

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, Thomas McPartlin,
Thomas Murphy and Frank Vaslo

ABSENT: Councilperson Mark Kandes

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

Mayor's Remarks

RESOLUTION 07-281 Minutes

By Councilman Vaslo, supported by Council President Higgins

RESOLVED, that the minutes of the Regular Meeting held under the date of August 6, 2007 be approved as recorded.

Motion carried.

ABSTAINED: Councilman McPartlin and Mayor Brown

(Note: Study Session held August 6, 2007 at 10:40 p.m.)

(Note: Closed Meeting re: Labor Negotiations scheduled for August 6, 2007 cancelled)

Presentation on Downtown Redevelopment by WSU Students

Business of the Month Award presented to Todd Galley Family Chiropractic, 1528 Fort St.

RESOLUTION 07-282 Open Bid/Police Dept. Restroom

By Councilman Murphy, supported by Councilman McPartlin

RESOLVED, that the City Clerk is hereby authorized to open bids marked "Police Department – Restroom Renovations".

Motion unanimously carried.

RESOLUTION 07-283 Refer Above Bids

By Councilman Murphy, supported by Council President Higgins

RESOLVED, that the bid proposals marked "Police Department – Restroom Renovations" be referred to the Finance Director, Purchasing Specialist, CDBG Director, & Police Chief for tabulation and recommendation.

Motion unanimously carried.

Resolution regarding Lot Split/Combo PULLED

RESOLUTION 07-284 Approve Final Budget Amendment FY06-07

By Council President Higgins, supported by Councilman Vaslo

RESOLVED, that the Finance Director be and is hereby authorized to make the following FY06/07 budget adjustments to various General Fund Revenue and Expenditure line items and Special Revenue Expenditure line items. (Inserted in minute book.)

Motion carried.

NAY: Councilman Murphy

RESOLUTION 07-285 Set Closed Meeting/Labor Negotiations

By Councilman McPartlin, supported by Council President Higgins

RESOLVED, that a Closed Meeting of the Mayor and Council be held immediately following the Council Meeting on Monday, August 13, 2007, to be held in the Conference Room of City Hall regarding labor negotiations.

Motion unanimously carried.

RESOLUTION 07-286 Set Policy/Receiving Bids - FAILED

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that the City Manager be instructed to prepare a Policy regarding the receipt of and the opening of bids in the event that only one bid is received. The new Policy would reject the bid received and authorize the Purchasing Specialist to re-solicit bids. Further said policy would require each department to take into consideration time restraints this new policy will place on the bidding process.

YEA: Councilpersons DiSanto, Higgins

NAY: Councilpersons McPartlin, Murphy, Vaslo, Mayor Brown

RESOLUTION 07-287 Change Order/574 Pagel Renovation-FAILED

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that CDBG Director be authorized to sign change order #1 for general renovation of 574 Pagel with AAA Builders in the amount of \$1,900.00. Funds to come from account #24930-721HIP.

NAY: Councilpersons DiSanto, Higgins, McPartlin, Murphy, Vaslo, Mayor Brown

RESOLUTION 07-288 Revised Language/Charter Amendments

By Councilman McPartlin, supported by Council President Higgins

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 works, 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:

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 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 purpose[s], the following amount[s]: ...

In addition thereto, one or more of the following clauses shall complete Chapter VII, Section 5, depending upon voter approval, respectively, of any one or more of the propositions authorized by this resolution:

... 0.34591 percent (3.4591 mills) of the taxable value of such property for police and fire purposes;

... 0.035 percent (0.35 mill) of the taxable value of such property for library purposes;

... 0.030 percent (0.30 mill) of the taxable value of such property for capital improvement purposes;

... 0.025 percent (0.25 mill) of the taxable value of such property for recreation and senior programs;

... 0.012 percent (0.12 mill) of the taxable value of such property for department of public works purposes.

continued

Provisions of existing Section 5 of Chapter VII of the Charter of the City of Lincoln Park to be altered by such proposals, 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 five amendments to Section 5, Chapter VII, of the City of Lincoln Park to temporarily restore previously approved Charter millage authority for a period of three years (2008 through 2010, inclusive). ...

In addition, the following clauses shall complete the statement of purpose in respect of each proposition:

- ... Proposition 1 proposes a millage restoration for police and fire purposes.
- ... Proposition 2 proposes a millage restoration for library purposes.
- ... Proposition 3 proposes a millage restoration for capital improvement purposes.
- ... Proposition 4 proposes a millage restoration for recreation and senior program purposes
- ... Proposition 5 proposes a millage restoration for public works purposes.

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

CHARTER AMENDMENT 1—POLICE AND FIRE

An amendment to Section 5 of Chapter VII of the City Charter to restore the levy of 3.4591 mills for three years for police and fire purposes

This amendment will authorize a tax of not to exceed 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 the proposed amendment be adopted?

- YES
- NO

CHARTER AMENDMENT 2—LIBRARY

An amendment to Section 5 of Chapter VII of the City Charter to restore the levy of 0.35 mill for three years for library purposes

This amendment will authorize a tax of not to exceed 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 the proposed amendment be adopted?

- YES
- NO

continued

CHARTER AMENDMENT 3—CAPITAL IMPROVEMENTS

An amendment to Section 5 of Chapter VII of the City Charter to restore the levy of 0.30 mill for three years for capital improvement purposes.

This amendment will authorize a tax of not to exceed 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 the proposed amendment be adopted?

- YES
 NO

CHARTER AMENDMENT 4—RECREATION AND SENIOR PROGRAMS

An amendment to Section 5 of Chapter VII of the City Charter to restore the levy of 0.25 mill for three years for recreation and senior program purposes

This amendment will authorize a tax of not to exceed 0.25 mill for three years, 2008 through 2010, solely for recreation and senior program purposes. 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 the proposed amendment be adopted?

- YES
 NO

CHARTER AMENDMENT 5—PUBLIC WORKS

An amendment to Section 5 of Chapter VII of the City Charter to restore the levy of 0.12 mill for three years for public works purposes

This amendment will authorize a tax of not to exceed 0.12 mill for three years, 2008 through 2010, solely for department of public works 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 the proposed amendment 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.

continued

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.

Motion carried

NAY: Councilman Vaslo

RESOLUTION 07-289 Award Bid/Insurance Services

By Councilman Vaslo, supported by Council President Higgins

RESOLVED, that the intergovernmental agreement for insurance services with the Michigan Municipal Liability and Property Pool based upon the bid proposal received on August 6th, 2007 with annual premium cost \$529,443 be approved.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 10:22 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK