

**COUNCIL PROCEEDINGS**  
**CITY OF FLAT ROCK, MICHIGAN**

**MONDAY, MARCH 5, 2007**

The regular meeting of the Flat Rock City Council convened at the Municipal Building on the above date at 7:30 p.m.

**1. PLEDGE OF ALLEGIANCE:**

**2. PRESENT ON ROLL CALL:** Mayor Jones, Council Member Gagne, Dropiewski, Martin and Wrobel.

Absent. Councilman Tefend and Painter.

03-05-07-1 Motion by Dropiewski supported by Martin to excuse the absent members Councilman Tefend and Painter. Motion carried unanimously.

**ALSO PRESENT:** Treasurer Brenda Tallman, DPS Director Bruce Hammond, Building Director John Russ, City Attorney David Grunow, Police Chief Steve Tallman, Fire Chief Bill Vack, Recreation Director Joan Pawlukiewicz, Economic Development Director and Acting Clerk George Mans, and Clerk Receptionist Jevetta Smith.

**3. APPROVAL OF MINUTES:**

03-05-07-2 Motion by Gagne supported by Dropiewski to approve the Regular City Council Meeting Minutes of 02/20/07 as submitted. Motion carried unanimously.

**4. PRESENTATION:** Mayor Jones presented retired commission member Carol Klingel a plaque that read: CAROL KLINGEL, Retired 12-31-07, In Recognition of 25 Years (1981-2006) Faithful and Devoted Service to the City of Flat Rock as a Member on the Beautification Commission.

Sue Farrar, Chairman of the Beautification expressed her thanks to Carol for her endless time and energy for her 25 years of service saying the Commission could not have had a better person and that she will be hard to replaced.

**5. CITIZENS TO BE HEARD:**

Mr. Richard Beck, 24770 Deercreek, presented to the Mayor and Council a letter expressing his thanks to the Police and Fire Department. He stated that he had lived in the City of Flat Rock for 42 years (1965-2007) and he wanted to recognize these two departments as the 2 most important entities of the city. He stated that he has had to call these departments last year and this year. On January 16<sup>th</sup> he had to call and have them transport a friend to the hospital. He said he cannot think of any better men than Chief Tallman and Chief Vack to head the Police and Fire Department and thanked them for a splendid job that they did. Mayor thanked Mr. Beck for his compliments and told him it was good to hear from a resident now and then.

Mr. Russ Hagood, 25481 Vreeland, says that he has called the Police Dept. several times about his neighbor plowing snow and blocking his driveway and filling the ditch with gravel and snow which he has had to dig out. He called the Police Dept. on February 4<sup>th</sup> and they came out and issued his neighbor a ticket. On Feb 17<sup>th</sup> and 18<sup>th</sup> the neighbor blocks him in again and Mr. Hagood calls the Police Dept. and he says the Police Dept. tells him that the court will take care of it with the ticket already issued on February 4<sup>th</sup> and refused to issue another ticket. Mr. Hagood says he called the court and they told him that there was no ticket turned in. He says that Mr. Wrobel did not turn in the ticket and Mr. Hagood said that he would like to see a follow up done on this ticket and make sure it goes through.

Mayor Jones told Mr. Hagood he will follow up on the situation and see that it is taken care of, as he had done the previous year to take care of the situation. Mr. Hagood thanked the Mayor.

#### **6. REPORTS FROM DEPARTMENT HEADS:**

Acting City Clerk George Mans asked Council for clarification on the Riverfest Event. As presented in earlier meetings, Council is aware that Wheels of Time Car Club has approached the Council to partner with the City to reenact the Riverfest after a 4-5 year lapse. Mr. Mans says what they need is some clarification on some upfront cost to get the event up and running. He stated that the Council approved \$10,000 toward the event, but he questioned if this money was for City employees working overtime only, and if \$3,000-\$4,000 could be used for entertainment. Mr. Mans stated that the Wheels of Time Car Club is willing to partner and manage the event and what the Acting Clerk and the Car Club are trying to do is split the cost with the city and the car club. The club will pick up some of their own expenses such as a special insurance contract and other special services in turn they asked if we could pick up the entertainment with 3 groups at a cost of \$3,000 to \$4,000.

City Attorney stated that the city could not expend funds to an organization without the city having control...having revenue going into a private club even if it is going into a good organization such as the Scholarship for Flat Rock kids he said is not proper use of city funds. The city will have to be more than a partner and/or bank. He said there is a way to do this, but the city will have to be more than a partner and have more control.

Councilman Dropiewski suggested again corporate sponsorship and other underwriters, but Mr. Mans and Mr. Ben Penland stated that they have done a lot of work, but as of tonight they have not received any sponsorships. So with the clock ticking and the time closing in to get the event up and running, asked for the Council's guidance.

Mr. Ben Penland of the Wheels of Time Car Club reminded Council that Mr. Wheeler was at the Council Meeting in January and presented the proposal for the program at that time stating that it was for sponsoring a scholarship fund for Flat Rock kids whose parents were laid off from work and are unable to send their kids to college. Mr. Penland reminded Council that the club is a non-profit group and that they came in good faith back in January to ask for seed money for

entertainment and to get the program running, at which time they approved \$10,000. Now, there's been a retraction that it is not legal saying the city can't give them any money. Mr. Penland said back in January Mr. Wheeler asked Council for their approval because they had commitments to take care of then, now it's March and their back to square one again. Mr. Penland asked council for their help with entertainment financially and that the club will take care of the insurance but cannot pay for the entertainment. Mr. Penland said they would like to put the program on, but if the city cannot help they cannot put the program on.

Mayor Jones said if you take a look at the times the city has put on the Riverfest they have spend \$5,000 on entertainment in the past and he doesn't see any difference and what the big issue is, the question is... do we want to have a Riverfest?

**03-05-07-3** Motion by Jones supported by Dropiewski to approve \$5,000 for entertainment plus overtime for DPS and the Police Department and direct Acting Clerk George Mans, Ben Penland and City Attorney David Grunow to come up with a satisfactory legal agreement. Motion passed 4-1 (1-Gagne).

Police Chief Steve Tallman announced that Officers David Pishlo and Kevin Rowell were awarded by the M.A.D.D. for their outstanding work in stopping drunk drivers and in their work of alcohol enforcement. Chief said he met with Michael Budai from MDOT concerning egress (formerly Law Street) or the street leading off Telegraph into Flat Rock Bagging. Mr. Budai told Chief Tallman that MDOT has 120 feet of right-of-way for U.S. 24 or Telegraph Rd. Chief Tallman asked Council permission to petition MDOT to place a sign that would prohibit commercial truck traffic from making a right hand turn off Telegraph Road onto Law St. The Chief said he believed this would cut down on the damage to the fire hydrant and the telephone pole at this corner.

**03-05-07-4** Motion by Martin supported by Wrobel to approve Chief Tallman to do a traffic control order to petition MDOT to prohibit commercial vehicles from making right turns onto the easement (Law St.) in order to protect the fire hydrant. Motion 4-1 (1-Mayor)

Recreation Director Joan Pawlukiewicz gave an update on upcoming programs and events taking place at the Community Center. Senior lunches to begin every Wednesday, starting March 7<sup>th</sup>; \$5 for 55 and over; \$7.50 for under 55. Menus posted a week ahead. Kidfest, June 2<sup>nd</sup>, Level Pebble Run Sunday, July 22. Sponsor letters have been sent out. Working with the Athletic Director of the High School on the baseball and softball leagues as well as the little league. The High School has priority of the fields, then little league so DPS will not have any overtime charges. June 4<sup>th</sup> softball league starts and tournaments are scheduled.

## **7. REPORTS FROM COUNCIL MEMBERS:**

Councilman Dropiewski asked about the street light repairs and Chief Tallman said every Sunday night his officers do a street light check for outages and are reported to Edison the next morning.

Councilman Wrobel asked Joan Pawlukiewicz to check out the overtime at the Community Center. He thanked the Treasurer's Office for getting him the figures he needed for the last meeting on the bonds. Mr. Wrobel stated that he

doesn't like to spend money we don't have and asked about opening up the Clerical contract that ends June 30, 2007.

[03-05-07-5] Motion by Jones supported by Gagne to approve Councilman Dropiewski and Wrobel to be on the negotiating committee to start contract negotiations with the Clerical Unit on their contract that begins July 1, 2007. Motion carried unanimously.

#### **8. MAYORS COMMENTS:**

Mayor Jones used the overhead projector to explain the figures put out by Oppenheimer & Co. concerning the refinancing of the Ball fields and the Community Center. The decision to refinance the bonds was made by the TIFA Board and the Building Authority, not the Council and Mayor. Mayor Jones took issue with Mr. Wrobel over his comments on the refinancing of the Ballfields and Community Center and showed there were a savings of \$159,525.51 on the Baseball Fields and a savings of \$722,631.07 on the Community Center bond issue. Mr. Gagne said the city has never lost money refinancing bonds. Mayor Jones said without the Community Center and the \$4.2 million from the Naming Rights the General Fund would be in a deficit of over 5 million dollars.

Councilman Dropiewski asked the Mayor if he had figured out the net savings on the refinanced rates. Mayor responded that there was no reason to do that because of the variable interest rates and that he foresees the City of Flat Rock saving over \$1 million on the bond refinancing. Mayor Jones said on the Community Center refinancing that the approximate \$1 million saved on interest would be divided between TIFA and Wayne County. The money saved on the Ballfields would be returned to the City or Flat Rock because it is a Building Authority issue.

Mayor Jones spoke on the Stonewater Planned Unit Development on Gibraltar Road saying that the City Engineers, Bruce Hammond, John Russ and himself met with Wayne County and the developer's engineers and it was decided something could be done about the problem and a remedy would be coming in two weeks.

Mayor Jones said the builder of the Celtic Farms is upset along with the City and the residents and said that he will be meeting with the City Engineer to see what can be done with this mess (flooding of properties on Inkster Rd.).

Councilman Wrobel mentioned the giant Storm Water Retention Pond being built by Van Buren Township saying it's located about 100 feet from the Huron River.

Mayor Jones said the South Huron Valley Utility Authority has this issue under a watchful eye.

Mayor Jones said SHVUA announced that the City of Flat Rock has an adjustment coming for 2005 for \$140,000 and \$28,000 for 2006. However, Mr. Hinshon said due to the present economic status of the SHVUA Flat Rock may get their money over a 5-year pay plan. Mayor Jones said because of the unfairness of the SHVUA that the City of Flat Rock may have to take them to court in the near future to get what is rightly due the City of Flat Rock.

#### **9. BID OPENING REPORTS:**

a. Letter from Police Chief Steve Tallman Re: Approval of Car Bid for 2004 Crown Victoria.

03-05-07-6 Motion by Martin supported by Wrobel to approve Chief Tallman's request to award car bid for the 2004 Crown Victoria #2FAHP71W14X100843 to Mark Ratz for \$2,000. Motion carried unanimously.

b. Letter from City Engineer Russell Wittman Re: Bid recommendation to award D & D Water & Sewer the Vreeland Road Water Services Project.

03-05-07-7 Motion by Martin supported by Gagne to approve to approve bid recommendation as stated to D & D Water & Sewer for \$55,618.67. Motion carried unanimously.

c. Letter from Sue Farrar, Beautification Commission Chairman Re: Bid recommendation for Hanging Flower Baskets.

03-05-07-8 Motion by Gagne supported by Martin to approve bid recommendation to Marsh Greenhouse to fill 140 baskets with the flowers and greens listed on bid at a cost of \$3,955. Motion carried unanimously.

#### **10. UNFINISHED BUSINESS:**

a. Letter from Police Chief Steve Tallman Re: Permission to place a rebid for 3 used vehicles that received no bids last month.

03-05-07-9 Motion by Gagne supported by Martin to approve Chief Tallman's request to place bids in the News-Herald for "best offer" for the three vehicles specified in request. Motion carried unanimously.

b. Letter from Barbara Fedon, 26251 Inkster Rd., Re: Restoration of properties south of Celtic Farm Subdivision on Inkster Road.

Mrs. Fedon requested Council not to approve any further development from Celtic Farms Subdivision until restoration of drainage & sewage is finished on Inkster Road.

Mayor said he will be taking care of this situation that he will be talking to Celtic Farms representatives.

c. Letter from City Attorney Re: Stonewater Planned Unit Development Amendment.

Item tabled until city officials meet with Wayne County and developers to resolve issues and will be forthcoming to Council in a couple of weeks.

#### **11. NEW BUSINESS:**

a. Letter from DPS Director Re: Request permission to bid Evergreen St. North of Gibraltar Rd., water main replacement, road replacement, and remove and install six new water main gate valves.

03-05-07-10 Motion by Gagne supported by Martin to approve DPS Director permission to bid Evergreen Street Project as specified in request for a total bid of \$325,000 with bid due date of March 29. Motion carried unanimously.

#### **12. CORRESPONDENCE:** (None)

#### **13. LATE CORRESPONDENCE:**

a. Letters submitted and read by Gordon Chevalier, 27917 Telegraph Road which is as follows (scanned copy- 2 pages):

**TO: George Mans — Clerk City of Flat Rock**

**FROM: Gordon Chevalier 27917 Telegraph Flat Rock, MI**

**SUBJECT: Letter for Council Agenda**

**Date: 2/27/07**

Please find attached a confidential and highly sensitive letter dated 2/27/07 and addressed to the Mayor and City Council.

Please place said letter on the Agenda for the March 5, 2007 council agenda. Moreover, that per our telephone conversation of 2/27/07 please hold back placement on said agenda until the last available opportunity due to the sensitive nature therein described.

I thank you in advance for your assistance.

Sincerely Yours,



Gordon Chevalier

27917 Telegraph

Flat Rock, MI 48134

734-984-2814

**TO: The Honorable Mayor and City Council of the City of Flat Rock**

**FROM: Gordon Chevalier 27917 Telegraph Flat Rock, MI**

**SUBJECT: Notification and Requests**

**Date: 2/27/2007**

**NOTIFICATION**

Please be advised, that the "Flat Rock Police Department" recently detained me while in my vehicle and after exiting my residence (27917 Telegraph). Moreover, there was absolutely no legitimate reason for said detention, due to the fact that I was complying with all applicable traffic laws and relevant safety concerns associated therewith.

That during said detention, the Flat Rock Police Department issued me a completely unwarranted State of Michigan Uniform Law Citation (civil infraction).

Moreover, it is my firm belief that said detention and issuance of said civil infraction was designed to retaliate and/or harass me for the sole reasons as follow:

- 1) That I am part of a racially mixed marriage.
- 2) That I recently initiated a formal complaint against the Police Chief of Flat Rock.
- 3) That I have numerous issues/complaints regarding the failure of certain city departments to perform services directly affecting my property and family.

Therefore, please be advised that in defense of said civil infraction allegation, I intend on availing myself of all legal remedies afforded me by the Michigan Statutes including but not limited to a formal hearing, of which Attorney Grunow is the acting "Prosecuting Attorney."

In addition, said recent "police department action" needs to be added to the body of evidence in the ongoing "racial discrimination investigation" of which Attorney Grunow is "Investigating Attorney."

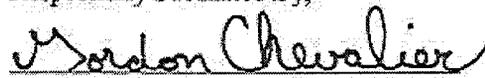
Consequently, the fact that Attorney Grunow is the "City Investigating Attorney" and the "City Prosecuting Attorney" puts me in the position of prematurely divulging my planned defense. In other words, in order to disclose all the facts surrounding said "police action" to the "Investigating Attorney," I will be forced by default to prematurely disclose my defense to the "Prosecuting Attorney."

**REQUESTS**

Therefore, due to said conflict of interest on the part of Attorney Grunow, and said destructive effects there from, I hereby request that Attorney Grunow recuse himself as the "City of Flat Rock Investigating Attorney."

Moreover, in regard to said "racial discrimination investigation" I hereby request that a special appointment be made of another "investigating attorney" not previously associated with the City of Flat Rock or any other good remedy I might be afforded.

Respectfully Submitted By,

  
Gordon Chevalier

**CC: Attorney David Grunow**

- b. Letter from City Attorney David P. Grunow to Russell E. Wittman Re: Storm Water Management Agreement – Celtic Farms, Our File No. 03-3392. (scanned copy):

**GRUNOW  
ASSOCIATES PLLC**

ATTORNEYS AND COUNSELORS

David P. Grunow  
A. Zick, Of Counsel

LATE  
CORRESPONDENCE **B**  
City Council Meeting  
3/05/07

26342 Gibraltar Road  
Flat Rock, Michigan 48134-1597  
Telephone 734-782-3277  
Facsimile 734-782-2424

**MEMORANDUM**

**TO:** Russell E. Wittman  
Charles E. Raines Company

**FROM:** David P. Grunow, City Attorney

**CC:** Mayor and Council  
Bruce A. Hammond, Director, DPS Department  
George W. Mans, Acting Clerk  
John T. Russ, Director, Building and Safety Department

**RE:** Storm Water Management Agreement - Celtic Farms  
Our File No. 03-3392

The City Council refused to authorize the execution of the storm water agreement for this development. Council Member Painter brought up some offsite drainage issues of which it appears that John Russ and Bruce Hammond had specific knowledge of the offsite drainage issues that he was referring to. From your telephone conversation, you believe it is the ditch near the Fedon's property, which is covered by a county bond. Nevertheless, the Agreement will not be brought again to Council nor will the Final Plat be signed until this matter is resolved. You also indicate that the Developer has stated that he will have the items covered by the Letter of Credit completed six months prior to the expiration of the Letter of Credit. You stated that the Developer will give us a letter to that effect. Lastly, the Developer is required to pay all outstanding fees prior to the execution of the Final Plat.

As you are aware, at the regular meeting of April 3, 2006, the City Council approved the Final Preliminary and Final Plat of this project, "contingent on the Department heads signing off. That the City engineer set the bond for work to be performed, approval of City Attorney concerning the names on the PUD agreement, and that the outstanding water bill in Hickory Ridge Subdivision be taken care of. Plat not to be signed until all matters are resolved."

By copy of this memo to the Department Heads, I am reminding them of this requirement.

DPG

/rt

**14. ADJOURNMENT:**

**03-05-07-11** Motion by Wrobel supported by Dropiewski to adjourn the meeting at 9:10 P.M. Motion carried unanimously.

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**RICHARD C. JONES, MAYOR**

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**GEORGE W. MANS, ACTING CITY CLERK**

Date: 03-19-07  
Approved