

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 Rev. Steven Van Fossen of LP Church of God

PRESENT: Councilpersons Valerie Brady, Michael Higgins, Mark Kandes and Frank Vaslo

ABSENT: Councilpersons Mario DiSanto and Thomas Murphy

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

Mayor's remarks

RESOLUTION 05-384 Minutes

By Councilman Higgins, supported by Council President Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of September 12, 2005 be approved as recorded.

Motion unanimously carried.

NOTE: Results of the City Primary Election as certified on September 14, 2005 by the Lincoln Park Board of Canvassers received and filed in the Office of the City Clerk.

RESOLUTION 05-385 Appointment/Cultural Commission

By Councilman Vaslo, supported by Council President Kandes

RESOLVED, that Laura Fines, 1564 McLain be appointed to the Cultural Commission with a term to expire September 7, 2009.

Motion unanimously carried.

RESOLUTION 05-386 Accounts & Claims Payable

By Councilman Vaslo, supported by Council President Kandes

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

Warrant Report: \$1,088,989.00

Motion unanimously carried.

RESOLUTION 05-387 Purchase Cable Equipment

By Councilman Vaslo, supported by Councilman Higgins

WHEREAS, the Mayor and City Council authorized the purchase of new cable information production equipment to be purchased; and

WHEREAS, after evaluation of the new system, it has become apparent that additional equipment would provide better communication to officials, audience members, and home viewers.

BE IT RESOLVED, that the Mayor and Council authorize the purchase additional cable equipment in the amount of \$5997.00 from R.S.C. Broadband Supply. Funds to come from Account #101000370cc.

Motion carried.

NAY: Councilwoman Brady

RESOLUTION 05-388 Budget Amendment/Fire Dept.

By Councilwoman Brady, supported by Council President Kandes

RESOLVED, that the Director of Finance be and is hereby authorized to make the following adjustments to the Fire Department Revenues and Expenditure line items;

<u>DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>	<u>CURRENT BUDGET</u>	<u>PROPOSED BUDGET</u>
Revenues:			
FEMA Grant	101340-528	\$ 0.00	\$71,628.00
Expenditures:			
Operating Supplies – FEMA Grant	101340-730FG	\$ 0.00	\$11,116.00
Training – FEMA Grant	101340-960FG	\$ 0.00	\$ 4,200.00
Capital Purchases – FEMA Grant	101340-983FG	\$ 0.00	\$70,620.00

Motion unanimously carried.

RESOLUTION 05-389 Residential Rehab Loan Program

By Councilman Vaslo, supported by Council President Kandes

RESOLVED, that the following citizen be approved for participation in the CDBG Residential Rehabilitation Program, for a loan not to exceed \$15,000.00.

#1236DL

Melinda Blackburn – 1829 Euclid

Roof, driveway, electrical updates

BE IT FURTHER RESOLVED; that William D. Hatley, Director of Community Planning and Development is hereby authorized and directed to process this application in accordance with the Policy and Procedures Guidelines previously approved. Funds to come from 30th Program Year CDBG Budget Account Number 24930 720R.

Motion unanimously carried.

Resolution to rezone 1312-1328 Fort St. was pulled at the request of the applicant.

RESOLUTION 05-390 Oppose Erosion/Telecommunication Control

By Councilman Higgins, supported by Councilman Vaslo

WHEREAS, on August 2, 2005, Senators John Ensign and John McCain introduced the Broadband Investment and Consumer Choice Act of 2005 (S.1504); and

WHEREAS, on June 30, 2005, Senators Smith and Rockefeller introduced the the Video Choice Act of 2005 (S. 1349); and

WHEREAS, on June 30, 2005, Congressmen's Blackburn and Wynn introduced the Video Choice Act of 2005 (HR. 3146); and

WHEREAS, the City Council of the Lincoln Park, opposes the passage of S. 1504, S. 1349, and HR. 3146 because:

- These bills would preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way;
- Local government strongly endorses promoting competition for all consumers. But these bills would mean that fewer citizens will receive the benefit of video competition. These bills eliminate local government's authority to ensure head to head competition for all citizens, leaving video providers free to cherry pick the most lucrative communities.
- The bills would significantly limit the amount of fees local government can collect, as well as local government's authority to enforce collection. This will directly jeopardize critical public services including police, fire, schools, and libraries.
- The bills would abrogate local governments' authority to ensure that public safety is maintained. Citizens do not want more video services at the cost of potholes in their roads, water main breaks, and traffic jams during rush hour. The bills would also eliminate institutional networks that serve our police and firefighters
- S. 1504 would substitute a new compensation methodology on the parties to the City's existing franchise contract, depriving the City of the agreed-upon bargain by lowering the existing franchise fee and replacing it with a fee which must be justified as being "reasonable" in the eyes of the user, limited to management costs (which denies the rights of the property owner to obtain fair and reasonable compensation for the use of public property for private gain), and not in excess of 5%;
- The bill would substantially reduce the amount of capacity which may be required by local governments to meet their public, educational and government ("PEG") access needs, while stripping the City of the ability to obtain capital support for the use of PEG capacity – part of the bargain contained within the City's negotiated franchise agreement – with the result that the community's cable-related needs and interests would not be met;
- The bill would eliminate any build-out requirements for any video service provider, thereby allowing providers to discriminate based on the wealth of the local neighborhoods they choose to serve;
- The bill would prohibit the City from imposing any fee for issuance of right-of-way construction permits yet would require the City to act on requests for permits in a timely manner as determined by the FCC, thereby insinuating inappropriate federal government involvement in the basic day-to-day management of local rights-of-way;
- The bill would prohibit municipalities and their utilities from providing communications services without giving a right of first refusal to private industry, and would then grant industry unfettered access to all municipal facilities and financing in the event private industry chooses to provide services;

continued

- . The bill would deprive the City of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of the City's business;
- . The bills would eliminate the protection the City currently has against liability for damages and attorneys fees in lawsuits brought by communication service providers against local governments, a type of litigation that the bill would seem to invite service providers to bring.

WHEREAS, for these reasons, the City of Lincoln Park City Council finds that it should oppose S. 1504, S. 1349, and HR. 3146 and urges the Michigan Congressional Delegation and other members of Congress to oppose S. 1504, S. 1349, and HR. 3146; and

WHEREAS, the City of Lincoln Park City Council finds that this Resolution should be forwarded to the Michigan Congressional Delegation, other members of Congress as deemed appropriate, and to the President of the United States.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section I. For the reasons stated above, the City of Lincoln Park, declares its opposition to S. 1504, S. 1349, and HR, 3146 urges the Michigan Congressional Delegation and all other members of Congress to oppose S. 1504, S. 1349, HR. 3146.

Section II. The City of Lincoln Park City Council hereby directs that this Resolution be forwarded immediately to the Michigan Congressional Delegation, other members of Congress as deemed appropriate, and to the President of the United States.

Section III. This Resolution shall become effective immediately upon its passage.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 8:53 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK