

**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 Mary Tame of First United Methodist Church

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

ABSENT: Councilperson Mario DiSanto

ALSO PRESENT: City Manager Steve Duchane, Asst. City Attorney Amy Higgins and  
City Clerk Donna Breeding

Mayor's Remarks

**RESOLUTION 08-369 Charitable Solicitation/Goodfellows**

By Councilwoman Brady, supported by Council President Murphy

RESOLVED, that the Lincoln Park Goodfellows be granted permission to solicit donations on the streets of Lincoln Park on Friday, December 5, 2008 for their "Annual Newspaper Drive".

All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

**RESOLUTION 08-370 Minutes**

By Councilman Myers, supported by Councilman Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of November 10, 2008 be approved as recorded.

Motion unanimously carried.

(Note: Closed Meeting held November 10, 2008 at 8:35 p.m.)

PROCLAIM the week of November 16, 2008 as American Education Week.

**RESOLUTION 08-371 Prop. Ord. Amend./Park & Rec. Director**

By Councilwoman Brady, supported by Councilman McPartlin

RESOLVED, THAT "AN ORDINANCE TO REPEAL AND REPLACE SECTION 240.02 (a) OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK", be given its first and second reading.

THE CITY OF LINCOLN PARK ORDAINS:

That Section 240.2, subsection (a) of the Codified Ordinances of the City of Lincoln Park be amended by repealing the existing subsection (a) in its entirety and adopting a new subsection (a) which new subsection shall read as follows:

240.02 DIRECTOR – PARKS, RECREATION AND COMMUNITY SERVICES

(a) Appointment Powers. The Mayor and Council may appoint a Parks Recreation and Community Services Director who shall be in direct charge of the Department of Parks and Recreation Department and the Community Services Department. He or she shall manage and have charge of the supervision, control, improvement, repair, maintenance, operation of parks and recreation facilities and CDBG program administration. He or she shall be directly responsible for the supervision and training of departmental personnel, and he or she shall perform such other duties as are assigned from time to time by the Mayor and Council. The Director shall possess all of the qualifications required by the City Charter for appointive officers.

Motion unanimously carried.

**RESOLUTION 08-361A Adopt Ord. Amend./Chap. 1260/Zoning**

By Councilwoman Brady, supported by Councilman Kandes  
 RESOLVED, that “AN ORDINANCE AMENDING PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY INCORPORATING AN AMENDMENT TO TITLE SIX, ZONING, CHAPTER 1260, GENERAL PROVISIONS AND DEFINITIONS FOR COMPLIANCE WITH MICHIGAN PUBLIC ACT 33 OF 2008, THE MICHIGAN PLANNING ENABLING ACT, AND MICHIGAN PUBLIC ACT 110 OF 2006, THE MICHIGAN ZONING ENABLING ACT, AS AMENDED” be given it’s third & final reading by TITLE ONLY and ADOPTED, said Ordinance having been posted conspicuously throughout City Hall 72 hours prior to its submission to Mayor and Council.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances be amended by repealing and replacing certain sections .02 & .08B and deleting Cross References of Chapter 1260, General Provisions and Definitions.

Motion unanimously carried.

ADOPTED: November 17, 2008  
 PUBLISHED: November 26, 2008  
 EFFECTIVE: December 3, 2008

**RESOLUTION 08-362A Adopt Ord. Amend./Chap. 1262/Zoning**

By Councilman Kandes, supported by Councilwoman Brady  
 RESOLVED, that “AN ORDINANCE AMENDING PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY INCORPORATING AN AMENDMENT TO TITLE SIX, ZONING, CHAPTER 1262, ADMINISTRATION, ENFORCEMENT AND PENALTY FOR COMPLIANCE WITH MICHIGAN PUBLIC ACT 33 OF 2008, THE MICHIGAN PLANNING ENABLING ACT, AND MICHIGAN PUBLIC ACT 110 OF 2006, THE MICHIGAN ZONING ENABLING ACT, AS AMENDED” be given it’s third & final reading by TITLE ONLY and ADOPTED, said Ordinance having been posted conspicuously throughout City Hall 72 hours prior to its submission to Mayor and Council.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances be amended by repealing and replacing certain sections of Chapter 1262, Administration, Enforcement and Penalty.

<u>Current Sections</u>	<u>Summary of Amendments</u>
Chapter 1262	The title of this Chapter has been amended to include applications and procedures and to update and renumber the sections within the Chapter.
Cross References	Deleted
Section 1262.01, Enforcement by Building Department renamed Overview	The section has been replaced with an overview to identify the administrative functions and responsibilities for enforcing the provisions of the Zoning Ordinance and because current provisions conflict with other provisions being enacted to bring this section into compliance with the MZEA and MPEA.
Section 1262.02, Duties of Building Superintendent; renamed Building Official and Other Enforcement Officials	This section has been renamed and completely revised because current provisions conflict with other provisions being enacted to bring this section into compliance with the MZEA and MPEA and to establish the following: <ul style="list-style-type: none"> <li>▪ Responsibilities of the Building Official and Assistants; and</li> <li>▪ Responsibilities of the City’s Planning Consultant</li> </ul>
Section 1262.03, Building Permits	No changes
Section 1262.04, Certificate of Occupancy	No changes
1262.05, Fee; renamed City Council	This section has been renamed and completely revised to establish the responsibilities and authority of the City Council, as it pertains to the Zoning Ordinance and because current provisions conflict with other provisions being enacted to bring this section into compliance with the MZEA and MPEA.
Section 1262.06, Planning Commission	This section has been revised and expanded to establish the responsibilities and authority of the Planning Commission, as it pertains to the Zoning Ordinance and because current provisions are not adequate to comply with MZEA and MPEA.

<u>Current Sections</u>	<u>Summary of Amendments</u>
Section 1262.07, Amendments; renamed Application and Fees	This section has been renamed and completely revised to establish general procedures for processing all requests for City action or review under the provisions of the Zoning Ordinance. Cross references are cited for specific procedures and standards elsewhere in the Ordinance. In addition, the process and procedures for conducting required public hearings and providing required public notifications are set forth in this section, for conformance with the MZEA and MPEA.
Section 1262.08, Powers of Council Regarding Special Approvals; renamed Special Land Use Approvals	This section has been amended because the current provisions conflict with other provisions being enacted to bring this section into compliance with the MZEA and MPEA
Section 1262.09, Performance Guarantees; renamed Amendments	This section has been renamed and completely revised to set forth clear provisions and regulations for considering an amendment to the Zoning Ordinance, including the application, review by the Planning Commission and City Council, rezoning signs, and the notice of adoption; in accordance with the MZEA and MPEA.
Section 1262.10, Declaration of Nuisance; renamed Performance Guarantees	The provisions in this section were originally classified as section 1262.09. No changes were made to the text.
Section 1262.11, Penalty, renamed Declaration of Nuisance	The provisions in this section were originally classified as section 1262.10. No changes were made to the text.
New Section 1262.12, Penalty	The provisions in this section were originally classified as section 1262.11. No changes were made to the text.
Motion unanimously carried.	ADOPTED: November 17, 2008 PUBLISHED: November 26, 2008 EFFECTIVE: December 3, 2008

**RESOLUTION 08-363A Adopt Ord. Amend./Chap. 1264/Zoning**

By Councilman McPartlin, supported by Councilman Kandes  
RESOLVED, that “AN ORDINANCE AMENDING PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY INCORPORATING AN AMENDMENT TO TITLE SIX, ZONING, CHAPTER 1264, ZONING BOARD OF APPEALS FOR COMPLIANCE WITH MICHIGAN PUBLIC ACT 33 OF 2008, THE MICHIGAN PLANNING ENABLING ACT, AND MICHIGAN PUBLIC ACT 110 OF 2006, THE MICHIGAN ZONING ENABLING ACT, AS AMENDED” be given it’s third & final reading by TITLE ONLY and ADOPTED, said Ordinance having been posted conspicuously throughout City Hall 72 hours prior to its submission to Mayor and Council.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances be amended by repealing and replacing certain sections of Chapter 1264, Zoning Board of Appeals.

<u>Current Sections</u>	<u>Summary of Amendments</u>
Cross References	Deleted
Section 1264.01, Establishment	Replace PA 207 of 1921 with PA 110 of 2006, as amended
Section 1264.02, Composition; Terms of Office; Qualifications; Removals	Insert language that sets forth that: <ul style="list-style-type: none"> <li>▪ the Board is comprised of 5 members rather than 6;</li> <li>▪ enables Council to appoint a ZBA and to fill vacancies when a members term(s) expires;</li> <li>▪ identifies that a member of the PC <b>shall</b> be appointed to the ZBA as a regular member and that a member of the CC <b>may be</b> appointed to the ZBA as a regular member of the ZBA, but <b>shall not</b> serve as the chairperson; and</li> <li>▪ other changes that make this section consistent with the MZEA, including the timeframe in which a vacancy must be filled, process for removing a member (i.e. public hearing requirement) and the appointment of replacement members.</li> </ul>
Section 1264.03, Officers; Legal Counsel	This section, as currently written, complies with the MZEA.
Section 1264.04, Meetings; Records	This section, as currently written, complies with the MZEA.
1264.05, Appeals	This section has been revised to comply with the public hearing notice requirements set forth in the MZEA.

Current SectionsSummary of Amendments

Section 1264.06, General Powers and Duties	Changes have been made to this section, which bring this section into compliance with the MZEA, including: <ul style="list-style-type: none"> <li>▪ the types of cases the ZBA has the authority to consider (i.e. administration of the Ordinance, interpretation of the zoning map, appeals from administrative order, requirements, decision, or determination made by an administrative official, the Planning Commission or City Council, floodplain boundary mapping disputes, and wherever specifically cited in this Ordinance)</li> <li>▪ the types of cases the ZBA does not have authority to consider (i.e. alter or change zoning district classification or text changes to the Zoning Ordinance, decisions pertaining to a special land use or planned development, and non-use or dimensional variances for Planned Developments unless it is authorized to do so in the Planned Development Agreement).</li> </ul>
Section 1264.07, Administrative Reviews	This section has been changed in accordance with the MZEA.
Section 1264.08, Special Exceptions	The MZEA states that the ZBA <b>may</b> consider an appeal for special land use or planned development decisions. This section, as currently written, grants the ZBA powers to hear and rule on special land use decisions, but is silent on Planned Development decisions. This section has been eliminated because, as it is currently written, it conflicts with other provisions being enacted to bring this Chapter into compliance with the MZEA.
Section 1264.09, Interpretation of District Boundaries; Appeals for Special Exceptions; renumbered as 1264.08	Sub-section (a) has been amended to delete the phrase “Comprehensive Development Plan” and sub-section (b) has been deleted because its provisions conflict with other provisions being enacted to bring this chapter into compliance with the MZEA. In addition, Section 1264.09 has been renumbered to 1264.08.
Section 1264.10, Variances; renumbered as 1264.09	This section mixes and inter-mingles the terms “practical difficulty” and “unnecessary hardship” as they pertain to non-use or dimensional variances and use variances. According to the MZEA, a “practical difficulty” pertains to non-use or dimensional variances and “unnecessary hardship” pertains strictly to use variances. In addition, the MZEA eliminates the ambiguity surrounding the question of whether a municipal ZBA was required to consider a use variance by adding a provision that a municipality could prohibit the ZBA from considering a use variance. Since the current provisions of the Ordinance do not permit the ZBA to hear and rule on a use variance request, this section has been updated to clarify variance terminology and to allow use variances, in accordance with the MZEA. In addition, Section 1264.10 has been renumbered to 1264.09.
Motion unanimously carried.	ADOPTED: November 17, 2008 PUBLISHED: November 26, 2008 EFFECTIVE: December 3, 2008

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER REPORT

There being no further business, the meeting adjourned at 8:27 p.m.

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FRANK VASLO, MAYOR

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DONNA BREEDING, CITY CLERK