

**REGULAR MEETING**

The meeting was called to order at 7:30 p.m., Mayor Frank Vaslo presiding

Pledge of Allegiance to the Flag

Invocation by Rev. Mary Tame of First Methodist Church

PRESENT: Councilpersons Mario DiSanto, Joseph Kaiser, Mark Kandes, Donald Majors,  
Suzanne Moreno and Thomas Murphy

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

Mayor's remarks

**RESOLUTION 2011-142 Minutes**

By Councilwoman Moreno, supported by Councilman DiSanto

RESOLVED, that the minutes of the Regular Meeting held under the date of June 6, 2011 be approved as recorded.

Motion carried.

ABSTAIN: Councilman Kandes

(NOTE: Closed Mtg. re: Labor Negotiations held 6-6-11 immediately following the Council Meeting.)

**PRESENTATIONS:**

- Award of Valor presented to Waste Management Employees Ronald Lattuca & Warren Lee Watts for their heroism in entering a burning home and saving a life
- Bob Brown, Executive Director, Senior Alliance

**PROCLAMATIONS:**

- Declare Wednesday Music Innovation Concerts the Billy Brown Series
- Summer Concert Series Music in the Park 34<sup>th</sup> Anniversary

**RESOLUTION 2011-143 Reappointments – Various Commissions**

By Mayor Vaslo, supported by the FULL COUNCIL

RESOLVED, that the following individuals be reappointed to various Boards and Commissions:

Cheryl McGuire	Board of Review	Term expires 5/1/14
Jeffrey Meyers	Board of Review	Term expires 7/1/13
William Samland	Community Imp. Commission	Term expires 5/1/14
Edwin Behr	Dangerous Building & Code of Appeals	Term expires 5/1/14
Joseph Palmer	Dangerous Building & Code of Appeals	Term expires 5/1/12
Rosolino LoDuca	Dangerous Building & Code of Appeals	Term expires 5/4/14
Victoria Randolph McLain	Downtown Dev. Authority	Term expires 2/1/14
Peter Romain	Downtown Dev. Authority	Term expires 12/1/14
Margaret Flynn	Historical Commission	Term expires 5/30/15
Sherry Huntington	Historical Commission	Term expires 5/30/14
Max Schiebold	Historical Commission	Term expires 5/30/15
Lois Lyons	Historical Commission	Term expires 5/30/15
Jean Carnaham	Library Commission	Term expires 11/28/13
Janet Morgan	Library Commission	Term expires 11/28/13
James Fiema	Planning Commission	Term expires 5/1/14
Daryl Smith	Planning Commission	Term expires 5/1/14
Joseph Kaiser, Jr.	Planning Commission	Term expires 5/1/14

FURTHER BE IT RESOLVED, that the Mayor and Council of the City of Lincoln Park wish to offer our appreciation to these volunteers for their continued service.

Motion unanimously carried.

**RESOLUTION 2011-144 Reappoint/Millennial Mayor’s Congress**

By Councilman DiSanto, supported by Council President Kaiser  
RESOLVED, that Michael Parr be reappointed to serve as the City of Lincoln Park delegate to the Millennial Mayor’s Congress and will serve a one year term to end May 1, 2012.  
Motion unanimously carried.

**RESOLUTION 2011-145 Open Bids/Lead Paint-Asbestos Risk Assess.**

By Councilman DiSanto, supported by Councilman Majors  
RESOLVED, that the bids marked “Lead-based Paint & Asbestos Risk Assessment” be opened.  
Motion unanimously carried.

**RESOLUTION 2011-146 Refer above bids**

By Councilman DiSanto, supported by Councilwoman Moreno  
RESOLVED, that the bids marked “Lead-based Paint & Asbestos Risk Assessment” be referred to a committee made up of CDBG Director Don Cook and Finance Director Lisa Griggs for collective review and recommendation to the Mayor and City Council  
Motion unanimously carried.

**RESOLUTION 2011-139A Adopt Ord Amend/Chap. 270-CIC**

By Councilman DiSanto, supported by Council President Kaiser  
RESOLVED, that “AN ORDINANCE TO AMEND THE LINCOLN PARK MUNICIPAL CODE BY **REPEALING AND REPLACING CHAPTER 270, ENTITLED COMMUNITY IMPROVEMENT COMMISSION**”, be given a third and final reading by TITLE ONLY and be ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That the Lincoln Park Municipal Code be amended by repealing and replacing Chapter 270 to read as follows:

**COMMUNITY IMPROVEMENT COMMISSION  
CROSS REFERENCE**

Department of Community Planning and Development- see ADM. Ch. 244

**270.01 COMPOSITION; TERMS OF OFFICE.**

The Commission shall be composed of nine electors of the City. The Mayor shall be a member of the Commission. Each new member to the Commission shall be appointed for three years, thus maintaining the staggered terms as previously established. Vacancies on the Commission shall be filled by appointment of the Council for the remainder of that term. All terms shall expire on May 1 of the particular year in question

**270.02 DUTIES.**

- (a) Under the direction of the Community Planning and Development Director the Commission serves as an advisory board to the City Council and makes recommendations concerning Federal, State and local programs relevant to community welfare.
- (a) It solicits the cooperation of local civic organizations and the local press in making the city a better place to live, work and play.
- (b) In accordance with Federal Guidelines and in conjunction with the Community Development Block Grant Program (CDBG) the Commission is responsible for reviewing and making recommendations to the Mayor and Council for the allocation of funding and programs.
- (c) Consider, study and recommend plans for the development of Citywide cultural programs.

**270.03 EXPENDITURES.**

The commission, nor any of its members, shall incur any expense or create any obligation or liability upon the City. In the event any expenditure of City funds may be required in connection with the functioning of the CIC, prior approval of the Community Planning and Development Director shall be obtained. He/she will process their request thru the Finance Department, with concurrence of the City Council.

Motion unanimously carried.

ADOPTED: June 20, 2011

PUBLISHED: June 29, 2011

EFFECTIVE: June 29, 2011

**RESOLUTION 2011-140A Adopt Ord Amend/Ch 1220-Planning Comm.**

By Councilwoman Moreno, supported by Councilman Majors

RESOLVED, that “AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REPEALING CHAPTER 1220 AND REPLACING IT WITH A NEW CHAPTER 1220 ENTITLED A PLANNING COMMISSION”, be given its third and final reading by TITLE ONLY and ADOPTED.

ADOPTED: June 20, 2011

**THE CITY OF LINCOLN PARK ORDAINS:**

PUBLISHED: June 29, 2011

That the Codified Ordinances be amended by replacing Chapter 1220. (Full text available in the City Clerk’s Office.)

EFFECTIVE: June 29, 2011

Motion unanimously carried.

**RESOLUTION 2011-146 Accounts & Claims Payable**

By Councilman DiSanto, supported by Councilman Kandes

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

Warrant Report: \$620,065.29

Motion unanimously carried.

**RESOLUTION 2011-147 Special Event Permits/Cruisin Downriver**

By Councilman Murphy, supported by Councilman DiSanto

RESOLVED, the Cruisin Downriver Special Event Permits be approved for the following:

#11 Grace Bible, 3755 Fort St. June 25, 2011

#12 Jumbo Market, 3807 Fort St. June 24 & 25, 2011

Motion unanimously carried.

**RESOLUTION 2011-148 Transfer Funds/MVHF**

By Councilman Murphy, supported by Councilman DiSanto

WHEREAS, the City of Lincoln Park has received to date the sum of \$1,513,353 as its share of Motor Vehicle Highway Fund Major Street System for the months of July 2010 through June 2011, and WHEREAS, the Local Street System for the City of Lincoln Park is in dire need of both maintenance and construction.

BE IT RESOLVED, that the Director of Finance and Treasurer be and are hereby authorized and instructed to transfer the sum of \$398,983 of the aforesaid \$1,610,093 of the Motor Vehicle Highway Fund Major Streets System monies to the Motor Vehicle Highway Fund Local Street System pursuant to the provisions of the Michigan Compiled Laws 247.663 Section 13 (d) subsection (6).

Motion unanimously carried.

**RESOLUTION 2011-149 Authorize Pilgrimage Walk**

By Council President Kaiser, supported by Councilman DiSanto

WHEREAS, the Archdiocese of Detroit will be hosting a Pilgrimage Walk on Sunday, June 26, 2011 from 10:15 am – 5pm through Lincoln Park and Allen Park on the public sidewalks of the City in order to prepare for World Youth Day.

THEREFORE, BE IT RESOLVED, that the City of Lincoln Park grants permission to this organization to conduct a “Pilgrimage Walk” on the designated route within the City limits.

Motion unanimously carried.

**RESOLUTION 2011-150 DDA Streetscape Project**

By Councilman Kandes, supported by Councilman DiSanto

BE IT RESOLVED, the Mayor and City Council hereby certify that the financing is secured, available and committed for use in constructing the DDA Streetscape Project, and

BE IT RESOLVED, that all financing for this Project is to be taken from DDA funds,

BE IT RESOLVED, the Mayor and City Council are committed to owning, operating, and funding/implementing a maintenance plan/program over the design life of the Project constructed with State Transportation Enhancement Funds.

BE IT FURTHER RESOLVED, the Mayor and City Council hereby authorizes Robert Bartok, Director of Public Services, to act as the City's agent during project development and sign a project agreement upon receipt of a funding award.

Motion unanimously carried.

**RESOLUTION 2011-151 MDOT Contract/Mowing-Fort St. & S'field**

By Councilman DiSanto, supported by Councilman Majors

BE IT RESOLVED, the Mayor and City Council authorizes the Mayor and City Clerk to sign and execute MDOT Contract #2011-0335 that will allow the City to mow and maintain the medians along State Routes – Fort Street and Southfield Road.

Motion unanimously carried.

**RESOLUTION 2011-152 Liquor License Stock Transfer/4035 Fort St.**

By Councilman Murphy, supported by Council President Kaiser

RESOLVED, that Mayor and Council approve the request from Belmar Lanes Inc. to transfer stock (1990 Licensing Year) in 2010 Class C and SDM licensed business with official permit (Bowling), located at 4035 Fort, Lincoln Park, MI 48146, Wayne County, 1) wherein Freddie G. McClain transferred 5,000 shares of stock to new stockholder Nancy McClain on or about September 29, 1990 and 2) requests to transfer stock interest by dropping Freddie G. McClain and Nancy McClain each as individual stockholders through transfer of 5,000 shares of stock to new joint stockholders Freddie McClain and Nancy McClain.

Motion unanimously carried.

**RESOLUTION 2011-153 Block Party/400-500 Kings Hwy.**

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that the residents of the 400/500 block of Kings Hwy. (between River Drive and Electric) be granted permission to have a block party on Sunday, July 3, 2011 from 11 a.m. until 9 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 reopened to traffic.

Per the recommendation of the Police Department.

Motion unanimously carried.

**RESOLUTION 2011-154 MDOT Right-of-Way Permits**

Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the CITY OF LINCOLN PARK, Michigan, hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits; NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. AGENCY. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event

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that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL AGENCY.

<u>Name</u>	<u>Title</u>
Robert Bartok,	Director of Public Services
William Turner	Operations Manager
Steve Duchane,	City Manager

Motion unanimously carried.

**RESOLUTION 2011-155 Attend Training/DPS**

By Councilwoman Moreno, supported by Councilman DiSanto

WHEREAS, the Mayor and City Council are interested in having City employees receive professional training as well as maintain certifications.

BE IT RESOLVED, the Mayor and City Council hereby authorizes the Operations Coordinator for the Department of Public Services to attend the 2011 Pump and Supervisor Class on June 28-29 at Frankenmuth, Michigan.

BE IT FURTHER RESOLVED, that a total not-to-exceed cost of \$340.00 to be taken from Account # 592-920-960 "Training".

Motion unanimously carried.

**RESOLUTION 2011-156 Create Reg. Energy Alliance Interlocal Org.**

By Councilwoman Moreno, supported by Councilman Kandes

WHEREAS, the Cities of Lincoln Park, Roseville, Lathrup Village, South Lyon, and the County of Washtenaw wish serve their communities by offering additional opportunities for energy efficiency project funding and enjoy the environmental and economic benefits of such projects; and

WHEREAS, the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, provides for the creation of an interlocal alliance to jointly exercise the powers, privilege, authority that the local governmental units share in common and each might exercise separately.

WHEREAS, the Property Assessed Clean Energy Act, P.A. 270 of 2010, MCL 460.931 to 460.949, authorizes local units of government to join with other local units of government, or with any person, to adopt property assessed clean energy programs and to create districts to promote the use of renewable energy systems and energy efficient improvements by owners of

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real property, and providing for the financing of same through voluntary property assessments and permitting the issuance of governmental bonds or notes to that end; and

WHEREAS, City of Lincoln Park is created as a municipal corporation and is authorized to enter into an interlocal agreement under both PA 7 of 1967 and PA 270 of 2010.

NOW, THEREFORE BE IT RESOLVED, that the City of Lincoln Park joins the Interlocal Agreement to create a governmental entity referred to as the "Southeast Michigan Regional Energy Office Community Alliance"

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute the Agreement on behalf of the City of Lincoln Park.

Motion unanimously carried.

**RESOLUTION 2011-157 Auth. to assign Fund Balance/GASB #54**

By Councilman Kandes, supported by Councilman Majors

Resolution delegating authority to assign fund balance under GASB Statement #54, *Fund Balance Reporting and Governmental Fund Type Definitions*

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued Statement No. 54 – *Fund Balance Reporting and Governmental Fund Type Definitions*, which changes terminology used for fund balance reporting on the balance sheets of Governmental Funds; and

WHEREAS, the GASB Statement No. 54 creates the category of "assigned" fund balance, which is used to report amounts constrained by the City of Lincoln Park's intent to use the amounts for a specific purpose, but which are neither restricted nor committed as defined by GASB Statement No. 54;

WHEREAS, GASB Statement No. 54 allows governmental entities to designate an official to assign portions of fund balance for specific uses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of The City of Lincoln Park hereby authorizes the Finance Director to indicate the City of Lincoln Park's intent to assign fund balance for a specific purpose for financial reporting purposes.

Motion unanimously carried.

**RESOLUTION 2011-158 Michigan Second Bridge/Southeast**

By Councilman Murphy, supported by Councilman Kandes

WHEREAS, The Michigan State Senate and House are debating the merits of a second public bridge spanning the Detroit River; and

WHEREAS, a second crossing while debatable as to need has also been proposed to be built by a private company with no public funding support being used; and

WHEREAS, the location of a second private bridge has been identified and the Southeast Detroit or other Downriver location of a second public span has not been proposed or determined;

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Lincoln Park hereby request and recommend that the Senate and House consider the need for a second bridge, the necessity for public funding and to give all due consideration to the proposed private option thus eliminating public funding if such bridge is deemed vital to the economic interests of a prosperous Michigan. Certified copies to be forwarded to Governor Snyder, State Senator Hopgood and State Representative Clemente.

Motion carried.

NO: Mayor Vaslo

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER'S REPORT

There being no further business before the Mayor & Council, the meeting adjourned at 9:19 p.m.

FRANK VASLO, MAYOR

DONNA BREEDING, CITY CLERK

