

Lincoln Park, Michigan  
December 19, 2011

### **SPECIAL MEETING**

The meeting was called to order at 7:00 p.m., Mayor Patricia Krause presiding

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

ALSO PRESENT: Labor Attorney Howard Shiffman, Acting City Manager Lisa Griggs and City Clerk Donna Breeding

#### **RESOLUTION 2011-287 Recess for Closed Meeting**

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that the Mayor and City Council recess this Special Meeting to meet in Closed Session to discuss labor negotiations at 7:04 p.m.

Motion unanimously carried.

Adjourn

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### **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 Pastor Gary Schippling of Blessed Hope Church

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

ALSO PRESENT: Acting City Manager Lisa Griggs, Attorney Ed Plato and City Clerk Donna Breeding

Mayor's Remarks

#### **RESOLUTION 2011-288 Minutes**

By Councilman Kandes, supported by Councilwoman Moreno

RESOLVED, that the minutes of the Regular Meeting held under the date of December 5, 2011 be approved as recorded.

Motion unanimously carried.

(NOTE: Closed Mtg. held 12-5-11 immediately following the Council Meeting re: City Manager recruitment search resumes)

#### **RESOLUTION 2011-289 Minutes/Study Session**

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the minutes of the Study Session held under the date of 12-12-11 at 7:30 p.m. regarding Duties & Responsibilities of the City Manager be approved as recorded.

Motion unanimously carried.

#### **RESOLUTION 2011-290 Appt/Historical Commission**

By Councilman DiSanto, supported by Councilwoman Bush

RESOLVED, that James Goodell, of 942 Progress be appointed to the Historical Commission. Term to expire 5/30/15.

Motion unanimously carried.

#### **RESOLUTION 2011-291 Appt/Historical Commission**

By Councilman DiSanto, supported by Councilman Kandes

RESOLVED, that Joseph Turinsky of 507 Lincoln is hereby appointed to a one year term as a member of the Historical Commission, to fill the unexpired term of Margaret Flynn. Said term to expire May 30, 2013.

Motion unanimously carried.

**PRESENTATION:** Holiday Lights Award Winners: 2044 Austin, 937 New York, 1073 Pagel, LP Community Credit Union-1808 Emmons and Fort St. Denistry – 4009 Fort St.

**RESOLUTION 2011-292 Accounts & Claims Payable**

By Councilwoman Bush, supported by Councilwoman Moreno

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

Warrant Report: \$2,151,982.92

Motion unanimously carried.

**RESOLUTION 2011-293 National Flood Insurance Program**

By Councilman Kandes, supported by Councilwoman Moreno

WHEREAS, the City of Lincoln Park, Michigan in Wayne County currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinance (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the "Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

**continued**

WHEREAS, by the action dates of this document or an existing historical ordinance adoption action dated October 10, 1982, the community affirms/accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, Building Superintendent, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:
  - a. Obtaining, reviewing and reasonably utilizing flood elevation data available from federal, state or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
    1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
    2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
    3. Appendix G of the current Michigan Building Code.
  - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
  - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
  - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
  - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMS by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

Motion unanimously carried.

**RESOLUTION 2011-294 Proposed Ord. Amend./Chap. 1450**

By Councilman Kandes, supported by Councilwoman Bush

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REPEALING SECTIONS .06 and .17 OF CHAPTER 1450 AND REPLACING IT WITH A NEW SECTIONS .06 and .17 OF CHAPTER 1450 ENTITLED 06 AREAS OF SPECIAL FLOOD HAZARD AND .17 FLOODWAYS", be given its first and second reading by TITLE ONLY.

**continued**

**THE CITY OF LINCOLN PARK ORDAINS:**

That the Codified Ordinances be amended by repealing and replacing Chapter 1450 .06 and .17 Motion unanimously carried.

**RESOLUTION 2011-295 Set Public Hearing/CDBG Budget**

By Councilman DiSanto, supported by Councilwoman Moreno

RESOLVED, that a Public CDBG Budget Hearing is hereby scheduled for Tuesday, February 21, 2012, starting at 6:30 pm to be held in the John A. Aloisi City Council Chambers of City Hall. The public is invited to attend and give testimony as to how the upcoming fiscal year CDBG budget should be allocated and a notice shall be placed in the official newspaper for the City and posted in City owned buildings.

BE IT FURTHER RESOLVED, that Donald Cook, Director of Community Development is authorized and directed to prepare the Annual Action Plan and Environmental Review Record and submit same to HUD for review and approval.

Motion unanimously carried.

**RESOLUTION 2011-296 Job Description/City Manager**

By Councilwoman Bush, supported by Councilwoman Moreno

WHEREAS, the Mayor and Council determined the need to revisit the Job Description for the appointed position of City Manager, and

WHEREAS, a Study Session was held on December 12, 2011 to discuss and determine what changes if needed would be recommended, and

WHEREAS, after careful consideration duties previously listed were clarified and or expanded upon.

THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approve the newly revised City Manager Job Description effective immediately.

Motion unanimously carried.

**RESOLUTION 2011-297 Set Clsd. Mtg/City Manager Resumes**

By Councilwoman Moreno, supported by Councilwoman Bush

RESOLVED, that a Closed Meeting of the Mayor and Council be held at 6:30 p.m. on Monday, January 9, 2012, to be held in the Conference Room of City Hall to discuss the City Manager recruitment resumes. MML Representative Bob Hamilton to be in attendance.

Motion unanimously carried.

**RESOLUTION 2011-298 Bus Driver Service Agreement**

By Councilman Kandes, supported by Councilwoman Moreno

RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute the Professional Service Agreement with the Downriver Community Conference for the provision of a Senior Bus Driver.

Motion unanimously carried.

**RESOLUTION 2011-299 Appr Tentative Agree/TPOAM Field Unit**

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the tentative agreement between the City of Lincoln Park and the TPOAM Field Unit be approved.

Motion unanimously carried.

**RESOLUTION 2011-300 Approve Tentative Agree/GELC Unit**

By Councilwoman Bush, supported by Councilwoman Moreno

RESOLVED, that the tentative agreement between the City of Lincoln Park and the GELC Unit be approved.

Motion unanimously carried.

**RESOLUTION 2011-301 Approve Tentative Agree/TPOAM Clerical**

By Councilman Murphy, supported by Councilwoman Bush

RESOLVED, that the tentative agreement between the City of Lincoln Park and the TPOAM Clerical Unit be approved.

Motion unanimously carried.

**RESOLUTION 2011-302 Publicly Funded Health Insurance Contr.**

By Council President Murphy, supported by Councilman Kaiser

WHEREAS, PA 152, was recently passed by the State Legislature;

WHEREAS, Communities are given essentially three options for complying with the requirements of the Bill, depending on the impact of the Bill on the employees of each public employer and the policy decision each community believes is appropriate for it;

WHEREAS, those three options are as follows:

- 1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee’s healthcare costs);
- 2) Adopt by majority vote the 80% / 20% cost-sharing model;
- 3) Opt out of the cost-sharing model as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City has determined to Opt-Out, and revisit the issue later because of the healthcare concessions already made by its employees;

NOW, THEREFORE BE IT RESOLVED, that the City of Lincoln Park has elected to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the Opt-Out model as set forth in PA 152.

Motion unanimously carried.

**RESOLUTION 2011-303 Wade Trim Invoices**

By Councilman DiSanto, supported by Council President Murphy

RESOLVED, that any further invoices received by Wade Trim will be submitted to the Mayor and Council prior to any disbursement of funds. All invoices must include detailed description of work involved; not limited to hours, personnel, and description of tasks.

Motion carried.

NO: Councilwoman Moreno

**RESOLUTION 2011-304 Set Clsd. Mtg/Cathay House vs. LP**

By Councilman DiSanto, supported by Councilwoman Bush

RESOLVED, that the Mayor and Council hereby schedule a Closed Meeting to discuss a pending lawsuit entitled Cathay House, Inc. vs. LP Case #11-012879-NZ to be held in the Council conference room immediately following this regular meeting.

FURTHER BE IT RESOLVED, that the Department of Public Services Director Bob Bartok, Attorney Ed Plato and Acting City Manager Lisa Griggs be in attendance.

Motion unanimously carried.

**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 9:40 p.m., to reconvene in Closed Session regarding pending litigation - Cathay House vs. City of Lincoln Park.

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**PATRICIA KRAUSE, MAYOR**

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**DONNA BREEDING, CITY CLERK**