

## 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 Donna Breeding, Michael Higgins, Larry Kelsey, Thomas Parkinson, Lylian Ross and Carlos Salcido

ALSO PRESENT: City Manager James Krizan, City Attorney Ed Zelenak, and City Clerk Kerry A. Kehrer

Mayor's remarks

### **RESOLUTION 2020-289 Approve Consent Agenda**

By Council President Breeding, supported by Councilman Higgins

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

1. Approve Minutes/Regular Meeting held Tuesday September 8, 2020
2. Solicit Bids/Bandshell Roof Repairs

Motion unanimously carried.

### **RESOLUTION 2020-290 Minutes/Regular Meeting/Sept. 8, 2020**

RESOLVED, that the minutes of the Regular Meeting held under the date of Tuesday, September 8, 2020 be approved as recorded.

Approved.

### **RESOLUTION 2020-291 Solicit Bids/Bandshell Roof Repairs**

Whereas, the City of Lincoln Park received Wayne County Park Millage funding 2019-2020 for improvements of Kennedy Memorial Building's Bandshell, and

Whereas, the Intergovernmental Agreement for the Park Millage has been executed by the City of Lincoln Park and returned to Wayne County;

Therefore Be It Resolved, that Doreen Christian, Parks & Recreation Director, is authorized to solicit bids for the restoration of the bandshell convex roof and the concave interior.

Approved

### **DANGEROUS BUILDING PUBLIC HEARING**

#### **PUBLIC HEARING re: DANGEROUS Building – 1872 Champaign**

CALLED TO ORDER

DISCUSSION – 1872 Champaign

PUBLIC COMMENT – No Party of interest in attendance for 1872 Champaign

DISCUSSION – 552 Emmons

PUBLIC COMMENT – No Party of interest in attendance for 552 Emmons

DISCUSSION – 422 Farnham

PUBLIC COMMENT – No Party of interest in attendance for 422 Farnham

DISCUSSION – 1385 Mill

PUBLIC COMMENT – Party of interest in attendance for 1385 Mill

DISCUSSION – 26560 Outer Drive

PUBLIC COMMENT – No Party of interest in attendance for 26560 Outer Dr.

Public Hearing on 26560 Outer continued until October 5<sup>th</sup>, 2020

**Adjourn Public Hearing**

**Reconvene Regular Meeting**

**RESOLUTION 2020-293 Determination DBB/1872 Champaign**

By Mayor Karnes, supported by Councilman Kelsey

WHEREAS, the Dangerous Building and Code Appeals Board issued a decision to modify a demolition order to allow repair or alteration to the building structure located at 1872 Champaign, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as DBB 20-05, 1872 Champaign, which was held on August 27, 2020 in accordance with Section 1444.08c of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of September 21, 2020 the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board stating that the owner of the structure located at 1872 Champaign, Lincoln Park MI shall post a cash or surety bond (consistent with the Building Official cost estimate) with the city treasurer's office within fourteen (14) days of City Council's order for cost of demolition if renovations are not met. The owner has nine (9) months to complete the required work. All necessary permits shall be pulled with the Building Department within fourteen (14) days of City Council's decision. This decision runs with the land as a covenant is hereby ordered by the Council of the City of Lincoln Park.  
Motion unanimously carried.

**RESOLUTION 2020-294 Determination DBB /552 Emmons**

By Councilman Kelsey, supported by Mayor Karnes

WHEREAS, the Dangerous Building and Code Appeals Board issued a decision to modify a demolition order to allow repair or alteration to the building structure located at 552 Emmons, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as DBB 20-03, 552 Emmons, which was held on August 27, 2020 in accordance with Section 1444.08c of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of September 21, 2020 the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board stating that the owner of the structure located at 552 Emmons, Lincoln Park MI must post a cash or surety bond (per Building Official cost estimate) with city treasurer's office within fourteen (14) days of City Council's order for cost of demolition if renovations are not met. Owner has six (6) months to complete work. At the end of the six (6) months, the Building Dept. might consider a three (3) month extension. All necessary permits must be pulled with Building Department within fourteen (14) days of City Council's decision. This decision is hereby approved by the Council of the City of Lincoln Park.

By Councilman Higgins supported by Council President Breeding

RESOLVED that the above resolution be referred to the Building Department for language clarification and an executed agreement with the current owner of record to be considered at the next meeting.

Motion unanimously carried.

Roll Call on Amended resolution

Motion unanimously carried.

**RESOLUTION 2020-295 Determination DBB/422 Farnham**

By Councilwoman Ross, supported by Councilman Kelsey

WHEREAS, the Dangerous Building and Code Appeals Board issued a decision to modify a demolition order to allow repair or alteration to the building structure located at 422 Farnham, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as DBB 20-04, 422 Farnham, which was held on August 27, 2020 in accordance with Section 1444.08c of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of September 21, 2020 the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board stating that the owner of the structure located at 422 Farnham, Lincoln Park MI shall post a cash or surety bond (consistent with the Building Official cost estimate) with the city treasurer's office within fourteen (14) days of City Council's order for cost of demolition if renovations are not met. The owner has nine (9) months to complete the required work. All necessary permits shall be pulled with the Building Department within fourteen (14) days of City Council's decision. This decision runs with the land as a covenant is hereby ordered by the Council of the City of Lincoln Park. Motion unanimously carried.

**RESOLUTION 2020-296 Determination DBB /1385 Mill**

By Councilwoman Ross, supported by Councilman Kelsey

WHEREAS, the Dangerous Building and Code Appeals Board issued a decision to modify a demolition order to allow repair or alteration to the building structure located at 1385 Mill, said order being issued subsequent to a hearing of the facts pertaining to this matter and identified as DBB 20-01, 1385 Mill, which was held on August 27, 2020 in accordance with Section 1444.08c of the Codified Ordinances of the City of Lincoln Park; and

WHEREAS, the Dangerous Building and Code Appeals Board has filed a report of its findings and a copy of its order with this Council and with each party having a recorded interest in the subject property; and

WHEREAS, the City Council has established the date of September 21, 2020 the date for a hearing to review the findings and order of said Board, the owner or party of interest having been given the opportunity to show cause why said structure should not be demolished, and the Council having duly held such hearing.

NOW, THEREFORE BE IT RESOLVED, that said order of the Dangerous Building and Code Appeals Board stating that the owner of the structure located at 1385 Mill, Lincoln Park MI shall post a cash or surety bond (consistent with the Building Official cost estimate) with the city treasurer's office within fourteen (14) days of City Council's order for cost of demolition if renovations are not met. The owner has six (6) months to complete the required work. All necessary permits shall be pulled with the Building Department within fourteen (14) days of City Council's decision. This decision runs with the land as a covenant is hereby ordered by the Council of the City of Lincoln Park. Motion unanimously carried.

RESOLUTION regarding Demolition of DBB property at 26560 Outer Dr. HELD

**RESOLUTION 2020-276A Adopt Ord Amendment/Land Division**

By Council President Breeding, supported by Councilman Higgins

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REPEALING SECTION 1224.06(b)(2) AND SECTION 1294.32(f) AND REPLACING THEM WITH A NEW SECTION 1224.06(b)(2) ENTITLED, DIVISION OF LOTS AND NEW SECTION 1294.32(f) ENTITLED, SCHEDULE OF AREA REGULATIONS RESPECTIVELY." be given its third and final reading and be ADOPTED. THE CITY OF LINCOLN PARK ORDAINS:

That the Lincoln Park Municipal Code be amended by repealing & replacing Section .06(b)(2) of Chapter 1224 entitled Division of Lots and Section .32(f) of Chapter 1294 entitled Schedule of Area Regulations as follows: **continued.**

1224.06(b)(2) DIVISION OF LOTS

(2) A platted lot into not more than two (2) parts as separate parcels, or divided and combined with an adjacent lot, outlot, acreage or parts thereof, provided that each of the resulting parcels meets the minimum lot area requirements defined in 1294.32, Schedule of Area Regulations, for the zoning district assigned to the parcel at the time of the request

1294.32(f) SCHEDULE OF AREA REGULATIONS

(f) The minimum land or lot area shall be four-thousand (4,000) square feet for the first dwelling unit in a multiple-dwelling building, plus two-thousand (2,000) square feet for each additional dwelling unit therein.

Motion unanimously carried.

ADOPTED: September 21, 2020  
PUBLISHED: September 30, 2020  
EFFECTIVE: October 7, 2020

**RESOLUTION 2020-298 Prop. Ord Amendment/Site Plan Review**

By Councilman Kelsey, supported by Councilman Higgins

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REPEALING AND REPLACING CHAPTER 1296, SECTION .01 ENTITLED, SITE PLAN REVIEW." be given its first and second reading by TITLE ONLY.

THE CITY OF LINCOLN PARK ORDAINS:

That the Lincoln Park Municipal Code be amended by repealing & replacing Section .01 of Chapter 1296 entitled Site Plan Review.

Motion unanimously carried.

**RESOLUTION 2020-299 Prop. Ordinance Amendment/Signage**

By Council President Breeding, supported by Councilman Salcido

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REMOVING CHAPTER 1290, SECTION .04(b)(2) ENTITLED OFFSTREET PARKING A AREAS, AND REPEALING & REPLACING CHAPTER 1260, SECTION.08(b), ENTITLED DEFINITIONS, CHAPTER 1276, SECTION .02(i)(1) ENTITLED NEIGHBORHOOD BUSINESS DISTRICT, CHAPTER 1278, SECTION .02(aa)(1) ENTITLED MUNICIPAL BUSINESS DISTRICT, CHAPTER 1292, SECTION .14, ENTITLED NONCONFORMING SIGNS, CHAPTER 1294, SECTION .19(f)(4), ENTITLED TEMPORARY BUILDINGS, AND CHAPTER 1276, SECTION .27 ENTITLED SIGNS." be given its first and second reading.

THE CITY OF LINCOLN PARK ORDAINS:

That the Lincoln Park Municipal Code be amended by removing Section .04(b)(2) of Chapter 1290 AND repealing & replacing Section .08 of Chapter 1260 entitled Definitions, Section .02(i)(1) of Chapter 1276 , Section .02(aa)(1) of Chapter 1278, Section .14 of Chapter 1292, and Sections .19(f)(4) & .27 of Chapter 1294 as follows:

1260.08(b) Definitions

BILLBOARD – remove definition

SIGN: A device for visual communication that is used to bring the subject to the attention of the public, but does not include flags, or other insignia of any government, fraternal or similar organization. A sign includes any device, structure, fixture or placard, which uses words, number, figures, graphic designs, logos, or trademarks. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs, which are visible from any public street, sidewalk, alley, park, public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.

1276.02(i)(1) – Neighborhood Business District

(i) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section, including:

- (1) Signage that conforms with Chapter 1476, Sign Code.

1278.02(aa)(1) – Municipal Business District

(aa) Accessory buildings and uses customarily incidental to the principal permitted uses set forth in this section, including:

- (1) Signage that conforms with Chapter 1476, Sign Code.

1292.14 Nonconforming Signs.

(a) – Delete

(b) All Nonconforming signs shall adhere to the standards established in section 1476.07, Nonconforming Signs, of Chapter 1476. Sign Code.

- (1) – (5) – delete

**continued.**

## 1294.19(f)(4) Temporary Buildings

(4) The sign standards provided in Chapter 1476, Signs, permit signs, signs for temporary uses and seasonal events. A separate non-refundable sign permit fee is required in an amount established, and periodically amended, by Council. The City shall also require an escrow, in an amount established by Council, to cover the cost of removing signs if not removed by the applicant within one (1) business day following the event. This escrow account shall be in addition to that listed in paragraph (f)(3) hereof. If the signs are removed as required, the sign escrow account shall be refunded to the applicant.

## 1294.27 SIGNS.

The erection, construction, or alteration of any sign, as identified in Chapter 1476, Sign Code, shall be approved by the Building Superintendent and reviewed for compliance with Chapter 1476, Sign Code and this Zoning Code.

**RESOLUTION 2020-300 Prop Ord Amendment/Waste Management**

By Council President Breeding, supported by Councilman Kelsey

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REPEALING & REPLACING CHAPTER 1296, SECTION .01(f)(2)(M) ENTITLED SITE PLAN REVIEW AND CHAPTER 1294, SECTION .41 ENTITLED TRASH RECEPTACLES AND DUMPSTERS." be given its first and second reading.

THE CITY OF LINCOLN PARK ORDAINS:

That the Lincoln Park Municipal Code be amended by repealing & replacing Section .01(f)(2)(M) of Chapter 1296 entitled Site Plan Review and Section .41 of Chapter 1294 as follows:

## 1296.01(f)(2)(M)

(M) Waste Management Plan that includes trash receptacle locations and method of screening, if applicable. Trash receptacles and dumpsters must conform to the screening standards outlined in 1296.03(g), and all trash receptacles and dumpsters must conform to the standards and requirements outlined in 1294.41.

## 1294.41 TRASH RECEPTACLES AND DUMPSTERS

(a) No outdoor trash storage area may be in any front yard or any required side yard setback which is adjacent to a street, unless there is no alternative as established by the Planning Commission. In no instance may any trash receptacle or dumpster be located within or block a designated parking space.

(b) Any outdoor trash storage area must be limited to normal refuse which is collected on a regular basis and must be maintained in a neat, orderly and sanitary condition.

(c) Adequate vehicular access must be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking spaces or access to nearby principal buildings.

(d) Where vehicular access is restricted due to space or other constraints, curb carts rather than dumpsters may be permitted by the Planning Commission if it will result in no reduction to the public health, safety or welfare.

(e) Commercial and residential developments may enter into a shared refuse collection facility agreement with one or more neighboring businesses. A copy of this agreement must be submitted as part of the site plan and must specify the location and maintenance responsibility for the shared facilities.

Motion by Mayor Karnes, supported by Council President Breeding

RESOLVED, that the above resolution be TABLED.

Unanimously carried.

**RESOLUTION 2020-301 Award Bid/Police Towing**

By Councilman Kelsey, supported by Councilman Higgins

BE IT RESOLVED, that Goch & Sons be awarded the bid for Police Towing for the Lincoln Park Police Department. As they are the lowest and best qualified bidder that meets all of the Police Department's specifications.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be authorized to execute the contract documents for a term of two years with an option for 1 additional year.

Funds for these services will come from the Police Department's Towing Yard Lease Account 101-305-941.

Motion unanimously carried.

**RESOLUTION 2020-302 Special Event/Pierogi Food Drive-up**

By Councilwoman Ross, supported by Councilman Salcido

RESOLVED, that Special Event Permit #5 be approved for the Great Pierogi & Polish Favorites Drive-up to be held in the Municipal Parking Lot at the Community Center, 3525 Dix. on September 27, 2020 from 10:00 a.m. to 8:00 p.m. under the following conditions:

1. Participants & Vendors must comply with Executive Order #2020-147
2. Subject to cancellation if required by order of the Governor

Per the recommendation of the Police Department.

Executive Order #2020-147 states:

1. Any individual who leaves their home or place of residence must wear a face covering over their nose and mouth:

- a. When in any indoor public space;
- b. When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household;

Motion unanimously carried

**RESOLUTION 2020-303 Remove Res #20-260 from the TABLE**

By Council President Breeding, supported by Councilwoman Ross

RESOLVED, that Resolution # 2020-260 regarding Amending the Building Department Fee Schedule be removed from the TABLE.

Motion unanimously carried.

**RESOLUTION 2020-304 Amend Building Department Fee Schedule**

By Councilman Kelsey, supported by Councilwoman Ross

WHEREAS, Section 209.01 of the City of Lincoln Park Codified Codes states, "Council may, by Resolution, from time to time, adopt service, fee, license, permit, application and user fee charges for its agencies and departments, said charges to be paid forthwith by the individual or business against whom or which said charges are assessed."; and

WHEREAS, it is necessary to recalibrate trade (Electrical, Mechanical, Plumbing) permit fee schedules administered by the Building Department.

NOW, THEREFORE, BE IT RESOLVED, the Lincoln Park Mayor and Council does hereby amend the City of Lincoln Park Trade Fee Schedule, for those permits and services provided by the Lincoln Park Building Department as presented in Attachments and that said amendments be implemented and given immediate effect.

Motion unanimously carried.

**RESOLUTION 2020-305 Purchase City Owned Prop/1360 Empire**

By Council President Breeding, supported by Councilman Salcido

WHEREAS, the city has received an offer for the purchase of city owned property commonly known as 1360 Empire, and

WHEREAS, the city wishes to sell the southerly ten feet of the property to the neighbor, Mr. Larry Fritzley.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council, hereby authorize the City Manager and City Attorney to sell said property for the purchase price of \$250 and prepare all related documents for the signature of the Mayor and City Clerk.

**RESOLUTION 2020-306 Set Study Session/Commercial Dumpsters**

By Mayor Karnes, supported by Councilman Salcido

A Study Session be scheduled for October 5, 2020 at 6:30p.m. to discuss commercial dumpsters and trash receptacles.

Motion unanimously carried.

**RESOLUTION 2020-307 Accounts & Claims Payable (over \$25,000)**

By Council President Breeding, supported by Councilman Kelsey  
 RESOLVED, that the Accounts and Claims Payable for those items greater than \$25,000  
 be approved as follows: RESOLVED, that the Accounts and Claims Payable for those  
 items greater than \$25,000 be approved as follows:

Downriver Utility Wastewater Auth.	July 2020 Sewage/User Fee	
	Sept 2020 Excess Flow Charges	\$266,406.48
DTE Energy	Aug 2020 Electric, Gas and Streetlights	\$ 65,819.48
GFL Environmental USA Inc.	Sept 2020 Residential Curbside & Recycling	
	Aug 2020 DPS Dumpsters	\$198,328.81
Great Lakes Water Auth.	July 2020 Water Billing	
	Lead & Cooper Rule Water Sampling	\$220,536.81
Hutch Paving Inc	2020 Road Bond Asphalt Resurfacing	\$286,143.28
Inland Waters Pollution Control	2020 Sanitary Sewer Cured in Place	
	\$196,729.20	
Mckenna Associates	Aug 2020 Bldg. Dept Services/Permits	\$ 63,138.00

\*\*Check released for due date  
 Motion unanimously carried.

CITY MANAGER REPORT

CITIZEN COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

**RESOLUTION 2020-308 Adjournment**

By Councilman Salcido, supported by Councilman Higgins  
 RESOLVED, that the meeting be adjourned at 10:00 p.m.  
 Motion unanimously carried.

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THOMAS E. KARNES, MAYOR

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KERRY A. KEHRER, CITY CLERK