

**REGULAR MEETING**

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

Pledge of Allegiance to the Flag

Invocation by Reverend Russell Bone of Lincoln Park Church of Christ

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

Mayor's remarks

**RESOLUTION 06-23 Minutes**

By Council President Higgins, supported by Councilman DiSanto

RESOLVED, that the minutes of the Regular Meeting held under the date of January 23, 2006 be approved as recorded.

Motion unanimously carried.

By Councilman DiSanto, supported by Councilman Kandes, that the minutes of the Special Meeting held 1-23-06 at 7:02 p.m. regarding Strategic and Fiscal Planning be approved as printed.

**RESOLUTION 06-24 Appointment/DDA**

By Councilman McPartlin, supported by Councilman Kandes

RESOLVED, that Victoria Randolph McLain of 19425 Woodmont, Harper Woods, MI. 48225, is hereby appointed to a four (4) year term as a member of the Board of Directors of the Lincoln Park Downtown Development Authority, said term to expire on Feb. 1, 2010.

Motion unanimously carried.

**RESOLUTION 06-25 Honeywell Guaranteed Savings Program**

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, Honeywell International, Inc. provides a Municipal Services Program whereby Honeywell performs energy studies of City buildings and provides cost savings recommendations to Cities, and

WHEREAS, Mr. Steve Duchane City Manager, Mr. Gary Mekjian Director of Public Works, together with Mrs. Suzanne Moreno Finance Director at a meeting on February 17th, 2005 heard the Honeywell Company's presentation regarding the no-cost feasibility study conducted and plan of actions by the Honeywell Company for energy savings in our City buildings, and WHEREAS, The City of Lincoln Park City Council and Administration supported the concept of City building energy and operating savings funding capital improvements needed in City owned facilities in an approving resolution on March 28<sup>th</sup>, 2005; and furthermore that reference checking has found Honeywell program to be successful beyond their commitments to other Michigan Public Entities, and

WHEREAS Honeywell International, Inc. has completed the engineering and design for a self-funded Program at no cost to the City

NOW, THEREFORE BE IT RESOLVED, that the Mayor, and City Clerk execute a letter of intent and a contractual agreement with Honeywell, International, Inc. to implement the Honeywell Guaranteed Savings Program and associated financing/leasing documents with a proviso that the program costs will not exceed the costs/savings guaranteed by Honeywell for the (15) fifteen year agreement term.

BE IT FURTHER RESOLVED, that the premise for the awarding of this contractual power is that the Honeywell Guaranteed Savings Program will provide a self-funded, no risk solution to make facility infrastructure improvements to the City of Lincoln Park on a guaranteed basis and failure on the part of Honeywell International, Inc. to provide same will terminate further contractual obligations between the parties.

BE IT FURTHER RESOLVED that the program will exclude the improvements to the City Hall Facility as outlined by the study, and

**continued.**

BE IT FURTHER RESOLVED, that when Honeywell International, Inc. has finished providing their no risk self-funded solution of energy savings within our City buildings, then our City may be recognized by the US Government's Department of Energy and Environmental Protection Agency for taking a leadership role in conserving energy and protecting the environment for our citizens, employees, visitors and future generations.

Motion carried.

NAY: Councilman Murphy

### **RESOLUTION 06-26 Ord. Amend/ Planning & Zoning Code**

By Councilman Vaslo, supported by Councilman McPartlin

RESOLVED: that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY ADDING A NEW CHAPTER 1200 TO PART TWELVE OF THE PLANNING AND ZONING CODE, ENTITLED PENALTY, MUNICIPAL CIVIL INFRACTIONS," be given its first, second, third and final reading in its entirety and be ADOPTED.

#### **THE CITY OF LINCOLN PARK ORDAINS:**

That Part Twelve of the Municipal Code be amended by adding a New Chapter 1200, violations of the provisions in this Chapter are Municipal Civil Infractions and subject to the penalty and sanctions provided in Section 202.101. The imposition of the penalty and sanctions provided in Section 202.101 shall not preclude the initiation of appropriate legal action to restrain, correct or abate a violation, to prevent illegal occupancy of a rental dwelling or dwelling unit or to stop an illegal act, conduct of a business or use of a structure.

#### **.01 LEGISLATIVE FINDINGS.**

It is the intent of the Mayor and Council to decriminalize offenses generally known as building code violations as codified in Chapter Twelve of the Codified Ordinances.

#### **.02 PENALTY AND SANCTION; MUNICIPAL CIVIL INFRACTION.**

Violations of the provisions in this chapter and all provisions of Part Twelve are Municipal Civil Infractions and subject to the penalty and sanctions described in Section 202.101. The imposition of the penalty and sanctions provided in Section 202.101 shall not preclude the initiation of appropriate legal action to restrain, correct, or abate a violation, to prevent illegal occupancy of a rental dwelling or dwelling unit or to stop an illegal act, conduct of business or use of a structure.

(1) Unless otherwise specifically provided for a particular Municipal Civil Infraction violation by these Codified Ordinances or any ordinance, the civil fine for a violation shall be not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of these Codified Ordinances or any ordinance. As used in this section, "repeat offense" means a second or any subsequent Municipal Civil Infraction Violation of the same requirement or provision committed by a person within any six-month period (unless some other period is specifically provided by the Codified Ordinances or any other ordinance and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by these Codified Ordinances or any other ordinance for a particular Municipal Civil Infraction Violation, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than two hundred fifty dollars (\$250.00), plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than five hundred dollars (\$500.00), plus costs.

c. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by these Codified Ordinances or any ordinance, and any omission or failure to act where the act is required by these Codified Ordinances or any ordinance.

d. Each day on which any violation of this Code or any ordinance continues, constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

e. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of these Codified Ordinances or any City Ordinance.

Motion unanimously carried.

ADOPTED: January 30, 2006

PUBLISHED: February 8, 2006

EFFECTIVE: February 8, 2006

**RESOLUTION 06-27 Purchase K-9/Police Dept.**

By Councilman Murphy, supported by Council President Higgins  
RESOLVED, that Mayor and Council approve the purchase of a second K-9 for the Police Department, and  
BE IT FURTHER RESOLVED, that monies to pay for the K-9 and related expenses to come from the Forfeiture Account 101.000.370CU.  
Motion unanimously carried.

**RESOLUTION 06-28 Execute DCC Agreement**

By Councilman Murphy, supported by Councilman McPartlin  
RESOLVED, that the Mayor and City Clerk be authorized to sign the DCC 1995 Inter-Local Agreement, nunc pro tunc, as executed by the Downriver Community Conference Board Members on September 14, 1995.  
Motion unanimously carried.

**RESOLUTION 06-29 Set Closed Meeting/Litigation Strategy**

By Councilman Vaslo, supported by Councilman McPartlin  
RESOLVED, that a Closed Meeting to discuss litigation strategy in the case of Moraitis v. Lincoln Park, Wayne County Circuit Court Case #05-525031CC, be held on Monday, January 30, 2006, immediately following the Regular Council Meeting, in the City Council Blue Room.  
Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 8:59 p.m.

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**STEVEN M. BROWN, MAYOR**

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**DONNA BREEDING, CITY CLERK**