

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 Pat Bossio, Sr., of Faith Christian Assembly

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 08-326 Minutes

By Councilman Kandes, supported by Councilman Myers

RESOLVED, that the minutes of the Regular Meeting held under the date of September 29, 2008 be approved as recorded.

Motion unanimously carried.

(Note: Study Session held September 29, 2008 at 8:48 p.m.)

Business of the Month Award presented to Toma's Coney Island, 3155 Dix by the LP Chamber of Commerce

RESOLUTION 08-327 Award Bid/Roof Repair-Replacement

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that the bid from Fisher Roofing Company, Inc., in the amount of \$112,900.00 for the repair/replacement of various roofs is hereby accepted as the lowest best qualifying bid received that meets the specifications.

BE IT FURTHER RESOLVED, that funds shall come from Account #101263.983, Municipal Buildings & Grounds, as approved in the 2008-09 Fiscal Budget.

Motion unanimously carried.

RESOLUTION 08-328 Award Bid/Sodium Hypochlorite Tanks

By Councilman DiSanto, supported by Councilwoman Brady

RESOLVED, that the bid from Wagner Enterprise, Inc., in the amount of \$22,930.00 for the purchase of two (2) Sodium Hypochlorite Tanks is hereby accepted as the lowest best qualifying bid received and meets the specifications.

BE IT FURTHER RESOLVED, that funds shall come from Account #592500.983, Water/Sewer, as approved in the 2008-09 Fiscal Budget.

Motion unanimously carried.

RESOLUTION 08-329 Award Bid/Large Dump Trucks

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the bid from Jorgensen Ford in the amount of \$193,408.00 for the purchase of two (2) Large Dump Trucks is hereby accepted as the lowest best qualifying bid received that meets the specifications.

BE IT FURTHER RESOLVED, that the funds for these expenditures come from the Capital Expenditures, Motor Pool, Account #661932.983, as approved in the 2008-09 Fiscal Budget.

Motion unanimously carried.

RESOLUTION 08-330 Award Bid/Super Duty Dump Truck

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that the bid from Jorgensen Ford in the amount of \$49,007.00 for the purchase of a Super Duty Dump Truck is hereby accepted as the lowest best qualifying bid received that meets the specifications.

BE IT FURTHER RESOLVED, that the funds for these expenditures come from the Capital Expenditures, Motor Pool, Account #661932.983, as approved in the 2008-09 Fiscal Budget.

Motion unanimously carried.

RESOLUTION 08-316A Adopt Ord. /Ch. 1410/State Construction Code

By Councilman McPartlin, supported by Councilman Kandes

RESOLVED, that "AN ORDINANCE TO AMEND CHAPTER 1410 OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY REPEALING THE EXISTING CHAPTER 1410 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 1410 ENTITLED STATE CONSTRUCTION CODES." be given its third and final reading and ADOPTED BY TITLE ONLY.

THE CITY OF LINCOLN PARK ORDAINS:

That the existing Chapter 1410 of the Codified Ordinances of the City of Lincoln Park be repealed in its entirety and a new Chapter 1410 STATE CONSTRUCTION CODES as follows:

CHAPTER 1410 – STATE CONSTRUCTION CODES**.01 ADOPTION BY REFERENCE.**

Pursuant to the provisions of Section 3(k) of Act 270 of 1909, State of Michigan, as amended, Michigan Compiled Laws 117.3(k) and Section 8a of Act 230 of 1972, State of Michigan, as amended, Michigan Compiled Laws 125.1508a, the State of Michigan Building Code is hereby adopted by reference by the City of Lincoln Park for the purpose of regulating the erection, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures in the City of Lincoln Park. A complete copy of the code is available for inspection in the Lincoln Park Building Department.

.02 ENFORCEMENT BY MANAGER OF THE BUILDING & ENGINEERING DEPARTMENT.

Pursuant to the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Codes, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official (Manager of the Building & Engineering Department) of the City of Lincoln Park is hereby designated as the official of the enforcing agency authorized to discharge the responsibility of the City of Lincoln Park under Act 230 of the Public Acts of 1972, State of Michigan. The City of Lincoln Park assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

.03 ESTABLISHMENT OF FEES.

All fees charged by the City of Lincoln Park for applications for permits, examination of plans, issuance of permits, inspections of construction, issuance of certificates of use and occupancy, inspection of premises, issuance of certificates of compliance, registration of licenses and contractors, applications for hearings or review by any board or commission, and other services required and performed by the City of Lincoln Park or any of its officers or employees shall be as established from time to time by resolution of the City Council.

Motion unanimously carried

Adopted: October 6, 2008

Published: October 15, 2008

Effective: October 15, 2008

RESOLUTION 08-317A Adopt Ord. /Chapter 1420/Building Dept

By Councilman Kandes, supported by Councilman McPartlin

RESOLVED, that "AN ORDINANCE TO AMEND SUBSECTION (d) (2) OF SECTION 1420.01 OF CHAPTER 14 – BUILDING AND HOUSING CODE, BE REPEALED IN ITS ENTIRETY AND REPLACED BY THE FOLLOWING 1420.01 (d) (2) WHICH NEW SUBSECTION SHALL READ AS FOLLOWS" be given its third and final reading and be ADOPTED BY TITLE ONLY.

THE CITY OF LINCOLN PARK ORDAINS:

That, Subsection (d) (2) of Section 1420.01 of Chapter 14 – Building and Housing Code, be repealed in its entirety and replaced by the following 1420.01 (d) (2), as follows:

1420.01 (d) (2) The Manager of the Building & Engineering Department shall report to and be subject to the general direction of the City Manager. He or she shall issue building permits and enforce and perform the duties of the Building Inspector in the absence of a Building Inspector or Assistant Building Inspector. He or she shall ensure the performance of those Department activities required to implement the City's urban renewal and /or code enforcement programs. He or she shall perform such other duties as are assigned to him or her from time to time by the Mayor and Council.

Motion unanimously carried.

Adopted: October 6, 2008

Published: October 15, 2008

Effective: October 15, 2008

RESOLUTION 08-331 Renew Option/Happenings Brochure

By Councilwoman Brady, supported by Councilman Myers
RESOLVED, that Mayor and Council authorize the Purchasing Specialist to execute the option year of the contract with Johnston Lithograph to provide printing services for the Parks and Recreation Happenings Brochure as stated in Resolution #07-95.
Per recommendation of the Director of Parks and Recreation, the Purchasing Specialist and the Finance Director.
Funds to come from Account #101.708.901 Parks and Recreation Advertising.
Motion unanimously carried.

RESOLUTION 08-332 Approve Sub-Recipient Agreement/CPW

By Councilman Kandes, supported by Councilman DiSanto
RESOLVED, that the standard Sub Recipient Agreement dated July 1st, 2008 between the City of Lincoln Park and The Citizens Patrol Watch, is hereby approved with a budget allocation of \$10,000 and the Mayor and City Clerk are hereby authorized and directed to execute said Agreement on behalf of the City. Funds to come from 34th Program Year CDBG Budget Account Number 24934-75608 "Citizens Patrol Watch".
Motion unanimously carried.

RESOLUTION 08-333 Designate Official Newspaper

By Councilman DiSanto, supported by Councilman Kandes
RESOLVED, that the News Herald Newspaper be designated as the "Official Newspaper" for the City of Lincoln Park.
FURTHER BE IT RESOLVED, that all advertisements for the City of Lincoln Park shall be placed in the Wednesday edition, unless modified by Council Resolution.
Motion carried.
NAY: Councilpersons Murphy and Myers

RESOLUTION 08-334 Establish Trick or Treat Hours

By Councilman DiSanto, supported by Councilman McPartlin
RESOLVED, that the City of Lincoln Park designate the hours of 5:00 P.M. through and including 8:00 P.M. on Friday, October 31, 2008 as the Official "Trick or Treat" time of observance in the City of Lincoln Park.
Motion unanimously carried.

RESOLUTION 08-335 Waive Bid/Purchase – Police Vehicle

By Council President Murphy, supported by Councilman Myers
WHEREAS, the Department of Public Services is requesting to purchase one (1) 2008 Ford Crown Victoria police Interceptor from Jorgensen Ford of Michigan in conjunction with police outfitting from Winder's Police Equipment
BE IT RESOLVED, that the Mayor and Council authorize the Department of Public Services to waive the bidding process and purchase one (1) 2008 Ford Crown Victoria Police Interceptor from Jorgensen Ford of Michigan; in conjunction, with police outfitting from Winder's Police Equipment for a total cost not to exceed \$35,000.00, and
BE IT FURTHER RESOLVED, that the funds for this expenditure come from the Motor Pool Capital Equipment Fund for the vehicle purchases (661-932-983) in the 2008-09 Fiscal Budget and the police outfitting expenditures come from Account (101-305-983) Capital Purchases.
Motion unanimously carried.

RESOLUTION 08-336 JMC Membership Renewal

By Councilman DiSanto, supported by Councilman McPartlin
WHEREAS, effective March 1, 1962, a contract was entered by and between the City of Belleville, City of Ecorse, City of Lincoln Park, City of River Rouge, City of Southgate, City of Wyandotte, City of Allen Park, City of Taylor, City of Dearborn Heights, City of Romulus, City of Riverview, Charter Township of Van Buren and Charter Township of Brownstown, (hereafter collectively called "the Municipalities," individually, "the Municipality"), being Cities and Townships located in the County of Wayne, Michigan and the County of Wayne, a Charter County, (hereafter called "The County") for the purposes of establishing the Downriver Sewage Disposal System, (hereafter "the System"), for the treatment and disposal of sanitary sewage emanating from the Municipalities, and

continued

WHEREAS, that contract, as amended, provided for the operation of said System by the County, which contract has an expiration date of March 1, 2012, and

WHEREAS, the System has undergone a major expansion and renovation as a result of U.S. EPA and Michigan Department of Environmental Quality mandates which were set forth in a Consent Decree dated May 24, 1994 in the matter of *United States of America, et al vs. Wayne County Michigan, et al*, Civil Action No. 87-70992, filed in the U.S. District Court, Eastern District of Michigan, Southern Division, and

WHEREAS, as a result of said Consent Decree, including the amendments thereto, the System has undergone a major renovation and expansion, the parties have issued bonds in the aggregate amount of approximately \$350 million pursuant to a Financing Plan and Final Judgment entered in the above referenced matter on March 14, 1994, and

WHEREAS, as a result of said expansion and renovation, and the resulting issuance of bond obligations, all of which have substantially changed the System from that originally designed or contemplated at the execution of the original contract, the parties desire to properly reflect the rights and obligations of the parties as their interest presently appear, and

WHEREAS, the contract and past practices establish the County as the entity responsible for operating, managing and controlling the System, while the Municipalities are responsible for funding the operation, maintenance, expansion, renovation, rehabilitation and capital improvements to the System, and

WHEREAS, the County and Municipalities wish to adjust this relationship as to management, operation and control of the System, to allow the Municipalities more involvement in the operation, management and control of the System by forming a Joint Management Committee pursuant to the terms and conditions set forth in the Joint Management Committee Memorandum of Understanding, as revised (Exhibit 1), and

WHEREAS, the purpose of the Joint Management Committee Memorandum of Understanding is to set forth the composition, duties and responsibilities of a Joint Management Committee, which Committee was formed on a one year pilot/experimental basis on January 1, 2002, for the management and control of the System, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of two years, commencing January 1, 2003, upon the terms and conditions set forth in Section III, paragraph (1) of the Memorandum of Understanding, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of one year, commencing January 1, 2005, with an option to extend a second year commencing January 1, 2006 provided the option is exercised by the Municipalities and the County no later than 10 days prior to December 31, 2005, and

WHEREAS, the Municipalities and the County exercised their option and extended the term of the Memorandum of Understanding for a period of one year, commencing January 1, 2006; and

WHEREAS, the Municipalities and the County extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2007; and

WHEREAS, while the Municipalities are in the process of reviewing their options upon expiration of the contract in March, 2012, the Municipalities and the County desire to extend the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2009, and concluding on December 31, 2010. NOW, THEREFORE, BE IT RESOLVED THAT: The City of Lincoln Park hereby approves of and authorizes the full and necessary participation in the Joint Management Committee pursuant to terms and conditions set forth in Exhibit 1.

The City hereby designates Director of Public Services as its JMC representative, and Supervisor of Public Services as its alternate representative.

Motion unanimously carried.

