

**REGULAR MEETING**

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

Pledge of Allegiance to the Flag

Invocation by Reverend Gary Schippling of Blessed Hope Church

PRESENT: Councilpersons Tracy Bush, Mario DiSanto, Joseph Kaiser, Mark Kandes,  
Suzanne Moreno and Thomas Murphy

ALSO PRESENT: City Manager Joseph Merucci, City Attorney Ed Zelenak and City Clerk  
Donna Breeding

Mayor's remarks

**RESOLUTION 2013-259 Approve Consent Agenda**

Motion by Councilwoman Moreno, supported by Councilwoman Bush

RESOLVED, that the following items listed under the consent agenda be approved as presented to the Mayor and City Council with the removal of item # 5 to be considered as the last item of business.

1. Approval of Minutes
  - a. Special Meeting held June 29, 2013
  - b. Regular Meeting held July 1, 2013
  - c. Special Meeting held July 8, 2013
2. Resolution establishing order of business
3. Renewal of Used Auto Dealer License for 3263 Dix
4. Purchase Service Credit for Municipal Employees
  - a. Blizzard
  - b. Fielder
5. Designate Heritage Newspapers as the Official newspaper - REMOVED
6. Approve a block party for the 1600 block of Victoria Lane
7. Approve a block party for the 1300/1400 block of Cicotte
8. Approve a block party for the 1000 block of Josephine
9. Approve Special Event Permit #14 LP American LL softball tournament
10. Appointment to the EDC/BRA

Motion unanimously carried.

ca-1 **RESOLUTION 2013-260 Minutes**

RESOLVED, that the minutes of the following meetings be approved as recorded:

Special Meeting held June 29, 2013 re: Water fund loan & Rubbish Collection

Regular Meeting held July 1, 2013

Special Meeting held July 8, 2013 re: Closed Session for Labor Negotiations

**Approved**

ca-2 **RESOLUTION 2013-261 Order of Business**

RESOLVED, that pursuant to Ordinance 210.01 (d), the Order of Business for all regular meetings of council shall be as follows:

- I. Meeting Called to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Roll Call
- V. Mayor's Remarks
- VI. Consent Agenda
- VII. Action Items
- VIII. Accounts & Claims Payable
- IX. City Manager's Report

continued

- X. Citizens Communications
- XI. Reports of the Mayor and Council
- XII. Closed Session (as needed)\*
- XIII. Adjournment

\* Note: Item XII – Closed Session will appear on agenda infrequently

**Approved**

ca-3

**RESOLUTION 2013-262 Renew UADL/3263 Dix**

RESOLVED, that "Annual 2013 Used Auto Dealers License" be approved for the following:

Red Line Collision                      3263 Dix (no outside storage)

**Approved**

ca-4a

**RESOLUTION 2013-263 Purchase Service Credit/Blizzard**

WHEREAS, pursuant to the MERS Plan Document with the City of Lincoln Park, the purchasing of additional service credit for up to three years is allowable for employees of the Defined Benefit Plan and;

WHEREAS, such purchases are to be paid up front at the time of service credit purchase and shared by the Employee and Employer pursuant to the collective bargaining agreement;

WHEREAS, such purchases must be approved by the Governing Body and;

WHEREAS, the cost for Warren Blizzard is calculated at \$57,567.00, for three years of service and the City's portion of this is \$44,356.59 to be paid out of account number 101-923-722SC;

WHEREAS, such purchases of service credit requires certain operational resolutions and standard form resolutions of agreement

NOW, THEREFORE, BE IT RESOLVED, that the City of Lincoln Park hereby approves the following Resolutions as presented by MERS in content and form:

**RESOLUTION FOR ADDITIONAL CREDITED SERVICE**

BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized by this resolution to sign the MERS application for additional credited service and to issue all required letters and documents consistent with the purchasing of service credit along with the check for the cost of the City portion of service credit as required.

**Approved**

ca-4b

**RESOLUTION 2013-264 Purchase Service Credit/Fielder**

WHEREAS, pursuant to the MERS Plan Document with the City of Lincoln Park, the purchasing of additional service credit for up to three years is allowable for employees of the Defined Benefit Plan and;

WHEREAS, such purchases are to be paid up front at the time of service credit purchase and shared by the Employee and Employer pursuant to the collective bargaining agreement;

WHEREAS, such purchases must be approved by the Governing Body and;

WHEREAS, the cost for Joni Fielder is calculated at \$29,543.00, for three years of service and the City's portion of this is \$20,345.15 to be paid out of account number 101-923-722SC;

WHEREAS, such purchases of service credit requires certain operational resolutions and standard form resolutions of agreement

NOW, THEREFORE, BE IT RESOLVED, that the City of Lincoln Park hereby approves the following Resolutions as presented by MERS in content and form:

**1. RESOLUTION FOR ADDITIONAL CREDITED SERVICE**

BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized by this resolution to sign the MERS application for additional credited service and to issue all required letters and documents consistent with the purchasing of service credit along with the check for the cost of the City portion of service credit as required.

**Approved**

ca-6                    **RESOLUTION 2013-265 Block Party – 1600 Victoria Lane**  
RESOLVED, that the residents of the 1600 block of Victoria Lane (between O'Connor and Arlington) be granted permission to have a block party on Saturday, July 27, 2013 from 9:00 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.

**Approved**

ca-7                    **RESOLUTION 2013-266 Block Party – 1300/1400 Cicotte**  
RESOLVED, that the residents of the 1300/1400 block of Cicotte (between Fort Park and Lafayette) be granted permission to have a block party on Saturday, July 27, 2013 from 9:00 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.

**Approved**

ca-8                    **RESOLUTION 2013-267 Block Party – 1000 Josephine**  
RESOLVED, that the residents of the 1000 block of Josephine (between Montie & Reo) be granted permission to have a block party on Saturday, August 3, 2013 from 10:00 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 reopened to traffic.

Per the recommendation of the Police Department.

**Approved**

ca-9                    **RESOLUTION 2013-268 Special Event/LPALL Softball Tournament**  
RESOLVED, that Special Event Permit #14 be approved for Lincoln Park American Little League Adult Softball Tournament to be held at Kiwanis & Kuzminski parks, Lincoln Park, July 20 & 21, 2013 under the following conditions:

1. Must provide copy of Michigan Liquor Control Commission permit to Parks & Recreation Dept. prior to event.
2. Event must end by 11:00 p.m.

**Approved**

ca-10                  **RESOLUTION 2013-269 Appointment – EDC/BRA**  
RESOLVED, that Melissa Brown Knox, of 1569 Gregory, be appointed to the Lincoln Park Economic Development Corporation (EDC) Board of Directors and Brownfield Redevelopment Authority (BRA) Board of Directors to fill the unexpired term of Kathleen Kelsey. Term to expire 8-15-18.

**Approved**

**RESOLUTION 2013-270 Alternate Bill Payment Location/LPCCU**

By Councilwoman Bush, supported by Council President Murphy  
RESOLVED, that the City designate the Lincoln Park Community Credit Union as an alternative payment solution for tax and water bill payments effective August 1, 2013, and shall be available to all residents of Lincoln Park.  
FURTHER BE IT RESOLVED, that the Treasurer and Finance Director be authorized to open an account for funds to be deposited.  
Motion unanimously carried.

**RESOLUTION 2013-271 Sexton-Kilfoil Drain Maintenance/WC**

By Councilwoman Bush, supported by Councilwoman Moreno

WHEREAS, the Office of the Wayne County Drain Commissioner (the "Drain Commissioner") has advised the Lincoln Park City Council that an inspection has been made of the Sexton-Kilfoil Drain ("Drain") and it has been determined, as a result of that inspection, that certain maintenance must be performed upon the Drain; and

WHEREAS, the Drain Commissioner has the authority under Section 196 of the Michigan Drain Code, 1956 PA 40 ("Drain Code") to expend funds for the maintenance of the Drain, and those funds may be expended upon resolution of the governing body of each city, township and village affected by more than twenty (20%) of the cost; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Lincoln Park City Council, that pursuant to Section 196 of the Drain Code, the Drain Commissioner is authorized to expend funds for the maintenance of the Sexton-Kilfoil Drain in an amount of One Million and no/100 dollars (\$1,000,000) per year for a total of three (3) years. To the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance of the Drain, then the Drain Commissioner is authorized to levy a special assessment as allowed by law.

Motion carried.

NO: Councilpersons DiSanto and Kaiser

**RESOLUTION 2013-272 Award Bid/Solid Waste Collection**

By Councilwoman Bush, supported by Councilman DiSanto

BE IT RESOLVED, the Mayor and City Council move to maintain the current rubbish collection and disposal level of services as presented in option one in the bid documents,

BE IT RESOLVED, that the Mayor and City Council hereby award the 2013 to 2018 solid waste and yard waste collection & disposal bid to Rizzo Environmental Services, per bid pricing, and

BE IT RESOLVED, that these bid prices become effective July 15, 2013 and the contract terminates June 30, 2018, if not extended by mutual agreement, and

BE IT RESOLVED, the City may convert to any other options listed in its bid specification at the then listed prices, and

FURTHER, BE IT RESOLVED, that the Mayor and Council authorize the funds to be taken from Account 226-531-818

Motion unanimously carried.

Resolution regarding Assessing Consultant Fee Reduction - HELD

**RESOLUTION 2013-252A Adopt Ord. Amend/Chap. 668/Fireworks**

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, THAT "AN ORDINANCE TO AMEND CHAPTER 668 OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK CONCERNING THE USE OF FIREWORKS BY ADDING A NEW SECTION TO LIMIT FIREWORKS USE DURING CERTAIN HOURS OF NATIONAL HOLIDAYS, IN CONFORMITY WITH STATE LAW", be given its Third and Final reading and be ADOPTED, Effective Immediately.

**THE CITY OF LINCOLN PARK ORDAINS:**

That the codified Ordinances of the City of Lincoln Park be amended by adding a new Chapter 668, Entitled FIREWORKS, which Chapter shall read as follows:

**CHAPTER 668 – FIREWORKS****Section .01 – USE PROHIBITED**

- (a) A person shall not ignite, discharge or use consumer fireworks, as such term is defined in by State Law, except for the use of consumer fireworks on the day preceding, the day of, or the day after the following national holidays:

- (1) New Year's Day, but not between 1 AM and 8AM
- (2) Martin Luther King, Jr. Day, but not between midnight and 8 AM
- (3) President's Day, but not between midnight and 8 AM
- (4) Memorial Day, but not between midnight and 8 AM
- (5) Independence Day, but not between midnight and 8AM
- (6) Labor Day, but not between midnight and 8AM
- (7) Columbus Day, but not between midnight and 8AM
- (8) Veterans Day, but not between midnight and 8 AM

continued

- (9) Thanksgiving Day, but not between midnight and 8 AM
- (10) Christmas Day, but not between midnight and 8 AM

A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(b) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this subsection, a person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.

(c) Consumer fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.

(d) Low-Impact fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.

(e) Unmanned Free-Floating Devices. Any unmanned free-floating device (sky lantern) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(f) Unless otherwise provided in (a) or (b) above, if a person knowingly, intentionally, or recklessly violates this Ordinance, the person is guilty of a misdemeanor as follows:

(1) Except as otherwise provided in (2) below, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

**Section .02 Saving Clause.**

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section .03 Severability.**

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**Section .04 Conflicting Ordinances.**

All prior existing ordinances adopted by the City of Lincoln Park inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Motion unanimously carried.

ADOPTED: July 15, 2013  
PUBLISHED: July 24, 2013  
EFFECTIVE: July 15, 2013

**RESOLUTION 2013-273 Local Officers Election Date Change**

By Councilwoman Bush, supported by Councilwoman Moreno

WHEREAS, Public Act 523 of 2012 has made comprehensive changes to the Michigan Election Law, and

WHEREAS, the Acts provide that cities wishing to change their election date to the even year general election may do so by Council Resolution, and

WHEREAS, the City is facing a financial deficit and must reduce expenditures, and

WHEREAS, the General Fund expenditure for holding both a Primary and General odd year election for local officers is approximately \$50,000, and

WHEREAS, the Lincoln Park School Board has approved the change to even year elections for school board members.

THEREFORE, BE IT RESOLVED, that in an effort to initiate cost savings for the city the Mayor and Council of the of Lincoln Park do hereby change the date on which it holds its regular election for local offices to the November even year election dates effective December 2013.

Motion unanimously carried.

**RESOLUTION 2013-274 Schedule Study Session/PA 436**

By Councilwoman Bush, supported by Councilwoman Moreno  
WHEREAS, the City Council has determined that it wishes to have Plante & Moran give a presentation on Public Act 436 of 2012; and  
WHEREAS, Plante & Moran has responded with three dates and times, and will be doing the presentation at no charge;  
NOW, THEREFORE, BE IT RESOLVED, that the City Council wishes to have the presentation made on July 31, 2013 at 6:30 p.m.  
Motion unanimously carried.

Resolution regarding suspending residential inspection for resale - PULLED

**RESOLUTION 2013-275 Solicit Bids/Happenings Brochures**

By Councilwoman Bush, supported by Councilwoman Moreno  
WHEREAS, the City’s Promotional Brochure, the “Happenings”, was previously discontinued due to a lack of funds, and  
WHEREAS, on March 18, 2013 the Mayor and Council passed Resolution 2013-99 authorizing a millage on the 2013 Summer Tax Roll to generate \$50,000 for the purpose of advertising under Public Act 359 of 1925, and  
WHEREAS, the Mayor and Council wish to re-establish the “Happenings” in order to promote city-wide activities and events, and  
WHEREAS, the Mayor and Council deem the “Happenings” as an appropriate use of funds.  
THEREFORE BE IT RESOLVED, that the Parks & Recreation Director is authorized to solicit bids for the “Happenings” brochure utilizing 2013 promotional tax funds.  
Motion carried.  
NO: Council President Murphy

Resolution to Designate the Official Newspaper- HELD

**RESOLUTION 2013-276 Accounts & Claims Payable**

By Councilwoman Bush, 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: \$3,834,034.67  
Motion unanimously carried.

**RESOLUTION 2013-277 Budget Amendment/Full-time Positions**

By Councilwoman Moreno, supported by Councilwoman Bush  
WHEREAS, the City of Lincoln Park is currently in an Emergency Financial Situation, and  
WHEREAS, the City of Lincoln Park has had to borrow \$2.5 million dollars from the Water & Sewer Fund to make the required \$3.1 million dollar Police & Fire Pension payment, causing a possible cash flow issue in the Water& Sewer Fund, and  
WHEREAS, the City of Lincoln Park will continue to face further severe reductions in tax revenues and increases in current and retired employee and operational costs in the FY2013/14 budget, and  
WHEREAS, it is the primary responsibility of the Mayor and City Council to manage the budget in its entirety, and in a fiscally responsible manner.  
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council direct City Management staff to implement budget amendments to the FY2013/14 Budget, effective as of this meeting date, to temporarily eliminate funding for budgeted full-time positions that have been vacated as a result of terminations and/or retirements, from those bargaining units not subject to minimum staffing, until such time as determined by the state of the City’s financial situation.

continued

By Council President Murphy, supported by Councilman DiSanto that the resolution regarding budget amendments for vacant full-time positions be TABLED.

YES: Councilpersons DiSanto, Murphy and Mayor Krause

NO: Councilpersons Bush, Kaiser, Kandes and Moreno

MOTION TO TABLE FAILED

Roll Call Vote on original resolution

Motion carried.

YES: Councilpersons Bush, Kaiser, Kandes and Moreno

NO: Councilpersons DiSanto, Murphy and Mayor Krause

CITY MANAGER'S REPORT

Councilwoman Bush excused herself from the meeting at 9:35 p.m.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

**RESOLUTION 2013-278 Adjournment**

By Council President Murphy, supported by Councilman DiSanto

RESOLVED, the meeting be adjourned at 10:15 p.m.

Motion unanimously carried.

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PATRICIA KRAUSE, MAYOR

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DONNA BREEDING, CITY CLERK