

REGULAR MEETING

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

Pledge of Allegiance to the Flag

Moment of Silence

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

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

Mayor's Remarks

RESOLUTION 07-221 Minutes

By Councilman McPartlin, supported by Councilman Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of June 18, 2007 be approved as recorded.

Motion unanimously carried.

By Councilman Vaslo, supported by Councilman McPartlin, that the minutes of the Special Meeting held 6-21-07 at 7:04 p.m. regarding Proposed Millage Restoration and Charter Amendment be approved as printed.

PROCLAMATION presented to Dalton Patrick by Wayne County Commissioner Ilona Vargo

RESOLUTION 07-222 Accounts & Claims Payable

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that the Accounts & Claims Payable as presented by the Finance Director to the Mayor & Council be approved as follows:

Warrant Report: \$1,013,789.37

Motion unanimously carried.

RESOLUTION 07-223 Accounts & Claims Payable

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that the Accounts & Claims Payable as presented by the Finance Director to the Mayor & Council be approved as follows:

Warrant Report: \$520,127.35

Motion unanimously carried.

RESOLUTION 07-224 Proposed Charter Amendments

By Councilman Higgins, supported by Councilman McPartlin

WHEREAS, after full consideration of the City's current and anticipated future financial condition and of presentations by the City Administration, it is necessary and appropriate to seek voter approval to restore all or a part of the City's ad valorem property tax authority established in the City Charter at 20 mills as previously approved by the electors, so as to provide necessary funds for City operations, including police and fire, library, recreation and senior citizen programs, public services, and capital improvement needs; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof (the "Headlee Amendment"), the City's effective Charter tax limitation has been reduced from 20 mills to 15.5209 mills, a reduction of 4.4791 mills; and

WHEREAS, the City Council desires to seek voter approval to restore all or a portion of the 4.4791 mills of taxing authority, for specific purposes, for a limited period of three years, the years 2008 through 2010, inclusive.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln Park, Michigan, as follows:

continued

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 5 of Chapter VII (Finance and Taxation) of the Charter of the City of Lincoln Park, shall be amended by separate propositions to read in full as follows:

Section 5. Same; restriction. The aggregate amount which the Council may raise by general tax upon the taxable real and personal property in the City, shall not, except as herein otherwise provided, exceed in any one year the following sum: (1) 1.55209 percent (15.5209 mills) of the taxable value of such property for any and all purposes of the corporation, plus (2), for the years 2008 through 2010, inclusive, for the following specified purposes, the following amounts: 0.34591 percent (3.4591 mills) of the taxable value of such property for police and fire purposes; 0.035 percent (0.35 mills) of the taxable value of such property for library purposes; 0.030 percent (0.30 mills) of the taxable value of such property for capital improvement purposes; 0.025 percent (0.25 mills) for recreation and senior programs; and 0.012 percent (0.12 mills) for public service purposes.

Provisions of existing Section 5 of Chapter VII of the Charter of the City of Lincoln Park to be altered by such proposal, if adopted, now read as follows:

Section 5. Same; restriction. The aggregate amount which the Council may raise by general tax upon the taxable real and personal property in the City, for any and all purposes of the corporation, shall not, except as herein otherwise provided, exceed in any one year two percent of the assessed value of such property.

2. By operation of this proposal the Council intends that the City Charter aggregate millage limitation previously approved by the electors as 20 mills, and since rolled back to 15.5209 mills by operation of the Headlee Amendment, be restored, in whole or in part, for a period of three years, to the full authorization previously approved. Restoration of the rolled-back millage would result in an aggregate increase in the millage authorization by 4.4791 mills, subject to future rollbacks under the Headlee Amendment.

3. The purpose of the proposed amendments of Section 5 of Chapter VII shall be designated on the ballot as separate propositions, stated as follows:

The City Council has proposed amendments to Section 5, Chapter VII, of the City of Lincoln Park to temporarily restore the full Charter millage authority of 20 mills, previously approved by the electors of the City, for a period of three years (2008 through 2010, inclusive). The proposed amendments include five (5) related propositions. Each proposition is separately stated below, and electors may vote for or against each proposition.

4. The proposed amendment to Section 5 of Chapter VII shall be submitted to the electors as separate propositions in the following forms:

PROPOSED CHARTER AMENDMENT 1

AN AMENDMENT OF SECTION 5 OF CHAPTER VII OF THE CHARTER OF THE CITY OF LINCOLN PARK FOR POLICE AND FIRE MILLAGE RESTORATION AND LIMITATION

Shall City Charter Chapter VII, Section 5, be amended to (i) reduce the general tax which may be raised in perpetuity from 2 percent of the taxable value (20 mills) to 1.55209 percent (15.5209 mills) and (ii) authorize a tax of not to exceed 0.34591 percent (3.4591 mills) for three years, 2008 through 2010, solely for police and fire purposes? Approval would increase the tax levy by 3.4591 mills as new additional millage in excess of the limitation imposed by law, restoring a portion of the Charter millage authorization previously approved by the electors, since reduced by the Headlee amendment.

It is estimated that if levied, 3.4591 mills would raise approximately \$2,770,000 when first levied in 2008.

Shall proposed Amendment 1 to Section 5 of Chapter VII of the Charter of the City of Lincoln Park be adopted?

- YES
- NO

PROPOSED CHARTER AMENDMENT 2

AN AMENDMENT OF SECTION 5 OF CHAPTER VII OF THE CHARTER OF THE CITY OF LINCOLN PARK FOR LIBRARY MILLAGE RESTORATION AND LIMITATION

Shall City Charter Chapter VII, Section 5, be amended to (i) reduce the general tax which may be raised in perpetuity from 2 percent of the taxable value (20 mills) to 1.55209 percent (15.5209 mills) and (ii) authorize a tax of not to exceed 0.035 percent (0.35 mill) for three years, 2008 through 2010, solely for library purposes? Approval would increase the tax levy by 0.35 mill as new additional millage in excess of the limitation imposed by law, restoring a portion of the Charter millage authorization previously approved by the electors, since reduced by the Headlee amendment.

It is estimated that if levied, 0.35 mill would raise approximately \$280,000 when first levied in 2008.

Shall proposed Amendment 2 to Section 5 of Chapter VII of the Charter of the City of Lincoln Park be adopted?

- YES
- NO

PROPOSED CHARTER AMENDMENT 3

AN AMENDMENT OF SECTION 5 OF CHAPTER VII OF THE CHARTER OF THE CITY OF LINCOLN PARK FOR CAPITAL IMPROVEMENT MILLAGE RESTORATION AND LIMITATION

Shall City Charter Chapter VII, Section 5, be amended to (i) reduce the general tax which may be raised in perpetuity from 2 percent of the taxable value (20 mills) to 1.55209 percent (15.5209 mills) and (ii) authorize a tax of not to exceed 0.030 percent (0.30 mill) for three years, 2008 through 2010, solely for capital improvement purposes? Approval would increase the tax levy by 0.30 mill as new additional millage in excess of the limitation imposed by law, restoring a portion of the Charter millage authorization previously approved by the electors, since reduced by the Headlee amendment.

It is estimated that if levied, 0.30 mill would raise approximately \$240,000 when first levied in 2008.

Shall proposed Amendment 3 to Section 5 of Chapter VII of the Charter of the City of Lincoln Park be adopted?

- YES
- NO

PROPOSED CHARTER AMENDMENT 4

AN AMENDMENT OF SECTION 5 OF CHAPTER VII OF THE CHARTER OF THE CITY OF LINCOLN PARK FOR RECREATION AND SENIOR PROGRAM MILLAGE RESTORATION AND LIMITATION

Shall City Charter Chapter VII, Section 5, be amended to (i) reduce the general tax which may be raised in perpetuity from 2 percent of the taxable value (20 mills) to 1.55209 percent (15.5209 mills) and (ii) authorize a tax of not to exceed 0.025 percent (0.25 mill) for three years, 2008 through 2010, solely for recreation and senior programs? Approval would increase the tax levy by 0.25 mill as new additional millage in excess of the limitation imposed by law, restoring a portion of the Charter millage authorization previously approved by the electors, since reduced by the Headlee amendment.

It is estimated that if levied, 0.25 mill would raise approximately \$200,000 when first levied in 2008.

Shall proposed Amendment 4 to Section 5 of Chapter VII of the Charter of the City of Lincoln Park be adopted?

- YES
- NO

PROPOSED CHARTER AMENDMENT 5

AN AMENDMENT OF SECTION 5 OF CHAPTER VII OF THE CHARTER OF THE CITY OF LINCOLN PARK FOR PUBLIC SERVICE MILLAGE RESTORATION AND LIMITATION

Shall City Charter Chapter VII, Section 5, be amended to (i) reduce the general tax which may be raised in perpetuity from 2 percent of the taxable value (20 mills) to 1.55209 percent (15.5209 mills) and (ii) authorize a tax of not to exceed 0.012 percent (0.12 mill) for three years, 2008 through 2010, solely for public service purposes? Approval would increase the tax levy by 0.12 mill as new additional millage in excess of the limitation imposed by law, restoring a portion of the Charter millage authorization previously approved by the electors, since reduced by the Headlee amendment.

It is estimated that if levied, 0.12 mill would raise approximately \$96,000 when first levied in 2008.

Shall proposed Amendment 5 to Section 5 of Chapter VII of the Charter of the City of Lincoln Park be adopted?

- YES
 NO

4. The City Clerk shall forthwith transmit copies of the proposed amendments to Section 5 of Chapter VII of the City Charter to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing statement of purpose of the proposed amendment and the separate propositions to Section 5 of Chapter VII of the City Charter to the Attorney General of the State of Michigan for his approval, as required by law.

5. The proposed charter amendments to Section 5 of Chapter VII shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the general November election to be held in the City of Lincoln Park, the 6th day of November, 2007, and the City Clerk is hereby directed to give notice of the election and notice of registration thereof in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendments to the vote of the electors as required by law.

6. The proposed amendments to Section 5 of Chapter VII shall be published in full together with the existing charter provision altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Lincoln Park.

8. Legal counsel to the City is authorized to make such technical changes in ballot language as may be required to conform to the requirements of State law or as may be advised by the Attorney General of Michigan, provided that no changes may be made to the authorized millage rates, purposes, or years of authorization.

9. All resolutions and parts of resolutions previously enacted by the City Council which expressly conflict with the terms of this resolution are repealed to the extent of such conflict.

10. This resolution shall be given immediate effect.

CHARTER AMENDMENT #1 Police & Fire Purposes

Motion carried.

YEAS: Councilpersons DiSanto, Higgins, McPartlin, Murphy and Mayor Brown

NAYS: Councilpersons Kandes and Vaslo

CHARTER AMENDMENT #2 Library Purposes

Motion unanimously carried.

YEAS: Councilpersons DiSanto, Higgins, Kandes, McPartlin, Murphy, Vaslo and Mayor Brown

CHARTER AMENDMENT #3 Capitol Improvement Purposes

Motion carried.

YEAS: Councilpersons DiSanto, Higgins, Kandes, McPartlin and Mayor Brown

NAYS: Councilpersons Murphy and Vaslo

CHARTER AMENDMENT #4 Recreation and Senior Programs

Motion unanimously carried.

YEAS: Councilpersons DiSanto, Higgins, Kandes, McPartlin, Murphy, Vaslo and Mayor Brown

CHARTER AMENDMENT #5 Public Service Purposes

Motion carried.

YEAS: Councilpersons DiSanto, Higgins, Kandes, McPartlin and Mayor Brown

NAYS: Councilpersons Murphy and Vaslo

RESOLUTION 07-225 Cruisin Downriver Permits

By Councilman DiSanto, supported by Council President Higgins
RESOLVED, that Special Event Permits be approved for the "Cruisin Downriver Event" to be held in the City of Lincoln Park on June 30, 2007 for the following participants:

- #12 Lincoln Park Middle School Cheer Team
- #13 Jumbo's Market

Motion unanimously carried.

RESOLUTION 07-226 Transfer Funds/Senior Center Budget

By Councilman Murphy, supported by Council President Higgins
RESOLVED, that \$10,000 be transferred from the General Fund to the Senior Citizens Budget to fund the two Senior Aides until the budget question is voted upon, so we can maintain continuity.

Motion carried.

NAY: Councilman Kandes and Mayor Brown

RESOLUTION 07-227 Draft Charter Amend /Public Safety Comm.

By Councilman Murphy, supported by Councilman DiSanto
RESOLVED, that the City Attorney is directed to prepare an amendment to the Charter of the City of Lincoln Park to change the method of appointments to the Commission of Public Safety from Mayoral to a Mayor and Council appointment.

Motion carried.

NAY: Councilpersons Kandes, Vaslo and Mayor Brown

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:50 p.m.

STEVEN M. BROWN, MAYOR

JANICE S. HOCHBERG, DEPUTY CLERK

NO STUDY SESSION HELD