# REGULAR COUNCIL PROCEEDINGS

## CITY OF FLAT ROCK, MICHIGAN

## MONDAY, NOVEMBER 02, 2008

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 Members Dropiewski, Martin, Tefend, Gagne and Wrobel.

[11-03-01] Motion by Dropiewski supported by Martin to excuse Painter.

All present voting yes. Motion carried unanimously.

Council Member Painter arrived at 8:10 p.m.

**ALSO PRESENT:** City Clerk Butski, Police Neal Rossow, Attorney David Grunow, DPS Director Bruce Hammond, Recreation Director Pawlukiewicz, Treasurer Debra Lambrix, Fire Chief William Vack, John Russ Building Director and George Mans, Economic Development Director.

**3. APPROVAL OF MINUTES**

[11-03-02] Motion by Gagne supported by Dropiewski to approve the Regular Minutes of October 20, 2008 as presented.

All present voting yes. Motion carried unanimously.

**4. CITIZENS TO BE HEARD:**

A citizen from the audience asked about a dumpster in the street on Meadows with no reflector tape on it. The ordinance officer stated dumpsters are not allowed in the street and the person was issued a violation.

Marvin and Allen Paitah, the gentlemen who bought the K-Mart Plaza, introduced themselves to Mayor and Council. They said the closing should be in two to three weeks and they have great plans for the store. Mayor Jones welcomed them to Flat Rock.

Mayor Jones read a Proclamation thanking Mr. Richard Porath, his wife Denise, Mr. Larry Young and Mr. Donald Tesso for the restoration of the DT&I Caboose.

Mayor Jones then read a Proclamation extending thanks and appreciation to the Flat Rock Train Club and its members for their contribution to the City of Flat Rock by transforming the former Youth Center into a wonderland for all ages of people with the Train Club. Patricia Simeck said the hours the Train Club is open to the public is on cable TV channel 12.

New Business C -- Mayor Jones stated that due to Judge Nykiel having another engagement he is moving this item to Citizens to be Heard.

Judge Nykiel gave a brief outline of his proposal. He stated that judges after March 1997 can only participate in defined contribution at the state level. He proposes a "Stipend" which would remain a line item in the budget that he could utilize to pay for his portion or any judge elected after March, 1997 could use it to pay for employee portion of premiums due, health insurance, purchase any additional life insurance or accident and sickness benefits or professional dues. This would equalize the judges. He said it is not mandatory that the board approve this proposal.

|11-03-03 Motion by Jones supported by Martin to have the City of Flat Rock's member on the board to vote no on the proposal which amounts to $3,000 a year.

Mayor Jones stated he finds it difficult to tell our employees that we don't have any money to give a raise. I find it difficult to suggest to Council that we may have to have layoffs and then increase salaries whether it is the court or any other entity that we belong to and that is the reason for my motion. Take this back to the other judges – over the years the court has continually gotten raises while you pile more work on us. We don't have the personnel. We have one dispatch that is our clerical who's got her work plus additional work pushed on her from the court. The court costs has gone up and we don't make money on tickets anymore so I can't justify approving this.

Judge Nykiel graciously accepted the decision made by the city.

On the motion, all present voting yes except Telend voting no. Motion carried 5-1.

## 5. DEPARTMENT HEAD REPORTS:

The City Clerk announced the polls will be open from 7 am to 8 pm Tuesday for voting and that 1,149 residents had voted by absentee ballot.

John Russ, Building Director, stated that effective December 10, 2008 a new law is going into effect pertaining to swimming pool drains. He also informed the public that Meijers has requested to be put on the Planning Commission agenda for November 24th at 7:340 pm. Mayor requested that letters be sent to all of Rockridge and Hawthorne estates and Mr. Russ assured him the letters will be sent and it is on the Building Department web site.

Bruce Hammond, DPS Director, addressed the Arsenal Road Landfill (formerly the M&P Landfill) as requested by council at the last meeting. Beth Vens, Project Manager, Remediation and Redevelopment Division of the MDEQ, told Mr. Hammond the activity on the landfill was due to high levels of methane gas underneath the clay cap which is the result of the decomposition of buried garbage. Currently, EQ/Wayne Disposal Inc. is responsible for maintaining the landfill and MDEQ is not satisfied with their progress toward remediation of the methane. Mr. Hammond said he will keep council informed as to the progress of work on remediation of the methane gas problem.

## 6. REPORTS FROM COUNCIL MEMBERS:

Council Member Martin sent his condolences to the family of Tim Boisvenue in his passing. He was a long time athletic director and will be missed. Also, someone on Evergreen Street is sweeping leaves in the street which plugs the drains. This is not allowed.

Council Member Wrobel said surrounding communities are taking a stand on "no burning".

Council Member Gagne said Trick or Treat night went very well.

Council Member Dropiewski encouraged everyone to get out and vote tomorrow and reminded those in Precinct 2 that they now go to the Community Center.

## 7. MAYOR'S COMMENTS:

Mayor Jones told council members to take a couple of weeks to review the Preliminary Budget for 2010 which they received tonight. He said it could be on the next agenda or a special council meeting.

## 8. UNFINISHED BUSINESS:

Item A – 2nd. Reading: Proposed ordinance "Writing Checks Without Sufficient Funds".

11-03-04 Motion by Dropiewski supported by Martin to suspend the 2nd reading.

All present voting yes. Motion carried unanimously.

11-03-05 Motion by Martin supported by Gagne to adopt proposed ordinance as presented.

All present voting yes. Motion carried unanimously.

Item B – Proposed resolution "Specially designated merchant license" (Liquor license – Banquet Facility)

11-03-06 Motion by Gagne supported by Martin to approve the resolution as presented.

All present voting yes. Motion carried unanimously.

Item C – City Engineer's cost to pave Evergreen Street.

11-03-07 Motion by Jones supported by Gagne to table until budget review.

All present voting yes. Motion carried unanimously.

Item D – Chief Rossow's recommendation to sell forfeited vehicles.

11-03-08 Motion by Wrobel supported by Dropiewski to approve the sale of the two vehicles and approve the Chief to bid out the other two vehicles.

All present voting yes with Telford abstaining due to interested party. Motion carried unanimously.

Item E – Historical Commission bid recommendation.

11-03-09 Motion by Gagne supported by Jones to approve the Historical Commission's recommendation and award the bid to Fine Finishings in the amount of $39,030.

Discussion. Since this is not the lowest bidder, the award will be subject to the approval of the City Attorney.

Motion carried 6-1 with Wrobel voting no.

**9. NEW BUSINESS:**

Item A – Bike Path – Telegraph Road (Vreeland to City limits).

11-03-10 Motion by Gagne supported by Jones to approve this project which will be paid for with DDA funds.

Discussion. Mayor Jones stated that our part of the project would cost about $130,000. He met with Huron and Metro Parks and is going out for grants to help cover the cost. He said that in the inter-governmental agreement, the cost would be based on lineal footage.

All present voting yes. Motion carried unanimously.

Item B – Invoice from DEQ re: Community public water supply annual fee.

11-03-11 Motion by Clague supported Jones to approve the invoice in the amount of $2,382.35.

All present voting yes. Motion carried unanimously.

Item C – See "Citizens to be Heard".

Item D – Chief Rossow – leave of absence – Officer Kevin Rowell.

11-03-12 Motion by Jones supported by Martin to deny the request for a leave of absence.

Discussion. City Attorney stated that by contract he has two years to come back.

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

Item E – Lions Club – request to sell candy canes in Flat Rock.

11-03-13 Motion by Dropiewski supported by Martin to approve the request to sell candy canes December 5, 6, 12 and 13, 2008 in the City of Flat Rock.

All present voting yes. Motion carried unanimously.

## 10. CORRESPONDENCE:

Item A – Minutes of the Zoning Board of Appeals for September 8, 2008.

Item B – Letter from Gordon Chevalier to Mayor and Council.

Mayor said it was a very nice letter.

Council Member Painter asked if something could be done about the open basement holes in Bradbury Park – they should be boarded up. Building Director will look into it.

11-03-14 Motion by Painter supported by Jones to go into closed session at 8:30 pm.

All present voting yes. Motion carried unanimously.

Mayor Jones called a 10 minute recess.

Open Session resumed at 8:42 p.m.

[11-03-15] Motion by Dropiewski supported by Wrobel to go with Charles Dunn to represent the City regarding the lawsuit handed down by the MDEQ concerning storm water drainage.

All present voting yes. Motion carried unanimously.

[11-03-16] Motion by Painter supported by Martin to adjourn the regular meeting at 8:43 p.m.

All present voting yes. Motion carried unanimously.

**RICHARD C. JONES, MAYOR**

**LORENE BUTSKI, CMC CITY CLERK**

**DATE:**

**approved**