

**REGULAR MEETING**

The meeting was called to order at 8:00 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Invocation by Reverend Mary Tame of First United Methodist Church

PRESENT: Councilpersons Valerie Brady, Mario DiSanto, Thomas McPartlin, Thomas Murphy,  
and Michael Myers

ABSENT: Councilperson Mark Kandes

ALSO PRESENT: City Manager Steve Duchane, City Attorney Ed Zelenak and  
City Clerk Donna Breeding

Mayor's Remarks

**RESOLUTION 09-134 Minutes**

By Councilman DiSanto, supported by Councilwoman Brady

RESOLVED, that the minutes of the Regular Meeting held under the date of May 11, 2009 be  
approved as recorded.

Motion unanimously carried.

PRESENTATION of the Jr. & Sr. Poppy Queens by the American Legion Post 67

**RESOLUTION 09-135 Authorize/Annual Poppy Sale**

By Councilman Myers, supported by Councilman McPartlin

RESOLVED, that American Legion, Post 67, 1430 Southfield Rd., Lincoln Park, be granted  
permission to solicit on the streets of Lincoln Park for their Annual "Poppy Sale" on May 21, 22 &  
23, 2009. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

**RESOLUTION 09-136 Award Bid/CDBG Concrete/Storm Project**

By Councilman DiSanto, supported by Councilwoman Brady

RESOLVED, that the bid from C & L Enterprizes, Inc., for the 2009 Spring CDBG Concrete  
Pavement & Storm Structure Reconstruction Project, in the amount of \$107,180.00 is hereby  
accepted as the lowest bid received. This is a unit price project and the final quantities of materials  
used will determine the final contract amount, therefore a 10% contingency fee is being added with  
a Total Cost not to exceed \$117,898.00.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute documents  
necessary to accomplish this work. Funds to come from CDBG Budget Account Numbers 24933-  
75510 Right of Way, and 24934-75519 Street & Utility Replacement.

Motion unanimously carried.

**RESOLUTION 09-137 Award Bid/2009 Lawn Maintenance**

By Councilman DiSanto, supported by Council President Murphy

WHEREAS, the contracting out of lawn maintenance for properties that the City is responsible for  
will prove to be cost-effective to the organization, as well as allow utilization of limited staff for  
other Public Service activities.

BE IT RESOLVED, the Mayor & Council hereby award the bid for lawn maintenance of properties  
that the City is responsible for in the 2009 mowing season to Great Lakes Landscaping.

FURTHER, BE IT RESOLVED, that the Mayor and Council direct the funds to be taken from  
Account # 101-923-818 "Contractual".

Motion unanimously carried.

**RESOLUTION 09-138 Award Bid/2009 Concrete/Sidewalk**

By Councilman DiSanto, supported by Councilman McPartlin

BE IT RESOLVED, the Mayor and City Council hereby award the bid for miscellaneous concrete work and sidewalk program for 2009 to Gaglio Inc. for the attached unit pricing.

FURTHER, BE IT RESOLVED, that the Mayor and Council authorize the funds to be taken from Account # 592-920-818 "Water Contractual" and Account # 458-818 "Contractual"

Motion unanimously carried.

**RESOLUTION 09-139 Award Bid/Sewer Replacement/Kings Hwy**

By Councilman McPartlin, supported by Councilman DiSanto

BE IT RESOLVED, that the Mayor and Council award the bid for Sanitary Sewer Main Replacement behind the homes on Kings Hwy. (from Gohl Street to approximately 500 feet West) to RJ & J Excavating, lowest and qualified bidder, for a cost of \$89,000.00, plus a 15% allowance for contingency, for a total not-to-exceed cost of \$102,350.

FURTHER, BE IT RESOLVED, that the Mayor and Council authorize the funds to be taken from Account # 595-527-983 "Sewer Capital Expenditures".

Motion unanimously carried.

**RESOLUTION 09-140 Open Bids/Park Improvement**

By Council President Murphy, supported by Councilman DiSanto

RESOLVED, that the bids marked "Park Improvements" for Lions Park and Prop Spinner Park be opened.

Motion unanimously carried.

**RESOLUTION 09-141 Refer Above Bids**

By Councilman DiSanto, supported by Councilwoman Brady

RESOLVED, that the bids marked "Park Improvements" for Lions Park and Prop Spinner Park" be referred to a committee made up of Building/Engineer Manager Dennis Chegash, CDBG Director Don Cook, Finance Director Lisa Santos, and Purchasing Specialist Jan Patmalnieks for collective review and recommendation to the Mayor and City Council.

Motion unanimously carried.

**RESOLUTION 09-142 Proposed Charter Amendment/Tax Due Date**

By Council President Murphy, supported by Councilwoman Brady

WHEREAS, the Mayor and Council of the City of Lincoln Park have provided for a Special Election to be held simultaneously with the November 3, 2009 General Election for the purpose of submitting an amendment to the Charter of the City of Lincoln Park, as hereinafter outlined, NOW, THEREFORE, BE IT RESOLVED, that a Special Election hereinafter set forth, be and hereby is approved as Notice of said election and the City Clerk be and hereby instructed to publish the same in accordance with the Charter and State Law.

**NOTICE OF SPECIAL ELECTION  
ON CHARTER AMENDMENT  
CITY OF LINCOLN PARK  
WAYNE COUNTY, MICHIGAN**

NOTICE IS HEREBY GIVEN, that a Special Election will be held in conjunction with the General Election to be held in the City of Lincoln Park, Michigan on November 3, 2009, at which Special Election the following amendment to the Charter of the City of Lincoln Park will be submitted to the qualified electors of the City of Lincoln Park;

Chapter VII, Section. 15. Same; certification by Assessor; due date; nonpayment; penalty; remedies. After extending the taxes as aforesaid, the Assessor shall certify under his hand said tax roll, and the Mayor of the City shall annex his warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress sale. Such warrant shall further direct that all taxes paid on or before the 20th day of August shall be collected without additional charge, and that there shall be added to all taxes paid after said 20th day of August one percent of each and every month or fraction thereof that the same remains unpaid. Provided, however, that when any person liable for the City tax on any property shall pay one-third thereof on or before the 20th day of August in the year in which said tax is assessed, and shall at the time of payment give notice to the City Treasurer, that he will pay the second one-third on or before October 15 of said year, and the remaining one-third on or before February 15 of following year,

**continued**

said person shall have the right so to do without any further addition, penalty or interest. The City Treasurer shall give to each taxpayer so paying his taxes an appropriate receipt showing that one-third of the tax is paid and that notice has been received that the other two-thirds will be paid on or before dates above mentioned, and shall make entry of such payment and notice on the proper tax roll. Said City tax roll and annexed warrant, together with a true copy thereof, shall be delivered by the Assessor to the Treasurer on or before the first day of July of the year when made.

Chapter VII, Section 15 of the Charter of the City of Lincoln Park presently reads as follows:

Section 15. Same; certification by Assessor; due date; nonpayment; penalty; remedies.

After extending the taxes as aforesaid, the Assessor shall certify under his hand said tax roll, and the Mayor of the City shall annex his warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distressor sale. Such warrant shall further direct that all taxes paid on or before the 20th day of August shall be collected without additional charge, and that there shall be added to all taxes paid after said 20th day of August one percent of each and every month or fraction thereof that the same remains unpaid.

Provided, however, that when any person liable for the City tax on any property shall pay one-third thereof on or before the 20th day of August in the year in which said tax is assessed, and shall at the time of payment give notice to the City Treasurer, that he will pay the second one-third on or before October 15 of said year, and the remaining one-third on or before February 28 of following year, said person shall have the right so to do without any further addition, penalty or interest. The City Treasurer shall give to each taxpayer so paying his taxes an appropriate receipt showing that one-third of the tax is paid and that notice has been received that the other two-thirds will be paid on or before dates above mentioned, and shall make entry of such payment and notice on the proper tax roll. Said City tax roll and annexed warrant, together with a true copy thereof, shall be delivered by the Assessor to the Treasurer on or before the first day of July of the year when made.

The form in which the above Charter Amendment shall be placed on the election ballot is as follows:

THE PURPOSE OF THE PROPOSED CHARTER AMENDMENT: "IT IS PROPOSED THAT THE CHARTER OF THE CITY OF LINCOLN PARK AND SPECIFICALLY SECTION 15 OF CHAPTER VII, FINANCE AND TAXATION, OF THE CITY CHARTER BE AMENDED TO CHANGE THE THIRD CITY TAX INSTALLMENT DUE DATE FROM FEBRUARY 28<sup>TH</sup> TO FEBRUARY 15<sup>TH</sup>."

Do you favor amending the City Charter Chapter VII, Section 15 to change the third City Tax installment due date from February 28 to February 15 ?

YES  
NO

Motion carried.

NAY: Councilman Myers

**RESOLUTION 09-116A Adopt Ord. Amend/Chap. 424/MI Vehicle Code**

By Council President Murphy, supported by Councilman McPartlin

RESOLVED THAT "AN ORDINANCE TO AMEND CHAPTER 424 – MICHIGAN VEHICLE CODE BY REPEALING THE EXISTING CODE AND REPLACING IT WITH A NEW CHAPTER 424", be given its third and final reading and be ADOPTED.

**THE CITY OF LINCOLN PARK ORDAINS:**

That the Lincoln Park Municipal Code Chapter 424 be repealed, in its entirety, and a new Chapter 424 – Michigan Vehicle Code be adopted as follows:

**424.01 Code and Amendments and Revisions adopted.**

The Michigan Vehicle Code, 1949 PA 300 MCL 257.1 to 257.923 and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.

**424.02 References in Code**

References in the Michigan vehicle Code to "local authorities" shall mean the city of Lincoln Park.

**424.03 Notice to be Published**

The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Traffic Code and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

**continued**

**424.99 Penalties**

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Motion unanimously carried.

ADOPTED: May 18, 2009  
PUBLISHED: May 27, 2009  
EFFECTIVE: May 27, 2009

**RESOLUTION 09-117A Adopt Ord. Amend./Chap. 420/Traffic Code**

By Council President Murphy, supported by Councilwoman Brady

RESOLVED THAT "AN ORDINANCE TO AMEND CHAPTER 420 – UNIFORM TRAFFIC CODE, BY REPEALING THE EXISTING CODE AND REPLACING IT NEW CHAPTER 420" be given its third and final reading and ADOPTED.

**THE CITY OF LINCOLN PARK ORDAINS:**

That the Lincoln Park Municipal Code Chapter 420 be repealed, in its entirety, and a new Chapter 420 – Uniform Traffic Code be adopted as follows:

**420.01 Code and Amendments and Revisions adopted.**

The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the administrative procedures act of 1969, 1969 PA 306 MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions for the Uniform Traffic Code when they are promulgated and effective in this state are incorporated and adopted by reference.

**420.02 References in Code**

References in the Uniform Traffic Code for Cities, Townships and Villages to a "governmental unit" shall mean the City of Lincoln Park.

**420.03 Notice to be Published**

The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

**420.99 Penalties**

The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

Motion unanimously carried.

ADOPTED: May 18, 2009  
PUBLISHED: May 27, 2009  
EFFECTIVE: May 27, 2009

**RESOLUTION 09-143 Participation/Annual Cruisin' Downriver**

By Councilwoman Brady, supported by Councilman McPartlin

WHEREAS, the 2009 Cruisin Downriver Event is scheduled for June 27, 2009, and

WHEREAS, the Cruise committee has requested that Mayor Vaslo sign a commitment letter regarding the cities participation.

NOW THEREFORE BE IT RESOLVED, that the City of Lincoln Park hereby agrees to participate in this years Annual Event; providing however, that cost associated with the event be bore by the revenue generated from the net proceeds of the sponsorship.

FURTHER BE IT RESOLVED, that the Mayor be authorized to sign the commitment letter excluding financial support of the City from our General Fund.

Motion unanimously carried.

**RESOLUTION 09-144 Authorize HOME Consortium Agreement**

By Council President Murphy, supported by Councilman DiSanto

WHEREAS, it is the desire of the City of Lincoln Park to continue participation in the Wayne County Home Consortium for the term of July 1, 2010 through June 30, 2012 and execute said agreement,

THEREFORE BE IT RESOLVED, that the Mayor of the City of Lincoln Park is hereby authorized as the proper authority to sign the Wayne County HOME Consortium Agreement and any other necessary documents to ensure the city's participation in said HOME Consortium including all subsequent Sub Recipient Agreements.

continued

BE IT FURTHER RESOLVED, that Donald Cook, Community Development Director, is hereby appointed as the HOME Consortium designee representative and Doreen P. Christian, Asst Director Community Development as the alternative designee.  
Motion unanimously carried.

**RESOLUTION 09-145 Set Public Hearing/Proposed Budget FY 09/10**

By Councilman DiSanto, supported by Councilman McPartlin  
RESOLVED, that the Office of City Management and the Finance Director, are hereby requesting to schedule a special meeting on Monday **June 1, 2009 at 7:00p.m.** in the John A. Aloisi Council Chambers at City Hall, 1355 Southfield Rd., Lincoln Park, for the purpose of holding a Public Hearing for the proposed Fiscal Year 2009/10 budget.  
Motion unanimously carried.

**RESOLUTION 09-146 Transfer Funds/MVHF/Major to Local**

By Councilman Myers, supported by Councilman McPartlin  
WHEREAS, the City of Lincoln Park has received to date the sum of \$1,544,977 with one payment left as its share of Motor Vehicle Highway Fund Major Street System for the months of July 2008 through June 2009, and  
WHEREAS, the Local Street System for the City of Lincoln Park is in dire need of both maintenance and construction.  
BE IT RESOLVED, that the Director of Finance and Treasurer be and are hereby authorized and instructed to transfer the budgeted sum of \$386,380 of the aforesaid \$1,544,977 of the Motor Vehicle Highway Fund Major Streets System monies to the Motor Vehicle Highway Fund Local Street System pursuant to the provisions of the Michigan Compiled Laws 247.663 Section 13 (d) subsection (6).  
Motion unanimously carried.

**RESOLUTION 09-147 Attend Training/Police Dept.**

By Council President Murphy, supported by Councilwoman Brady  
RESOLVED, that Mayor and Council authorize Sgt. Brian Miller, Sgt. Joseph Lavis, Officer Ryan Hammerle, and Officer Shawn Noe to attending the Raid Entry School being conducted by the Michigan State Police on May 26-28, 2009 in Battle Creek, MI. The approximate cost for the school and lodging will be \$1,600.00 which includes some meals. Any meals not covered by the school will be subject to the Travel Policy. Expense reports will be completed upon return from school. The funds will come from the Narcotics Forfeiture Account # 265.320.960. A Police Department vehicle will be used.  
Motion unanimously carried.

**RESOLUTION 09-148 Concur/\$1 HUD Home Purchase**

By Council President Murphy, supported by Councilman McPartlin  
WHEREAS, the Mayor and Council have determined that it is in the best interests of the community to participate in the dollar (\$1.00) home program through the U.S. Department of Housing and Urban Development, and  
WHEREAS, the City was afforded the opportunity of purchasing two properties through the program,  
THEREFORE BE IT RESOLVED, that the Mayor and Council concur with the decision to purchase 3070 Wilson and 1374 Fort Park at a cost of \$1.00 each and any and all prorated taxes which are due. Funds to come from Account #101-923-975 Land Sales Expenses.  
Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER REPORT

There being no further business, the meeting adjourned at 9:29 p.m.

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**FRANK VASLO, MAYOR**

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**DONNA BREEDING, CITY CLERK**