

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. Dan Russell of First Baptist Church

PRESENT: Councilpersons Mario DiSanto, Michael Higgins, Mark Kandes, Thomas McPartlin,
Thomas Murphy and Frank Vaslo

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

Mayor's Remarks

RESOLUTION 06-277 Minutes

By Council President Higgins, supported by Councilman Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of July 17, 2006 be approved as recorded.

(NOTE: Special Meeting held 7-17-06 at 8:45 p.m. in Closed Session re: Employee Evaluation)

Motion unanimously carried.

PUBLIC HEARING re: DANGEROUS Buildings – 2328 Fort St. and 1414 Euclid

CALLED TO ORDER

DISCUSSION – 2328 Fort St.

PUBLIC COMMENT – Party of interest 2328 Fort in attendance

DISCUSSION – 1414 Euclid

PUBLIC COMMENT - no party of interest in attendance for 1414 Euclid

Adjourn Public Hearing

Reconvene Regular Meeting

RESOLUTION 06-278 Demolish Dangerous Building/2328 Fort

By Councilman Murphy, supported by Councilman DiSanto

WHEREAS, the Dangerous Building and Code Appeals Board issued an order to **demolish** the structure located at **2328 Fort**, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as **CASE # 06-11**, which was held on **April 26, 2006**, in accordance with Section 1444.04 of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of it's findings and a copy of it's order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of **July 24, 2006**, the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing. NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board to demolish and remove the structure located at **2328 Fort**, Lincoln Park MI, is hereby approved by the Council of the City of Lincoln Park; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works is hereby directed to comply with the order of the Board as approved by Council after 20 days from the date of this resolution; and BE IT FURTHER RESOLVED, that the Superintendent of Public Works shall determine the date of demolition and shall notify each party of interest as required by Section 1444.10 of the Codified Ordinances; and

BE IT FURTHER RESOLVED, that the cost of the demolition shall be assessed against the real property on which said structure is located, such costs shall be reported to the City Assessor who shall place said lien.

Motion unanimously carried.

RESOLUTION 06-279 Demolish Dangerous Building/1414 Euclid

By Councilman DiSanto, supported by Councilman McPartlin

WHEREAS, the Dangerous Building and Code Appeals Board issued an order to **demolish** the structure located at **1414 Euclid**, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as **CASE # 06-01**, which was held on **April 26, 2006**, in accordance with Section 1444.04 of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of it's findings and a copy of it's order with this Council and with each party having a recorded interest in the subject property; and

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WHEREAS, the City Council has established the date of **July 24, 2006**, the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board to demolish and remove the structure located at **1414 Euclid**, Lincoln Park MI, is hereby approved by the Council of the City of Lincoln Park; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works is hereby directed to comply with the order of the Board as approved by Council after 20 days from the date of this resolution; and

BE IT FURTHER RESOLVED, that the Superintendent of Public Works shall determine the date of demolition and shall notify each party of interest as required by Section 1444.10 of the Codified Ordinances; and

BE IT FURTHER RESOLVED, that the cost of the demolition shall be assessed against the real property on which said structure is located, such costs shall be reported to the City Assessor who shall place said lien.

Motion unanimously carried.

RESOLUTION 06-280 Accounts & Claims Payable

By Councilman Vaslo, supported by Council President Higgins

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

Warrant Report: \$ 920,483.72

Motion unanimously carried.

RESOLUTION 06-281 Award Bid/Assembly/Locker Room

By Councilman Murphy, supported by Council President Higgins

RESOLVED, that Mayor and Council award the bid to "Steel Equipment Company" of Pontiac, Michigan, as they were the lowest bidder and meet all the specifications, to provide new bench style seating and employee lockers for the Assembly Room/Locker Room located at Lincoln Park Police Department. Funds to come Account 101.000.370PL -Donation Account.

Motion unanimously carried.

RESOLUTION 06-270A Adopt Ord. Amend./Chapter 606.02

By Councilman Vaslo, supported by Councilman McPartlin

RESOLVED, that 'AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY REPEALING AND REPLACING SECTION .02 OF CHAPTER 606 ENTITLED ALCOHOLIC BEVERAGES', be given its third and final reading and be ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That the Municipal Code of the City of Lincoln Park be amended by repealing and replacing Section .02 of Chapter 606 to read as follows:

606.02 Purchase, consumption or possession of alcoholic liquor by minor; attempt; violations; fines; sanctions; furnishing fraudulent identification to minor; chemical breath analysis; notice to parent, custodian, or guardian; construction of section; exceptions.

(a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions.

1. For the first violation a fine of not more than \$100.00 and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in Section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d).

2. For a violation of this subsection following a prior conviction or juvenile adjudication for a violation of this subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than 30 days but only if the minor has been found by the court to have violated an

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order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d).

3. For a violation of this subsection following 2 or more prior convictions or juvenile adjudications for a violation of this subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d).

(b) A person who furnishes fraudulent identification to a minor, or notwithstanding subsection (a) a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(c) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(d) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(e) In a criminal prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(f) As used in this section, "any bodily alcohol content" means either of the following:

1. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

2. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

Motion unanimously carried.

ADOPTED: July 24, 2006
 PUBLISHED: Aug 2, 2006
 EFFECTIVE: Aug 2, 2006

RESOLUTION 06-271A Adopt Ord. Amend./Chapter 606.99

By Councilman Murphy, supported by Council President Higgins

RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY REPEALING THE EXISTING SECTION .99 PENALTIES OF CHAPTER 606 ALCOHOLIC BEVERAGES," be given it third and final reading and be ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That the Municipal Code of the City of Lincoln Park be amended by repealing the existing Section .99 Penalties of Chapter 606 Alcoholic Beverages.

Motion unanimously carried.

ADOPTED: July 24, 2006
 PUBLISHED: Aug 2, 2006
 EFFECTIVE: Aug 2, 2006

RESOLUTION 06-272A Adopt Ord. Amend./Chapter 1490

By Council President Higgins, supported by Councilman Kandes

RESOLVED, that 'AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY ADDING A NEW CHAPTER 1490 ENTITLED VACANT STRUCTURES AND LAND, TO PART FOURTEEN, BUILDING AND HOUSING CODE, be given its third and final reading and be **ADOPTED**.

THE CITY OF LINCOLN PARK ORDAINS:

That the Municipal Code be amended by adding a new Chapter 1490 entitled Vacant Structures and Land to the Building and Housing Code as follows:

Chapter 1490. Vacant Structures and Land

1490.01 *General Requirements.* All vacant buildings and structures and their premises, or vacant land, shall be maintained in a clear, safe, secure, and sanitary condition so as to not contribute to blighting or adversely affect the public health or safety. During the period when any residential, commercial, or industrial building is vacant, closed, or otherwise not open for business or occupancy for more than 30 consecutive days, the owner or party-in-interest or other responsible parties shall be subject to the following regulations:

1490.02 If any exterior openings of the building are boarded up or required to be boarded up, such shall be done in a neat and workmanlike manner using one-half inch water resistant plywood (or such other material approved by the Code Official) sized to fit within the exterior openings, which shall be securely fastened in place and coated with an appropriate neutral color which blends with or harmonizes with the exterior color of the building so as to be as inconspicuous as possible. The Code Official shall request the owner or responsible party to replace any broken glass and repair, replace, or paint the plywood material within a period not exceeding ten working days. The exterior premises adjacent to any vacant building shall be maintained in a clean, aesthetically pleasing condition, including the maintenance of signage, lighting, parking areas, sidewalks and other common areas. The owner or responsible party shall be subject to the penalties and abatement procedures as provided in this Code and other applicable provisions of the City Codified Ordinances.

1490.03 All landscaping shall be maintained in a neat, orderly, and attractive condition, including but not limited to regular mowing of lawn areas, periodic trimming and pruning of shrubs and trees, watering and weeding lawn and landscaped areas, removal of weeds in parking lots, driveways, sidewalks and other paved areas, removal and replacement of dead or diseased trees, shrubs, and plants, and regular removal of trash and debris.

1490.04 The owner and/or any tenant or responsible party shall register any vacant commercial or industrial building and comply with all applicable provisions of this chapter relating to vacant commercial and industrial buildings.

Motion unanimously carried.

ADOPTED: July 24, 2006

PUBLISHED: Aug 2, 2006

EFFECTIVE: Aug 2, 2006

RESOLUTION 06-282 Proposed Ord. Amend/Chapter 210

By Councilman Kandes, supported by Councilman McPartlin

RESOLVED, that an ordinance to amend the Codified Ordinances of the City of Lincoln Park by adding a new Section .03 to Chapter 210 entitled **Study Sessions** be given its first and second readings.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances of the City of Lincoln Park be amended to include a new Section .03 of Chapter 210 to read as follows:

210.03 Study Sessions

Immediately following any regular meeting, the Mayor and Council may elect to convene into a study session. Any such study session shall be open to the public. Said sessions are for Council discussion and review of proposals, programs and other matters of concern to the City, and no formal action may be taken at said sessions.

By Councilman Kandes, supported by Councilman McPartlin

Motion to amend the above ordinance to include "Study Sessions will not be televised."

AMENDMENT FAILED.

YEAS: Councilpersons: Kandes, McPartlin, Vaslo

NAYS: Councilpersons DiSanto, Higgins, Murphy, Mayor Brown

ORIGINAL MOTION CARRIED.

NAY: Mayor Brown

RESOLUTION 06-283 Prop. Ord. Amend./Chapter 1262

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BE AMENDED BY REPEALING AND REPLACING, THE CROSS REFERENCES, AND SECTIONS .06 ,07, AND .08 OF THE EXISTING ADMINISTRATION, ENFORCEMENT AND PENALTY, CHAPTER 1262 OF THE ZONING CODE, THEREOF” be given its first and second reading by TITLE ONLY, said Ordinance having been posted 72 hours prior to its submission.

THE CITY OF LINCOLN PARK ORDAINS:

THAT Chapter 1262, Administration, Enforcement and Penalty, of the Lincoln Park Codified Zoning Ordinances be amended by repealing and replacing, the cross references, and Sections .06, .07 and .08 entitled Administration, Enforcement and Penalty as follows:

- A. Cross References
 - B. SECTION 1262.06, Duties of Planning Commission
 - C. SECTION 1262.07, Amendments
 - D. SECTION 1262.08, Powers of Council regarding Special Approvals
- A THROUGH E

Motion unanimously carried.

RESOLUTION 06-284 Proposed Ord. Amend./Chapter 1288

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING AND REPLACING THE EXISTING PLANNED UNIT DEVELOPMENT, CHAPTER 1288 OF THE ZONING CODE, THEREOF” be given its first and second reading by TITLE ONLY, said Ordinance having been posted 72 hours prior to its submission.

THE CITY OF LINCOLN PARK ORDAINS:

THAT Chapter 1288, Planned Unit Development, of the Lincoln Park Codified Zoning Ordinance be repealed and replaced with a new Chapter 1288 entitled Planned Unit Development as follows:

- A. Intent
- B. Qualifying Conditions
- C. Application Review Procedure and Authorization
- D. Residential Development Standards

Motion unanimously carried.

RESOLUTION 06-285 Proposed Ord. Amend./Chapter 1289

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY ADDING A NEW CHAPTER 1289, CONDITIONAL REZONING, TO THE ZONING CODE, THEREOF” be given its first and second reading by TITLE ONLY, said Ordinance having been posted 72 hours prior to its submission.

THE CITY OF LINCOLN PARK ORDAINS:

THAT Chapter 1289, Conditional Rezoning, be added in the Lincoln Park Codified Zoning Ordinance.

Motion unanimously carried.

RESOLUTION 06-286 Proposed Ord. Amend./Chapter 1294

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE, BY REPEALING AND REPLACING THE EXISTING CROSS REFERENCES SECTION OF CHAPTER 1294, PROVISIONS RELATING TO ALL DISTRICTS, OF THE ZONING CODE, THEREOF” be given its first and second reading by TITLE ONLY, said Ordinance having been posted 72 hours prior to its submission.

THE CITY OF LINCOLN PARK ORDAINS:

THAT Chapter 1294, Provisions Relating To All Districts, of the Lincoln Park Codified Zoning Ordinance be repealed and replaced with a new Cross Reference section of Chapter 1294 entitled Provisions Relating To All Districts.

Motion unanimously carried.

RESOLUTION 06-287 Participation/Residential Rehab Loan

By Councilman McPartlin, supported by Councilman DiSanto

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

**#1253DL Steven and Marilyn Sciantarelli-1704 Moran
Roof on house and garage, gutters and downspouts,
code updates**

**#1254DL Renee and Karen Muniz-536 Mill
New windows, porch and bathroom updates**

BE IT FURTHER RESOLVED; that William D. Hatley, Director of Community Planning and Development is hereby authorized and directed to process these applications in accordance with the Policy and Procedures Guidelines previously approved. Funds to come from 31st Program Year CDBG Budget Account Number 24931 720R.

Motion unanimously carried.

RESOLUTION 06-288 Budget Amendment/FY 05/06

By Councilman Vaslo, supported by Councilman DiSanto

RESOLVED, that the Director of Finance be and is hereby authorized to make the following FY05/06 budget adjustments to various General Fund Revenue and Expenditure line items and Special Revenue Expenditure line items.

Motion unanimously carried.

RESOLUTION 06-289 Rezone/1900 Block Riverbank

By Councilman DiSanto, supported by Councilman McPartlin

RESOLVED, that the rezoning request from the Planning Commission for a public benefit rezoning for the properties located at 1938-2042 Riverbank (even only) from Regional Business District (RBD) to Single Family Residential District (SFRD) be approved.

BE IT FURTHER RESOLVED, that the existing Zoning Map of the City be amended to reflect these changes.

Motion unanimously carried.

RESOLUTION 06-290 Authorize Block Party/1900 Riverbank

By Councilman DiSanto, supported by Council President Higgins

RESOLVED, that the residents of the 1900 Block of Riverbank (between Alley West of Dix and Hazel) be granted permission to have a block party on **Saturday, August 5, 2006** from 9:00 a.m. until 9:00 p.m. under the following conditions:

1. That the street be barricaded at each end and closed to vehicular traffic.
2. That the party be over by 9:00 P.M. or dusk, whichever comes first, and the street be open to traffic.

Per the recommendation of the Police Department.

Motion unanimously carried.

RESOLUTION 06-291 Amend Res. 06-259/Chopper Pumps

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that Resolution #06-259 be amended to read "in the amount of \$7,251.00 each."

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:18 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK