

## 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 Patrick Bossio, Sr. of Faith Christian Assembly

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

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

Mayor's Remarks

### **RESOLUTION 08-08 Minutes**

By Councilman DiSanto, supported by Councilman Myers

RESOLVED, that the minutes of the Regular Meeting held under the date of January 7, 2008 be approved as recorded.

Motion unanimously carried.

(Note: Study Session held January 7, 2008 at 8:48 p.m.)

### **RESOLUTION 08-09 Appt./Downtown Development Authority**

By Mayor Vaslo, supported by Councilman Kandes

RESOLVED, that Todd Galley of 1530 Fort St., is hereby appointed to a four (4) year term as a member of the Board of Directors of the Lincoln Park Downtown Development Authority, said term to expire on January 14, 2012.

Motion unanimously carried.

### **RESOLUTION 08-10 Appt./Planning Commission**

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that Joseph Kaiser Jr., of 1570 Fort Park, be appointed to the Planning Commission. Term to expire 5/1/11.

Motion unanimously carried.

### **RESOLUTION 08-11 Appt./Planning Commission – FAILED**

By Mayor Vaslo, supported by Councilman Kandes

RESOLVED, that Frank Maniaci, of 834 Cloverlawn, be appointed to the Planning Commission to fill the unexpired term of Kari West. Term to expire 5/1/09.

YEAS: Councilpersons Kandes, McPartlin and Mayor Vaslo

NAYS: Councilpersons Brady, DiSanto, Murphy and Myers

### **RESOLUTION 08-12 Appt./Planning Commission - FAILED**

By Mayor Vaslo, supported by Councilman Kandes

RESOLVED, that Doug Beedy, of 912 New York, be appointed to the Planning Commission. Term to expire 5/1/11.

YEAS: Councilman Kandes and Mayor Vaslo

NAYS: Councilpersons Brady, DiSanto, McPartlin, Murphy, and Myers

### **RESOLUTION 08-13 Remove Resolution #07-302 from TABLE**

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that Resolution #07-302 regarding the purchase of the Marquee Sign be removed from the TABLE.

Motion carried.

NAY: Councilpersons Murphy and Myers

**RESOLUTION 08-14 Award Bid/Marquee Sign**

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the Mayor & Council desire to improve the current Marquee sign at Fort & Southfield so as to reduce the manpower costs, while increasing the efficiency & communication to the residents.

WHEREAS, the total bid for the sign has been held at a price not-to-exceed \$67,490.00 from Townsend Neon, Inc., sole bidder.

BE IT RESOLVED, that the Mayor and City Council hereby award the bid for a Marquee sign to replace the current sign at Fort & Southfield Road to Townsend Neon, Inc. for a total cost not-to-exceed \$67,490.00.

BE IT FURTHER RESOLVED, that the City only be responsible for 50% of the total cost of the sign which is coming from the cable commissions fund and the balance be subsidized by the Downtown Development Authority and LISC matching monies.

BE IT FURTHER RESOLVED, that the funds for this expenditure come from a transfer from the "Cable Commissions" fund into the "Capital Expenditure" funds (101-263-983) (for accounting procedure only) in the 2007-08 Fiscal Budget

Motion carried.

NAY: Councilpersons Murphy and Myers

**RESOLUTION 08-15 Amend Ethics Policy**

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that the Code of Ethical Conduct Policy on Conflict of Interest for city employees, Appointees, Elected Officials and Contractual Agents be amended as follows;

**III. OTHER CONFLICTS****A. INCOMPATIBLE OFFICE**

No Official shall engage in or accept private employment or render services for private services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. *No elected official may be employed with the City of Lincoln Park or render services which would require any form of payment for a period of one year after leaving public office.*

Motion carried.

NAY: Mayor Vaslo

**RESOLUTION 08-16 Participation/Residential Rehab Program**

By Councilman Myers, supported by Councilman Kandes

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

#1290LI	Jason and Melanie Petri – 4023 Hazel New siding, roof, windows and furnace
#1291LI	Darrin Moon – 1774 Rose Emergency roof replacement

BE IT FURTHER RESOLVED; Donald T. Cook, 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 33rd Program Year CDBG Budget Account Number 24932 720R.

Motion unanimously carried.

**RESOLUTION 08-17 Management Plan/Community Center**

By Councilwoman Brady, supported by Councilman McPartlin

RESOLVED, that City Manager Steve Duchane be authorized to provide written notice to Rink Management Service Corporation, terminating the Professional Management Service Agreement for the Lincoln Park Community Center, effective May 14, 2008.

Motion carried.

NAY: Mayor Vaslo

**RESOLUTION 08-18 Approve Lot Combination/3962 Fort St.**

By Councilman Kandes, supported by Councilman McPartlin

RESOLVED, that the combination of Parcel ID 45-018-02-0284-300 – Assessor's Fort Superhighway Subdivision No. 10 and Lincolnshire No. 2 Subdivision; and Parcel ID's 45-018-02-0311-300, 45-018-02-0312-300, 45-018-02-0313-300 – Assessor's Fort Superhighway Subdivision No. 10, be approved.

The new legal description and Parcel ID will be determined by Wayne County.

Motion unanimously carried.

**RESOLUTION 08-19 Designate Trustee/M. E. Pension Board**

By Councilman Myers, supported by Councilman McPartlin  
WHEREAS, the Retirement Commission Ordinance for the Municipal Employees dictates that one member of the Council shall serve as a Trustee on that Board, and  
WHEREAS, the Local Ordinance specifies that the Council shall appoint this voting member.  
THEREFORE BE IT RESOLVED, that the designated Liaison to the Municipal Employees Pension Board serve as Trustee in accordance with the Lincoln Park Municipal Code, Chapter 294, Section .03.  
Motion unanimously carried.

**RESOLUTION 08-20 Designate Trustee/P & F Pension Board**

By Councilman Kandes, supported by Councilman McPartlin  
RESOLVED, that for purposes of the City Charter and City Code, the City Council hereby appoints the Council Liaison as Trustee to the Police and Fire Pension Board and shall be in effect for his or her term of office. Such appointment complies with the language and the spirit of the Charter by appointing a Council Member as the City has neither a Council Member acting as Chairperson of the Finance Committee nor a Council Member acting as the City Controller.  
Motion unanimously carried.

**RESOLUTION 08-21 Repeal Ordinance/Chapter 278/Parking Comm.**

By Councilwoman Brady, supported by Councilman DiSanto  
RESOLVED, that "AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING THE FOLLOWING CHAPTER 278 ENTITLED PARKING COMMISSION", be ADOPTED.  
THE CITY OF LINCOLN PARK ORDAINS:  
That the Codified Ordinances the City of Lincoln Park be amended by repealing Chapter 278 entitled "PARKING COMMISSION".  
Motion unanimously carried.

ADOPTED: January 14, 2008  
PUBLISHED: January 23, 2008  
EFFECTIVE: January 23, 2008

**RESOLUTION 08-22 Repeal Ordinance/Chapter 290/Youth Comm.**

By Councilwoman Brady, supported by Councilman DiSanto  
RESOLVED, that "AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING THE FOLLOWING CHAPTER 290 ENTITLED YOUTH COMMISSION", be ADOPTED.  
THE CITY OF LINCOLN PARK ORDAINS:  
That the Codified Ordinances the City of Lincoln Park be amended by repealing Chapter 290 entitled "YOUTH COMMISSION".  
Motion unanimously carried.

ADOPTED: January 14, 2008  
PUBLISHED: January 23, 2008  
EFFECTIVE: January 23, 2008

No Action taken on Repealing Chapter 258.

**RESOLUTION 08-23 Repeal Ord./Chap. 262 & 1424/Plumb. Board**

By Councilwoman Brady, supported by Councilman DiSanto  
RESOLVED, that "AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING THE FOLLOWING CHAPTERS 262 and 1424 ENTITLED PLUMBING BOARD", be ADOPTED.  
THE CITY OF LINCOLN PARK ORDAINS:  
That the Codified Ordinances the City of Lincoln Park be amended by repealing Chapters 262 AND 1424 entitled "PLUMBING BOARD".  
Motion unanimously carried.

ADOPTED: January 14, 2008  
PUBLISHED: January 23, 2008  
EFFECTIVE: January 23, 2008

**RESOLUTION 08-24 Proposed Ord. Amendments/Boards & Comm.**

By Councilwoman Brady, supported by Councilman DiSanto

RESOLVED, that “ AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK, BY REPEALING AND REPLACING THE MANNER IN WHICH APPOINTMENTS TO NUMEROUS BOARDS AND COMMISSIONERS ARE MADE” be given its first and second reading.

THE CITY OF LINCOLN PARK ORDAINS:

That the following Chapters & Sections of the Lincoln Park Municipal Code be amended by repealing the authority the Mayor currently is given to bring forth the names of potential commissioners and board members. The following ordinances be amended by repealing the word *Mayor* and replacing the same with *the City Council* in all instances for each of these boards & commissions. Thereby giving each Councilmember the opportunity to make appointment recommendations.

Chapter 254 BOARD OF REVIEW Sections .01 (b) & .02

Chapter 270 COMMUNITY IMPROVEMENT COMMISSION Sections .01 (c) & .02

Chapter 272 HISTORICAL COMMISSION Sections .01 & .02

Chapter 275 LIBRARY ADVISORY COMMISSION Section .02

Chapter 281 CULTURAL COMMISSION Section .02

Chapter 286 SENIOR CITIZEN COMMISSION Section .02

Chapter 289 STREET MAINT. AND INFRASTRUCTURE ADV. COMMISSION Section .02

Chapter 1264 ZONING BOARD OF APPEALS Section .02 (b) & (f)

Chapter 258 CABLE TELEVISION PROGRAMMING ADVISORY BOARD Section .02 & .04

Motion carried.

NAY: Councilman Kandes and Mayor Vaslo

## Actual Text of Above Amendments:

Chapter 254 Board of Review:

(b) Additional Members. When circumstances warrant, *the City Council may appoint* an additional three members to serve as members of the Board for a term of one year and to assist in the general functions described in this chapter when exigent circumstances, in the opinion of the *City Council* and the City Assessor, warrant an expected increase in demand for appeals to the Board. Such additional members shall be *appointed by City Council*, and two thirds shall be freeholders and qualified electors and residents of the City. Such additional members shall serve in the same capacity as general members of the Board for their term of appointment, and the appointment of such members must be submitted *to the City Council* prior to the first scheduled meeting of the Board in any given year. Appointments shall expire on January 1 of the next following year from which the appointment is made, and such appointments shall not carry over into the next calendar year.

## 254.02 APPOINTMENTS; TERMS OF OFFICE.

The members of the Board of Review shall be *appointed by City Council*. The first members shall be appointed during the month of January, 1960, for terms expiring on July 1, 1961, 1962 and 1963. In 1961, and in each year thereafter, one member shall be appointed and confirmed in the month of May of each year for a term of three years, commencing on the following July 1.

## Chapter 270 Community Improvement Commission:

(c) The other members of the Community Improvement Commission shall be appointed by *City Council* for a term of three years. However, the first appointments shall be for staggered terms of one, two and three years, two members being appointed for one year, two members being appointed for two years and the third two members being appointed for three years. All such terms shall expire on May 1 of the particular year in question.

Chapter 272 Historical Commission:

## 272.01 ESTABLISHMENT; COMPOSITION.

There is hereby established in and for the City a Historical Commission. The Commission shall consist of seven members to be *appointed by City Council*, in the same manner as other appointed officials, as set forth in the City Charter.

## 272.02 TERMS OF OFFICE; VACANCIES; COMPENSATION.

The appointed members of the Historical Commission shall serve for a term of four years. However, the first appointments shall serve terms as follows: two members for one year; two members for two years; two members for three years; and one member for four years. Thereafter, new appointments shall be for four years. Vacancies occurring on the Commission before the expiration of any term shall be reported to *City Council* and shall be filled by appointment as set forth in Section 272.01 for the unexpired term. All members shall serve as such without compensation.

Chapter 275 Library Advisory Commission:

## 275.02 COMPOSITION; APPOINTMENTS; TERMS OF OFFICE; VACANCIES; COMPENSATION.

The Library Advisory Commission shall consist of five members who shall be appointed by *City Council* and who shall serve for terms of three years each, except that one member of the first Commission to be so appointed shall serve for a term of one year, two members shall serve for a term of two years and two members shall serve for a term of three years. Vacancies on the Commission shall be filled by appointment as set forth herein. All members shall serve without compensation. No person shall be eligible for appointment who is the holder of any elective office in the City.

Chapter 281 Cultural Commission:

## 281.02 COMPOSITION; APPOINTMENT, TERMS AND QUALIFICATIONS OF MEMBERS; FILLING OF VACANCIES.

The Cultural Commission shall consist of five members who shall be appointed by *City Council* for a four-year term. Vacancies on the Commission shall be reported by the Commission to the Council and filled by appointment as set forth above for the unexpired term. Members of the Commission shall be registered electors of the City upon appointment and shall remain so during their term of office.

Chapter 286 Senior Citizen Commission:

## 286.02 APPOINTMENTS; TERMS OF OFFICE.

The members of the Senior Citizens Commission shall be appointed *City Council*, for a term of three years. However, the first appointments shall be for staggered terms of one, two and three years. Two members shall be appointed for one year, two members for two years and two members for three years. The terms of the two additional members appointed pursuant to Resolution 82-1135, passed December 13, 1982, shall be for three years commencing January 3, 1983. All such terms shall expire on May 1 of the particular year in question.

Chapter 289 Street Maintenance & Infrastructure Advisory Commission:

## 289.02 COMPOSITION, APPOINTMENT, TERM AND QUALIFICATIONS OF MEMBERS; FILLING OF VACANCIES.

(a) There shall be seven members *appointed by City Council*, for a two-year term; said term of office to expire on the first day of January, 2007, after the first appointment of officers upon the adoption of this chapter. Vacancies on the Commission shall be reported by the Commission to the Mayor and City Council and filled by appointment as set forth for the unexpired term. The Director of Public Services/Engineering and Superintendent of Public Works shall be members by virtue of their appointment to those positions.

Chapter 1264 Zoning Board of Appeals:

## 1264.02 COMPOSITION; TERMS OF OFFICE; QUALIFICATIONS; REMOVALS.

(b) When the terms of the individual members of the Board expire, with not more than three (3) terms expiring in any one year, the *City Council* shall appoint a successor for a three (3)-year term from the date of expiration of the original member's term.

(f) Members may be removed *by City Council*. Any vacancy in the Board shall be filled by *City Council* for the remainder of the unexpired term.

Chapter 258 Cable Television Programming Advisory Board:

## 258.02 COMPOSITION; TERMS OF OFFICE.

The Cable Television Programming Advisory Board shall consist of seven members, representative of the City's population, each of whom shall be a resident of the City. Elected and appointed officials are not prohibited from serving on the Board, except that not more than one elected official and not more than one appointed official shall be members of such Board. Members be *appointed by City Council* for terms of three years. However, for the purpose of creating staggered terms, the initial appointment of two members shall be for one year, two members for two years and three members for three years.

## 258.04 VACANCIES.

Any vacancy occurring on the Cable Television Programming Advisory Board shall be filled by the *City Council* for the remainder of the unexpired term.

**RESOLUTION 08-25 Vacancies/Boards & Commissions**

By Councilwoman Brady, supported by Councilman DiSanto

WHEREAS, citizen participation in the daily program and procedures of the City of Lincoln Park is recognized as an important element in providing quality public services to the community, and

WHEREAS, citizen participation is encouraged through the appointment of members to boards, commissions and authorities.

THEREFORE, guidelines are necessary to expedite the appointment process and ensure continuous service to all Lincoln Park residents.

THEREFORE BE IT RESOLVED, that all vacancies, on active boards, commissions, and authorities be filled within sixty days (60) of said vacancy.

BE IT ALSO RESOLVED, that notice of said vacancy is forwarded, in writing, to the City Clerk and City Council within ten business days.

Motion unanimously carried.

**RESOLUTION 08-26 Solicit Bids/2008 CDBG Concrete**

By Councilman DiSanto, supported by Councilman McPartlin

WHEREAS, the Mayor and City Council is interested in soliciting prices for the construction of concrete sidewalks and streets within the CDBG areas throughout the City for the 2007-08 construction season.

BE IT RESOLVED, the Mayor and City Council authorize the Director of Public Services to solicit bids for the construction of concrete sidewalks and streets within the CDBG areas.

Motion unanimously carried.

**RESOLUTION 08-27 Solicit Bids/Catch Basins**

By Councilwoman Brady, supported by Councilman McPartlin

WHEREAS, the Mayor and City Council is interested in soliciting prices for the construction of catch basins.

BE IT RESOLVED, the Mayor and City Council authorize the Director of Public Services to solicit bids for catch basin repairs.

Motion unanimously carried.

**RESOLUTION 08-28 Oppose Right to Work Law**

By Mayor Vaslo, supported by Councilman McPartlin

WHEREAS, the City of Lincoln Park wishes to promote fair labor practices and labor union goals; and

WHEREAS, it is also a historic fact that one of the primary sources through which the needs of working families and their communities can be voiced and heard is the collective voice that unions provide; and

WHEREAS, this voice of the people has been under assault since its inception from reactionary forces that do not and will not recognize that labor has the same import as capital; and

WHEREAS, twenty-two States have “right-to-work” laws that prohibit workers and employers from negotiating union security clauses that ensure that all workers who receive economic benefits from union representation share the cost of maintaining the union; and

WHEREAS, right to work laws do not guarantee employment to workers; and

WHEREAS, right to work laws weaken the ability of unions to represent workers; and

WHEREAS, according to the Bureau of Labor Statistics, the median household income in 2005 in right to work states was \$5,900 less than in free bargaining states; and

WHEREAS, according to the U. S. Census Bureau, in 2005, the percentage of the population without health insurance was 20% higher in right to work states; and

WHEREAS, the U.S. Congress is seeking to impose a Federal National Right to Work Act that require all states to become “right to work” states;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Lincoln Park opposes any statutory change in labor rights that continues or enhances the devastation and destruction of our Michigan families, communities, and cities;

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Lincoln Park opposes any legislation in the U.S. Congress or the State of Michigan that would reduce the Michigan Quality of Life, harm Michigan communities, or further weaken the collective voice of Michigan workers established under the National Labor Relations Act of 1935; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Lincoln Park opposes any legislation in the U.S. Congress or the State of Michigan Legislature that would make Michigan a “right to work” state by curtailing labor union membership.

BE IT FURTHER RESOLVED, that a copy of this resolution will be sent to Governor Granholm, Senator Basham, Congresswoman Kilpatrick, and State Representative Clemente.  
Motion carried.

NAY: Councilman Murphy

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER’S REPORT

There being no further business, the meeting adjourned at 10:34 p.m.

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FRANK VASLO, MAYOR

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DONNA BREEDING, CITY CLERK