

REGULAR COUNCIL PROCEEDINGS

CITY OF FLAT ROCK, MICHIGAN

MONDAY, MAY 18, 2015

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. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Dropiewski, Council Members: Beller, Martin, Tefend, Thomas, and Wrobel

ALSO PRESENT: City Clerk Meaghan Bachman, Fire Chief Bill Vack, Police Chief John Leacher, DPS Director Matt Sype, Recreation Director Rodney Wade, Treasurer Brian Marciniak, Economic Development Director Liz Hendley, and City Attorney David Grunow

Resolution 05-18-01

Motion by Martin
Supported by Wrobel

RESOLVED, That Flat Rock City Council hereby excuses Council Member Bergeron as absent at the regular City Council meeting of May 18, 2015

Motion carried unanimously

3. APPROVAL OF MINUTES:

Resolution 05-18-02

Motion by Wrobel
Supported by Martin

RESOLVED, to approve the minutes of the regular City Council meeting of May 4, 2015 as presented

Motion carried unanimously

4. CITIZENS TO BE HEARD:

Sue Farrar of the Beautification Commission gave a report on the City Wide Garage Sale and noted over 120 permits were purchased. She presented certificates of appreciation to those who volunteered and Mayor Dropiewski presented her with a certificate of appreciation.

5. REPORTS FROM DEPARTMENT HEADS:

Treasurer Brian Marciniak updated the Mayor and Council on the status of the Bonds.

Recreation Director Rodney Wade noted the summer newsletter is being mailed and also available on the website.

Fire Chief Bill Vack noted the department assisted Woodhaven at the Ford Stamping Plant. He noted the Police Department air conditioner is not working properly. He noted railroad track construction at Will Carleton has caused a road closure. Chief Vack noted DTE Street Lighting Agreement for Bradbury Park was passed along to the City Attorney.

6. REPORTS FROM COUNCIL MEMBERS:

Council Member Ricky Tefend asked for the status of replacement on Aspen – it was noted work will start after June 8, 2015 when school gets out.

7. MAYOR'S COMMENTS:

Mayor Dropiewski noted Huron Woods road replacement work started today. He noted the bids for the crack and joint sealing will be due shortly.

The Mayor noted Liz Hendley Economic Development Director found a grant to eliminate blighted buildings and requires approval of support. The following motion was made:

Resolution 05-18-03

Motion by Dropiewski
Supported by Martin

RESOLVED, the City of Flat Rock Mayor and Council authorize the Economic Development Director to submit an application for the 2015 Michigan Blight Elimination Program Grant

Motion carried unanimously

Mayor Dropiewski congratulated Little Lindsay and the Walk for Progeria; he noted what a great event it is and how special Lindsay is.

The Mayor spoke of the Flat Rock JV & Varsity softball game and noted he threw out the first pitch and thanked the teams for allowing him to participate for a good fundraiser.

Mayor Dropiewski noted he would like to appoint Larry Dishaw as the Building and Safety Director. He noted, Larry having previously served in this position, he is uniquely qualified and has earned a well-deserved reputation of integrity and hard work that will serve our Community well at this critical time. The following motion was made:

Resolution 05-18-03

Motion by Dropiewski
Supported by Martin

RESOLVED, to appoint Larry Dishaw as the full time Building and Safety Director at a salary of \$65,000 per year, with three (3) weeks of vacation time that is pro-rated through the end of 2015 and resets on January 1st

BE IF FURTHER RESOLVED, Larry Dishaw elects to opt-out the City's health care insurance at this time

Motion carried unanimously

8. UNFINISHED BUSINESS:

Item 8-A-2nd Reading - Feeding of Waterfowl Ordinance

Resolution 05-18-04

Motion by Wrobel
Supported by Martin

RESOLVED, to suspend the 2nd reading of Feeding of Waterfowl Ordinance

Motion carried unanimously

Resolution 05-18-05

Motion by Wrobel
Supported by Martin

RESOLVED, to adopt the Feeding of Waterfowl Ordinance – Number 430

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 58-10 OF ARTICLE I OF CHAPTER 58 OF THE CODE TO PROHIBIT THE FEEDING OF WATERFOWL AND OTHER BIRDS IN PUBLIC AREAS.

THE CITY OF FLAT ROCK ORDAINS:

SECTION I. Article I of 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 58-10 to read as follows:

Sec. 58-10. Feeding of geese, ducks, seagulls, and pigeons prohibited.

(a) No person shall feed, cause to be fed or provide food for any species of geese, ducks, seagulls, or pigeons in the city on publicly owned property.

(b) No person shall create or foster any condition, or allow any condition to exist or continue, which results in the congregation or congestion of geese, ducks, seagulls, or pigeons in the city on public property.

(c) Except as provided in subsection (d), any person violating the provisions of this section shall be assessed a civil fine of \$75.00, or such other fine that may be established by resolution of the city council.

(d) For a second or subsequent violation of this section, the person shall be guilty of a misdemeanor, punishable by fine, together with costs as assessed by the court.

SECTION II. That all ordinances or parts of ordinances, the 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, but is declared to be an emergency ordinance and shall be deemed effective immediately.

Motion carried unanimously

9. **NEW BUSINESS**

Item 9-A-Mayoral appointments to the Zoning Board of Appeals

Resolution 05-18-06

Motion by Wrobel
Supported by Martin

RESOLVED, to appoint the following two individuals to fill the two vacancies on the Zoning Board of Appeals with terms will expiring on December 31, 2017:

Mr. Larry Neace, 26684 Arcadia Flat Rock, MI 48134
Mr. Dave Davis, 30214 Hickory Dr, Flat Rock, MI 48134

Motion carried unanimously

Item 9-B-Request to set a Public Hearing for the 2015/2016 Budget on June 1, 2015

Resolution 05-18-07

Motion by Thomas
Supported by Beller

RESOLVED, to set a Public Hearing for the 2015/2016 Budget on June 1, 2015

Motion carried unanimously

Item 9-C-Recommendation of Sanitary Sewer Lift Station Telemetry Bid

Resolution 05-18-08

Motion by Thomas
Supported by Beller

RESOLVED, to award the Sanitary Sewer Lift Station Telemetry bid to Linden Industries, Inc., 4030 Newland West, W. Bloomfield, MI, in the amount of \$17,780.00; this was the only bid submitted.

Motion carried unanimously

Item 9-D-Request to purchase one (1) high performance work station for the asset management program to support the S.A.W. Grant

Resolution 05-18-09

Motion by Wrobel
Supported by Martin

RESOLVED, to approve purchase from E.C.S., Inc., one (1) high performance work station to compliment the recently purchased large format printer and provide data storage for our asset management program for sanitary sewer, water, and storm sewer. This would be a custom built unit tailored to the program. The cost for this unit is \$6,999.99.

Motion carried unanimously

Resolution 05-18-10

Motion by Martin
Supported by Beller

RESOLVED, to purchase the western digital My Cloud EX4NAS back up memory due to the large amount of data and video being stored for these purposes; the cost of this unit is \$1499.99.

BE IT FURTHER RESOLVED, the bid process is waived for this purchase

Motion carried unanimously

Resolution 05-18-11

Item 9-E-Request to purchase replacement laptop computer for one (1) police patrol vehicle

Motion by Thomas
Supported by Martin

RESOLVED, to purchase a new ruggedized laptop computer for one (1) patrol vehicle; the computer will be purchased from OEM in the quote amount of \$3,678.00, the total cost for this purchase is reimbursable from the City's SING funds.

Motion carried unanimously

Item 9-F-Traffic Control Order 15-0003 – Aspen Boulevard

Resolution 05-18-12

Motion by Thomas
Supported by Beller

RESOLVED, Eastbound Aspen Blvd. experiences concentrated traffic volumes in the afternoon hours. There is no stop sign at the corner of Eastbound Aspen Blvd. and Parklane Blvd. Residents have voiced concerns over vehicles turning right onto Parklane Blvd. from Eastbound Aspen Blvd. without having to stop resulting in the corner being taken too fast and posing a hazard to children in the area that cross this intersection to go to a neighborhood park. Therefore, the Police Department is issuing this traffic control order affecting:

ASPEN BLVD.

The police department does hereby direct that:

One (1) stop sign be placed at the intersection of eastbound Aspen Blvd. and Parklane Blvd.

Discussion: Council Member Tefend asked if a stop sign on the west bound side will be installed

Motion carried unanimously

Item 9-G- Traffic Control Order 15-004 – Apple Grove Way, Willow Springs Road, and Maple View Lane

Resolution 05-18-13

Motion by Martin
Supported by Thomas

RESOLVED, Construction on road repair is slated to begin on Monday May 18th, 2015 in the Huron Woods Subdivision. Construction will conclude no later than July 31", 2015. This traffic control order affects the following streets during the construction period:

APPLE GROVE WAY, WILLOW SPRINGS ROAD, AND MAPLE VIEW LANE.

The police department does hereby direct that:

Intermittent road closures will be taking place on the aforementioned roads during the construction period. During these times, the affected roads will be closed to residential traffic.

Motion carried unanimously

Item 9-H-Approval of 1 year agreement for copier maintenance and service by Applied Imaging

Resolution 05-18-14

Motion by Thomas
Supported by Martin

RESOLVED, to retain Applied Imaging to provide copier maintenance services for the three (3) copiers at City Hall for one (1) year with an expect total cost of \$5,000 to \$6,000. The previous copier maintenance service company has "gone-out-of- business" and is no longer providing maintenance services. Applied Imaging costs are equal to or less than costs which obtained through MiDEAL purchasing cooperative for new machines and service agreements. Since the machines are five (5) years old, there is a premium associated with servicing older models compared to newer models (8-11% per year). Applied imaging services several other communities, is a participant in the MITN purchasing cooperative and has been a growing Michigan business for over 27 years with eight (8) locations throughout the State.

BE IT FURTHER RESOLVED, the bidding process is to be waived and the Clerk is authorized to sign the Agreement.

Motion carried unanimously

Item 9-I-Approval of Watkins, Ross & Co for OPEB Actuarial Valuation Report

Resolution 05-18-15

Motion by Martin
Supported by Beller

RESOLVED, for Watkins Ross & Company to prepare the City's OPES Actuarial Report as of December 31, 2014 for \$4,300. OPES (Other Post-Employment Benefits) is the insurance benefits provided to our retirees after employment and this report will calculate the accrued liabilities and costs associated with those insurance benefits. This report is required by GASS (Governmental Accounting Standards Board) to be performed every three (3) years which will be included in future annual audits. Watkins Ross has prepared the city's previous two (2) reports.

Motion carried unanimously

Item 9-J-Approval of 3 year agreement with Bendzinski & Co. to "Provide for Preparation of Annual Information Statement and to Act as Dissemination Agent to the City"

Resolution 05-18-16

Motion by Martin
Supported by Thomas

RESOLVED, to approve the agreement with Bendzinski & Company for a "Proposal to Act as Dissemination Agent for the City of Flat Rock, Michigan". This Agreement is for the next three (3) years and will engage Bendzinski & Company to complete the required SEC regulatory filings relating to our Municipal Bonds for \$1,000 per year. This is necessary to insure that the City is able to participate in public bond sales in the future; the City Clerk is authorized to sign the Agreement.

Motion carried unanimously

Item 9-K-Approval of a budget amendment for Major Road Funds

Resolution 05-18-17

Motion by Thomas
Supported by Wrobel

RESOLVED, to approve the amend 2014-15 Major Roads Fund Budget to properly account for the current year principal and interest payments of the 2010 Road Improvement Bonds. The City recently received a letter for the State of Michigan - Department of Transportation that beginning with audits for year ends after September 30, 2015 an additional performance audit for ACT 51 recipients (Major and Local Roads) will be completed as part of the annual audit. The Department of Transportation has been contacted in advance and were granted approval of including the principal and interest payments for the 2010 Road Improvement Bonds as a reportable activity for current and future years; adjustments will be made at the State level to reflect any unreported activity in past years.

Motion carried unanimously

Item 9-L-Resolution to support the City of Woodhaven for the T.I.G.E.R. Grant by Wayne County Road Commission for grade separation on Allen Road/Canadian National Rail Line

Resolution 05-18-18

Motion by Beller
Supported by Martin

WHEREAS, the City of Flat Rock supports the construction of a grade separation on Allen Road under the Canadian National Rail line in the County of Wayne and fully supports Wayne County Road Commission's submission of a Department of Transportation National Infrastructure Investments Grant (referred to as T.I.G.E.R. Discretionary Grants) application for the above project; and

WHEREAS, the City of Woodhaven, a Downriver Community Conference member community, has requested the Council's support of this grant application; and

WHEREAS, delays at the crossing have a negative impact on jobs and commerce of the area; Ford and Chrysler operate major assembly operations in the area and one of the largest consumer shopping districts in the area with over 1.3 million sq/ft of retail space; and

WHEREAS, 16-18 trains pass daily on their way into Canadian National's largest Train Yard in the Metro Detroit Area, which causes commerce delays up to 45 minutes per train crossing; and

WHEREAS, Allen Road is the first major arterial road east of I-75 (109,000 vehicles travel I-75 daily), and Allen Road is used as an Emergency/Alternate route when accidents or construction affect/close the freeway; and

WHEREAS, there are over 29,000 vehicles a day that travel on Allen Road, which serves as a major north-south community road, and has a major impact on the residents in the area; delays at the crossing have a negative impact on jobs and commerce of the area; and

WHEREAS, the Life & Safety of Downriver area residents is greatly impacted by the train crossing in getting to the area's only Level 2 Trauma Hospital; and

WHEREAS, there have been 6 fatalities and 74 injuries and 175 accidents on that section of Allen Road in Woodhaven over the past several years; and

NOW THEREFORE BE IT RESOLVED, that the City of Flat Rock fully and enthusiastically supports the application of the Wayne County Road Commission to the United States Department of Transportation for a T.I.G.E.R. Discretionary Grant for the above referenced project, and strongly recommends approval of that application for the Economic, Safety, Environmental, and Quality of Life improvements that project would provide.

Motion carried unanimously

Item 9-M-State Plan of Operation between State of Michigan and City of Flat Rock

Resolution 05-18-19

Motion by Martin
Supported by Thomas

RESOLVED, to approve the agreement between the State of Michigan and the City of Flat Rock pertaining to the distribution of excess Department of Defense property by the State to the local units of government. Under the program the City would be eligible to obtain excess Department of Defense equipment for use in law enforcement in accordance with the terms of the Agreement. BE IF FURTHER RESOLVED, the Mayor is authorized to execute the Agreement and Chief Leacher to process it through the State of Michigan.

Motion carried unanimously

10. CITIZENS TO BE HEARD (ADDITIONAL COMMENTS):

None

11. CORRESPONDENCE:

Item 9-N-Purchase/Order of New Police Patrol Vehicle

Resolution 05-18-20

Motion by Beller
Supported by Martin

RESOLVED, to authorize the Chief of Police to order a 2016 Explore 4-door from Crest Ford; this will replace an older Crown Victoria. The cost of the vehicle is \$27,771.08 before up fitting; the price is reflective of MiDeal bid pricing on this vehicle. The purchase of this vehicle will be paid out of the 2015/2016 budget

Motion carried unanimously

CLOSED SESSION

Item A-City of Flat Rock v MDEQ – Contested Case in the Matter of: Petitions on National Pollution Discharge Elimination System Phase II, 2008 General Permits

ITEM B - Michigan Tax Tribunal Cases – Steven E. Smith Receiver v City of Flat Rock

ITEM C - Victor Cassar Management Company v City of Flat Rock

Resolution 05-18-21

Motion by Dropiewski
Supported by Beller

RESOLVED, to convene into closed session for Item A - City of Flat Rock v MDEQ – Contested Case in the Matter of: Petitions on National Pollution Discharge Elimination System Phase II, 2008 General Permits, ITEM B - Michigan Tax Tribunal Cases – Steven E. Smith Receiver v City of Flat Rock, ITEM C - Victor Cassar Management Company v City of Flat Rock

Motion carried unanimously

Reconvene into the regular City Council meeting

Resolution 05-18-22

Motion by Martin
Supported by Beller

RESOLVED, to reconvene into the regular City Council meeting

Motion carried unanimously

Item A-City of Flat Rock v MDEQ – Contested Case in the Matter of: Petitions on National Pollution Discharge Elimination System Phase II, 2008 General Permits

Resolution 05-18-23

Motion by Beller
Supported by Martin

RESOLVED, to authorize the City Attorney to withdraw Flat Rock's Petition for Contested Case on the 2008 Watershed and Jurisdictional Permits

Motion carried unanimously

ITEM B - Michigan Tax Tribunal Case – Steven E. Smith Receiver v City of Flat Rock
ITEM C – Michigan Tax Tribunal Case - Victor Cassar Management Company v City of Flat Rock

Resolution 05-18-24

Motion by Wrobel
Supported by Beller

RESOLVED, to concur with the recommendation of the City Attorney on the Michigan Tax Tribunal Cases

Motion carried unanimously

ITEM C – Salary Increase for Fire Chief Bill Vack

Resolution 05-18-25

Motion by Thomas
Supported by Tefend

RESOLVED, to increase the salary of Fire Chief Bill Vack to \$65,000 annually, effective May 19, 2015

Motion carried unanimously

12. **ADJOURNMENT:**

Resolution 05-18-26

Motion by Thomas
Supported by Wrobel

RESOLVED, to adjourn the regular City Council meeting of May 18, 2015 at 8:30 PM

All voting yes; motion carried unanimously

JONATHAN DROPIEWSKI, MAYOR

DATE: _____
Approved

**MEAGHAN K. BACHMAN
CITY CLERK**