

REGULAR MEETING

The meeting was called to order at 7:30 p.m., Mayor Thomas E. Karnes presiding

Pledge of Allegiance to the Flag

Invocation by Reverend Gary Schippling of Blessed Hope Church

PRESENT: Councilpersons Deborah Henderson, Mark Kandes, Larry Kelsey, Thomas Murphy and Elliott Zelenak

ABSENT: Councilperson Mario DiSanto,

ALSO PRESENT: Emergency Manager Brad Coulter, City Attorney Ed Zelenak and City Clerk Donna Breeding

Mayor's remarks

**RESOLUTION 2014-269 Approve Consent Agenda**

By Council President Murphy, supported by Councilwoman Henderson

RESOLVED, that the following items listed under the consent agenda be approved as presented to the Mayor and City Council.

1. Approve Minutes
  - a. Regular Meeting held June 16, 2014
  - b. Special Meeting held June 27, 2014 regarding LPPOAM Contract Ratification
2. Approve Joint Management Agreement
3. Approve Lot Split – Lincoln Homes Sub
4. Approve Block Party – 1400 Cicotte
5. Approve Traffic Control Order- Parking/Hazel at Riverbank
6. Approve Special Event Permit - PowWow

Motion unanimously carried.

ca-1a **RESOLUTION 2014-270 Minutes/Regular Meeting**

RESOLVED, that the minutes of the Regular Meeting held under the date of June 16, 2014 be approved as recorded.

Approved

ca-1b **RESOLUTION 2014-271 Minutes/Special Meeting**

RESOLVED, that the minutes of the Special Meeting held under the date of June 27, 2014 at 6:00 p.m. regarding LPPOAM contract ratification be approved as recorded.

ABSTAINED: Councilpersons Henderson & Kandes

Approved

ca-2 **RESOLUTION 2014-272 Approve Joint Management Agreement**

WHEREAS, effective March 1, 1962, a contract was entered by and between the City of Belleville, City of Ecorse, City of Lincoln Park, City of River Rouge, City of Southgate, City of Wyandotte, City of Allen Park, City of Taylor, City of Dearborn Heights, City of Romulus, City of Riverview, Charter Township of Van Buren and Charter Township of Brownstown, (hereafter collectively called "the Municipalities," individually, "the Municipality"), being Cities and Townships located in the County of Wayne, Michigan and the County of Wayne, a Charter County, (hereafter called "the County") for the purposes of establishing the Downriver Sewage Disposal System, (hereafter "the System"), for the treatment and disposal of sanitary sewage emanating from the Municipalities, and

WHEREAS, that contract, as amended, provided for the operation of said System by the County, which contract has an expiration date of March 1, 2012, and

**continued**

WHEREAS, the System has undergone a major expansion and renovation as a result of United States of America EPA and Michigan Department of Environmental Quality mandates which were set forth in a Consent Decree dated May 24, 1994 in the matter of *United States of America, et al vs. Wayne County Michigan, et al*, Civil Action No. 87-70992, filed in the U.S. District Court, Eastern District of Michigan, Southern Division, and

WHEREAS, as a result of said Consent Decree, including the amendments thereto, the System has undergone a major renovation and expansion, the parties have issued bonds in the aggregate amount of approximately \$350 million pursuant to a Financing Plan and Final Judgment entered in the above referenced matter March 14, 1994, and

WHEREAS, as a result of said expansion and renovation, and the resulting issuance of bond obligations, all of which have substantially changed the System from that originally designed or contemplated at the execution of the original contract, the parties desire to properly reflect the rights and obligations of the parties as their interest presently appear, and

WHEREAS, the contract and past practices establish the County as the entity responsible for operating, managing and controlling the System, while the Municipalities are responsible for funding the operation, maintenance, expansion, renovation, rehabilitation and capital improvements to the System, and

WHEREAS, the County and Municipalities wish to adjust this relationship as to management, operation and control of the System, to allow the Municipalities more involvement in the operation, management and control of the System by forming a Joint Management Committee pursuant to the terms and conditions set forth in the Joint Management Committee Memorandum of Understanding, as revised (Exhibit 1), and

WHEREAS, the purpose of the Joint Management Committee Memorandum of Understanding is to set forth the composition, duties and responsibilities of a Joint Management Committee, which the Committee was formed on a one year pilot/experimental basis January 1, 2002, for the management and control of the System, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of two years, commencing January 1, 2003, upon the terms and conditions set forth in Section III, paragraph (1) of the Memorandum of Understanding, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of one year, commencing January 1, 2005, with an option to extend a second year commencing January 1, 2006 provided the option is exercised by the Municipalities and the County no later than 10 days prior to December 31, 2005, and

WHEREAS, the Municipalities and the County exercised their option and extended the term of Memorandum of Understanding for a period of one year, commencing January 1, 2006, and

WHEREAS, the Municipalities and the County extended the operation of the Joint Management Committee and the term of the Memorandum of understanding, as revised, for a period of two (2) years commencing January 1, 2007; and

WHEREAS, the municipalities and the County further extended the operation of the Joint Management Committee and the term of Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2009; and

WHEREAS, the Municipalities and the County further extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of one (1) year commencing on January 1, 2011; and

WHEREAS, the contract expired on March 1, 2012 and the County pursuant to a letter dated April 2, 2012, confirmed that "The County will also continue to adhere to the most recent Memorandum of Understanding with the Joint Management Committee so long as the parties continue to work in good faith toward the adoption of a new sewer disposal contract"; and

WHEREAS, the Municipalities are extremely disappointed and frustrated at the unreasonable delays and lack of progress to date in the negotiation and finalization of a new Downriver Sewage Disposal System Contract ("New Contract") with the County; and

WHEREAS, the Municipalities are insistent that the County use its best efforts and prioritize the process of concluding negotiations on a New Contract with the Municipalities by March 1, 2014 (the two-year anniversary of the expiration of the Contract); and

WHEREAS, while the negotiations of the New Contract were ongoing the Municipalities retroactively extended the existence and operation of the Joint Management Committee past the December 31, 2011 expiration date of the Memorandum of Understanding for an additional term of two (2) years commencing January 1, 2012 and concluding December 31, 2013; and

**continued**

WHEREAS, the Municipalities desire to extend the existence and operation of the Joint Management Committee pursuant to the terms and conditions of the Memorandum of Understanding for an additional period of one (1) year commencing January 1, 2014 and concluding on December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED that, the City of Lincoln Park hereby approves of and authorizes the full and necessary participation in the Joint Management Committee as extended through December 31, 2014 pursuant to the terms and conditions set forth in Exhibit 1.

The City hereby designates Director of Public Services as its JMC representative, and City Engineer as its alternate representative.

BE IT FURTHER RESOLVED, that the Municipalities and the County use their best efforts and prioritize the process of concluding negotiations, finalizing and executing a new Downriver Sewage Disposal System Contract on or before Saturday, March 1, 2014.

Approved

ca-3 **RESOLUTION 2014-273 Lot Split/Lincoln Homes Sub**

BE IT RESOLVED that the lot split of Parcel #45-015-01-0358-002

PARENT PARCEL

THE SOUTH 7.00 FEET OF LOT 358, ALSO LOTS 359 TO 361 INCLUSIVE, EXCEPT THE WESTERLY 16.85 FEET THERE OF OF "LINCOLN HOMES SUBDIVISION OF LOTS 13-14-15 CHAMP TRACT P.C. 48" ECORSE TOWNSHIP (NOW THE CITY OF LINCOLN PARK), WAYNE COUNTY, MICHIGAN AS RECORDED IN LIBER 48 OF PLATS, PAGE 9, WAYNE COUNTY RECORDS. CONTAINING 0.13 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

THE FOLLOWING TO BE SPLIT INTO CHILD PARCELS. PARCEL #'S TO BE DETERMINED.

LEGAL DESCRIPTION FOR CHILD PARCEL A

THE SOUTH 5.00 FEET OF LOT 360, ALSO LOT 361, EXCEPT THE WESTERLY 16.85 FEET THERE OF OF "LINCOLN HOMES SUBDIVISION OF LOTS 13-14-15 CHAMP TRACT P.C. 48" ECORSE TOWNSHIP (NOW THE CITY OF LINCOLN PARK), WAYNE COUNTY, MICHIGAN AS RECORDED IN LIBER 48 OF PLATS, PAGE 9, WAYNE COUNTY RECORDS. CONTAINING 0.05 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

LEGAL DESCRIPTION FOR CHILD PARCEL B

THE SOUTH 7.00 FEET OF LOT 358, ALSO LOT 359, ALSO THE NORTH 15.00 FEET OF LOT 360, EXCEPT THE WESTERLY 16.85 FEET THERE OF OF "LINCOLN HOMES SUBDIVISION OF LOTS 13-14-15 CHAMP TRACT P.C. 48" ECORSE TOWNSHIP (NOW THE CITY OF LINCOLN PARK), WAYNE COUNTY, MICHIGAN AS RECORDED IN LIBER 48 OF PLATS, PAGE 9, WAYNE COUNTY RECORDS. CONTAINING 0.08 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

BE APPROVED.

Approved

ca-4 **RESOLUTION 2014-274 Block Party/1400 Cicotte**

RESOLVED, that the residents of the 1400 block of Cicotte (between Fort Park & Lafayette) be granted permission to have a block party on Saturday, August 2, 2014 from 9:00 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-5                    **RESOLUTION 2014-275 Traffic Control Order/Rescind No Parking**  
 RESOLVED, that Traffic Control Order #14-97, amending parking restriction to allow legal parking on west Hazel, from Riverbank to Moran, be approved. Per the recommendation of the Police Dept.  
 Approved

ca-6                    **RESOLUTION 2014-276 Special Event Permit/Pow Wow**  
 RESOLVED, that Special Event Permit #15 be approved for the American Indian Movement "Pow Wow" to be held in the City of Lincoln Park on August 7-11, 2014 from 10:00a.m. to 11:00 p.m. at Council Point Park under the following conditions:

1. Special Event to cease at 11:00 p.m. per Municipal Code 666.04
2. Applicant shall be responsible for clean-up of all debris associated with event from surrounding properties

Approved

INTRODUCTION of Brad Coulter, Emergency Manager

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

**RESOLUTION 2014-277 Adjournment**  
 By Council President Murphy, supported by Councilman Kandes  
 RESOLVED, that the meeting be adjourned at 8:40 p.m.  
 Motion unanimously carried.

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THOMAS E. KARNES, MAYOR

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DONNA BREEDING, CITY CLERK

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BRAD COULTER, EMERGENCY MANAGER