

**REGULAR MEETING**

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

Invocation by Reverend Cloyd Moore of Trinity Pentecostal Holiness 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

Mayor's remarks

**RESOLUTION 06-395 Minutes**

By Council President Higgins, supported by Councilman McPartlin

RESOLVED, that the minutes of the Regular Meeting held under the date of October 30, 2006 be approved as recorded.

Motion unanimously carried.

(Note: Study Session held October 30, 2006 at 8:25 p.m.)

(Note: Closed Meeting held October 30, 2006 at 9:27 p.m. re: Labor Negotiations)

**PRESENTATION:** Business of the Month Award – Bam's Deli, 1505 Dix

**RESOLUTION 06-396 Appointment/Planning Comm.**

By Councilman Murphy, supported by Councilman Kandes

RESOLVED, that Daryl Smith of 1391 Mayflower, Lincoln Park, MI 48146, be appointed to the Planning Commission to fill the unexpired term of David Niemeyer. Term to expire May 1, 2008.

Motion unanimously carried.

**RESOLUTION 06-397 Award Bid/Vibratory Roller**

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the Mayor and City Council are interested in improving and maintaining streets within the City.

WHEREAS, the City has initiated an in-house paving program this Fall in order to improve and extend the life of City streets.

BE IT RESOLVED, the Mayor and City Council hereby award the bid for a Vibratory Roller to Michigan Cat in Brownstown, MI.

BE IT FURTHER RESOLVED, that the Vibratory Roller that Michigan Cat bid and the City will be purchasing is the CB-224E Asphalt Compactor.

BE IT FURTHER RESOLVED, that the funds for the Vibratory Roller be appropriated from Account # 661-932-983 "Capital Expenditures" in the amount of \$29,978.00.

Motion unanimously carried.

**RESOLUTION 06-389A Adopt Ord. Amend/Adult Lic./Chap. 808**

By Councilman Murphy, supported by Councilman Vaslo

RESOLVED that "AN ORDINANCE TO AMEND SUBSECTION (a) OF SECTION .07 CHAPTER 808 ENTITLED ADULT CABARET EMPLOYEE LICENSE APPLICATION, OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK be given its third and final reading by TITLE ONLY and ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That Chapter 808.07 (a), Adult Cabaret Employee License Application, of the Codified Ordinances of the City of Lincoln Park be amended.

Motion unanimously carried.

ADOPTED: November 6, 2006  
PUBLISHED: November 15, 2006  
EFFECTIVE: November 15, 2006

**RESOLUTION 06-373A Adopt Ord. Amend/Zoning/Chap. 1260**

By Councilman McPartlin, supported by Councilman Vaslo

RESOLVED, that "AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BE AMENDED BY REPEALING AND REPLACING, THE CROSS REFERENCES, AND SECTIONS .02 AND .08 OF THE EXISTING GENERAL PROVISIONS AND DEFINITIONS, CHAPTER 1260 OF THE ZONING CODE, THEREOF" be given its third and final reading by TITLE ONLY and ADOPTED, said Ordinance having been posted 72 hours prior to its submission.

**THE CITY OF LINCOLN PARK ORDAINS:**

That Chapter 1260, General Provisions and Definitions, of the Lincoln Park Codified Zoning Ordinances be amended by repealing and replacing, the cross references, and Sections .02 and .08 entitled General Provisions and Definitions as follows:

**A. Cross References**

Authority of Council re Zoning Code: See Charter Chapter VI Section 11 and 28; Zoning and Planning in Home Rule Cities: See MCLA Sec. 117.4i; Regulation of Land Development and Establishment of Districts; Authority to Zone: See MCLA Sec.125.3201; Nonconforming Uses or Structures; See MCLA Sec. 1253.3208.

**B. SECTION 1260.02, Intent pursuant to the Michigan Zoning Enabling Act, PA110**

In accordance with the authority and intent of the Michigan Zoning Enabling, Act 110, of Public Acts of 2006, as amended (MCLA 125.3201 et seq.) the City desires to provide for the orderly development of the City, consistent with the City's Master Plan, or Comprehensive Development Plan, which is essential to the well-being of the City and which will place no undue burden upon developers, industry, commerce or residents. The City further desires to meet the needs of the City's residents for food, fiber, energy and other natural resources, and for places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety and welfare of the residents, shoppers and workers in the City. (Res. 98-529A. Passed 12-21-98.)

**C. SECTION 1260.08 Definitions**

**UNDERLYING ZONING:** The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel Planned Unit Development.

Motion unanimously carried.

ADOPTED: November 6, 2006  
PUBLISHED: November 15, 2006  
EFFECTIVE: November 15, 2006

**RESOLUTION 06-375A Adopt Ord. Amend/Zoning/Chap. 1266**

By Councilman Vaslo, supported by Councilman McPartlin

RESOLVED, that "AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING AND REPLACING THE EXISTING CROSS REFERENCES SECTION OF CHAPTER 1266, REGARDING DISTRICTS GENERALLY AND ZONING MAP" of the Lincoln Park Codified Zoning Ordinance be given its third and final reading by TITLE ONLY and ADOPTED, said Ordinance having been posted 72 hours prior to its submission.

**THE CITY OF LINCOLN PARK ORDAINS:**

That Chapter 1266, regarding districts generally and zoning map, of the Lincoln Park Codified Zoning Ordinance be repealed and replaced with a new Cross Reference section of Chapter 1266 entitled Districts Generally and Zoning Map.

**CROSS REFERENCE**

Zoning and Planning in Home Rule Cities: See MCLA Sec. 117.4i; Regulation of Land Development and Establishment of District Provisions, Uniformity of Regulations; Designations; Limitations: See MCLA Sec. 125.3201; Nonconforming Uses or Standards: See MCLA Sec. 125.3208; Interpretation of District Boundaries: See Planning & Zoning 1264.09

Motion unanimously carried.

ADOPTED: November 6, 2006  
PUBLISHED: November 15, 2006  
EFFECTIVE: November 15, 2006

**RESOLUTION 06-376A Adopt. Ord. Amend/Zoning/Chap. 1292**

By Councilman Vaslo, supported by Councilman McPartlin

RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING AND REPLACING THE EXISTING CROSS REFERENCES SECTION OF CHAPTER 1292, NONCONFORMING USES, BUILDINGS AND LOTS, THEREOF” be given its third and final reading by TITLE ONLY and ADOPTED, said Ordinance having been posted 72 hours prior to its submission.

THE CITY OF LINCOLN PARK ORDAINS:

That Chapter 1292, Nonconforming Uses, Buildings and Lots, of the Lincoln Park Codified Zoning Ordinance be repealed and replaced with a new Cross Reference section of Chapter 1292 entitled Nonconforming Uses, Buildings and Lots.

**CROSS REFERENCE**

Zoning and Planning in Home Rule Cities: See MCLA Sec. 117.4i; Regulation of Land Development and Establishment of District Provisions, Uniformity of Regulations; Designations; Limitations: See MCLA. Sec. 125.3201; Nonconforming Uses or Standards: See MCLA Sec. 125.3208; Districts Generally and Zoning Map: See Planning & Zoning 1266.

Motion unanimously carried.

ADOPTED: November 6, 2006  
PUBLISHED: November 15, 2006  
EFFECTIVE: November 15, 2006

**RESOLUTION 06-398 Approve Lot Split/Lafayette Blvd.**

By Councilman DiSanto, supported by Councilman Vaslo

RESOLVED that a lot split for Parcel ID # 45-006-03-0061-300, Elmwood Heights Sub, resulting in one lot at 37’ x 110’ and the other lot at 38’ x 110’ be approved.

Motion carried.

NAYS: Councilpersons Higgins, Kandes & Murphy

**RESOLUTION 06-399 Authorize Christmas Tree Lot**

By Councilman Murphy, supported by Councilman McPartlin

RESOLVED, that Guiseppe DiSanto, 8933 Glenmoor, Washington, MI 48094, be granted permission to have a Christmas Tree Lot on the property adjacent to 3313 Dix from November 18<sup>th</sup>, thru December 31<sup>st</sup>, 2006. Deposit fee of \$100.00 will be forfeited if lot is not clean of debris on or before December 31, 2006.

Motion unanimously carried.

**RESOLUTION 06-400 Authorize City Bridge Inspections**

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the Federal and State requirements have changed in 2006 in regards to an increase in load ratings for all bridges within the State .

WHEREAS, the load rating is part of the Bridge Inspection Report that the City is required to perform every two years.

BE IT RESOLVED, that the Mayor and Council authorize OHM Consulting Services to perform a load rating analysis at a total price of \$6,000.

BE IT FURTHER RESOLVED, the Mayor and Council authorize the funds for this proposal to be appropriated from Account # 203-464-818 “Contractual Services”

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the DPS Director to sign the 2006 Bridge Load Rating proposal.

Motion carried.

NAYS: Councilpersons Higgins and McPartlin

**RESOLUTION 06-401 Purchase Radio Helmet Interface/FD**

By Councilman McPartlin, supported by Council President Higgins

RESOLVED, that as Apollo Fire Equipment Company is the sole supplier of needed MSA brand fire fighting equipment in Wayne County the City's formal bidding process be waived for the purchase of approximately 27 Clear Command RI Radio Helmet Interface units at a total cost of \$23,500. Funds to come from CDBG Budget Account Number 24932-75504 "Fire Fighting Equipment".

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:49 p.m.

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**STEVEN M. BROWN, MAYOR**

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**DONNA BREEDING, CITY CLERK**