

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 Father Gerard Cupple of St. Henry's Catholic Church

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

ALSO PRESENT: City Manager Greg Capote, Asst. City Attorney Amy Higgins and Deputy Clerk Janice S. Hochberg

RESOLUTION 2012-243 Minutes

By Councilman Kandes, supported by Councilman DiSanto

RESOLVED, that the minutes of the Regular Meeting held July 16, 2012 be approved as recorded.

Motion carried.

ABSTAINED: Councilwoman Bush

(NOTE: Study Session held July 16, 2012 at 6:30 pm re: Building Dept operations)

RESOLUTION 2012-244 Award Bid/Demo – Dangerous Buildings

By Councilwoman Bush, supported by Council President Murphy

RESOLVED, that the low bids from RJ & J Enterprises for addresses 1466 Pagel, 1474 Lafayette, 1594 Applewood, 2058 Chandler and 2106 Fort Park; Berkshire Development for addresses 1505 Lafayette, 1657 Fort St. and 1929 Reo; and Oak Hills Construction for 1560 University be awarded as part of the 2012 Demolition of Dangerous Buildings contract.

Award amounts are as follows:

For RJ&J Enterprises

- 1466 Pagel \$ 5,919.00
- 1474 Lafayette \$ 3,625.00
- 1594 Applewood \$ 4,000.00
- 2058 Chandler \$ 3,500.00
- 2106 Fort Park \$ 3,600.00

For Berkshire Development

- 1505 Lafayette \$13,050.00
- 1657 Fort \$ 6,800.00
- 1929 Reo \$ 1,150.00

For Oak Hills Construction

- 1560 University \$ 5,163.00

Total Award Amount \$ 46,807.00

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute documents necessary to accomplish this work. Funds to come from Building Department Account Number 101-380-962D.

Motion unanimously carried.

RESOLUTION 2012-245 Open Bids/Water Sounding Study

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the City Clerk be authorized to open bids marked "Water Sounding Study".

Motion unanimously carried.

RESOLUTION 2012-246 Refer Above Bids

By Council President Murphy, supported by Councilwoman Bush

RESOLVED, that the bids marked "Water Sounding Study" be referred to the City Engineer, Hennessey Engineers, Inc., Bob Bartok, DPS Superintendent and Lisa Griggs, Finance Director for tabulation and recommendation.

Motion unanimously carried.

RESOLUTION 2012-247 Open Bid/Sewer Leads- 1230 Chandler

By Councilman DiSanto, supported by Councilman Kandes
RESOLVED, that the bid marked "Sewer Lead Replacement – 1230 Chandler" be opened.
Motion unanimously carried.

RESOLUTION 2012-248 Refer Above Bid

By Councilman DiSanto, supported by Councilwoman Bush
RESOLVED, that the bid marked "Sewer Lead Replacement – 1230 Chandler" be referred to a committee consisting of Don Cook, CDBG Director; Dennis Chegash, Building & Engineering Manager and Lisa Griggs, Finance Director for collective review and recommendation to the Mayor and City Council.
Motion unanimously carried.

RESOLUTION 2012-249 WCBRA-FAILED

By Councilman Kandes, supported by Councilwoman Moreno
WHEREAS, the Wayne County Commission, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Wayne County Brownfield Redevelopment Authority ("WCBRA") to facilitate the cleanup and redevelopment of brownfields within Wayne County's Communities; and
WHEREAS, property located in the City of Allen Park and the City of Lincoln Park, commonly known as the Lincoln Park Shopping Center and an adjacent parcel located at the northwest corner of Southfield Road and Dix Highway, described on Exhibit A hereto (the "Property"), qualifies as a "facility" or "functionally obsolete" as those terms are defined under the Act; and
WHEREAS, a brownfield plan for the Lincoln Park Shopping Center Redevelopment Project (the "Plan") was adopted by the Wayne County Commission on April 7, 2011 with the concurrence of the Lincoln Park City Council and the Allen Park City Council; and
WHEREAS, a proposed amended and restated brownfield plan has been proposed for the Property (the "Amended Plan"); and
NOW, THEREFORE, BE IT RESOLVED that the Lincoln Park City Council hereby concurs with the provisions of the Amended Plan, including the proposed approval of the Amended Plan by the Wayne County Commission and the implementation of the Amended Plan by the WCBRA.
BE IT FURTHER RESOLVED, that this concurrence is premised upon the Amended Plan meeting the requirements of Section 13 of the Act.
BE IT FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict with any of the provisions of the Resolution are hereby repealed.
Motion FAILED.
YES: Councilpersons DiSanto, Kaiser and Mayor Krause
NO: Councilpersons Bush, Kandes, Moreno, Murphy

RESOLUTION 2012-250 Amended/Restated WCBRA

RESOLUTION CONCURRING WITH THE PROVISIONS OF A PROPOSED AMENDED AND RESTATED BROWNFIELD PLAN TO BE APPROVED BY THE WAYNE COUNTY COMMISSION FOR THE LINCOLN PARK SHOPPING CENTER IN THE CITY OF ALLEN PARK AND THE CITY OF LINCOLN PARK

By Councilwoman Bush, supported by Councilman Kandes
WHEREAS, the Wayne County Commission, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Wayne County Brownfield Redevelopment Authority ("WCBRA") to facilitate the cleanup and redevelopment of brownfields within Wayne County's Communities; and
WHEREAS, property located in the City of Allen Park and the City of Lincoln Park, commonly known as the Lincoln Park Shopping Center and an adjacent parcel located at the northwest corner of Southfield Road and Dix Highway, described on Exhibit A hereto (the "Property"), qualifies as a "facility" or "functionally obsolete" as those terms are defined under the Act; and
WHEREAS, a brownfield plan for the Lincoln Park Shopping Center Redevelopment Project (the "Plan") was adopted by the Wayne County Commission on April 7, 2011 with the concurrence of the Lincoln Park City Council and the Allen Park City Council; and

continued

WHEREAS, a proposed amended and restated brownfield plan has been proposed for the Property (the "Amended Plan"); and

NOW, THEREFORE, BE IT RESOLVED that the Lincoln Park City Council hereby concurs with the provisions of the Amended Plan, as revised to reduce eligible costs by \$409,500.00, including the proposed approval of the Amended Plan by the Wayne County Commission and the implementation of the Amended Plan by the WCBRA.

BE IT FURTHER RESOLVED, that this concurrence is premised upon the Amended Plan meeting the requirements of Section 13 of the Act.

BE IT FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict with any of the provisions of the Resolution are hereby repealed.

Motion carried.

NO: Council President Murphy

**RESOLUTION 2012-251 Intergovernmental Agreement/Allen Park
RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LINCOLN PARK
AND THE CITY OF ALLEN PARK**

By Councilman Kandes, supported by Councilwoman Bush

WHEREAS, property located in the City of Allen Park and the City of Lincoln Park, commonly known as a portion of the Lincoln Park Shopping Center, is the subject of proposed redevelopment;

WHEREAS, to facilitate the redevelopment of this property, the property owner has proposed that the City of Lincoln Park and the City of Allen Park enter into an Intergovernmental Agreement pursuant to the Urban Cooperation Act, Act 7 of the Public Acts of 1967 (Ex. Sess.), being MCL 124.501,et.seq, as amended, in the form presented to the City of Lincoln park (the "IGA").

NOW, THEREFORE, BE IT RESOLVED, that the Lincoln Park City Council hereby approves the IGA, as Amended to revise Section 4.2 to read \$10,000, which is to be increased by 5% or CPI per year, whichever is greater for the duration of the Brownfield Plan, and authorizes and directs the Mayor and City Clerk to execute and deliver the IGA.

BE IT FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict with any of the provisions of the Resolution are hereby repealed.

Motion carried.

NO: Council President Murphy

RESOLUTION 2012-252 Approve Ballot Language/Roads

By Councilman Kandes, supported by Councilwoman Bush

WHEREAS, the Mayor and City Council (the "City Council") wish to ask the voters of the City of Lincoln Park (the "City") at the 2012 general November election to approve the issuance of bonds in the amount of not to exceed Thirty Million Dollars (\$30,000,000) for a term of not to exceed 10 years for the purpose of paying all or part of the cost of improvements to the roads and capital infrastructure of the City (the "Project"), and

WHEREAS, by resolution duly adopted by the City Council, the City has authorized Miller, Canfield, Paddock and Stone, PLC, of Detroit, Michigan, Bond Counsel, to prepare the proper technical resolution for approval by the City Council and submittal to the County Clerk as required by law, which resolution has been prepared and submitted to the City Council for action, and

WHEREAS, the City Council has determined that the City should borrow money in an amount not to exceed Thirty Million Dollars (\$30,000,000) and issue general obligation unlimited tax bonds of the City in such amount in one or more series for the purpose of paying all or part of the cost of the Project; and

WHEREAS, it is necessary to submit the proposed issuance of the bonds to the qualified electors of the City for a vote.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The proposition attached hereto as Exhibit A and incorporated herein by reference shall be submitted to a vote of the qualified electors of the City of Lincoln Park, County of Wayne, State of Michigan, at the election to be held on Tuesday, November 6, 2012.

continued

2. The ballot wording of the bond proposal is hereby certified to the City Clerk and to the Clerk of the County of Wayne (the "County Clerk"). The City Clerk is hereby authorized and directed to file this resolution and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than Tuesday, August 28, 2012.

3. The City Clerk and the County Clerk are hereby directed to (a) post and publish notice of last day of registration and notice of election as required by the Michigan Election Law; and (b) have prepared and printed, as provided by the Michigan Election Law, ballots for submitting the bond proposal at the election, which ballots shall contain the proposal appearing herein, or the proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.

4. The estimated millage rate in the first year and simple average annual millage rate set forth in Exhibit A, which have been prepared for the City by Bendzinski & Co., Municipal Finance Advisors, financial advisors to the City, assuming issuance of the full principal amount of the bonds in the first year, are reasonable estimates of such millage rates based on current assumptions in the financial advisors' independent professional judgment.

5. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.

BALLOT LANGUAGE

City of Lincoln Park Bond Proposal

Shall the City of Lincoln Park, County of Wayne, Michigan, borrow the principal sum of not to exceed Thirty Million Dollars (\$30,000,000) and issue one or more series of its general obligation unlimited tax bonds therefor, payable in not to exceed ten (10) years from the date of issue of each series, for the purpose of paying the cost of acquiring, constructing and installing improvements to the roads and capital infrastructure of the City and appurtenances and attachments thereto? If approved, the estimated millage to be levied in 2013 is 6.1294 mills (\$6.1294 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 6.3970 mills (\$6.3970 per \$1,000 of taxable value).

Motion carried.

NO: Councilman DiSanto

RESOLUTION 2012-253 Accounts & Claims Payable

By Councilwoman Bush, supported by Councilwoman Moreno

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

Warrant Report: \$1,331,100.97

Motion unanimously carried.

RESOLUTION 2012-254 Request W/C Funding/KMB-Park

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that Donald Cook, Director of Parks & Recreation, is authorized to submit the Memorial Park and Bandshell Improvement Project to the Wayne County Parks Division for funding through the Wayne County Parks Millage.

Motion unanimously carried.

RESOLUTION 2012-255 Transfer Lease/Cell Tower

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the Mayor and City Clerk be authorized to execute a transfer of the LAND LEASE AGREEMENT formerly granted to Mobilite Investments II, LLC to SBA Monarch Towers II, LLC for use of City property at 3525 Dix, Lincoln Park, MI.

Motion unanimously carried.

RESOLUTION 2012-256 Purchase Service Credit/ME Retiree

By Councilwoman Bush, supported by Councilman Kandes

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

continued

WHEREAS, the cost for Vincent E. Tobias is calculated at \$55,199.00 for 3 years of service and the City's portion of this is \$42,860.63 to be paid out of account number 592-920-722SC, WHEREAS, such purchases of service credit requires certain operational resolutions and standard form resolutions of agreement .

NOW 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.

Motion unanimously carried.

RESOLUTION 2012-257 Approve Update/Municipal Code

By Councilwoman Bush, supported by Councilman Kandes

WHEREAS, American Legal Publishing corporation has completed its most recent updating of the Codified Ordinances of the City; and

WHEREAS, various resolutions of a general and permanent nature have been passed by Council since the date of the last updating of the Codified Ordinances (May 16, 2011) and have been included in the Codified Ordinances of the City;

THEREFORE, RESOLVED, that:

Section 1. the editing, arrangement and numbering or renumbering of the following resolutions and parts of resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2012-132A	5-7-12	205B.01 to 205B.09
2012-133A	5-7-12	205A.01 to 205A.10
2011-138	6-6-11	Repeals Ch. 281
2011-139A	6-20-11	270.01 to 270.03
2011-140A	6-20-11	1220.01 to 1220.11
2011-189A	8-15-11	1262.08
2011-281	12-5-11	666.01
2011-294A	1-13-12	1450.06 (Repealed), 1450.17
2012-23	2-6-12	1450.06
2012-41	2-21-12	1044.05
2012-42	2-21-12	210.03

The effective date of this resolution shall be the 7th day of August, 2012.

Motion unanimously carried.

RESOLUTION 2012-258 Prop. Ord. Amend/Ch 1294/Temp Uses

By Council President Murphy, supported by Councilwoman Bush

RESOLVED, that “ An Ordinance to amend the Lincoln Park Municipal Code by incorporating amendments to Title Six, Zoning, Chapter 1294, Provisions Relating to All Districts, to amend Section .14, by adding subsection (n) , to clarify use regulations, Section .19, to restrict certain temporary uses to commercial districts, and to add Section .39, Sidewalk Sales, to create zoning regulations for sidewalk sales” be given its first and second reading by TITLE ONLY.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances be amended by adding certain subsections and repealing and replacing sections of Chapter 1294 Provisions Relating to All Districts of the Zoning Code thus restricting certain temporary uses to commercial districts and regulate location of sidewalk sales. Motion unanimously carried.

RESOLUTION 2012-259 Prop. Ord. Amend/Flea Markets

By Councilwoman Bush, supported by Council President Murphy
RESOLVED, that “ An Ordinance to amend the Lincoln Park Municipal Code to establish regulations for Flea Markets, both Indoor and Outdoor by incorporating Amendments to Title Six, Zoning, to include Chapter 1260(b) Definitions, Chapter 1282 (RBD) Subsection v. , Chapter 1284 (LID)Subsection (h) , Chapter 1290 Off-Street Parking and Loading Subsection (c), adding paragraph MM to Chapter 1296.02, to add indoor flea markets as a principal permitted use in the RBD, and to Repeal and Replace Subsection (e) (3) of Chapter 1294.19. Thus creating definitions, off-street parking requirements, and site design standards for FLEA MARKETS”, be given its first and second reading by TITLE ONLY.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances be amended by adding certain sections and repealing and replacing other sections of Title Six- Planning & Zoning Code as it relates to “Flea Markets both Indoor and Outdoor”

Motion unanimously carried.

RESOLUTION 2012-260 Special Event Permit/Pow Wow

By Councilwoman Bush, supported by Council President Murphy
RESOLVED, that Special Event Permit #12 be approved for American Indian Movement’s Annual Pow Wow to be held at Council Point Park, Lincoln Park, August 10-12, 2012.

Motion unanimously carried.

RESOLUTION 2012-261 Special Event Permit/LP Days

By Councilwoman Bush, supported by Council President Murphy
RESOLVED, that the Special Event Permit #13 be approved for “Lincoln Park Days” to be held in the City of Lincoln Park on August 24-26, 2012 at Youth Center Park, under the following conditions:

DPS will set-up and clean-up during regular working hours, as long as the Exchange Club has volunteers to clean the area of trash & debris during the event. If overtime becomes necessary, the Exchange Club will be charged based on time and material.

Motion unanimously carried.

RESOLUTION 2012-262 Solicitation/Fire Dept – MDA

By Councilwoman Bush, supported by Council President Murphy
RESOLVED, that the Lincoln Park Firefighters be granted permission to solicit donations on the streets of Lincoln Park on August 17, 2012 for their "MDA – Fill the Boot Drive". All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

RESOLUTION 2012-263 Tennis Court Repairs - FAILED

By Councilman Kandes, supported by Council President Murphy
BE IT RESOLVED, the Mayor and City Council hereby authorize the following repairs to be completed at the tennis court at Memorial Park and by the following companies:

1. Remove Wall – RJ&J (volunteer services)
2. Keep fence

BE IT RESOLVED, that the Mayor and Council authorize payments to be made from Account #101.704.818 “Parks and Forestry Contractual Services”.

Motion FAILED

YES: Councilpersons DiSanto, Murphy and Mayor Krause

NO: Councilpersons Bush, Kaiser, Kandes and Moreno

RESOLUTION 2012-264 Revised Tennis Court Repairs

By Councilman Kandes, supported by Councilwoman Bush
BE IT RESOLVED, that the Mayor and City Council hereby authorize the following repairs to be completed at the tennis court at Memorial Park and by the following companies:

1. Remove wall – RJ&J
2. Remove fence – RJ&J
3. Remove benches – RJ&J

All work to be performed at no cost to the City

Motion carried.

NO: Councilpersons DiSanto, Murphy and Mayor Krause

RESOLUTION 2012-265 Renew Secondhand Dealer Licenses

By Councilwoman Bush, supported by Councilwoman Moreno
RESOLVED, that renewal of a “2012 Secondhand Dealers License” be approved for the following locations:

One-Stop Cash Advance	3693 Dix
Lincoln Park Jewelry & Exchange	1456 Fort St.
H.B. Victor/Fort Jewelry & Loans	1570 Fort St.
Express Payday Advance	24690 Outer Dr.

Per the recommendation of the Police Chief.

Motion unanimously carried.

RESOLUTION 2012-266 Annual Used Auto Dealer Licenses

By Councilwoman Bush, supported by Councilwoman Moreno
RESOLVED, that "Annual 2012 Used Auto Dealers Licenses” be approved for the following:

Dix Automotive Recyclers, Inc.	3298 Dix
Nour’s Auto Inc.	1266 Fort St.
Michigan Auto Trader	590 Southfield
Class Autos, Inc.	616 Southfield

Per the recommendation of the Building Department.

Motion unanimously carried.

RESOLUTION 2012-267 Set Closed Meeting/Labor Negotiations

By Council President Murphy, supported by Councilwoman Bush
RESOLVED, that a Closed Meeting of the Mayor and Council be held in the Conference Room of City Hall on Monday, August 13, 2012 at 6:30 p.m., discuss Labor Negotiations which is exempt from disclosure pursuant to Section 8 of the Open Meetings Act.

Motion unanimously carried.

RESOLUTION 2012-268 Rescind Resolution #2012-242

By Council President Murphy, supported by Councilwoman Moreno
RESOLVED, that Resolution #2012-242, which scheduled a Special Meeting regarding Roads & Infrastructure, be rescinded.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

MAYOR’S REMARKS

ORAL REPORTS OF THE MAYOR AND COUNCIL

CITY MANAGER’S REPORT

There being no further business before the Mayor & Council, the meeting adjourned at 10:55 p.m.

PATRICIA KRAUSE, MAYOR

JANICE S. HOCHBERG, DEPUTY CLERK