

REGULAR MEETING

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

Pledge of Allegiance to the Flag

Moment of Silence

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

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

Mayor's remarks

RESOLUTION 2013-423 Approve Consent Agenda

By Councilman DiSanto, supported by Councilman Kandes

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

1. Approval of Minutes:
 - a. Regular Meeting held November 18, 2013
 - b. Special Meeting held November 12, 2013
 - c. Special Meeting held November 25, 2013
2. Charitable Solicitation/Goodfellows - Annual Newspaper Drive
3. Reappointment to DDA/Don Vancleave
4. Reappointment to Library Commission/Susan Ball
5. Reappointment to Library Commission/Jean Carnahan

ca-1a **RESOLUTION 2013-424 Approve Minutes – Regular Meeting**

RESOLVED, that the minutes of the Regular Meeting held under the date of November 18, 2013 be approved as recorded.

Approved

ca-1b **RESOLUTION 2013-425 Approve Minutes – Special Meeting**

RESOLVED, that the minutes of the Special Meeting re: Public Hearing for SAD #1037 Street Lighting Public Improvement Project held under the date of November 12, 2013 be approved as recorded.

Approved

ca-1c **RESOLUTION 2013-426 Approve Minutes – Special Meeting**

RESOLVED, that the minutes of the Special Meeting held under the date of November 25, 2013 regarding collective bargaining be approved as recorded.

Approved

ca-2 **RESOLUTION 2013-427 Goodfellows “Annual Newspaper Drive”**

RESOLVED, that the Lincoln Park Goodfellows be granted permission to solicit donations on the streets of Lincoln Park December 6-8, 2013 and December 14-15, 2013 and December 21-22, 2013 for their “Annual Newspaper Drive”. All reporting provisions of the local ordinance to be timely observed.

Approved

ca-3 **RESOLUTION 2013-428 Reappoint/DDA – VanCleave**
 RESOLVED, that Don VanCleave be reappointed to the Lincoln Park Downtown Development Authority, term to expire July 1, 2017
Approved

ca-4 **RESOLUTION 2013-429 Reappoint/Library Comm. – Ball**
 RESOLVED, that Susan Ball be reappointed to the library commission, term to expire November 28, 2016.
Approved

ca-5 **RESOLUTION 2013-430 Reappoint/Library Comm. – Carnahan**
 RESOLVED, that Jean Carnahan be reappointed to the library commission, term to expire November 28, 2016.
Approved

RESOLUTION 2013-431 DWSD Contract Reopener

By Councilman Kandes, supported by Councilman DiSanto
 RESOLVED, the Mayor and City Clerk be authorized to execute the water purchase agreement with the Detroit Water and Sewerage Department (DWSD) for the two-year period of July 1, 2014 through June 30, 2016.
 Motion unanimously carried.

RESOLUTION 2013-432 Attend Training/Police Dept.

By Council President Murphy, supported by Councilman Kandes
 RESOLVED, that Mayor and Council authorize Sergeant Steven Lyles and Sergeant William Sant' Angelo to attend the "School of Police Staff and Command 2014" being offered at Eastern Michigan University. The first class begins on February 10, 2014 and will continue for one week per month for nine months with graduation on Friday, October 17, 2014. The cost of this course is \$3,000.00 per student which is MCOLES approved. The funds will come from the 302 Training Fund – 101.000.370PT. A Police Department vehicle will be used.
 Motion unanimously carried.

Resolution regarding Employment Agreement/DDA Director – HELD

RESOLUTION 2013-433 Solicit RFP/Single Family Housing Units

By Councilman DiSanto, supported by Councilman Kandes
 RESOLVED, that Don Cook, Director of Community Planning & Development is authorized to solicit requests for proposals to construct single-family housing units in the City by a Community Housing Development Organization.
 Motion unanimously carried.

RESOLUTION 2013-434 Lease Cell Tower/DPS Yard

By Councilman DiSanto, supported by Councilman Kandes
 RESOLVED, the Mayor and City Clerk are authorized to execute a non-exclusive ground lease and easement agreement with Verizon Wireless, including but not limited to the following terms: (1) \$22,000 annually for the first year, (2) a 3% escalator per year, (3) an initial five year lease with the option for five (5) additional five (5) year leases, (4) the city's right to keep its existing equipment on the tower and to locate additional equipment, as long as it does not interfere with the Verizon Wireless equipment, (5) Verizon Wireless may terminate the agreement annually upon three (3) months notice, but only after the initial five year term, (6) the tower will continue to be owned and maintained by the City, and (7) the parties agree to each maintain their own insurance on the project.
 Motion unanimously carried.

RESOLUTION 2013-435 Sun Trust Litigation

By Councilman Kandes, supported by Councilman DiSanto

WHEREAS, the City of Lincoln Park has been named a defendant in the matter of Sun Trust Equipment Finance and Leasing Corp. v. City of Lincoln Park, Case # 2L13-cv-14181 in the Eastern District, United States District Court, Hon. Sean F. Cox, and

WHEREAS, the subject matter of the litigation involves the indebtedness of the City of Lincoln Park for installation of heating and cooling systems, windows, weather insulation, thermostats, improvements and other fixtures and equipment throughout the many municipal buildings and appurtenances, and

WHEREAS, the total indebtedness of the City at present is estimated at \$2.5 Million plus accumulated interest and costs, and

WHEREAS a settlement has been negotiated between the parties wherein the obligation will be resolved via consent judgment, payment and a two-year assessment on the tax rolls at a sum substantially lower than the estimated \$3,000,000.00 or greater due and owing, and

WHEREAS, a settlement avoids the expenditure of thousands of dollars of costs, expert witnesses and attorneys fees and an unpredictable outcome that could result in the immediate imposition of a judgment levy exceeding the estimated \$3,000,000.00 figure,

NOW THEREFORE BE IT RESOLVED, that the City of Lincoln Park determines that it is in its best interest of the City, in recognition of receipt of goods and services tendered and rendered, to resolve this matter before trial, and

BE IT FURTHER RESOLVED, that the City of Lincoln Park does acknowledge and concur in the entry of a consent judgment in favor of Plaintiff Sun Trust in the amount of \$2,100,000.00, payable as follows:

1. Two payments in the amount of \$150,000.00 payable on December 9, 2013 and March 31, 2014.
2. Two equal payments in the amount of \$900,000.00 upon collection of the summer taxes 2014, payable by October 1, 2014, and summer taxes 2015, payable by October 1, 2015, paid via tax collection as a special assessment upon real property in the city of Lincoln Park in the same amount against all taxable parcels.
3. Special Assessment to be approximately \$58.00 per parcel.

Motion carried.

NO: Council President Murphy

RESOLUTION 2013-436 Request State Funding/Blight & Demolition

By Mayor Karnes, supported by the Full Council

WHEREAS, the City of Lincoln Park in a first-tier suburb of the city of Detroit and has an older housing stock, and

WHEREAS, dangerous and depilated houses are a haven for criminal activity, degrade the quality of the city's neighborhoods and place the turn around of the city at risk, and

WHEREAS, the City of Lincoln Park consists of mostly residential properties, which have been devastated by the financial collapse and home foreclosure crisis, and

WHEREAS, the City continues to be plagued by the foreclosed houses, which are vacant and becoming dilapidated, and

WHEREAS, the City's taxable value has decreased by 44% in the past five (5) fiscal years and the lack of revenue had virtually eliminated the city's ability to appropriate funds for the maintenance and/or demolition of these houses;

NOW, THEREFORE, BE IT RESOLVED, the City Council requests the State of Michigan appropriate \$500,000 from the Michigan State Housing Development Authority to the city of Lincoln Park for the remediation of blight and the demolition of vacant and dilapidated structures in order to stabilize and enhance the city's neighborhoods.

Motion unanimously carried.

RESOLUTION 2013-437 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: \$650,814.70

Motion carried.

ABSTAINED: Councilman Zelenak from Check # 50757

CITY MANAGER'S REPORT

RESOLUTION 2013-438 Set Special Meeting

By Councilman Kandes, supported by Councilman DiSanto
RESOLVED, that a Special Meeting be scheduled for Monday, December 9, 2013 at 6:30 p.m. in the John A. Aloisi Council Chambers, 1355 Southfield Rd. regarding TPOAM-Field ratification.
Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

RESOLUTION 2013-439 Move into Closed Session

By Councilman Kandes, supported by Councilman DiSanto
RESOLVED, that the Mayor and City Council move into Closed Session immediately following the regular order of business to discuss collective bargaining matters and litigation.
Motion unanimously carried.

RESOLUTION 2013-440 Adjournment

By Councilman DiSanto, supported by Councilman Kandes
RESOLVED, that the meeting be adjourned at 10:38 p.m.
Motion carried.
EXCUSED: Councilman Zelenak

THOMAS E. KARNES, MAYOR

DONNA BREEDING, CITY CLERK