

Lincoln Park, Michigan
May 17, 2010

REGULAR MEETING

The meeting was called to order at 7:30 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Moment of Silence

PRESENT: Councilpersons Mario DiSanto, Joseph Kaiser, Mark Kandes, Donald Majors,
and Suzanne Moreno

ABSENT: Councilperson Thomas Murphy

ALSO PRESENT: City Manager Steve Duchane, Asst. City Attorney Amy Higgins and Deputy
City Clerk, Janice S. Hochberg

Mayor's Remarks

RESOLUTION 2010-112 Minutes

By Councilman DiSanto, supported by Council President Kaiser

RESOLVED, that the minutes of the Regular Meeting held under the date of May 3, 2010 be
approved as recorded.

Motion carried.

ABSTAINED: Councilwoman Moreno

RESOLUTION 2010-113 Proclaim Judge Damon J. Keith Week

By Mayor Vaslo, supported by the Full Council

WHEREAS, Judge Damon J. Keith, a Detroit native, was appointed to the federal judiciary by
President Lyndon Johnson in 1967, and to the Sixth Circuit U.S. Court of Appeals by President
Jimmy Carter in 1977, and has distinguished his career on the bench with several landmark
rulings, and

WHEREAS, Judge Keith's decisions in these cases confirms his reputation as a courageous
defender of constitutional and civil rights of all people, and,

WHEREAS, Judge Keith in, *The United States v. Sinclair*, prohibited President Nixon and the
federal government from engaging in warrantless wiretapping, and in *The Detroit Free Press v.*
Ashcroft, stopped the Bush administration from conducting secret deportation hearings, has
shown the independence and depth of knowledge that engenders respect and admiration for the
entire judiciary, and

WHEREAS, Judge Keith's declaration in the *Ashcroft* case that "...Democracy dies behind
closed doors" serves as both an admonition and encouragement for an open government that
respects the constitutional and civil rights of individuals, and

WHEREAS, Judge Damon J. Keith will be honored at the Groundbreaking Ceremony for the
Damon J. Keith Center for Civil Rights at Wayne State University Law School on Monday, May
17, 2010. This center will promote legal studies and community engagement, consistent with
Judge Keith's legacy on the bench, and it is from the genesis of the rulings of Judge Keith and
the teachings of the Center that local government, with a focus on openness, will continue to
grow and prosper.

NOW THEREFORE BE IT RESOLVED, that I, Mayor Frank E. Vaslo along with the City
Council, do hereby declare the week of May 16-May 22, 2010, as Judge Damon J. Keith Week
in the City of Lincoln Park, and wish Judge Keith many more healthy and successful years on the
bench as a custodian of our constitutional and civil rights.

Motion unanimously carried.

RESOLUTION 2010-114 Appointment/Millennial Mayors Congress

By Councilwoman Moreno, supported by Councilman Majors

RESOLVED, that Michael Parr be reappointed to serve as the City of Lincoln Park delegate to
the Millennial Mayor's Congress and will serve a one year term to end May 1, 2011.

Motion unanimously carried.

RESOLUTION 2010-115 Accounts & Claims Payable

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that the Accounts & Claims Payable as presented by the Finance Director to the
Mayor & Council be approved as follows: Warrant Report: \$510,964.31

Motion unanimously carried.

RESOLUTION 2010-116 BRA Amendment #6

By Councilman Kandes, supported by Council President Kaiser

WHEREAS, the Mayor and City Council of the City of Lincoln Park, Michigan has established the City of Lincoln Park Brownfield Redevelopment Authority (the "Authority"), public body corporate, on July 8, 2002, pursuant to the Brownfield Redevelopment Financing Act, being Act No. 381 of Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the City Council, Amendment No. 4 to the Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act, and

WHEREAS, the City of Lincoln Park, The Lincoln Park Brownfield Redevelopment Authority and WG-Lincoln Park, LLC, executed a Brownfield Plan, Amendment #4, which was approved by the BRDA on February 1, 2007, and approved by the City Council on February 26, 2007, and WHEREAS, the Lincoln Park parties and Developer executed a Brownfield Agreement on or about February 26, 2007, and

WHEREAS, the Brownfield Plan, per the plan pg.3, is intended to be a living document, which can be amended to achieve the purposes of Act 145, and

WHEREAS, Table 1, was attached and incorporated by reference to the Brownfield Plan which set forth estimates of the Base Year amount, the Captured Value, the Annual Tax Capture and the Cumulative Capture, and

WHEREAS, exact figures are now available to use to calculate the actual Base year amount and the actual Capture Value, and the actual Annual Tax Capture, and the Actual Cumulative Capture for 2009, and

WHEREAS, the Lincoln Park Parties and Developer now desire to amend, Brownfield Plan #4, with Brownfield Amendment #6, Table 1 and Brownfield Agreement to reflect the use of the new exact figures in recalculating the actual Base year amount and the actual Capture Value, and the actual Annual Tax Capture, and the Actual Cumulative Capture for 2009, and

WHEREAS, the Lincoln Park Brownfield Redevelopment Authority approved said Brownfield Plan Amendment and Reimbursement Agreement on April 22, 2010, and

WHEREAS, the Mayor and City Council has made the following determinations and findings:

- A. The Amendment No. 6 Plan to the City of Lincoln Park Brownfield Plan constitutes a public purpose under the Act
- B. The Amendment No. 6 Plan meets all requirements for a Brownfield Plan set forth in Section 13 of the Act; and
- C. The costs of the eligible activities approved by the Mayor and City Council in the Plan are reasonable and necessary to carry out the purposes of the Act; and
- D. The amount of such approved captured taxable value estimated by the Plan is reasonable.

WHEREAS, as a result of its review of the Plan, the Mayor and City Council desires to proceed with the approval of the Amendment No. 6 to the City of Lincoln Park, MI Brownfield Redevelopment Authority Plan.

NOW, THEREFORE BE IT RESOLVED,

1. Plan Approved. Pursuant to the authority vested in the Mayor and City Council of the City of Lincoln Park, MI by the Act, and pursuant to and in accordance with the provision of Section 14 of the Act, the Plan is hereby approved in the form of Amendment No. 6 site at Southfield & Dix to the City of Lincoln Park Brownfield Redevelopment Authority Plan.
2. That the Brownfield Plan Amendment and Reimbursement Agreement (Brownfield Plan Amendment # 6) and Table 1 are amended to reflect the use of exact figures to calculate the Actual Tax Capture for 2009, to set forth procedures to facilitate the yearly tax capture reimbursement and to reiterate that all subsequent years are only estimates that may change based upon changes in the property's taxable value, millage and other figure changes. The Mayor and City Clerk are hereby authorized and directed to execute The Brownfield Plan Amendment and Reimbursement Agreement.
3. Severability. Should any section, clause or phrase of the resolution be declared by the Courts to be invalid, the same shall not affect the validity of this resolution as a whole nor any part thereof other than part so declared to be invalid.
4. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this resolution are hereby repealed.

Motion unanimously carried.

RESOLUTION 2010-117 MDOT/Local Bridge Program

By Councilman DiSanto, supported by Councilman Majors

RESOLVED, City of Lincoln Park is adopting a resolution in support of placing the Harrison Street Bridge East Structure Number 12499 (over the South Branch of the Ecorse Creek), the Hazel Street Bridge Structure Number 12506 (over the Sexton Kilfoil Drain) and the Harrison Street Bridge West Structure Number 12498 (over the South Branch of the Ecorse Creek) on the MDOT Local Bridge Program priority list. The Priority of these bridges are as follows:

1. Harrison Street (East) over South Branch of Ecorse Creek – Structure 12499
2. Hazel Street over Sexton Kilfoil Drain – Structure 12506
3. Harrison Street (West) over South Branch of Ecorse Creek – Structure 12498

Motion unanimously carried.

RESOLUTION 2010-118 Reject Bids/Floor Mats

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that the bids received on May 3, 2010, for “FLOOR MAT SERVICES” be rejected.

Motion unanimously carried.

RESOLUTION 2010-107A Adopt/Ch. 660/Dom. Violence

By Councilwoman Moreno, supported by Councilman Kandes

RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE BY REPEALING AND REPLACING SECTION .08, PARAGRAPH (a) OF CHAPTER 660” be given its third and final reading and be ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances be amended by repealing and replacing Section .08 (a) of Chapter 660 as follows:

660.08 DOMESTIC VIOLENCE; MANDATORY ARREST.

(a) No person shall commit an assault or assault and battery upon his or her spouse, or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

Motion unanimously carried.

ADOPTED: May 17, 2010

PUBLISHED: May 26, 2010

EFFECTIVE: May 26, 2010

RESOLUTION 2010-119 Extend Contract/Waste Management

By Councilman DiSanto, supported by Council President Kaiser

WHEREAS, the City of Lincoln Park and Waste Management entered into a refuse contract dated June 18, 2007, and

WHEREAS, the term of the June 18, 2007 refuse and disposal contract is set to expire on June 30, 2010, and

WHEREAS, the parties wish to amend certain terms, conditions, and provisions of the June 18, 2007 refuse contract and extend the contract until June 30, 2012.

RESOLVED, that, the Mayor and City Clerk are hereby, authorized to execute the addendum to the June 18, 2007 refuse contract with Waste Management Inc. Funds to be taken from Acct. # 226.531.818.

Motion carried.

NO: Councilman Kandes

RESOLUTION 2010-120 Transfer Outer Dr. Property/EDC

By Councilman DiSanto, supported by Council President Kaiser

RESOLVED, that the property known as 26190 Outer Drive, Lincoln Park, Michigan 48146, acquired through Urban Renewal, owned by the City of Lincoln Park is hereby transferred to the Lincoln Park Economic Development Corporation, the LPEDC shall reimburse the City for its holding and transfer and Charter mandated sale costs and the Mayor and City Clerk are hereby authorized and directed to execute a Quit Claim deed to transfer said property to the LPEDC.

Motion unanimously carried.

RESOLUTION 2010-121 Set Public Hearing/DBB/ 1132 Lafayette

By DiSanto, supported by Councilman Kandes

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 1132 Lafayette is a dangerous building under Ordinance 1444, and issued its order that the structure was to be demolished within 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 its findings and a copy of its 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-122 Set Public Hearing/DBB/1382 Hanford

By Councilman Kandes, supported by Councilwoman Moreno

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 1382 Hanford is a dangerous building under Ordinance 1444, and issued its order that the structure was to be demolished within 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 its findings and a copy of its 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-123 Set Public Hearing/DBB/1592 Garfield

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 1592 Garfield is a dangerous building under Ordinance 1444, and issued its order that the structure was to be demolished within 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 its findings and a copy of its 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-124 Set Public Hearing/DBB/1600 Garfield

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 1600 Garfield is a dangerous building under Ordinance 1444, and issued its order that the structure was to be inspected and rehabilitated or demolished within 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-125 Set Public Hearing/DBB/1606 Fort Park

By Council President Kaiser, supported by Councilman Kandes

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 1606 Fort Park is a dangerous building under Ordinance 1444, and issued its order that the structure was to be inspected and rehabilitated or demolished within 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-126 Set Public Hearing/DBB/1624 Austin

By Councilwoman Moreno, supported by Council President Kaiser

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 1624 Austin is a dangerous building under Ordinance 1444, and issued its order that the structure was to be demolished within 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

NOW, THEREFORE BE IT RESOLVED, that pursuant to Sections 1444.08 of the Lincoln Park Municipal Code, the Council hereby establishes the date of June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-127 Set Public Hearing/DBB/1648 Ford

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 1648 Ford is a dangerous building under Ordinance 1444, and issued its order that the structure was to be demolished within 6 months, 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-128 Set Public Hearing/DBB/2136 Charter

By Councilman Kandes, supported by Council President Kaiser

WHEREAS, the Hearing Board on Dangerous Buildings has made a finding and determination that the structure located at 2136 Charter is a dangerous building under Ordinance 1444, and issued its order that the structure was to be rehabilitated or demolished within 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 June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-129 Set Public Hearing/DBB/4138 Burns

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 4138 Burns is a dangerous building under Ordinance 1444, and issued its order that the structure was to be demolished within 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

NOW, THEREFORE BE IT RESOLVED, that pursuant to Sections 1444.08 of the Lincoln Park Municipal Code, the Council hereby establishes the date of June 21, 2010, at 7:30 p.m. or as soon thereafter as the ordinary order of Council business shall permit 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 2010-130 Approve 2010 Used Auto Dealer Licenses

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that "Annual 2010 Used Auto Dealers Licenses" be approved for the following:

Downriver Motor Sales	2323 Dix
Red Line Collision	3263 Dix (no outside storage)
Lincoln Park Foreign Car	3414 Dix
L A Trading Co	4036 Dix
RJ Power Sports, Inc	4181 Dix (no outside storage)
Honest Hank's Used Cars	1266 Fort St.
Templeton Auto Sales	1276 Fort St.
Cruise Classic	1704 John A. Papalas Dr. (no outside storage)
Southriver Collision	517 Southfield Rd. (no outside storage)
Cochran Motors	590 Southfield Rd.
Class Auto	616 Southfield Rd.

Per the recommendation of the Building Department.

Motion unanimously carried.

RESOLUTION 2010-131 Approve Special Event Permit

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that Special Event Permit #4 be approved for Jason McCarthy of 978 Cloverlawn to hold a fundraising event at Council Point Park for Olivia's Fund for Prithopkins Disorder on June 26, 2010 from 9:00 a.m. to 8:00 p.m.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER'S REPORT

There being no further business before the Mayor & Council, the meeting adjourned at 8:41 p.m.

FRANK VASLO, MAYOR

JANICE S. HOCHBERG, DEPUTY CLERK