

REGULAR MEETING

The meeting was called to order at 8:00 p.m., Mayor Steven M. Brown presiding.

Pledge of Allegiance to the Flag led by Order of DeMolay, Clifford C. Reeves Chapter

Proclamation to the Order of DeMolay, C.C. Reeves Chapter, proclaiming March as “DeMolay Month” in Lincoln Park.

Moment of Silence

PRESENT: Councilpersons Valerie Brady, Mario DiSanto, Michael Higgins, Mark Kandes, Thomas Murphy, Frank Vaslo and Mayor Steven M. Brown

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

Mayor’s remarks

City Manager’s report

RESOLUTION 05-90 Minutes

By Councilman DiSanto, supported by Council President Kandes

RESOLVED, that the minutes of the Regular Meeting held under the date of February 28, 2005 be approved as recorded.

Motion unanimously carried.

Proclamation to Lincoln Park Presbyterian Church celebrating their 50th Anniversary.

RESOLUTION 05-91 Accounts & Claims Payable

By Councilman Vaslo, supported by Councilman DiSanto

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

Warrant Report: \$290,417.21

Motion unanimously carried.

Resolution regarding Vehicle Use Policy HELD

RESOLUTION 05-92 Adopt Investment Policy

By Councilman Higgins, supported by Councilman DiSanto

WHEREAS, Act No. 20 of Public Acts of Michigan of 1943 was amended by Act No. 196 of 1997, and

WHEREAS, Section 5 of P.A. 20, as amended, required the City of Lincoln Park, in conjunction with the Treasurer, to adopt an Investment Policy, and

WHEREAS, the Mayor and Council have a copy of the proposed Investment Policy which complies with the provisions P.A. 20 as amended, and

WHEREAS, the City of Lincoln Park wishes to authorize the Treasurer to invest public funds according to the Investment Policy.

NOW THEREFORE BE IT RESOLVED, that the City of Lincoln Park hereby authorizes that:

1. The Investment Policy is approved and shall take effect 3/8/05 (on file in City Clerk’s Office).
2. The Treasurer is authorized to invest funds of the City of Lincoln Park pursuant to the Investment Policy.
3. Before executing an order to purchase or trade the funds of the City of Lincoln Park, the financial intermediary, broker, or dealer shall be provided with a copy of the Investment Policy and shall acknowledge receipt of the Policy and agree to comply with the terms of the Policy regarding buying or selling securities by signing the attached form. (On file in the Treasurer’s Office)
4. The Treasurer shall provide annually a written report to the City of Lincoln Park Mayor and Council concerning the investment of funds.

5. The Treasurer is authorized to reply on the continuing effect of this resolution until and unless it is specifically amended or rescinded by a future resolution of the City of Lincoln Park.

6. This resolution supersedes all previous resolutions, parts of resolutions, and City of Lincoln Park's policy inconsistent with this resolution or with State law.

Motion unanimously carried.

RESOLUTION 05-80A Ord. Amendment 1488/Cert. Of Approval

By Council President Kandes, supported by Councilman Murphy

RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK, BY ADDING A NEW CHAPTER 1488 OF PART FOURTEEN," be given its third and final reading EFFECTIVE 7-1-05.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances of the City of Lincoln Park be amended by adding a new Chapter 1488 of Part Fourteen, entitled "INSPECTION OF RESIDENTIAL DWELLINGS PRIOR TO SALE OR TRANSFER."

CHAPTER 1488 – INSPECTION OF RESIDENTIAL DWELLINGS PRIOR TO SALE OR TRANSFER

1488.01

Definitions as used in this chapter.

- (a) Dwelling. A residential structure and accessory uses located in the City of Lincoln Park. A rental dwelling as defined in Chapter 1482 of the Codified Ordinances, which has a current Certificate of Compliance issued to it, is not included in this definition.
- (b) Accessory Use. Garage, shed, pools, gazebo, doghouses, playhouses, or similar uses.
- (c) Transfer. The sale or conveyance of title to another for considerations, or the execution of a land contract, or the exercise of an option to purchase a dwelling. A conveyance by lease, gift, devise, or lien foreclosure is not included in this definition. A transfer subject to the terms of a purchase agreement entered into prior to the effective date of this section is not included in this definition.
- (d) Certificate of Approval. A certificate issued by the Building Department which certifies compliance with the provisions of the codes and ordinances of the City of Lincoln Park for residential dwellings. A Certificate of Approval is a certificate that shall be valid for one sale or transfer of a dwelling. A new inspection and a new Certificate of Approval shall be required each time the dwelling is sold or transferred.
- (e) Certificate of Compliance. A certificate issued by the Building Department which certifies compliance with the provisions of the codes and ordinances of the City of Lincoln Park for all rental dwellings and rental units. A Certificate of Compliance shall be valid for three (3) years from the date of issued unless the property is sold or transferred. A new inspection and a new Certificate of Compliance shall be required prior to the sale or transfer of a rental dwelling or a rental unit.
- (f) Certificate of Occupancy. A certificate issued by the Building Department in accordance with the provisions of the Lincoln Park Zoning Ordinances for an approved use or occupancy.
- (g) Person. Any individual, partnership, corporation or other legal entity.

1488.02

Certificate of Approval required.

- (a) It shall be unlawful for any person to transfer a dwelling or for any person to act as a broker for the transfer of a dwelling which does not have a current Certificate of Approval issued for said dwelling except as otherwise allowed by this section. Any person who is going to transfer a dwelling must register with the Building Department for the purpose of scheduling an inspection of the dwelling. The fee for the registration and inspection shall be set from time to time by City Council resolution. Said fee shall only cover the actual costs related and incident to the administration and enforcement of this ordinance.

- (b) Assumption of Violations. The buyer may assume the responsibility of correcting violations. The buyer must also execute a notarized affidavit of his/her intent to assume the responsibility of correcting these violations and submit said affidavit to the Building Department. If said violations are not corrected within the six (6) months, occupancy may be prohibited. The amount of escrow shall be set from time to time by City Council resolution.
 - (c) Penalty. Any person who shall fail to obtain a Certificate of Approval as required by this section, or who shall fail to correct any violations within the time required in this section, or who shall violate any of the terms of this section shall be guilty of a Municipal Civil Infraction. The penalties imposed by this section shall not limit any other statutory or common-law right or action that any person or entity may have.
- 1488.03 Enforcement Officials – Generally.
- (a) As used in this chapter the term “enforcement official” shall mean the Superintendent of Buildings or his designee or such other appropriate public official designated by the Codified Ordinances.
 - (b) The enforcing official may issue an order citing the violation and directing such action by such officer, agent or employee of the City as is necessary to remove or abate the immediate hazard or danger.
- 1488.04 Inspections.
- (a) Inspectors shall be authorized and have the right, in the performance of their duties, to enter any premises during normal business hours and in emergencies whenever necessary to protect the public interest.
 - (b) Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to the enforcement official, or duly authorized designee.
- Motion unanimously carried. ADOPTED: 3/7/05
PUBLISHED: 3/16/05
EFFECTIVE: 7/1/05

RESOLUTION 05-93 Attend Training/DPS

By Councilwoman Brady, supported by Councilman Higgins
 WHEREAS, the city Department of Public Services desires to have Mark Witte attend the National Playground Safety Institute Certification Course in Troy, Michigan, and
 BE IT RESOLVED, that the Mayor and Council authorize the attendance of Mark Witte at the National Playground Safety Institute Certification Course from April 5-7, 2005 at the City of Troy Community Center at a cost of \$520.00. Funds to come from account #101445.960T.
 Motion unanimously carried.

RESOLUTION 05-94 Attend Meeting/MCDDA

By Councilman Vaslo, supported by Councilman DiSanto
 RESOLVED, that CPD director William Hatley is hereby authorized and directed to attend the four quarterly meetings of the Michigan Community Development directors Association in the calendar year 2005. Funds to come from the 30th CDBG Program Year Budget Account number 24930-71001 Administration.
 Motion unanimously carried.

Resolution regarding 2005 Road Program HELD

RESOLUTION 05-95 Residential Rehab Participants

By Councilman Vaslo, supported by Councilman Higgins
 RESOLVED, that the following citizens be approved for participation in the CDBG Residential Rehabilitation Program, for a loan not to exceed \$15,000.
 #1219DL Thomas and Sherry Gardner – 1515 Stewart
 Emergency plumbing, building code violations
 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 29th Program Year CDBG Budget Account Number 24929 720R.
 Motion unanimously carried.

RESOLUTION 05-96 Liquor License/4090 Dix

By Councilman Murphy, supported by Councilman Vaslo.

RESOLVED, that Mayor and Council approve the request from CE-EM Bar II, Inc. to transfer ownership of 2004 Class C and SDM licensed business from Sophie A. Mazure Estate, Sophie T. Mazure, Personal Representative Testate, located at 4090 Dix, Lincoln Park, MI 48146, Wayne County; and request new Dance-Entertainment Permit and Sunday Sales Permit.

Motion unanimously carried.

RESOLUTION 05-97 Refer Lot Split

By Councilman Murphy, supported by Council President Kandes.

RESOLVED, that the request to combine the parcels identified as 006-03-0368-000, whose location is more commonly known as 1524 Euclid, and 006-03-0369-000 whose locations are more commonly known as Vacant Euclid Lot, be referred to the Assessor, City Attorney and the Building Superintendent for report and recommendation.

Parent Parcel #006-03-0368-000 - More commonly known as 1524 Euclid

LOT 368, ELMWOOD HEIGHTS SUB, PC 50, L35, P31

Parent Parcel #006-03-0369-000 – More commonly known as Vacant Euclid Lot

LOT 369, ELMWOOD HEIGHTS SUB, PC 50, L35, P31.

To be Combined as follows:

LOTS 368 AND 369, ELMWOOD HEIGHTS SUB, PC 50, L35, P31

Motion unanimously carried.

RESOLUTION 05-98 Set Special Meeting/Towing

By Councilwoman Brady, supported by Councilman DiSanto.

RESOLVED, that a Special Meeting of the Mayor and Council be scheduled for Monday, March 14, 2005 at 7:00 p.m. in the John A. Aloisi Council Chambers at City Hall, 1355 Southfield Rd., Lincoln Park, to discuss police towing. The City Manager, and representatives of the D.P.S. and Police Department are requested to be in attendance.

Motion carried.

NAYS: Mayor Brown

RESOLUTION 05-99 Authorization to Solicit/K of C

By Councilman Vaslo, supported by Councilman Murphy.

RESOLVED, that permission be granted to the Robert H. Jones Knights of Columbus, Council No. 3078 to conduct their Annual “Tootsie Roll Drive” on the street corners of Lincoln Park from March 18-20, 2005. All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 10:17 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK