

**REGULAR MEETING**

The meeting was called to order at 7:30 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Moment of Silence

PRESENT: Councilpersons Mario DiSanto, Mark Kandes, Donald Majors, Suzanne Moreno and Thomas Murphy

ABSENT: Councilperson Joseph Kaiser

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

Mayor's Remarks

**RESOLUTION 10-76 Minutes**

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that the minutes of the Regular Meeting held under the date of April 5, 2010 be approved as recorded.

Motion carried.

ABSTAIN: Councilman Kandes

**RESOLUTION 10-77 Proclaim Arbor Day**

By Mayor Vaslo, supported by THE FULL COUNCIL

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln Park Mayor and Council do hereby proclaim April 30, 2010 as *Arbor Day* in the City of Lincoln Park and urge all citizens to celebrate *Arbor Day* and to support efforts to protect our trees and woodlands, and

FURTHER, all citizens are urged to plant trees to gladden the heart and promote the well-being of this and future generations.

Motion unanimously carried.

**RESOLUTION 10-78 Proclaim Public Works Week**

By Mayor Vaslo, supported by THE FULL COUNCIL

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collections, and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities as well as the planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials, and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

**continued**

NOW, THEREFORE, the Mayor and City Council do hereby proclaim the week of May 16-May 22, 2010 as "National Public Works Week" in the City of Lincoln Park upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Motion unanimously carried.

**RESOLUTION 10-79 Remove Resolution Table/Cafeteria Plan**

By Councilwoman Moreno, supported by Councilman DiSanto

RESOLVED, that Resolution #10-61 regarding Cafeteria Plan be removed from the TABLE.

Motion unanimously carried.

**RESOLUTION 10-80 Adopt Cafeteria Plan**

By Councilwoman Moreno, supported by Councilman Majors

RESOLVED, that the form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Spending Account effective 4/20/10 is hereby approved and adopted and the Mayor and City Clerk are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan; and

BE IT FURTHER RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan; and

BE IT FURTHER RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan.

Motion unanimously carried.

**RESOLUTION 10-65A Adopt Zoning Ord/1280 Signs/CBD**

By Councilman Kandes, supported by Councilman Majors

RESOLVED, that ' AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE CITY OF LINCOLN PARK BY REPEALING SUBSECTION (I) ENTITLED "SIGNS" AND RENUMBERING THE REMAINING SECTIONS OF .05 OF CHAPTER 1280, CENTRAL BUSINESS DISTRICT", be given its third and final reading by TITLE ONLY

**THE CITY OF LINCOLN PARK ORDAINS**

That the Zoning Ordinances, Chapter 1280 Central Business District, Section .05 subsection (I) "Signs" be amended by repealing said subsection (I) and renumbering the remaining paragraphs in that section.

Motion unanimously carried.

ADOPTED: April 19, 2010

PUBLISHED: April 28, 2010

EFFECTIVE: May 5, 2010

**RESOLUTION 10-66A Adopt Zoning Ord./Unobstructed Sight Dist.**

By Councilman Kandes, supported by Councilman Majors

RESOLVED, that "AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE CITY OF LINCOLN PARK, CHAPTER 1290, SECTION .10, BY REPEALING AND REPLACING SUBSECTION (e) ENTITLED "UNOBSTRUCTED SIGHT DISTANCE", be given its third and final reading by TITLE ONLY.

**THE CITY OF LINCOLN PARK ORDAINS:**

That the Zoning Ordinances be amended by repealing and replacing subsection (e) Section .10 of Chapter 1290, Unobstructed Sight Distance.

Motion unanimously carried.

ADOPTED: April 19, 2010

PUBLISHED: April 28, 2010

EFFECTIVE: May 5, 2010

**RESOLUTION 10-67A Adopt Zoning Ord./Entranceway Structures**

By Councilman Kandes, supported by Councilwoman Moreno

RESOLVED, that ' AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE CITY OF LINCOLN PARK, CHAPTER 1296, SECTION.03, BY ADDING A NEW SUBSECTION (I) " "ENTRANCEWAY STRUCTURES", be given its third and final reading by TITLE ONLY'

**THE CITY OF LINCOLN PARK ORDAINS**

That the Zoning Ordinances, Chapter 1296 be amended by adding a new Subsection (I) to Section .03, entitled Entranceway Structures.

Motion unanimously carried.

ADOPTED: April 19, 2010

PUBLISHED: April 28, 2010

EFFECTIVE: May 5, 2010

**RESOLUTION 10-81 Accounts & Claims Payable**

By Councilman Kandes, supported by Councilman Majors

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

Warrant Report: \$856,440.53

Motion unanimously carried.

**RESOLUTION 10-82 Authorize Limited Tax Bonds**

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the City of Lincoln Park, Michigan (the "City"), intends to issue and sell bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purposes of paying part of the cost of construction of water and sewer system improvements in the City consisting generally of water meter replacements together with related sites, structures, equipment and appurtenances (the "Project"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517(2) of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds; and

WHEREAS, the City must either be granted qualified status within the meaning of Act 34 or receive prior approval from the Michigan Department of Treasury (the "Department"), before the bonds may be issued.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Clerk of the City is hereby authorized and directed to publish a notice of intent to issue bonds in *The News-Herald*, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

**NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF LINCOLN PARK,  
MICHIGAN OF INTENT TO ISSUE BONDS AND THE  
RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE that the City of Lincoln Park, County of Wayne, State of Michigan (the "City"), intends to issue and sell bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purpose of paying part of the cost of construction of water and sewer system improvements in the City consisting generally of water meter replacements together with related sites, structures, equipment and appurtenances to serve the users of the City's water and sewer system.

**SOURCE OF PAYMENT OF BONDS**

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the City lawfully available for such purposes including property taxes levied within applicable charter, statutory and constitutional tax rate limitations. The City expects to pay debt service on the bonds from rates and charges paid by users of the City's water and sewer system.

**BOND DETAILS**

SAID BONDS will be payable in annual installments not to exceed thirty (30) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed eight percent (8.00%) per annum on the balance of the bonds from time to time remaining unpaid.

**RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE CITY UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK OF THE CITY, 1355 SOUTHFIELD ROAD, LINCOLN PARK, MICHIGAN 48146, WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517 (2), Act 34, Public Acts of Michigan, 2001, as amended.

Donna Breeding  
City Clerk

**continued**

3. The City Council of the City does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the electors residing in the boundaries of the City of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the water and sewer fund and/or the general fund of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project and the Refinancing, including issuance costs, is \$3,500,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include (i) costs for the issuance of the debt, (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation and similar costs incident to commencement of construction).

5. The Mayor, Clerk, Treasurer and City Manager of the City each is hereby authorized and directed to execute and deliver such applications, documents, instruments and certificates with the Department in support of an application of the City for "qualified status" or, in the alternative, for prior approval to issue the bonds described in this Resolution and to file for such waivers as may be necessary or advisable with respect to said bonds.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Motion unanimously carried.

**RESOLUTION 10-83 CDBG Rehab Loan Program**

By Councilman DiSanto, supported by Councilman Kandes

**RESOLVED**, that the following citizen be approved for participation in the CDBG Residential Rehabilitation Loan Program for a loan not to exceed \$20,000.00.

#1316DL Kathy Misch – 2062 Oceana

City code violations, roof, siding, bathroom updates.

**BE IT FURTHER RESOLVED**, that Donald T. Cook, Director of Community Development is hereby authorized and directed to process this application in accordance with the Policy and Procedures Guidelines previously approved.

Motion unanimously carried.

**RESOLUTION 10-84 Set Public Hearing/Budget**

By Councilman DiSanto, supported by Councilman Kandes

**RESOLVED**, that the Office of City Management and the Finance Director, are hereby requesting to schedule a special meeting on Monday May 17, 2010 at 6:30p.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 2010/2011 budget.

Motion unanimously carried.

**RESOLUTION 10-85 Relay for Life Walk**

By Councilwoman Moreno, supported by Councilman Kandes

**RESOLVED**, that the American Cancer Society be granted permission conduct a “Relay for Life” walk at Council Point Park on May 15-16, 2010 from 10 a.m. – 10 a.m. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

**RESOLUTION 10-86 Sale of White St. Property**

By Councilman Kandes, supported by Councilman Majors

**RESOLVED**, that the offer to purchase vacant property on White Street, ID #45-008-03-0346-000 for the sum of \$100 received from Dennis and Kimberly Painter is hereby accepted on the condition that the parcels are combined within 90 days of purchase.

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are hereby authorized to execute the necessary documents to accomplish said transfer of ownership.

Motion unanimously carried.

**RESOLUTION 10-87 Set Closed Mtg./Litigation**

By Councilman Kandes, supported by Councilman Majors

**RESOLVED**, that a Closed Meeting of the Mayor and Council be held immediately following the Council Meeting on Monday, April 19, 2010, to be held in the Conference Room of City Hall to discuss litigation, Nasser vs. Lincoln Park.

Motion unanimously carried.

**RESOLUTION 10-88 Special Event Permit/Farmer’s Market**

By Councilman DiSanto, supported by Councilman Kandes

**RESOLVED**, that Special Event Permit #2 be approved for the “Farmer’s Market” be to held in the City of Lincoln Park on Sundays, 9 am to 5 pm, from May through October, 2010 and November 21, 2010.

Motion unanimously carried.

**RESOLUTION 10-89 Solicit Bids/Automated Meter Reading Prog**

By Councilman DiSanto, supported by Councilman Kandes

**BE IT RESOLVED**, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for an Automated Meter Reading program.

Motion unanimously carried.

**RESOLUTION 10-90 Solicit Bids/Solid Waste Collection**

By Councilman Kandes, supported by Councilman DiSanto

**BE IT RESOLVED**, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for solid waste collection.

Motion unanimously carried.

**RESOLUTION 10-91 Solicit Bids/Emergency Roof Repairs**

By Councilman Murphy, supported by Councilman DiSanto  
BE IT RESOLVED, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for emergency roof repairs for the Police Station and DPS Buildings.  
Motion unanimously carried.

**RESOLUTION 10-92 Solicit Bids/Montie St. Lift Station**

By Councilwoman Moreno, supported by Councilman Kandes  
BE IT RESOLVED, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for repairs to the Montie Street lift station.  
Motion unanimously carried.

**RESOLUTION 10-93 Solicit Bids/Porter St. Repairs**

By Councilman Kandes, supported by Councilman DiSanto  
BE IT RESOLVED, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for concrete sectional repairs on Porter Street between Southfield Road and College Street.  
Motion unanimously carried.

**RESOLUTION 10-94 Solicit Bids/Outer Dr. Water Main**

By Councilman DiSanto, supported by Councilman Kandes  
BE IT RESOLVED, the Mayor & Council hereby authorize the Director of Public Services to solicit bids for the replacement of water main on Outer Drive between Fort Street and the railroad trussel just west of Papalas Drive. Hennessey Engineer to perform design and engineering services.  
Motion unanimously carried.

**RESOLUTION 10-95 Attend Conference/DPS Supt.**

By Councilman Kandes, supported by Councilwoman Moreno  
WHEREAS, the Mayor and City Council are interested in having City employees receive professional training, and  
WHEREAS, each year the Michigan Chapter APWA has an Annual Conference in order to update and train managers and directors.  
BE IT RESOLVED, the Mayor and City Council hereby authorize Robert Bartok, Director of Public Services, to attend the 2010 APWA Annual Conference from May 26-28 at Shanty Creek, Bellaire, MI.  
BE IT FURTHER RESOLVED, that the expenses for attending the aforementioned Conference be taken from Account # 202-464-960 "Education, Training and Workshops", funds not to exceed \$400.00.  
Motion unanimously carried.

**RESOLUTION 10-96 Authorize Sale/City Equipment**

By Councilman DiSanto, supported by Councilman Kandes  
RESOLVED, that the Motor Pool Department is hereby authorized to submit the following vehicles for auction at Martin's Towing, 17180 Dix-Toledo Road, Brownstown, on the next available auction date.

<u>VIN#</u>	
2FAFP71W5YX137097	2000 Ford Crown Victoria
2FAFP71W5XX184239	1999 Ford Crown Victoria
2FAFP71W1XX184237	1999 Ford Crown Victoria
2FAFP71W31X173327	2001 Ford Crown Victoria
2FAFP71W61X173323	2001 Ford Crown Victoria
2FAFP71W9YX137099	2000 Ford Crown Victoria
2FAFP71W34X119398	2004 Ford Crown Victoria
1GTGC24K8RE516703	1994 GMC Sierra
2B7HB21Y4NK119706	1992 Dodge Van
1GTGG39K8RF508274	1994 GMC Van
2FAFP71W83X122120	2003 Ford Crown Victoria
2FAFP71W8XX184235	1999 Ford Crown Victoria
1FMCU24X3SUB10715	1995 Ford Explorer
N/A	1983 Zamboni

FURTHER BE IT RESOLVED, that proceeds from any sales shall be put through by Council Resolution to Account #661-932-649 – Vehicle Pool-Sale of used equipment.  
Motion unanimously carried.

**RESOLUTION 10-97 Clean-Up Fix-Up Weeks**

By Councilman DiSanto, supported by Councilman Majors

RESOLVED, that the Mayor and Council do hereby designate the weeks of May 24, 2010 through June 4, 2010, excluding May 31, 2010, as "Clean-Up, Fix-Up Weeks" for residents of our City.

BE IT RESOLVED, that residents may dispose of six bushels per household, per week, of general household waste, to EXCLUDE ANY hazardous materials, i.e., shingles, paint, insulation, chemicals, cleaning solvents, fertilizers, weed killers, dirt, sod, antifreeze, oil, batteries, automobile parts, or any appliance containing Freon.

Motion unanimously carried.

**RESOLUTION 10-98 Execute Contract/Hydro Design**

By Councilman DiSanto, supported by Councilman Majors

BE IT RESOLVED, the Mayor & Council hereby authorize the Mayor and City Clerk to sign the Cross Connection Contract with Hydro Design.

Motion unanimously carried.

**RESOLUTION 10-99 Recognize Non Profit Org/LP Lions Charities**

By Councilman Murphy, supported by Councilman DiSanto

RESOLVED, that the request from Lincoln Park Lions Charities, Inc., asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be approved.

Motion unanimously carried.

**RESOLUTION 10-100 Final Project Plan/DWRF  
A RESOLUTION ADOPTING A FINAL PROJECT PLAN  
FOR WATER SYSTEM IMPROVEMENTS AND  
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

By Councilman DiSanto, supported by Councilwoman Moreno

**WHEREAS**, the City of Lincoln Park recognizes the need to make improvements to its existing water treatment and distribution system; and

**WHEREAS**, the City of Lincoln Park authorized Hennessey Engineers, Inc. 13500 Reeck Road, Southgate, Michigan 48195 to prepare a Project Plan, which recommends the construction of New Water Main to replace the existing mains along Cicotte Avenue, Cleophus, Cloverlawn, Farnham, Helen Avenue, Kings Hwy, Merrill, Michigan Boulevard, Mill Street, Outer Drive and River Drive; and

**WHEREAS**, said Project Plan was presented at a Public Hearing held on April 19, 2010 and all public comments have been considered and addressed.

**NOW THEREFORE BE IT RESOLVED**, that the City of Lincoln Park formally adopts said Project Plan and agrees to implement the selected alternative for the proposed current plan Water Main Replacement.

**BE IT FURTHER RESOLVED**, that the DPS Director, a position currently held by Mr. Robert Bartok, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Motion unanimously carried.

PRESENTATION: WAYNE METRO NSP PROGRAM

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER'S REPORT

There being no further business before the Mayor and Council, the meeting adjourned at 9:04 p.m.

---

FRANK VASLO, MAYOR

---

DONNA BREEDING, CITY CLERK

