

**REGULAR MEETING**

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

Pledge of Allegiance to the Flag led by the Order of Demolay

Invocation by Reverend John Peck of Bethel Assembly Church

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

ALSO PRESENT: City Attorney Ed Zelenak and City Clerk Donna Breeding

**PROCLAMATION** presented to the Order of Demolay, C.C. Reeves Chapter, proclaiming  
March as "DeMolay Month" in Lincoln Park.

Mayor's remarks

Councilman Kandes excused himself from the meeting at 8:07 p.m.

**RESOLUTION 07-93 Minutes**

By Councilman Vaslo, supported by Council President Higgins

RESOLVED, that the minutes of the Regular Meeting held under the date of March 5, 2007 be  
approved as recorded.

Motion carried.

ABSENT: Councilman Kandes

(Note: Study Session held March 5, 2007 at 9:47 p.m.)

By Councilman McPartlin, supported by Council President Higgins that the minutes of the  
Public Hearing held March 5, 2007 at 6:30 p.m. regarding the Proposed 2007 CDBG Budget be  
approved as printed.

PUBLIC HEARING re: Alley Vacation - Lot 220 of O'Connor & Harrison's Maplelawn Sub  
also Lots 235 & 236 of Marion Manor Sub

CALLED TO ORDER

Discussion

Public Comment: Written objection received and filed.

Adjourn Public Hearing

Reconvene Regular Meeting

Councilman Kandes re-entered the meeting at 8:22 p.m.

**RESOLUTION 07-94 Alley Vacation - FAILED**

By Councilman Murphy, supported by Councilman McPartlin

WHEREAS, the Mayor and Council having had a Public Hearing on March 12, 2007

THEREFORE, BE IT RESOLVED, that it is deemed advisable to vacate the certain alley  
described as:

That part of the 16' public alley which is parallel to and south of Montie Rd. beginning at  
Lot 220 also Nly ½ of vacated alley of O'Connor and Harrison's Maplelawn Sub. extending  
west to Nly lot line of Lot 235 of Marion Manor Subdivision as recorded in PC 74 L 44 P 19  
of the Wayne County Records.

Full width of said alley to be retained as an easement for the installation and maintenance of  
public utilities. And the same is hereby declared vacated.

YEAS: Councilpersons McPartlin & Murphy

NAYS: Councilpersons DiSanto, Higgins, Kandes, Vaslo and Mayor Brown

**RESOLUTION 07-95 Award Bid/Brochures**

By Councilman Vaslo, supported by Councilman Kandes

RESOLVED, that Johnston Lithograph be awarded the bid for the Parks & Recreation Happenings Brochure for the Summer, Fall and Winter seasons, for a period of two (2) years with an option for the third year, for the various prices quoted, utilizing full gloss, as they are the lowest bidder that meets all specifications.

Per the recommendation of the Director of Parks and Recreation, the Purchasing Specialist and the Finance Director.

Funds to come from Account #101.708.901 Parks & Recreation, Advertising.

Motion carried.

NAY: Councilman Murphy

**RESOLUTION 07-96 Award Bid/Quandt Park Fencing**

By Councilman McPartlin, supported by Council President Higgins

RESOLVED, that the bid from Nationwide Fence and Supply, for the removal and replacement of chain link fences and gates located at Quandt Park is hereby accepted as the lowest bid received, for a total amount \$33,335.00. Work to be completed by May 1, 2007.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute documents necessary to accomplish this work. Funds to come from CDBG Budget Account Number 24932-75506 Parks & Recreation Projects.

Motion unanimously carried.

**RESOLUTION 07-97 Set Fees/Special Event Permits**

By Councilman Vaslo, supported by Councilman DiSanto

RESOLVED, that a fee of \$50.00 per event be charged for all vendors, except for those serving food and/or beverages, they will be charged a \$100.00 per event fee, to participate in any Special Event for the year 2007. This includes, but is not limited to, the "2007 Cruisin' Downriver" Event and "Lincoln Park Days".

Motion unanimously carried.

**RESOLUTION 07-98 Designate Representative/Cruisin' Downriver**

By Council President Higgins, supported by Councilman DiSanto

RESOLVED, that the members of the Cultural Commission be designated as the City of Lincoln Park's Official Representatives to the 2007 Downriver Cruise Committee.

Motion unanimously carried.

**RESOLUTION 07-99 Possible Conflict of Interest/CDBG**

By Councilman Murphy, supported by Councilman Vaslo

RESOLVED, that public disclosure is hereby made of the potential conflict of interest created by the application of Ms. Dorothy Kramer, for the Housing Rehabilitation Program due to the fact that she is a cousin-in-law of Councilman Thomas McPartlin. The City Attorney is hereby directed to investigate and determine if said participation creates a conflict with any state or local statute or ordinance and issue a written report regarding this application. If no actual conflict is found to exist, Donald Cook, Director of Community Planning and Development is thereafter authorized to make formal application to HUD for a waiver to the Federal Conflict of Interest regulations found at 24 CFR 570.611 et. seq.

Motion unanimously carried.

**RESOLUTION 07-100 Set Public Hearing/DBB – 1401 McLain**

By Councilman DiSanto, supported by Councilman Kandes

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 1401 McLain is a dangerous building under Ordinance 1444, and issued its order that the structure be demolished in 30 days, and

WHEREAS, pursuant to Chapter 1444 of the Lincoln Park Municipal Code, the Hearing Board on Dangerous Buildings has filed a report of it's findings and a copy of it's ORDER with the Council and has requested the Council to take the necessary action to demolish the structure, and WHEREAS, the owners and/or other parties of interest have neglected to comply with said order and the subject structure has not been made safe or demolished.

**continued.**

NOW, THEREFORE BE IT RESOLVED, that pursuant to Sections 1444.08 of the Lincoln Park Municipal Code, the Council hereby establishes the date of April 23, 2007 at 8:00 p.m., as the date and time for a hearing to review the findings and order of the said Hearing Board, at which hearing the owners, or parties of interest shall be given the opportunity to show cause why the building should not be demolished. The Building Superintendent is directed to give notice as required by Ordinance to the owner or parties of interest of such hearing date.  
Motion unanimously carried.

**RESOLUTION 07-101 Set Public Hearing/DBB – 4036 Dix**

By Council President Higgins, supported by Councilman Kandes

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 4036 Dix is a dangerous building under Ordinance 1444, and issued its order that the structure be environmentally tested in 60 days (by developer), and demolished in 90 days, and

WHEREAS, pursuant to Chapter 1444 of the Lincoln Park Municipal Code, the Hearing Board on Dangerous Buildings has filed a report of it's findings and a copy of it's ORDER with the Council and has requested the Council to take the necessary action to demolish the structure, and WHEREAS, the owners and/or other parties of interest have neglected to comply with said order and the subject structure has not been made safe or demolished.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Sections 1444.08 of the Lincoln Park Municipal Code, the Council hereby establishes the date of April 23, 2007 at 8:00 p.m., as the date and time for a hearing to review the findings and order of the said Hearing Board, at which hearing the owners, or parties of interest shall be given the opportunity to show cause why the building should not be demolished. The Building Superintendent is directed to give notice as required by Ordinance to the owner or parties of interest of such hearing date.  
Motion unanimously carried.

**RESOLUTION 07-102 Video Service Local Franchise Act**

By Councilman Vaslo, supported by Councilman Kandes

WHEREAS,

A. Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006 ("Uniform Act") preempted as unreasonable and unenforceable many provisions of municipal franchises and ordinances regarding companies offering cable television services over lines and other facilities located in the public right-of-way.

B. The Uniform Act required the Michigan Public Service Commission ("MPSC") to issue an order establishing the standardized form for a uniform local franchise agreement to be used by each municipality in this state. On January 30, 2007, the MPSC issued an order doing so along with a standardized application form.

C. Section 5 of the Uniform Act renders all provisions of existing franchises that are inconsistent with or in addition to the provisions of the uniform video service local franchise agreement unreasonable and unenforceable. Among other provisions of existing franchises changed by section 5 of the Uniform Act is the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act upon which companies pay annual video service provider fees and fees for the support of public, educational and governmental ("PEG") access channels.

D. Subsection 6(8) of the Uniform Act requires that such companies pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.

E. Subsection 4(14) of the Uniform Act provides that if municipalities seeks to utilize capacity designated on a cable system to provide access for video programming over 1 or more PEG channels that the municipality shall give the provider a written request specifying the number of actual channels in actual use in the municipality.

F. Subsection 6(1)(b) of the Uniform Act provides that at the expiration of an existing franchise agreement or if there is no existing franchise agreement, the video service provider shall pay an annual video service provider fee in an amount equal to the percentage of gross revenues as established by the municipality not to exceed 5 percent and which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.

**continued.**

NOW THEREFORE IT IS RESOLVED

- 1. Effective January 1, 2007, the Uniform Act required companies paying franchise fees and fees for the support of PEG channels based on a percentage of gross revenues do so based upon the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act.
- 2. Effective January 1, 2007, the Uniform Act required companies offering cable television services to pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.
- 3. The following PEG channels in actual use on January 1, 2007, shall be provided as required by subsection 4(14) of the Uniform Act.

Comcast city government access channel	10
Comcast educational access channel	22
WOW city government access channel	12
WOW educational access channel	15

- 4. All applications and any other correspondence for a uniform video service local franchise agreement or to terminate or amend an existing franchise agreement shall be sent by mail (certified, registered or first-class return receipt requested or by nationally recognized overnight delivery service) to the Lincoln Park City Clerk 1355 Southfield Rd. Lincoln Park, Michigan 48146 and to Cable Television Attorney, Neil J. Lehto, Six North Elk Street, Sandusky, Michigan 48471.
  - 5. At the expiration of an existing franchise agreement or if there is no existing franchise agreement, all video service providers shall pay an annual video service provider fee in an amount equal to 5 percentage of gross revenues which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.
  - 6. The City Clerk is directed to send a copy of this Resolution to [Comcast, WOW, AT&T, Verizon and any other local telephone exchange carrier serving the Municipality] by first-class mail, return receipt requested.
- Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:12 p.m.

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STEVEN M. BROWN, MAYOR

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DONNA BREEDING, CITY CLERK