

**REGULAR MEETING**

The meeting was called to order at 8:00 p.m., Mayor Steven M. Brown presiding.

Pledge of Allegiance to the Flag

Invocation by Rev. Dan Russell of First Baptist Church

**PRESENT:** Councilpersons Valerie Brady, Mario DiSanto, Michael Higgins, Mark Kandes, Thomas Murphy and Frank Vaslo

**ALSO PRESENT:** City Attorney Ed Zelenak and City Clerk Donna Breeding

Mayor's remarks

City Manager Report

**RESOLUTION 04-142 Minutes**

By Councilman Murphy, supported by Councilman Vaslo

RESOLVED, that the minutes of the Regular Meeting held under the date of March 29, 2004 be approved as recorded.

Motion unanimously carried.

By Councilman Vaslo, supported by Council President Kandes, that the minutes of the Public Hearing held under the date 3-29-04 at 7:30 p.m., regarding the Michigan Department of Natural Resources Grants be approved as printed.

**RESOLUTION 04-143 Open Bids/Bridge Inspections**

By Councilman Murphy, supported by Councilwoman Brady

RESOLVED, that the City Clerk be authorized to open bid proposals received marked "**Bridge Inspections**".

Motion unanimously carried.

**RESOLUTION 04-144 Referral of above bids**

By Councilwoman Brady, supported by Councilwoman Higgins

RESOLVED, that the bid proposals received marked "**Bridge Inspections**" be referred to the Purchasing Agent, Superintendent of Department of Public Service, City Engineer, Controller and City Manager for tabulation and recommendation.

Motion unanimously carried.

**RESOLUTION 04-131A Adopt Ord. Amend/DDA Amended Plans**

By Councilwoman Brady, supported by Council President Kandes

RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY AMENDING THE EXISTING SECTION .30 OF CHAPTER 271 ENTITLED ACCEPTANCE OF PLAN, AND AMENDING THAT SECTION WITH A NEW SUBSECTION (b)", be given its Third and Final Reading and **ADOPTED**.

**The City of Lincoln Park Ordains:**

That Section .30 of Chapter 271 of the Codified Ordinances of the City of Lincoln Park is amended by adding a new subsection (b) as follows:

"An Amended and Restated Development Plan and Tax Increment Financing Plan is hereby accepted."

WHEREAS, the Lincoln Park Downtown Development Authority (the "Authority") has prepared and recommended for approval to the City of Lincoln Park Amended and Restated Downtown Development Plan and Tax Increment Financing Plan (the "Plan") for the Development area in the Downtown District within the City of Lincoln Park (the "City"), and

WHEREAS, on March 29, 2004, the City Council held a Public Hearing on the Plan for the Authority's Development Area in the Downtown District pursuant to Act 197, Public Acts of Michigan 1975, as amended (the "Act"), and

WHEREAS, the City Council has given the taxing jurisdictions within which the Development Area is located an opportunity to meet with the City Council and/or Authority to express their view and recommendations regarding the Plan, as required by the Act.

**continued**

1. FINDINGS:
  - a. The Amended and Restated Development Plan portion of the Plan meets the requirements set forth in section 17(2) of the Act, and the Amended and Restated Tax Increment Financing Plan portion of the Plan meets the requirements set forth in section 14(2) of the Act.
  - b. The proposed method of financing the development is feasible, and the Authority has the ability to arrange financing.
  - c. The development is reasonable and necessary to carry out the purposes of the Act.
  - d. Any land included within the Development Area to be acquired is reasonably necessary to carry out the purposes of the Act.
  - e. The Development portion of the Plan is in reasonable accord with the master plan of the City.
  - f. Public service, such as fire and police protection and utilities, are or will be adequate to service the Development Area.
  - g. Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan, are reasonably necessary for the Plan and for the City.
2. The City Council hereby determines that the Plan constitutes a public purpose.
3. The City Council hereby determines that it is in the best interest of the public to halt property value deterioration, increase property tax valuation, eliminate the cause of the deterioration in property values, promote growth in the Downtown District and to proceed with the Plan.
4. The Amended and Restated Plan is hereby approved and adopted. A copy of the Plan and all later amendments thereto shall be maintained on file in the City Clerk's office.
5. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict repealed and each section is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.
6. The Ordinance shall be published promptly after its adoption in a newspaper of general circulation in the City, that qualifies under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.
7. The Ordinance is hereby determined by the City Council to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication required by law.

Motion unanimously carried.

**ADOPTED: April 5, 2004**  
**PUBLISHED: April 14, 2004**  
**EFFECTIVE: April 14, 2004**

#### **RESOLUTION 04-145 Accounts & Claims Payable**

By Council President Kandes, supported by Councilman Vaslo  
 RESOLVED, that the Accounts & Claims Payable as presented by the Controller to the Mayor & Council be approved as follows:

**Warrant Report: \$946,596.55**

Motion unanimously carried.

#### **RESOLUTION 04-146 Ratify Contract/DPS**

By Councilwoman Brady, supported by Councilman DiSanto  
 WHEREAS, the Technical, Professional, and Officeworkers Association of Michigan (**TPOAM – DPS**) have entered into negotiations with the City concerning matters involving wages, hours and conditions of employment; and

WHEREAS, an amicable settlement of the contract issues has been arrived at; and

WHEREAS, the settlement is well within the guidelines that the City has established for all bargaining unit employees.

THEREFORE, BE IT RESOLVED, that the agreement appears to be in the best interest of the City and therefore Council hereby ratifies the aforesaid agreement.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the contract documents.

Motion unanimously carried.

Resolution to solicit bids for LP Pride Program HELD.

**RESOLUTION 04-147 Proposed Ord. Amend./Chap. 466  
OPER. WHILE INTOXICATED**

By Councilman Vaslo, supported by Council President Kandes  
RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY REPEALING THE EXISTING CHAPTER 466.01 AND REPLACING IT WITH A NEW CHAPTER 466.01," be given its first and second reading by TITLE ONLY.

**THE CITY OF LINCOLN PARK ORDAINS:**

That the Codified Ordinances of the City of Lincoln Park be amended by repealing the existing Chapter 466.01 and replacing it with a new Chapter 466.01 entitled **OPERATING WHILE INTOXICATED**.

Motion unanimously carried.

**RESOLUTION 04-148 Budget Transfer/Police Dept.**

By Councilman Murphy, supported by Councilman Vaslo  
RESOLVED, that the Controller be and is hereby authorized and directed to increase the Police Department's Fiscal Year 2003/2004 budget accounts as follows:

**GENERAL FUND REVENUE**

Sale of Used Equipment 101.305.649 \$3,000.00

**GENERAL FUND EXPENDITURE**

Dog Pound Expense 101.305.746 \$3,000.00

Motion unanimously carried.

**RESOLUTION 04-149 Chg Dele./Wastewater Joint Mge. Comm.**

By Councilman Murphy, supported by Councilman DiSanto  
BE IT RESOLVED, that the Mayor and Council change the delegate and alternate delegate for the Downriver Wastewater System Joint Management Committee from Mayor Steve Brown and Robert Torck to the **City Manager and DPS Superintendent** respectively.

Motion unanimously carried.

**RESOLUTION 04-150 Chg Dele./Ecorse Creek Inter-Mun. Comm.**

By Councilman Murphy, supported by Councilman DiSanto  
BE IT RESOLVED, that the Mayor and Council change the delegate and alternate delegate for the Ecorse Creek Inter-Municipality Committee from Mayor Steve Brown and Robert Torck to the **City Manager and DPS Superintendent** respectively.

Motion unanimously carried.

**RESOLUTION 04-151 Vacate Position/Dir. of Emer. Mge.**

By Council President Kandes, supported by Councilman DiSanto  
RESOLVED, that the appointed position of **Director of Emergency Management** is hereby declared **VACANT**, effective April 5, 2004.

Motion unanimously carried.

**RESOLUTION 04-152 Appt. Director of Emergency Mge.**

By Councilman Murphy, supported by Councilman Vaslo  
RESOLVED, that **Steve Duchane** be appointed **Director of Emergency Management** to fill the unexpired term which expires January 1, 2005.

Motion unanimously carried.

**RESOLUTION 04-153 Permission to solicit/Moslem Shriners**

By Council President Kandes, supported by Councilman DiSanto  
RESOLVED, that the **Moslem Shriners** be granted permission to solicit donations on the streets of Lincoln Park and at various businesses on June 10, 11 & 12, 2004 for their "**Annual Hospital Fund Drive**". All reporting provisions of the local ordinance to be timely observed.

Motion unanimously carried.

**RESOLUTION 04-154 Waive bid/Install Water Meters**

By Councilwoman Brady, supported by Councilman Murphy  
RESOLVED, that the bidding procedure for the **installation of 1500 residential water meters** be waived as there is only one company that distributes Neptune meters and is willing to provide the installation.

FURTHER BE IT RESOLVED, that **S.L.C. Meter Service** be authorized to install the meters, at a cost of \$40.00 per meters. Funds to come from Account 592-920-982, Permanent Equipment. Motion unanimously carried.

**RESOLUTION 04-155 Payment/Mutual Aid '01-'02**

By Councilman Vaslo, supported by Councilman Murphy  
RESOLVED, that the Controller be, and is hereby authorized to direct payment in the amount of **\$5,876.06** to the Downriver Community Conference for the additional **2001-2002 Downriver Mutual Aid Fire Assessments**. Funds to come from Emergency Management Account #101-429-950.

Motion unanimously carried.

**RESOLUTION 04-59A Amend Res./Purchase Vehicles**

By Councilwoman Brady, supported by Councilman Murphy  
RESOLVED, that the Account Number referenced in Resolution #04-59 to purchase 3 Super Duty Pick-Up trucks in the Water Department be amended to read **Account #592-920-982**. Motion unanimously carried.

**RESOLUTION 04-156 Correct Ordinance Chapter 215**

By Council President Kandes, supported by Councilman Higgins  
RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK BY CORRECTING PARAGRAPH (b) APPOINTMENT-TERM CHAPTER 215 ENTITLED, CITY MANAGER", be given its first, second, third and final reading and ADOPTED effective immediately.

**THE CITY OF LINCOLN PARK ORDAINS:**

That the codified ordinance of the City of Lincoln Park be amended by correcting paragraph (b) of Chapter 215, City Manager as follows:

- (b) Appointment – Term: The City Manager shall be appointed by the Mayor and Council and shall hold office for a term to expire on the first Monday of January of **odd numbered years.**

Motion unanimously carried.

**ADOPTED: April 5, 2004**  
**PUBLISHED: April 14, 2004**  
**EFFECTIVE: April 6, 2004**

**RESOLUTION 04-157 Set Special Mtg./LP Pride Program**

By Council President Kandes, supported by Councilman Higgins  
RESOLVED, that a Special Meeting be held on **Monday, April 13, 2004 at 6:30 p.m.** in the John A. Aloisi Council Chambers for the purpose of discussing the LP Pride Program. Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:08 p.m.

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STEVEN M. BROWN, MAYOR

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DONNA BREEDING, CITY CLERK

