or peddlers that have been contracted to participate in that event by those hosting and/or paying for the Special Event Permit.

Motion unanimously carried.

RESOLUTION 07-148 Solicit Bids/Misc. Grass Cutting

By Councilman Murphy, supported by Councilman Vaslo

RESOLVED, that the Mayor and Council do hereby authorize the Director of Public Services to solicit bids for grass cutting of vacant and/or city owned lots as needed.

Motion unanimously carried.

RESOLUTION 07-149 Solicit RFP/Rubbish Collection

By Councilman Kandes, supported by Councilman Vaslo

WHEREAS, the city’s solid waste pick-up and removal contract with Waste Management expires on June 30, 2007, and

WHEREAS, the Mayor and Council are interested in receiving competitive bids in order to insure the most economical as well a highest quality of service for pick-up and removal of the city’s solid waste that is generated by it’s residents.

BE IT RESOLVED, that the Mayor and Council direct the Director of Public Services to issue a Request for Proposal (RFP) for the city’s solid waste pick-up and removal service

Motion unanimously carried.

RESOLUTION 07-150 Award Bid/Vactor Truck Lease

By Councilman Kandes, supported by Councilman McPartlin

WHEREAS, the Mayor and City Council are interested in cleaning and maintaining the sanitary and storm sewers of the City, and

WHEREAS, the city has a legal obligation to be able to respond to flooded basements and maintain the sewers in a reliable and timely manner.

BE IT RESOLVED, the Mayor and City Council hereby award a lease agreement between the City and Doheny Supply for a Vactor 2110-J4 Combination Sewer cleaner mounted on a 2007 Sterling L7501 for a period of 5 years, with a yearly payment of \$37,978.44.

BE IT FURTHER RESOLVED, that a yearly payment of \$37,978.44 be appropriated from Account #661.932.983 "Capital Expenditures".

BE IT FURTHER RESOLVED, that the Mayor and City Council authorize the Mayor and City Clerk to sign any and all documents necessary to execute the aforementioned lease agreement.

Motion unanimously carried.

Resolution regarding the Water Main Relining Project **HELD**

RESOLUTION 07-151 River Dr. Reconstruction/Schedule – HELD

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the Mayor and Council direct OHM consulting Services to submit the River Drive Water Main Replacement project with the River Drive Road Re-Construction project as one total project to MDOT, with construction commencing Spring 2008.

Above Resolution **HELD**

Resolution regarding the River Dr. Reconstruction – Street Width **HELD**

RESOLUTION 07-152 Attend APWA Conference/DPS

By Councilman DiSanto, supported by Councilman McPartlin

WHEREAS, the Mayor and City Council are interested in having city employees receive professional training, and

WHEREAS, each year the Michigan Chapter APWA has an Annual Conference in order to update and train managers and directors.

BE IT RESOLVED, that the Mayor and City Council hereby authorize Robert Bartok, Director of Public Services, to attend the 2007 American Public Works Association (APWA) Annual Conference from May 22-25 at Boyne Falls, MI, for a total cost of \$495.00.

BE IT FURTHER RESOLVED, that the expenses for attending the aforementioned Conference be taken from Account #101.445.960 "Training – Schools".

Motion unanimously carried.

RESOLUTION 07-153 Authorize Solicitation/LPHS Varsity Softball

By Council President Higgins, supported by Councilman Kandes

WHEREAS, the City of Lincoln Park has received a solicitor's application from the LP High School Varsity Softball team requesting permission to hold their "Annual City Wide Garage Sale" fundraiser.

BE IT RESOLVED, that the LP High School Varsity Softball team be granted permission to solicit registrations and sell maps for the event, on the municipal lot located at Fort St. and Southfield Rd. for their "Annual City Wide Garage Sale" on June 9th and 10th, 2007. All reporting provisions of the local ordinances to be timely observed.

FURTHER BE IT RESOLVED, that City permits purchased for this fundraiser shall be in addition to the two permits allowable per calendar year under Municipal Code Chapter 830.

Motion unanimously carried.

RESOLUTION 07-154 Adopt Ord. Amend./Chapter 490 – Parking

By Councilman Vaslo, supported by Councilman Kandes

RESOLVED, that “ AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY REPEALING THE EXISTING PARKING CHAPTER 492 AND 496 IN THEIR ENTIRETY AND SECTION .99 OF CHAPTER 490, SAID SECTION WILL BE REPLACED WITH THE FOLLOWING LANGUAGE”, be and is hereby ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That Section .99 Penalty and Sanction of Chapter 490 of the Codified Ordinances of the City of Lincoln Park be repealed in its entirety; and replaced as follows:

490.99 PENALTY AND SANCTION: MUNICIPAL CIVIL INFRACTION

Violations of the provisions in the chapter and all parking violations are Municipal Civil Infractions and subject to the penalty and sanctions described in Section 202.101.

- (a) Unless otherwise specifically provided for a particular Municipal Civil Infraction violation by these Codified Ordinances or any ordinance, the civil fine for a violation shall be not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction.

Motion unanimously carried.

ADOPTED: April 13, 2007

PUBLISHED: May 2, 2007

EFFECTIVE: May 2, 2007

RESOLUTION 07-155 Oppose Municipal Waste Fee

By Mayor Brown, supported by the Full Council

WHEREAS, legislation has proposed to impose a \$7.50 per ton fee on all municipal waste, which would, allegedly, be partially returned to communities as funds earmarked for recycling, and

WHEREAS, the estimated impact to the City of Lincoln Park based on the City’s 2006 actual waste disposal billing, would be approximately \$138,000, annually.

THEREFORE, BE IT RESOLVED, that the City of Lincoln Park is hereby opposed to a \$7.50 per ton fee on all municipal waste.

BE IT FURTHER RESOLVED, that the City Clerk be directed to send a copy of this resolution to Governor Granholm, our State Representative and State Senator, and to Downriver Community Conference and neighboring communities.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 10:10 p.m.

STEVEN M. BROWN, MAYOR

JANICE S HOCHBERG, DEPUTY CLERK