

REGULAR COUNCIL PROCEEDINGS

CITY OF FLAT ROCK, MICHIGAN

MONDAY, JULY 06, 2009

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, Pro-Tem Martin, Gagne, Painter, Dropiewski, Tefend and Wrobel.

3. APPROVAL OF MINUTES:

07-06-01 Motion by Dropiewski supported by Gagne to approve the regular minutes of June 15, 2009 as presented.

All voting yes. Motion carried unanimously.

4. CITIZENS TO BE HEARD:

Arlin Fadely reported on three items: (1) Huron River Drive which was recently repaired is sinking (2) City owned property should be cut before we cut/bill other lot owners (3) complained of the fireworks over the weekend. Mayor Jones will talk to Mr. Hammond about the road and the grass cutting.

5. REPORTS FROM DEPARTMENT HEADS:

City Clerk stated absentee ballots for the August 4th election is available and write-ins have until July 24th at 4:00 p.m. to file a Declaration of Intent. School petitions are available in the Clerk's office and the deadline to file is August 11th at 4:00 p.m.

Building Director, John Russ, had a report on swimming pool requirements. You may view the requirements on the City's web site at www.flatrockmi.org and click on Building Department.

6. REPORTS FROM COUNCIL MEMBERS:

Council Member Gagne reported the Finance Committee met July 1st. Fifth Third Bank cancelled but the Committee is trying to set up another meeting with them and he asked the Mayor to be present.

Council Member Dropiewski complimented the Recreation Department on the “Intro to Baseball” program. He also referred to Mr. Russ’s report on swimming pools and stated the importance of safety with the blow-up pools as well as the larger ones.

Council Member Painter asked if our public pool complied with the Federal Law regarding drain covers and the Recreation Director assured him the pool had been drained, cleaned and the proper covers installed.

Council Member Tefend thanked the Police Department on their seat belt program.

7. MAYOR’S COMMENTS:

Mayor Jones introduced his two granddaughters Maguire and Macualey Bailey from Tennessee and presented them with the key to the City.

Mayor Jones said he disagreed with the Attorney’s Opinion regarding Budget Amendments and asked Mr. Grunow to highlight his letter. He stated, “If you adopted a line item budget you have to make line item amendments prior to the expenditure. The State of Michigan does not recommend line item budgets.” The last sentence of his letter reads, “Unless City Council clarifies that the budget has been adopted by “line-item”, the budget amendments as recommended by the City Treasurer are unnecessary. If City Council intends the budget to have been adopted on a line-item basis (though not recommended by the Department of Treasury), no expenditures may be made by a department head in excess of a line-item until the expenditure is approved by City Council by the adoption of a budget amendment. But for the exception noted in footnote 1 below, retroactive budget amendments are not permitted under either the City Charter or Budget Act.” (Footnote 1: The Budget Act does allow the City Council to permit the Mayor or Treasurer to execute transfers within limits between budget appropriations. The permission and limits must be indicated in the original budget resolution, and must be submitted to City Council at a later date for approval. I do not recall such authorization ever being specifically granted to the Mayor or Treasurer.)

Mayor Jones passed out copies of the “Uniform Budget Manual” and read from page 6, paragraph 3, “Amending the Budget” – When necessary, the budget must be amended. The amendment must be approved by the legislative body prior to the expenditure being made. This is not only a requirement of the Budget Act but also a requirement of sound budgeting theory. Please note that the Budget Act requires budget amendments **before** any expenditures exceed the budget. Then he read from page 7, “Budgeting Methods – There are various budgeting methods, including departmental, line-item, activity, and program budgeting. “Line-Item Budgets” – To the extent that the budget is too detailed (i.e. a line-item budget), it will require excessive budget amendments. The Department of Treasury recommends that line-items be used when developing the local unit’s budget. **The adopted budget must be at the revenue by source and expenditures by activity level.** Discussion continued.

Mayor Jones presented his budget recommendation for the current year's budget and asked Council to adopt it stating it would give the City a \$52,000.00 surplus. His recommendation is:

Health Insurance 10 months	\$100,833.33
Tax Refunds	140,000.00
Police Chief	130,000.00
Roads	120,000.00
Increase fines in Police Dept.	<u>50,000.00</u>
	\$ 52,675.33

Dropiewski and Painter said they agree with all except eliminating the Police Chief.

07-06-02 Motion by Painter supported by Tefend to table the amendments until the next meeting.

Discussion re: Health Insurance for Police and Fire Departments.

07-06-03 Motion by Jones supported by Dropiewski to approve Health Insurance. Tax Refunds, Roads and Increase fines in Police Department.

All voting yes. Motion carried unanimously.

8. UNFINISHED BUSINESS:

Item A – Payment of invoice for Park Garage Roof.

07-06-04 Motion by Painter supported by Gagne to pay New Methods Roofing & Building Inc. in the amount of \$5,552.00 per bid as recommended by Building Director, John Russ.

All voting yes. Motion carried unanimously.

Item B – Payment to G.V. Cement re: Water Main Repairs \$10,893.46.

07-06-05 Motion by Gagne supported by Painter to pay the invoice to G.V. Cement in the amount of \$9,353.46 (deducting \$1,540.00 for Huron River Drive NW of River Street).

All voting yes. Motion carried unanimously.

Item C – Bid award: Evergreen Street pavement replacement.

07-06-06 Motion by Painter supported by Gagne to award the bid to G.V. Cement, low bidder, in the amount of \$166,952.50 as recommended by the City Engineer.

All voting yes. Motion carried unanimously.

Item D – Bid award: Tennis Court Bids.

07-06-07 Motion by Gagne supported by Jones to award the bid to Al's Asphalt, Alternate #2, in the amount of \$61,500.00 as recommended by the City Engineer.

Discussion regarding the placement of the tennis court. Mayor Jones will discuss the location with the City Engineer.

All voting yes. Motion carried unanimously.

Item E – Sale of Perpetual Easement – Cell Tower at Huroc Park.

07-06-08 Motion by Jones supported by Martin to reject the offer from Unison in the amount of \$160,000.00.

All voting yes. Motion carried unanimously.

Item F – Proposed water service contract with the Detroit Department of Water and Sewage.

DPS Director, Bruce Hammond, stated that he, City Attorney and City Engineer met with representatives from Detroit Water and Sewage to negotiate a new contract. He said as a result of the negotiations, the City can lower its rate by implementing restrictions on irrigation. The rate is based on peak hour water usage. The City can implement policies and ordinances that restrict irrigation either by mandatory ordinance or voluntary/mandatory ordinance.

07-06-09 Motion by Jones supported by Gagne to direct the City Attorney to draft a mandatory ordinance for water restrictions on irrigation.

Discussion regarding the ordinance could be changed at any time.

Motion carried 5-2 with Painter and Tefend voting no.

Item G – Proposed Wayne County Drain Easement – Vreeland Road.

07-06-10 Motion by Martin supported by Jones to approve the request from Wayne County Department of Public Services requiring an easement from the City of Flat Rock for the portion of the Sherbin Wallace Drain that crosses the Vreeland Road right of way in the area of the new paving project.

All voting yes. Motion carried unanimously.

9. NEW BUSINESS:

Item A – Appointment of delegate to Annual MERS meeting.

No Action.

Item B – Resolution approving The Senior Alliance Multi-Year Plan for FY2010-FY2012.

City Clerk to get more information for the next meeting.

10. CORRESPONDENCE:

Item A – Resolution from the City of Lincoln Park re: Requesting Wayne County revise its ordinance by modifying detention requirements.

07-06-11 Motion by Martin supported by Painter to adopt a similar resolution.

All voting yes. Motion carried unanimously.

Item B – Building and Zoning Permits for period of June 30, 2008 to June 25, 2009.

11. LATE CORRESPONDENCE:

Item A – Historical Society: Request to purchase historical markers.

07-06-12 Motion by Jones supported by Martin to approve the request from the Historical Society.

All voting yes. Motion carried unanimously.

Item B – Falling Water PUD recommendation.

07-06-13 Motion by Gagne supported by Jones to approve the recommendation of the Flat Rock Planning Commission and retain the existing Falling Water PUD approval, with conditions as outlined in the PUD Agreement and extend the PUD approvals for an additional 12 months.

All voting yes. Motion carried unanimously.

Mayor Jones reported the SHVA has agreed to the policy “if you don’t use it you don’t pay”. Therefore, the \$8 M relining on the sewer along Jefferson will not cost the City of Flat Rock anything.

07-06-14 Motion by Painter supported by Martin to go into closed session at 8:45 pm to discuss the DPS and Police contracts.

All voting yes. Motion carried unanimously.

Mayor Jones called a 5 minute recess.

Open Session began at 9:05 pm.

07-06-15 Motion by Painter supported by Martin to adjourn the regular meeting at 9:06 pm.

All voting yes. Motion carried unanimously.

RICHARD C. JONES, MAYOR

LORENE BUTSKI, CMC CITY CLERK

DATE: _____
approved

