

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 Mario DiSanto, Mark Kandes, Thomas McPartlin, Thomas Murphy and Michael Myers

ABSENT: Councilperson Valerie Brady

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

Certificate of Recognition presented to Lincoln Park American Little League Softball

Certificate of Recognition presented to Lincoln Park North Little League Softball

Mayor's Remarks

RESOLUTION 09-221 Minutes

By Councilman DiSanto, supported by Councilman Myers

RESOLVED, that the minutes of the Regular Meeting held under the date of August 3, 2009 be approved as recorded.

Motion carried.

ABSTAINED: Councilman McPartlin

RESOLUTION 09-222 Award Bid/Council Point Park Walking Path

By Councilman McPartlin, supported by Councilman DiSanto

RESOLVED, that the bid from Best Asphalt, Inc., for the Council Point Park Path Improvements is hereby accepted as the lowest bid received, for a total amount \$29,055.00.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute documents necessary to accomplish this work. Funds to come from CDBG Budget Account Number 24932-75506 Parks & Recreation Projects.

Motion unanimously carried.

RESOLUTION 09-223 Amend Language/Charter Amendments

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the Mayor and Council of the City of Lincoln Park have provided for a Special Election to be held simultaneously with the November 3, 2009 General Election for the purpose of submitting amendments to the Charter of the City of Lincoln Park, as hereinafter outlined, NOW, THEREFORE, BE IT RESOLVED, that a Special Election hereinafter set forth, be and hereby is approved as Notice of said election and the City Clerk be and hereby instructed to publish the same in accordance with the Charter and State Law.

**NOTICE OF SPECIAL ELECTION
ON CHARTER AMENDMENTS
CITY OF LINCOLN PARK
WAYNE COUNTY, MICHIGAN**

NOTICE IS HEREBY GIVEN, that a Special Election will be held in conjunction with the General Election to be held in the City of Lincoln Park, Michigan on November 3, 2009, at which Special Election the following amendments to the Charter of the City of Lincoln Park will be submitted to the qualified electors of the City of Lincoln Park.

Chapter V, Section 5 of the Charter of the City of Lincoln Park presently reads as follows:

Chapter V, Section 5 **Council meetings; time; place.** In addition to all other regular meetings in the Charter provided, the Council shall meet every Monday night in regular session at the Council room at eight o'clock p.m.; provided, however, that if any such Monday be a holiday, then such regular meeting shall be held at the same time and place on the first following day which is not a holiday.

continued

A Charter Amendment to provide for meetings of the City Council on the first and third Mondays of each month shall be placed on the election ballot as follows:

THE PURPOSE OF THE PROPOSED CHARTER AMENDMENT: "IT IS PROPOSED THAT THE CHARTER OF THE CITY OF LINCOLN PARK AND SPECIFICALLY SECTION 5 OF CHAPTER V BE AMENDED TO SET THE COUNCIL MEETING SCHEDULE FOR THE FIRST AND THIRD MONDAY NIGHT OF EACH MONTH".

Do you favor amending the City Charter Chapter V, Section 5 to set the Council meeting schedule for the first and third Monday night of each month?

YES NO

If the foregoing amendment is approved by the electorate, Chapter V, Section 5 of the Charter of Lincoln Park shall read as follows:

Chapter V, Section 5 **Council meetings; time; place.** In addition to all other regular meetings in the Charter provided, the Council shall meet the first and third Monday night of the month at the Council room at eight o'clock p.m.; provided, however, that if any such Monday be a holiday, then such regular meeting shall be held at the same time and place on the first following day which is not a holiday.

Chapter V, Section 5 of the Charter of the City of Lincoln Park presently reads as follows:

Chapter V, Section 5 **Council meetings; time; place.** In addition to all other regular meetings in the Charter provided, the Council shall meet every Monday night of the month at the Council room at eight o'clock p.m.; provided, however, that if any such Monday be a holiday, then such regular meeting shall be held at the same time and place on the first following day which is not a holiday.

A Charter Amendment to provide for Council Meetings to start at seven thirty p.m. shall be placed on the election ballot as follows:

THE PURPOSE OF THE PROPOSED CHARTER AMENDMENT: "IT IS PROPOSED THAT THE CHARTER OF THE CITY OF LINCOLN PARK AND SPECIFICALLY SECTION 5 OF CHAPTER V BE AMENDED TO SET THE COUNCIL MEETING TIMES AT SEVEN THIRTY P.M.".

Do you favor amending the City Charter Chapter V, Section 5 to set the council meeting times at seven thirty p.m.?

YES NO

If the foregoing amendment is approved by the electorate, Chapter V, Section 5 of the Charter of the City of Lincoln Park shall read as follows:

Chapter V, Section 5 **Council meetings; time; place.** In addition to all other regular meetings in the Charter provided, the Council shall meet every Monday night of the month at the Council room at seven thirty p.m.; provided, however, that if any such Monday be a holiday, then such regular meeting shall be held at the same time and place on the first following day which is not a holiday.

IF BOTH AMENDMENTS to the Charter Chapter V, Section 5 as set forth above are approved at the Election on November 3, 2009, CHAPTER V, SECTION 5 SHALL READ AS FOLLOWS:

Chapter V, Section 5. **Council meetings; time; place.** In addition to all other regular meetings in the Charter provided, the Council shall meet the first and third Monday night of the month at the Council room at seven thirty p.m.; provided, however, that if any such Monday be a holiday, then such regular meeting shall be held at the same time and place on the first following day which is not a holiday.

continued

Chapter V, Section 10 of the Charter of the City of Lincoln Park presently reads as follows:

Chapter V, Section 10 **Rules of proceedings; journal of proceedings required; attestation.** At or prior to its first regular meeting in May, each Council shall prescribe the rules of its own proceedings and shall keep a record thereof; provided, however, that the rules of procedure of the preceding Council shall be followed until such new Council shall have passed its own rules of procedure. Votes upon all resolutions and ordinances shall be taken by yeas and nays and entered upon the Journal of Council Proceedings. The Journal shall be signed by the Clerk and, after reading and approval, attested by the Mayor.

A Charter Amendment to remove the requirement that Council adopt rules of procedure shall be placed on the election ballot as follows:

THE PURPOSE OF THE PROPOSED CHARTER AMENDMENT: "IT IS PROPOSED THAT THE CHARTER OF THE CITY OF LINCOLN PARK AND SPECIFICALLY SECTION 10 OF CHAPTER V BE AMENDED TO REMOVE THE REQUIREMENT THAT COUNCIL ADOPT RULES OF PROCEDURE".

Do you favor amending the City Charter Chapter V, Section 10 to remove the requirement that Council set their rules of procedure in May?

YES NO

If the foregoing amendment is approved by the electorate, Chapter V, Section 10 of the Charter of Lincoln Park shall read as follows:

Chapter V, Section 10 **Rules of proceedings; journal of proceedings required; attestation.** Votes upon all resolutions and ordinances shall be made or rendered by yeas and nays and entered upon the Journal of Council Proceedings. The Journal shall be signed by the Clerk and, after reading and approval, attested by the Mayor.

Chapter V, Section 10 of the Charter of the City of Lincoln Park presently reads as follows:

Chapter V, Section 10 **Rules of proceedings; journal of proceedings required; attestation.** At or prior to its first regular meeting in May, each Council shall prescribe the rules of its own proceedings and shall keep a record thereof; provided, however, that the rules of procedure of the preceding Council shall be followed until such new Council shall have passed its own rules of procedure. Votes upon all resolutions and ordinances shall be taken by yeas and nays and entered upon the Journal of Council Proceedings. The Journal shall be signed by the Clerk and, after reading and approval, attested by the Mayor.

A Charter Amendment to provide for Council voting using the words "Yes" and "No" shall be placed on the election ballot as follows:

THE PURPOSE OF THE PROPOSED CHARTER AMENDMENT: "IT IS PROPOSED THAT THE CHARTER OF THE CITY OF LINCOLN PARK AND SPECIFICALLY SECTION 10 OF CHAPTER V BE AMENDED TO REQUIRE THAT COUNCIL MAKE OR RENDER THEIR VOTES BY USING THE WORDS "YES" AND "NO", NOT "YEA" AND "NAY".

Do you favor amending the City Charter Chapter V, Section 10 to require that Council make or render their votes by use of the words "Yes" and "No"?

YES NO

If the foregoing amendment is approved by the electorate, Chapter V, Section 10 of the Charter of the City of Lincoln Park shall read as follows:

Chapter V, Section 10 **Rules of proceedings; journal of proceedings required; attestation.** At or prior to its first regular meeting in May, each Council shall prescribe the rules of its own proceeding and shall keep a record thereof; provided, however, that the rules of procedure of the preceding Council shall be followed until such new Council shall have passed its own rules of procedure. Votes upon all resolutions and ordinances shall be made or rendered by "Yes" and "No" and entered upon the Journal of Council Proceedings. The Journal shall be signed by the Clerk and, after reading and approval, attested by the Mayor.

continued

IF BOTH AMENDMENTS to the Charter Chapter V, Section 10 as set forth above are approved at the Election on November 3, 2009, CHAPTER V, SECTION 10 SHALL READ AS FOLLOWS:

Chapter V, Section 10 **Rules of proceedings; journal of proceedings required; attestation.** Votes upon all resolutions and ordinances shall be made or rendered by “Yes” and “No” and entered upon the Journal of Council Proceedings. The Journal shall be signed by the Clerk and, after reading and approval, attested by the Mayor.

YEAS: Councilpersons DiSanto, Kandes, McPartlin, Murphy, Myers and Mayor Vaslo

ABSENT: Councilperson Brady

RESOLUTION 09-224 Approve Liquor License Transfer/1216 Dix

By Council President Murphy, supported by Councilman Kandes

RESOLVED, that Mayor and Council approve the request from 4212 Inc. to transfer all stock in 2008 Class C-SDM Licensed Business with Dance-Entertainment Permit, located at 1216 Dix, Lincoln Park, MI 48146, Wayne County, by dropping Jeffrey Schulte as stockholder thru transfer of 3,000 shares to new stockholder, Thomas Browning.

Motion unanimously carried.

RESOLUTION 09-225 Attend Training/Police Dept.

By Council President Murphy, supported by Councilman McPartlin

RESOLVED, that Mayor and Council authorize Sgt. Joseph Lavis to attend the LETA Basic Course being held in Prince Georges County, Maryland on September 8-10, 2009 for the operation of a Bullard Tacsight SC35 Thermal Imaging device. The approximate cost for the course and lodging will be \$1,400.00. Meals will be covered under the Travel Policy. An expense report will be completed upon return from course. The funds will come from the Narcotic Forfeiture Account 265.320.960.

Motion unanimously carried.

RESOLUTION 09-226 Waive Bid/Purchase/Vehicles/PD

By Council President Murphy, supported by Councilman Kandes

RESOLVED, that Mayor and Council authorize the Police Department to utilize Martin’s Towing of Brownstown, Michigan to auction the 2003 Jeep Grand Cherokee; and

RESOLVED, that Mayor and Council waive the bidding process and authorize the Police Chief or designee and the Purchasing Specialist to purchase one used vehicle; and

BE IT FURTHER RESOLVED, no more than \$15,000.00 to be used to purchase the vehicle with funds coming from the Narcotics Forfeiture Account 265.320.983. The monies from the sale of the above listed vehicles will be deposited back into the Forfeiture Account to offset the cost.

Motion unanimously carried.

RESOLUTION 09-227 Water Theft Investigation - TABLED

By Council President Murphy, supported by Councilman Myers

RESOLVED, that the matter of the City of Lincoln Park’s water investigation be officially forwarded to the Wayne County Prosecutor’s Office for independent criminal prosecution and recovery of any and all funds lost to the people of Lincoln Park through employee theft.

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that the above resolution be TABLED.

Motion carried.

NAY: Councilpersons Murphy and Myers

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER REPORT

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

FRANK VASLO, MAYOR

DONNA BREEDING, CITY CLERK