

REGULAR MEETING

The meeting was called to order at 8:00 p.m., Mayor Pro Tem Michael Higgins presiding

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

Invocation by Elder Chuck Middleton of Lincoln Park Church of Christ

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

ABSENT: Mayor Brown

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

Mayor's Remarks

RESOLUTION 07-244 Minutes

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that the minutes of the Regular Meeting held under the date of July 9, 2007 be approved as recorded.

Motion carried.

ABSTAINED: Councilman Murphy

(Note: Closed Meeting held July 9, 2007 at 9:06 p.m. re: Negotiations)

RESOLUTION 07-245 WC 2007 Capital Improvement Bonds

By Councilman DiSanto, supported by Councilman McPartlin

WHEREAS, the Downriver Community has determined that it is necessary for the public health, safety and welfare of the Downriver Community for there to be acquired, constructed and financed certain improvements to the Downriver Sewage Disposal System (the "System") as described on the attached Exhibit A (the "Projects"); and

WHEREAS, Act 185, Public Acts of Michigan, 1957, as amended ("Act 185") authorizes the County of Wayne, Michigan ("Wayne") to improve the System; and

WHEREAS, by the terms of Act 185, Wayne, the Downriver Community, and the other municipalities which are part of the System (collectively, the "Downriver Communities") are authorized to enter into a contract for the improvements to the System and the payment of the cost thereof by the Downriver Communities, with interest, and Wayne is then authorized, pursuant to appropriate action by its Board of Commissioners, to issue bonds of Wayne to provide up to all of the funds necessary therefor, secured primarily by the full faith and credit contractual obligations of up to all of the Downriver Communities and secondarily by the full faith and credit pledge of Wayne if duly authorized by appropriate resolution of its Board of Commissioners, or to make advances on behalf of certain of the Downriver Communities pursuant to Act 185 ("Advances"); and

WHEREAS, Act 185 provides the most practicable and economic method and means for acquiring and financing the Projects, and financing under Act 185 is expected to result in the lowest cost for the money necessary to be borrowed for such purpose; and

WHEREAS, plans and an estimate of costs for the Projects have been prepared by or on behalf of Wayne, and the estimate of the total cost for the Projects is approximately \$4,300,000, of which Wayne intends to finance through one or more series of bonds in an amount not to exceed such amount, and, to the extent that Wayne may not issue bonds for any portion of such amount, by Advances made by Wayne pursuant to Act 185; and

WHEREAS, Wayne and the Downriver Community desire to enter into a contract to which the other Downriver Communities are also a party, as provided by Act 185, pursuant to which Wayne will issue its bonds to provide funds in the amount of not to exceed \$4,300,000 to pay up to all of the costs of the Projects through the issuance of bonds pursuant to a bond authorizing resolution to be adopted by Wayne (the "Bonds"), and in addition, to the extent that Wayne may not issue bonds for any portion of such amount, Wayne may make Advances of funds pursuant to Act 185 to pay the costs of a portion of the Projects on behalf of certain Downriver Communities, subject to their agreement to repay such funds;

continued

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Approval of Acquisition and Construction of the Projects. The Downriver Community hereby approves the acquisition and construction of the Projects by Wayne.
2. Approval of Contract. The Downriver Community hereby approves the form of contract for the improvements to the System attached hereto as Exhibit B (the "Contract") between the Downriver Community, the other Downriver Communities, and Wayne. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Contract in substantially the form attached hereto, with such modifications thereto as determined necessary or appropriate by the Mayor and the Clerk, for and on behalf of the Downriver Community.
3. Approval of the Bond Issuance; Advancement of Funds.
 - (a) Subject to paragraph 0 hereof, the Downriver Community hereby requests that Wayne issue bonds pursuant to Act 185 and Act 34, Public Acts of Michigan, 2001, as amended, in one or more series, as Wayne shall determine to be necessary, in an amount not to exceed \$4,300,000, for the purpose of financing the Projects. The bonds may be sold by Wayne through the Michigan Local Government Loan Program ("LGLP") of the Michigan Municipal Bond Authority ("MMBA"), or to such other purchaser as Wayne shall determine or in part to through the LGLP and the MMBA and in part to another purchaser.
 - (b) In the event that on account of any applicable law or regulation Wayne is not permitted to issue its bonds pursuant to paragraph 0 to finance the Downriver Community's local share of the costs of the Projects, the Downriver Community agrees that upon the making of Advances by Wayne of funds sufficient to pay the Downriver Community's local share of such costs, the Downriver Community will repay such funds to Wayne pursuant to the terms of the Contract.
4. Installment Payments. The obligation of the Downriver Community to pay its local share of the principal of, premium, if any, and interest on the Bonds or principal of and interest on the Advance pursuant to the terms of the Contract, is fully recognized and confirmed. The Downriver Community hereby agrees to make such payments to Wayne from the sources described in the Contract in accordance with the terms set forth in the Contract and the payment schedule with respect to the Bonds or the Advances which shall be provided by Wayne to the Downriver Community.
5. Authorization to Take Other Actions. The Mayor, the Clerk and all other officials of the Downriver Community are hereby authorized and directed to take all other actions and execute such other documents as they may consider necessary or appropriate in accordance with this resolution including, without limitation: (i) filing, as applicable, a qualifying statement and/or an application for prior written approval or such other document(s) with the Michigan Department of Treasury as may be required pursuant to Act 34, and paying any related fees in connection with any of the foregoing, and taking any other actions necessary or desirable under Act 34 for the Department of Treasury's approval of the issuance of any of Wayne's Bonds to finance the Projects, and the form of notice required by law; (ii) executing and delivering any documents and providing such information as may be required by Wayne or in connection with the LGLP, if applicable, or by applicable law or regulation, in such form as may be required by Wayne or the MMBA, if applicable, or by applicable law or regulation, together with such other documents as may be necessary or appropriate in connection therewith, including, if required, information concerning the Downriver Community for inclusion in a preliminary official statement and a final official statement with respect to the Bonds, the circulation and dissemination of which are hereby approved, and if required a continuing disclosure agreement meeting the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended; and (iii) cooperating with Wayne, the Department of Treasury, the MMBA, rating agencies, bond insurers, if any, and other parties to issue Wayne's Bonds timely and in accordance with all the terms and conditions of Act 185, Act 34 and the requirements of the LGLP, as applicable.

continued

6. Declaration of Intent to be Reimbursed and Allocation Under Section 265(b)(3)(C)(iii) of the Code. The Downriver Community affirms and declares its official intent to finance its local share of the cost of the Projects with bonds that have been issued or will be issued by Wayne in a maximum principal amount not to exceed \$4,300,000, which local share amount shall be allocated to the Downriver Community for purposes of Section 265(b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended. The Downriver Community further affirms and declares that it reasonably expects to be reimbursed by Wayne, without interest, for advances made by it towards the cost of the Projects. The Downriver Community, at the present time, has determined that there are no funds from sources other than the bonds anticipated herein that are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by it, or by any member of a controlled group (as defined in Treasury Regulation § 1.150-1(e)) in which it is a member, if any, pursuant to its budget or financial policies with respect to the expenditures for the Projects expected to be reimbursed from the proceeds of the bonds. This paragraph shall not be applicable if Wayne does not issue any tax-exempt bonds to finance the Downriver Community's local share of the costs of the Projects.

7. Other Resolutions Rescinded. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolutions be and the same hereby are rescinded. Motion unanimously carried.

RESOLUTION 07-246 DFA Amendment/Article XV(2)

By Councilman Murphy, supported by Councilman McPartlin

WHEREAS the Council has previously adopted a resolution to participate in an exploration of the feasibility of forming a consolidated fire department known as the Downriver Fire Authority ("DFA"), and

WHEREAS, the feasibility depends largely on whether a labor agreement can be reached which will be acceptable to the unions of all the cities, and

WHEREAS the fire fighters have expressed a firm conviction that they cannot proceed with negotiations unless they have positive assurance that they will not lose any rights or benefits in the event that they become employees of the Downriver Fire Authority, and

WHEREAS the Interim Board of Directors of the DFA has approved an amendment to its Articles of Incorporation to provide the needed assurance to the fire fighters, and

WHEREAS said amendment requires ratification by each of the participating cities to be of legal force and effect, and

WHEREAS the Council finds it to be in the interests of the citizens of the City of Lincoln Park to make possible the continuation of the feasibility study by ratifying the action of the Interim Board of the DFA; and

NOW, THEREFORE; BE IT RESOLVED that the Council hereby concurs with the action taken by the Interim Board of the DFA on June 28, 2007, to amend Article XV of its Articles of Incorporation as shown by the following language, with changes in bold face type:

ARTICLE XV

PRESERVATIONS OF EMPLOYEE RIGHTS AND BENEFITS:

Subject to the terms and conditions provided in Section 10 of Act 57, the Authority may employ such personnel and employees as it may consider desirable and may retain from time to time the services of attorneys, accountants and other consultants as the Authority considers necessary to carry out the purpose of the Authority.

To the extent which is feasible the employees of each of the Cities whose duties are transferred to the Authority shall be given comparable positions of employment with the emergency service established by the Authority, and shall maintain their seniority status and all benefit rights of the position held with the City emergency service before such transfer, subject to the exceptions and provisions of Section 10 of Act 57. The Authority shall have all of the powers provided by Section 10 of Act 57, and be subject to all of the provisions, restrictions and limitations therein with respect to employment.

Any and all rights which employees have under Michigan law as employees of cities be, and the same are hereby, PRESERVED while serving as employees of the Authority, including, but not necessarily limited to, rights under Act 312 of 1969 and Act 336 of 1947.

Motion unanimously carried.

RESOLUTION 07-247 Interagency Agmnt./WC – Prop Spinner Park

By Councilman Vaslo, supported by Councilman DiSanto
RESOLVED, that Mayor Steve Brown and City Clerk Donna Breeding be authorized to sign the Intergovernmental Agreement between The County of Wayne and The City of Lincoln Park for the Provision of Funding Improvements at Prop Spinner Park.
Motion unanimously carried.

Resolution to Solicit Bids for Prop Spinner Park pulled.

Resolution to Solicit Bids for Lions Park Utilities pulled.

RESOLUTION 07-248 Solicit Bids/Renovate 574 Pagel

By Councilman DiSanto, supported by Councilman Murphy
RESOLVED, that the Mayor and Council authorize Don Cook, CDBG Director to solicit bids for the renovation of 574 Pagel.
Motion unanimously carried.

Resolution regarding Proposed Ord. Amendment, Chapter 295 – M.E. Health Benefits HELD

Resolution regarding Proposed Ord. Amendment, Chapter 297 – P & F Health Benefits HELD

RESOLUTION 07-249 Prop. Ord. Amend./Chapter 606/Possession

By Councilman Murphy, supported by Councilman McPartlin
RESOLVED, that “AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BE REPEALING THE EXISTING CHAPTER 606.02 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 606.02 , be given its first and second reading by TITLE only.
Motion unanimously carried.

RESOLUTION 07-250 Approve River Dr. Street Design

By Councilman DiSanto, supported by Councilman Murphy
WHEREAS, the Federal Government has supplied the City with a \$983,928.00 grant to improve the roadway of River Drive.
WHEREAS, City staff has proposed several “options” in which to choose from for possible improvements to the street and watermain on River Drive, from Southfield to North Shore.
BE IT RESOLVED, the Mayor and City Council officially adopts Option #5 *as amended from the “ 2007 River Drive Street and Watermain Improvement Options” information sheet to be utilized in the improvements to River Drive, from Southfield to North Shore.
BE IT RESOLVED, the Mayor and City Council authorize OHM Consulting Engineers to submit engineering plans using the aforementioned “option” to the Michigan Dept. of Transportation on or before August 24, 2007.
Motion carried.
NAY: Councilman Vaslo
*Amended July 16, 2007 – Resolution #07-251

RESOLUTION 07-251 Amend Option 5/River Dr. Street Design

By Councilman Murphy, supported by Mayor Pro Tem Higgins
RESOLVED, that Option 5 be amended to extend reconstruction of the project to utilize the maximum funds available for concrete curb and gutter for the River Dr. Reconstruction Project.
Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:47 p.m.

MICHAEL HIGGINS, MAYOR PRO TEM

DONNA BREEDING, CITY CLERK

