

**City of Flat Rock**  
25500 Gibraltar Road  
Flat Rock, MI 48134



**CITY COUNCIL E-PACKET**

**Monday, March 15, 2010**  
**7:30 P.M.**

# City of Flat Rock

## REGULAR COUNCIL MEETING

### AGENDA

Monday, March 15, 2010 - 7:30 P.M.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL OF COUNCIL MEMBERS:
3. APPROVAL OF MINUTES:
  - a. Regular Council Minutes of March 1, 2010
  - b. Special Council Workshop Minutes of March 2, 2010
4. CITIZENS TO BE HEARD:
5. REPORTS FROM DEPARTMENT HEADS:
6. REPORTS FROM COUNCIL MEMBERS:
7. MAYOR'S COMMENTS:
  - a. Appointment of two Council Members to hear Grievance #10-056 for James J. Tocco.
8. UNFINISHED BUSINESS:
  - a. 2nd<sup>t</sup> Reading: Dangerous Weapons Ordinance.
  - b. 2nd Reading: Municipal Civil Infraction/Snow Emergencies Ordinance.
  - c. 2nd Reading: Ordinance Amendment to Code provisions pertaining to retail fraud, NSF checks & embezzlement.
  - d. Linc Mechanical proposal.
9. NEW BUSINESS:
  - a. Request from the Historical Preservation Commission to advertise for bids for restoration of exterior of the Wagar House.
  - b. Payment of invoice to North American Salt Company - \$2,718.76.
  - c. Request from Lions Club to solicit for White Cane Week in Flat Rock.
  - d. Request from Beautification Commission to advertise sale of old Christmas decorations.
10. CORRESPONDENCE:
11. ADJOURNMENT:

**REGULAR COUNCIL PROCEEDINGS**

**CITY OF FLAT ROCK, MICHIGAN**

**MONDAY, MARCH 01, 2010**

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 Dropiewski, Council Members Martin, Gagne, Painter, Moore, and Wrobel.

**ABSENT:** Council Member Tefend.

03-01-01 Motion by Painter supported by Wrobel to excuse Tefend.

All present voting yes. Motion carried.

**3. APPROVAL OF MINUTES:**

03-01-02 Motion by Gagne supported by Martin to approve the minutes of the Regular Council Meeting of February 16, 2010.

All voting yes. Motion carried unanimously.

**4. CITIZENS TO BE HEARD:**

Gary Borden, 25284 Hunter Lane, thanked everyone for their support on the loss of his Mother and also the EMS for their kindness.

**5. REPORTS FROM DEPARTMENT HEADS:**

George Mans, Economic Development, reported that the former print shop on the corner of Telegraph and Gibraltar Road is being purchased by Jeff Frost who will be renovating the building inside and out.

Treasurer, Debra Lambrix, announced the 2010 assessment notices have been mailed to residents. She stated the Board of Review dates and times are: Tuesday, March 9<sup>th</sup> 9:00 am to 12:00 noon, 1:00 pm to 4:00 pm and 6:00 pm to 8:00 pm. Thursday, March 11<sup>th</sup> 6:00 pm to 8:00 pm. Thursday, March 18<sup>th</sup> 6:00 pm to 8:00 pm. Tuesday, March 23<sup>rd</sup> 9:00 am to 12:00 noon, 1:00 pm to 4:00 pm and 6:00 pm to 8:00 pm. This message is on Comcast channel 12 also.

Recreation Director, Joan Pawlukiewicz, said the Daddy-Daughter dance (The Butterfly Ball) exceeded expectations and had to add another night. Ladies Night Out has 244 signed up for March 11<sup>th</sup> and 163 for March 12<sup>th</sup>.

**6. REPORTS FROM COUNCIL MEMBERS:**

Council Member Painter stated he attended the South Huron Valley Authority meeting last week and invited Council to attend a power point presentation Wednesday, March 17<sup>th</sup> at 10:00 am at which time the authority will show where the authority started and bring everyone up to date as to where it is now. He also thanked Joan and staff for a great job on the Huron League playoff games.

Council Member Martin said he attended a Block Grant Advisory Meeting at Garden City last week. There were 16 communities present and all 16 were elected to the Advisory Committee. The next meeting will be in Inkster on March 18<sup>th</sup>.

Council Member Moore also commended the Recreation Department on the Butterfly Ball and the Dads who attended with their daughters. She commended the EMS for their kindness and said she had heard good things about the department.

**7. MAYOR'S COMMENTS:**

Mayor Dropiewski stated the city has received the personal property statement from AAI and with the new depreciation tables set by the state it is down about \$800,000. He said Dearborn is hosting a meeting Wednesday to discuss what if anything can be done to help the automotive communities the depreciation tables have hurt financially.

Mayor commended the Recreation Center for hosting the boy's basketball team championship games.

Mayor announced we will host a city-wide garage sale two times this year and amend the ordinance so the city-wide sale does not count against the two allowed by residents each year.

**8. UNFINISHED BUSINESS:**

Item A – Huron Woods 11 Agreement for Deed in Lieu of Foreclosure.

03-01-03 Motion by Gagne supported by Painter to authorize the Mayor and Clerk to execute the agreement and all related documents as recommended by the City Attorney.

All present voting yes. Motion carried unanimously.

Item B – Detroit Water Agreement.

03-01-04 Motion by Gagne supported by Painter to authorize the Mayor and Clerk to execute the service contract as recommended by the City Attorney.

All present voting yes. Motion carried unanimously.

**9. NEW BUSINESS:**

Item A – 1<sup>st</sup> Reading: Dangerous Weapons Ordinance.

03-01-05 Motion by Martin supported by Wrobel so suspend the first reading.

All present voting yes. Motion carried unanimously.

Item B – 1<sup>st</sup> Reading: Municipal Civil Infraction/Snow Emergencies Ordinance.

03-01-06 Motion by Martin supported by Wrobel to suspend the first reading.

All present voting yes. Motion carried unanimously.

Item C – 1<sup>st</sup> Reading: Ordinance Amendment to Code provisions pertaining retail to fraud, NSF checks and embezzlement.

03-01-07 Motion by Martin supported by Gagne to suspend the first reading.

All present voting yes. Motion carried unanimously.

Item D – Payment of 2010 insurance premium from the Stevenson Company (Bob Bucko, President, to be present for discussion) \$157,860.00.

03-01-08 Motion by Painter supported by Gagne to pay the invoice as presented.

Discussion regarding collision coverage on older vehicles. Mr. Bucko will review and suggest changes.

All present voting yes. Motion carried unanimously.

Item E – Payment to Tax Management Assoc., Inc. for auditing services regarding AAI - \$40,000.00.

03-01-09 Motion by Gagne supported by Martin to pay the invoice in the amount of \$40,000.00 as presented.

All present voting yes. Motion carried unanimously.

Item F – Payment of invoice from North American Salt Company - \$2,718.76.

03-01-010 Motion by Gagne supported by Martin to pay the invoice as presented.

All present voting yes. Motion carried unanimously.

Item G – Payment of Storm Water Discharge Annual Permit fee - \$2,000.00.

03-01-11 Motion by Martin supported by Wrobel to pay the invoice as submitted.

All present voting yes. Motion carried unanimously.

**10. CORRESPONDENCE:**

Item A – Board of Review dates and times.  
Reported under Department Head Reports.

Item B – Planning Commission minutes of January 25, 2010.

03-01-12 – Motion by Martin supported by Moore to go into closed session at 8:00 p.m. to discuss the following: (a) consult with the City Attorney regarding trial or settlement strategy in connection with AAI vs. City of Flat Rock and (b) labor negotiations regarding Police Patrol, Command and Firefighters contracts.

Roll Call Vote: Mayor Dropiewski. Council Members Gagne, Martin, Moore, Painter, Tefend and Wrobel voted yes. Zero no votes and Tefend was absent.

Motion carried unanimously.

03-01-13 Motion by Martin supported by Moore to return to open session at 9:00 p.m.

All present voting yes. Motion carried unanimously.

03-01-14 Motion by Dropiewski supported by Gagne to schedule a Special/ Workshop meeting for Tuesday, March 16, 2010 at 7:30 p.m. to discuss the Department of Public Services and Recreation budgets and the current 2010/2011 City budget.

All present voting yes. Motion carried unanimously.

03-01-15 Motion by Gagne supported by Martin so adjourn the regular meeting at 9:02 p.m.

All present voting yes. Motion carried unanimously.

**JONATHAN D. DROPIEWSKI, MAYOR**

**LORENE BUTSKI, CMC, CITY CLERK**

**DATE:** \_\_\_\_\_

# SPECIAL COUNCIL WORKSHOP PROCEEDINGS

## CITY OF FLAT ROCK, MICHIGAN

TUESDAY, MARCH 02, 2010

The special workshop meeting of the Flat Rock City Council convened at the Municipal Building in Council Chambers on the above date at 7:00 p.m.

**1. PRESENT ON ROLL CALL:** Mayor Dropiewski, Council Members Martin, Gagne, Tefend and Painter. Wrobel and Moore arrived a few minutes late.

### **THE PURPOSE OF THIS MEETING IS TO DISCUSS THE POLICE AND FIRE DEPARTMENTS BUDGET AND THE CURRENT 2010/2011 CITY BUDGET.**

Mayor Dropiewski stated it is no surprise that Flat Rock, like every other community in the state, is facing a financial crisis. He began to talk a little bit about what we are facing. He said last year we took in 9.3 million in the general fund. The current estimated deficit for the fiscal year we are in is \$518,000 roughly. We had a beginning fund balance of \$972,000. If we do nothing to remedy that deficit thru the end of June we will have a fund balance of \$450,000 to begin the next fiscal year (beginning July 1). The latest estimated revenue for the 2010/2011 fiscal year is 6.97 million (verses the 9.3 that we took in 2009/2010). We are predicting – if we do nothing – a deficit of 1.9 million. With the beginning year fund balance of only \$450,000 I will leave us in the hole by over 1.4 million. He stated there are a couple of contributing factors (1) property assessment values went down about 12% (2) the State of Michigan Tax Commission issued new depreciating tables that apply only to automotive manufacturers which allows automotive manufacturers to greatly accelerate their depreciation expenses at a rapid rate. The initial affect means about \$852,000 less revenue to the City. AAI is appealing their 2009 personal property taxes which would amount to approximately \$900,000 for the current year we are in.

He stated he has scheduled a series of work sessions on a department by department basis looking at each budget and operation. These sessions allow the department heads to brief the council on different ideas and suggestions in order to save the city money and still be able to deliver the core of services that we are legally required to provide. Department head suggestions is not necessarily the direction city council is going to go. This is a difficult and personal process.

**Police Chief Neal Rossow** did a power point budget presentation but before he began he thanked the department for their dedication and commitment to the city. He stated the department has three losses already: a sergeant who was terminated, a lieutenant who retired, an officer who resigned and a dispatcher who was laid off. He said a 20% reduction of his 3.1 million budget would be \$600,000. He listed numerous proposed cuts which would save about \$108,000 and if two lieutenants were to retire it would save about \$200,000. The other options would be to lay off an ordinance officer, a dispatcher and four police officers. If the unions would change health insurance it would save two officers and if a lieutenant also retires the changes would save three officers. Additional options would be furlough days, shared services, and privatization of services.

Chief Rossow said he has to keep the administrative secretary due to mandatory reporting requirements that require clerical staff.

**Fire Chief Vack** stated that currently the station is staffed with 2 personnel 24/7/365. This staffing consists of 2 fulltime personnel during the hours of 6 am to 6 pm and one fulltime with one part time personnel during the hours of 6 pm to 6 am. With all of the fulltime personnel being paramedics and the license levels of the part time personnel, we are able to provide Advanced Life Support emergency medical services approximately 90% of the time with our first out ambulance and Limited Advanced Life Support with the second ambulance. If the staffing level of fulltime personnel were to change it would jeopardize our being able to provide the LLS level of care to the community and may force us to fall back to our base license of LALS thus reducing the level of care. Mr. Vack said costs and options are: Paid on Call only = \$80,000, Part time staff and paid on call = \$374,000, full time staff and part time/paid on call = \$626,770 which includes salary, benefits and overtime. He said filling the sixth position would eliminate a lot of overtime. He said possible funding increases are: increase the mileage fee from \$9.50 to \$10.50 and consider billing for non transports. DMA fire chiefs are working on a model ordinance for consideration of adoption by all downriver communities to provide a local standard for cost recovery and fee schedules, like billing insurance companies for fire calls \$500.00. Also cost recovery for PI and PD accidents, utility standby for down wires and gas leaks, and incidents on railroad right of ways and railroad yard. He said they are looking into possible funding for hydrant flushing and painting being done by fire department personnel. Also, the department is working with other communities, like Rockwood, regarding shared services.

Mayor Dropiewski asked the unions and employees for ideas on how to save the city money.

The next budget session is scheduled for Tuesday, March 16, 2010 at 7:30 p.m. to discuss the Recreation and DPS departments and the current 2010/11 budget.

**03-02-01** Motion by Martin supported by Gagne to adjourn the special workshop budget meeting at 8:40 p.m.

All voting yes. Motion carried unanimously.

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**JONATHAN D. DROPIEWSKI, MAYOR**

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**LORENE BUTSKI, CMC CITY CLERK**

**DATE** \_\_\_\_\_  
**approved**

David P. Grunow  
Matthew A. Zick, Of Counsel

**MEMORANDUM**

**TO:** Mayor Jonathan D. Dropiewski  
City of Flat Rock

**COPY TO:** Lorene Butski, City Clerk

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

**DATE:** March 8, 2010

**RE:** **TPOAM (DPS) Grievance No. 10-056**  
**Grievant: James J. Tocco**  
**Our File No. 09-5241**

The Union has requested that the above-referenced grievance be moved to Step 2, necessitating the appointment of two (2) councilmembers who will meet with the Union to discuss this grievance. I recommend that you ask for the councilmembers during "Mayor's Comments" at the next regular council meeting.

Note: The request is dated March 2, 2010, which under the contract would be late, except the Clerk remembers a prior request that was lost which was delivered to her two or three weeks previously. As you know, no one can locate the prior request. Based on the Clerk's statements, I would recommend that the grievance be processed to Step 2 of the grievance procedure.

DPG

/lrt

**RECEIVED**  
MAR 9 2010  
CITY OF FLAT ROCK

# GRUNOW & ASSOCIATES PLLC

ATTORNEYS AND COUNSELORS

David P. Grunow  
Matthew A. Zick, Of Counsel

NEW BUSINESS - A  
COUNCIL AGENDA  
03-01-10

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

UNFINISHED BUSINESS - A  
COUNCIL AGENDA  
03-15-10

February 24, 2010

Mayor and Council  
City of Flat Rock  
25500 Gibraltar Road  
Flat Rock, MI 48134

SUSPEND 1ST READING  
ORDINANCE

DATE: 3-1-10

MOTION BY: Martin

SUPPORTED BY: Whobel  
all eyes

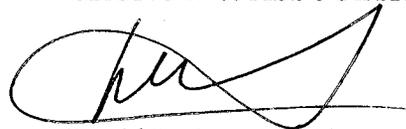
**Re: Dangerous Weapons Ordinance  
Our File No. 10-5288**

Dear Mayor and Council:

For your review, please find attached proposed ordinance modifying Sections 58-231 and 58-238 of the Flat Rock City Code. The purpose of the ordinance is to bring into alignment the City Code regarding possession of weapons, including firearms. It is the recommendation of both myself and the Chief of Police that the ordinance be adopted.

Very truly yours,

GRUNOW & ASSOCIATES PLLC



David P. Grunow, City Attorney

DPG/lrt  
Attachment

**CITY OF FLAT ROCK**  
**WAYNE COUNTY, MICHIGAN**

**Ordinance No. 391-A**

**AN ORDINANCE TO AMEND THE CODE OF  
THE CITY OF FLAT ROCK BY AMENDING  
SECTIONS 58-231 AND 58-238 OF CHAPTER 58  
PERTAINING TO THE UNLAWFUL POSSESSION  
OF WEAPONS.**

**THE CITY OF FLAT ROCK ORDAINS:**

**SECTION I.** Section 58-231 of Chapter 58 of the Code of the City of Flat Rock is hereby amended to read as follows:

**Sec. 58-231. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Air gun* means any gun, rifle or pistol, by whatever name known, which is designed to expel a projectile by the action of compressed air or gas, or by the action of a spring or elastic, but does not mean a firearm.

*Crime* means one of the following offenses in connection with which the forfeiture of property is sought:

- (i) A violation of section 58-234 pertaining to the transportation or discharge of an air gun;

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- (ii) A violation of section 58-235 pertaining to the discharge of a slingshot;
- (iii) A violation of section 58-236 pertaining to the unlawful use, draw or shooting of any bow and/or arrows or to have in possession or transport of an archery bow in strung condition;
- (iv) A violation of section 58-238 pertaining to the unlawful use and possession of weapons;
- (v) A violation of section 58-239 pertaining to the shooting or hunting of wildlife within the corporate area of the city;
- (vi) A violation of section 58-240 pertaining to the discharge of any firearm, air rifle, air pistol or bow and arrow in the city.

*Dealer* means any person engaged in the business of selling at retail or renting any air gun.

*Hunt and hunting* means the pursuing, capturing, shooting, killing or taking of wildlife, and includes attempting to take wildlife.

*Instrumentality of a crime* means any property, other than real property, the use of which contributes directly and materially to the commission of a crime.

**SECTION II.** Section 58-238 of Chapter 58 of the Code of the City of Flat Rock is hereby amended to read as follows:

**Sec. 58-238. Possession and use of weapons.**

(a) It shall be unlawful for any person to sell or offer to sell, or any person to be in possession of any knife the appearance of a pocket knife, the blade or blades of which can be opened by the flick of a button, pressure on a handle or other mechanical contrivance.

(b) (1) Except as provided in subsection (2), it shall be unlawful for a person to possess a firearm on the premises of any of the following:

- a. A depository financial institution or a subsidiary or affiliate of a depository financial institution.
- b. A church or other house of religious worship.
- c. A court.
- d. A theater.

- e. A sports arena.
- f. A daycare center.
- g. A hospital.
- h. An establishment licensed under the Michigan Liquor Control Act, Act No. 8 of Public Acts of the Extra Session of 1933, being Sections 436.1 to 436.58 of the Michigan Compiled Laws.

(2) This section does not apply to any of the following:

- a. A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of that firearm is to provide security services for that entity.
- b. A peace officer.
- c. A person licensed by the State of Michigan or another state to carry a concealed weapon. Notwithstanding the foregoing, nothing herein is intended to contravene the provisions of section 58-245 restricting the carrying of a concealed weapon on those premises described therein.
- d. A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity.

(c) (1) Except as provided in subsection (2), a person shall not knowingly brandish a firearm in public.

(2) Subsection (1) does not apply to any of the following:

- a. A peace officer lawfully performing his or her duties as a peace officer.
- b. A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.

(d) An individual less than eighteen (18) years of age shall not possess a firearm in public except under the direct supervision of an individual eighteen (18) years of age or older. However, an individual less than eighteen (18) years of age may possess a firearm while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle.

**SECTION III.** That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

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**GRUNOW  
& ASSOCIATES PLLC**

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Flat Rock, MI 48134-1597

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Fax 734-782-2424

**SECTION IV.** This ordinance shall be published in the News Herald newspaper as required by Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, but in no event shall be effective earlier than ten (10) days after enactment.

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**Jonathan D. Dropiewski, Mayor**

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**Lorene Butski, City Clerk**

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on \_\_\_\_\_, 2010, the original of which proceedings is on file in my office.

---

**Lorene Butski, City Clerk**

LAW OFFICES

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# GRUNOW & ASSOCIATES PLLC

ATTORNEYS AND COUNSELORS

David P. Grunow  
Matthew A. Zick, Of Counsel

NEW BUSINESS - B  
COUNCIL AGENDA  
03-01-10

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

UNFINISHED BUSINESS - B  
COUNCIL AGENDA  
03-15-10

February 23, 2010

SUSPEND 1ST READING  
ORDINANCE

DATE: 3-1-10

MOTION BY: *Matthew*

SUPPORTED BY: *W. Zick*  
*addjes*

Mayor and Council  
City of Flat Rock  
25500 Gibraltar Road  
Flat Rock, MI 48134

**Re: Municipal Civil Infraction/Snow Emergencies  
Our File No. 10-5290**

Dear Mayor and Council:

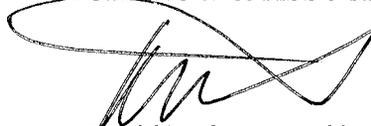
Presently a vehicle parked in a public street one hour after a snowfall of two inches or greater is in violation of the snow emergency ordinance. Under the current ordinance, a person in violation of the ordinance is guilty of a criminal act (a misdemeanor) and must appear in court and pay a fine and is also subject to incarceration for a period of not to exceed 90 days. It is my understanding that the 33<sup>rd</sup> District Court has the scheduled fine at \$80, which is at or slightly above the cost for writing the ticket.

In order to alter what is essentially a parking violation from a criminal offense to a civil infraction, I have attached an ordinance which would make a violation of the snow emergency ordinance, first offense, a municipal civil infraction. A second or subsequent violation of the ordinance would still be a misdemeanor, with the payment of a fine not to exceed \$250. Under the ordinance, for a first violation a resident would be able to pay a fine as scheduled by the City Council to the City Treasurer and avoid the requirement to appear at the 33<sup>rd</sup> District Court.

It is my recommendation that the proposed ordinance be adopted.

Very truly yours,

GRUNOW & ASSOCIATES PLLC



David P. Grunow, City Attorney

DPG/lrt

Attachment

cc: Bruce A. Hammond, Director, Department of Public Services  
Neal A. Rossow, Chief of Police

**CITY OF FLAT ROCK**

**WAYNE COUNTY, MICHIGAN**

**Ordinance No. 201-C**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF FLAT ROCK BY ADDING A NEW SECTION, WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 90-259 OF ARTICLE IX OF CHAPTER 90 OF THE CODE TO PROVIDE THAT A VIOLATION OF THE SNOW EMERGENCY ORDINANCE SHALL CONSTITUTE A MUNICIPAL CIVIL INFRACTION AND THAT A SECOND OR SUBSEQUENT VIOLATION SHALL BE A MISDEMEANOR.**

**THE CITY OF FLAT ROCK ORDAINS:**

**SECTION I.** Article IX of Chapter 90 of the Code of the City of Flat Rock is hereby amended by adding a new section which new section shall be designated as Section 90-259 to read as follow:

**Sec. 90-259. Municipal civil infractions; misdemeanor.**

(a) Except as provided in subsection (b), an owner or operator of a vehicle parked in violation of this article shall be responsible for a municipal civil infraction.

(b) For a second or subsequent violation of this article, the owner or operator of a vehicle parked in violation of this article shall be guilty of a misdemeanor, punishable by a fine of not more than \$250, together with costs as assessed by the court.

(c) For purposes of this article, a vehicle parked in violation of this article, together with proof, by verifying ownership with the Secretary of State that the defendant named was at the time of the violation the registered owner of the vehicle, creates in evidence a presumption that the registered owner of the vehicle was the person who parked

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or placed the vehicle at the point where, and for the time during which, the violation occurred.

**SECTION II.** That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

**SECTION III.** This ordinance shall be published in the News Herald newspaper as required by Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, but in no event shall be effective earlier than ten (10) days after enactment.

\_\_\_\_\_  
**Jonathan D. Dropiewski, Mayor**

\_\_\_\_\_  
**Lorene Butski, City Clerk**

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on \_\_\_\_\_, 2010, the original of which proceedings is on file in my office.

\_\_\_\_\_  
**Lorene Butski, City Clerk**

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# GRUNOW & ASSOCIATES PLLC

ATTORNEYS AND COUNSELORS

David P. Grunow  
Matthew A. Zick, Of Counsel

NEW BUSINESS - C  
COUNCIL AGENDA  
03-01-10

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

UNFINISHED BUSINESS - C

COUNCIL AGENDA  
03-15-10

February 19, 2010

SUSPEND 1ST READING  
ORDINANCE

DATE: 3-1-10

MOTION BY: *Martin*

SUPPORTED BY: *Morgan*  
*all yes*

Mayor and Council  
City of Flat Rock  
25500 Gibraltar Road  
Flat Rock, MI 48134

**Re: Amendments to Code Provisions Pertaining to  
Retail Fraud, NSF Checks, and Embezzlement  
Our File No. 10-5289**

Dear Mayor and Council:

Enclosed please find proposed ordinance amending the code provisions as referenced above. The purpose of the amendments is to give the police department flexibility in processing violations of this type either by city ordinance or, in the alternative, state law.

It is my recommendation that the amendments to these code provisions be adopted.

Very truly yours,

GRUNOW & ASSOCIATES PLLC



David P. Grunow

DPG/lrt  
Enclosure

**CITY OF FLAT ROCK**  
**WAYNE COUNTY, MICHIGAN**

**Ordinance No. 405-A**

**AN ORDINANCE TO ADD SECTION 58-9 AND TO AMEND SECTIONS 58-84, 58-86, AND 58-89 OF CHAPTER 58 OF THE CODE OF THE CITY OF FLAT ROCK PERTAINING TO ATTEMPTS, PETTY LARCENY, WRITING CHECKS WITHOUT SUFFICIENT FUNDS, AND EMBEZZLEMENT.**

**THE CITY OF FLAT ROCK ORDAINS:**

**SECTION I.** Chapter 58 of the Code of the City of Flat Rock is hereby amended by adding a new section, which new section shall be designated as Section 58-9 of said Code to read as follows:

**Sec. 58-9. Attempts.**

Any person who shall attempt to commit an offense prohibited by this Code, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, shall be guilty of a misdemeanor and punished in accordance with Section 1-16 of this Code.

**SECTION II.** Section 58-84, Petty Larceny; Section 58-86, Writing Checks Without Sufficient Funds; and Section 58-89, Embezzlement, of Chapter 58 of the Code of the City of Flat Rock, are hereby amended to read as follows:

**Sec. 58-84. Petty larceny.**

No person shall commit the offense of larceny by stealing, of the property of another, any money, goods or chattels; or any bank note, bank bill, bond, promissory note, due bill,

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734-782-3277

Fax 734-782-2424

bill of exchange or other bill, draft, order or certificate; or any book of accounts for or concerning money or goods due or to become due, or to be delivered; or any deed or writing containing a conveyance of land, or any other valuable contract in force; or any receipt, release defeasance, or any writ, process or public record.

**Sec. 58-86. Writing checks without sufficient funds.**

(a) No person, with intent to defraud, shall make, draw, or utter, or deliver any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in or credit with the bank or other depository, for the payment of such check, draft or order, in full, upon its presentation.

(b) As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order for payment of money which is refused for payment by the drawee, when presented in the usual course of business, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs within five days after receiving notice that such check, draft or order has not been paid by the drawee.

(c) Where such check, draft or order is not accepted and is stamped or otherwise indicated on its face by the bank or depository with the words "insufficient funds" or with words to that effect or a notice to that effect is attached to the unaccepted check, such endorsement shall be admissible as proof of presentation, nonpayment and nonacceptance by the bank or depository, and shall be prima facie evidence of intent to defraud, and of knowledge of insufficient funds or credit with such bank or other depository.

(d) The word "credit" as used in this section shall be construed to mean an arrangement or understanding with the bank or depository, for the payment of such check, draft or order, in full, upon the presentation thereof for payment.

LAW OFFICES

**GRUNOW  
& ASSOCIATES PLLC**

26342 Gibraltar Road  
Flat Rock, MI 48134-1597

734-782-3277

Fax 734-782-2424

(e) No person with the intent to defraud shall make, draw, or utter any check, draft or order for the payment of money to apply on an account or otherwise upon any bank or other depository who at the time of making, drawing, uttering or delivering such check, draft or order has no account in or credit with such bank or other depository for the payment of such check, draft or order.

(f) Any person convicted of violation of the provisions of this section shall be punished as prescribed in section 1-16 of this Code.

**Sec. 58-89. Embezzlement.**

Any person who as the agent, servant or employee of another, or as the trustee, bailee or custodian of the property of another, or of any partnership, voluntary association, public or private corporation, or this city or school district in this city, shall fraudulently dispose of or convert to their own use, or take or secrete with the intent to convert to their own use without the consent of their principal, any money or other personal property of their principal, which shall have come to their possession or shall be under their charge or control by virtue of being such agent, servant, employee, trustee, bailee or custodian, as recited above, shall be guilty of the crime of embezzlement.

**SECTION III.** That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

**SECTION IV.** This ordinance shall be published in the News Herald newspaper as required by Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, but in no event shall be effective earlier than ten (10) days after enactment.

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**Jonathan D. Dropiewski, Mayor**

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**Lorene Butski, City Clerk**

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I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on \_\_\_\_\_, 2010, the original of which proceedings is on file in my office.

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**Lorene Butski, City Clerk**

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**UNFINISHED BUSINESS - D**

**COUNCIL AGENDA  
03-15-10**

**LINC MECHANICAL PROPOSAL – NO  
PAPERWORK.**

**NEW BUSINESS - A****COUNCIL AGENDA****03-15-10**

To: Mayor Dropiewski and City Council Members  
From: F. R. Historical Preservation Commission  
Re: Finish restoration of Wagar House exterior

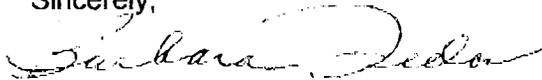
In this budget year our architect, Tony Herk, has been working on the specifications for the restoration of the exterior of the Wagar House, and has completed the project. We would like to advertise for bids on Sunday March 21, 2010, requesting bids to be submitted by 3:00 p.m. at City Hall on Thursday April 15, 2010.

We have taken off the handicap ramp proposed in our original request. The Commission recommends this until the inside is finished and opened to the public.

The need to restore the exterior is necessary so the house will get no more inside damage from weather conditions. Our budget should cover this project, but the bids will tell us whether we will be able to finish this project. On our larger projects we combine two or more years allocations, as we did for this restoration. Our fund balance from two years plus this year's budget have been allocated. Taking off 20% as requested by the Mayor, then having enough to cover the bid as requested, we would then re-allocate the rest of our money to the General Fund. No other projects will be considered for the near future.

Thank you for your consideration.

Sincerely,



Barbara Fedon, Chairperson

**NEW BUSINESS - B**  
**COUNCIL AGENDA**  
**03-15-10**

**INVOICE**



PLEASE REMIT TO: P.O. BOX 277043 ATLANTA, GA 30384-7043	FEDERAL ID #: 48-1047632	PAYMENT TERMS NET 30 DAYS	INVOICE DATE 2/23/2010	INVOICE NUMBER 70487482
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SOLD TO: 54850/CH700858  
CITY OF FLATROCK  
25500 GIBRALTAR RD  
FLAT ROCK, MI 48134

SHIP TO: 414753/CSH751499  
CITY OF FLAT ROCK-WAYNE CO  
27999 N ARSENAL RD  
FLAT ROCK, MI 48134  
UNITED STATES OF AMERICA

SHIPPED FROM 20633 - DETROIT	DATE SHIPPED SEE BELOW	CUSTOMER PO SEE BELOW	BILL OF LADING SEE BELOW	ORDER NUMBER SEE BELOW	ORDER TYPE SH
CARRIER SEE BELOW	RAIL OR TRUCK SEE BELOW	EQUIPMENT TYPE SEE BELOW	F.O.B. SHIPPING POINT	FREIGHT TERMS SEE BELOW	TERRITORY H01
TAX STATUS EXEMPT	TAX ID # MI 38-6007216	SALES REP H01			

PRODUCT	DESCRIPTION	FHC	TAX	EQUIPMENT	QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
6615U	BULK HIGHWAY COARSE WYPS	DLT	Y		50.7800	TN	53.54	2,718.76

SCALE TICKET #	QUANTITY	SHIPPED	ORDER #	CARRIER	TRUCK / RAIL #	CUSTOMER PO #	RELEASE #
6339004718	50.7800	02/23/10	9525529	81514	685		

*OK*  
*AS 9/11/10*  
202-776,100 50%  
203-776,100 50%  
**RECEIVED**  
MAR 01 2010  
CITY OF FLAT ROCK  
PER *[Signature]*

**SUMMARY:**

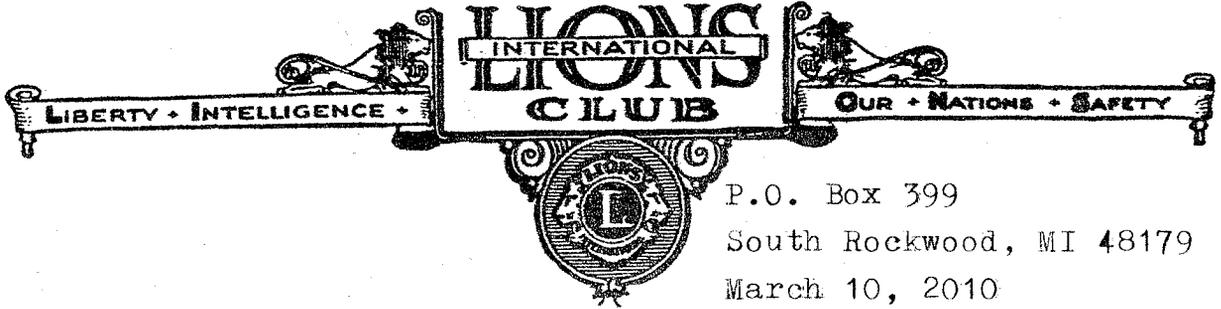
PRODUCT	2,718.76
FREIGHT & FUEL	
<b>SUBTOTAL</b>	<b>2,718.76</b>
STATE TAX	
COUNTY TAX	
CITY TAX	

**MESSAGES:**

**TOTAL WEIGHT . . . 101,560.0000 Gross Pounds**  
**FOR BILLING INQUIRIES CALL 1-800-323-1641**

THANK YOU FOR YOUR ORDER WE APPRECIATE YOUR BUSINESS <small>This Sale of Goods is subject to the Terms and Conditions of Sale on the reverse side of this Invoice (Terms and Conditions of Sale are also available at www.nasalt.com)</small>	PLEASE PAY >>> IN US DOLLARS	US \$ 2,718.76
	CREDIT NOTE >>> IN US DOLLARS	US \$

ROCKWOOD AREA



P.O. Box 399  
South Rockwood, MI 48179  
March 10, 2010

Mayor Jonathan Dropiewski and Council  
Municipal Building  
25500 Gibraltar Rd.  
Flat Rock, MI 48134

**NEW BUSINESS - C**  
**COUNCIL AGENDA**  
**03-15-10**

Dear Mayor Dropiewski and Council:

Michigan Lions' "White Cane Week" falls on April 23 - May 2 this year. As always, we request your cooperation in endorsing our annual campaign and also to proclaim the aforementioned week as "Lions White Cane Week" in your community.

As you know, we Lions: provide eye exams and glasses for students and adults, too, who cannot afford this expense on their own; donate boxes of food items to needy families at Thanksgiving; sponsor Penrickton Center blind children - - with clothing and toys - - at Christmastime; and donate funds to such institutions as Leader Dogs, Michigan Eye Bank, PAWS with a Cause, and local food banks.

But - - only you and the generous citizens of Flat Rock, Rockwood, and the surrounding area can make this all possible. So - - thanks for all your help in the past, and please continue to support us in our mission.

Again we ask your permission to peddle our White Cane pins and/or cards at the intersection of Telegraph and North Huron River Drive and, possibly, wherever we receive the "go-ahead" from local businesses.

Please contact project chairman John A. Miller at 734-282-4943, or me, at 743-379-3185, should you have any advice or suggestions. We shall use and wear safety equipment.

Again, thanks for supporting us in all our activities.

**RECEIVED**

MAR 11 2010

**CITY OF FLAT ROCK**

Sincerely,

*Bernard W. Trotter*  
Bernard W. Trotter, Pres.  
Rockwood Area Lions

B.W.T./J.A.M./dlb

**NEW BUSINESS - D****COUNCIL AGENDA  
03-15-10****From:** [susan.farrar@att.net](mailto:susan.farrar@att.net)**Date:** 03/11/10 17:48:44**To:** [Jevetta Smith](#)**Subject:** Beautification Commission Sale of old Christmas decorations

Hi! Jevetta: Please include this with the City Council Agenda even if it has to be listed as late correspondence. Thank you very much for all of your work. Sue

Date: March 11, 2010

To: Mayor and City Council

From: Beautification Commission

Subject: Sale of old Christmas Decorations

Dear Mayor and City Council Members:

At our regular meeting on February 22, 2010, the Commission unanimously approved the recommendation to sell approximately 20 old swirl garland and approximately 20 old large wreaths. These items used to be installed on the large silver light poles along Telegraph Road. Over time the trees along Telegraph have grown and taken over the empty spots, leaving no room to install these decorations. I have spoken to Bruce Hammond and there is nowhere else to use these decorations. Therefore, we would like to advertise the sale of them. With the money we receive from the sale of these old decorations, we would like to replace some of the red bows we currently use, that are starting to wear out. I will be meeting with Bruce Hammond or Matt Sype to get the measurements and exact counts. Bruce has stated anyone wishing to view the items should notify him.

Therefore, we are asking your permission to sell these items. Any questions, please contact me at 782-9476.

Sincerely,

Sue Farrar  
Beautification Commission Chairperson