

**REGULAR COUNCIL PROCEEDINGS**

**CITY OF FLAT ROCK, MICHIGAN  
25500 GIBRALTAR ROAD  
FLAT ROCK, MI 48134**

**MONDAY, MAY 6, 2019**

The regular meeting of the Flat Rock City Council convened at the Municipal Building, 25500 Gibraltar Road, Flat Rock, Michigan 48134, on the above date at 7:30 p.m.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL OF COUNCIL MEMBERS:**

PRESENT ELECTED OFFICIALS:

Mayor Dropiewski

Council Members: Bergeron, Little, Martin, Maul, Tefend, Wrobel

ALSO, PRESENT: City Attorney Matthew Zick, City Clerk Meaghan Bachman, Fire Chief Bill Vack, Deputy Police Chief Nicole Ford, DPS Director Jim Lancaster, Recreation Director Rodney Wade, Treasurer/City Administrator Brian Marciniak, Economic Development Director Liz Hendley

**3. APPROVAL OF MINUTES:**

**Resolution 05-06-19-01**

Motion by Martin

Supported by Wrobel

RESOLVED, to approve the minutes of the regular City Council meeting of April 15, 2019 as presented.

Motion carried unanimously 7-0

**4. CITIZENS TO BE HEARD:**

Sue Farrar announced the upcoming Flat Rock City Wide Garage Sale on May 18<sup>th</sup> and 19<sup>th</sup>, 2019 and spoke of the details of the event. She also spoke of concerns regarding a post on Facebook from the owner of Family & Friends Thrift Shop. The thrift shop posted concerns regarding the pods that are placed at City Hall by St. Vincent de Paul to collect unwanted goods from the garage sale and suggested donations are given to the thrift shop. Sue Farrar noted they have partnered with St. Vincent de Paul for ten (10) years and many of the donated items go to the schools, Shelter to Home, baskets for little Lindsay, books for the seniors and more. Sue Farrar also asked the time of the Memorial Day Parade in Flat Rock.

A resident on Huron River Drive spoke of concerns regarding the truck traffic. He noted the vibrations from the truck are very strong and has concerns regarding the damage that may occur to the sewers. He noted you can tell the difference between a truck going 25 mph and 35 mph. He suggested a simple solution might be to extend the 25-mph speed limit all the way down Huron

River Drive. He asked that the suggestion is passed along to Wayne County. Council Member Bergeron noted the Police Department can help by enforcing the speed limit more closely. The resident noted the police do a great job when he calls them. The Mayor noted the ideal solution would be to reroute the truck traffic.

**5. REPORTS FROM DEPARTMENT HEADS:**

Recreation Director Rodney Wade announced they are offering early basketball sign up at the Recreation Center. He also announced the summer newsletter was mailed out.

Economic Development Director Liz Hendley reminded everyone of the Flat Rock Fur Fest on May 18, 2019 at Huroc Park between the hours of 10:00 AM – 2:00 PM. She noted they look forward to seeing everyone at the park.

Department of Public Services Director Jim Lancaster noted the State is requiring the City to update the amount of water samples to 20 in total, and he will send out around 200 letters that include a survey asking for participation in assisting with the water samples. Council Member Bergeron asked about the participation process and Director Lancaster explained the process. This is a requirement by the State of Michigan and the Mayor noted we have no issues or problems with the water.

**6. REPORTS FROM COUNCIL MEMBERS:**

City Council Member Mark Maul spoke of the recent flooding at Huroc Park and asked if the playground equipment can be cleaned off. He noted the equipment was submerged in the flood water and with the pollutants in the water, it is suggested even kayaks are cleaned off. The DPS Director responded they can clean them off.

City Council Member John Bergeron spoke of a previous discussion regarding Community Park. He suggested to build a gazebo where the fountain is or a community garden.

City Council Member Ken Wrobel suggested the City should host a spring/summer clean up day. The Mayor asked if he is volunteering to organize this event; Council Member Wrobel responded, yes, he could work on that.

**7. MAYOR COMMENTS:**

Mayor Dropiewski was asked by the Ordinance Officer to remind residents to clean up and maintain yards. The Mayor reminded residents there is an ordinance for open burning. He also reminded residents that yard waste must go in a separate bag and you can buy yard waste bags at various locations including City Hall.

The Mayor announced the 33<sup>rd</sup> District Court is celebrating their 50<sup>th</sup> Anniversary on May 17<sup>th</sup> at the courthouse.

Mayor Dropiewski announced the annual Flat Rock Summer Blast on June 7, 8, 9, and spoke of the entertainment. Cruisin Jupiter will be headlining on June 7<sup>th</sup>; the headline act for June 8<sup>th</sup> is Lucas Hodge that had a couple #1 country hits and a brand ambassador for Bass Pro and Cabela's. He's also hosted shows on television. On June 9<sup>th</sup>, Squared Pegs will headline.

At the end of the meeting, the Mayor mentioned the budget public hearing will be set for the 1<sup>st</sup> meeting in June. He noted the City is waiting on the state to notify us of the amount of funding we will get. He noted a few budget matters such as, retirement cost going up. He spoke of other budget concerns and how funds are being distributed.

**8. UNFINISHED BUSINESS:**

**Item 9-C-2<sup>nd</sup> Reading of Amendment to Fireworks Ordinance to Reflect Changes in State Law**

**Resolution 05-06-19-02**

Motion by Martin  
Supported by Bergeron

RESOLVED, to suspend the 2<sup>nd</sup> Reading of Amendment to Fireworks Ordinance to Reflect Changes in State Law.

Motion carried unanimously 7-0

**Resolution 05-06-19-03**

Motion by Wrobel  
Supported by Martin

RESOLVED, to adopt the Amendment to the Fireworks Ordinance to Reflect Changes in State Law as reflected below.

Sec. 58-203 Fireworks.

- (1) Definitions. As used in this section, the following definitions shall apply:
  - (a) Alcoholic liquor means that term as defined in Section I(d) of the Michigan Vehicle Code, being 1949 PA 300, MCL 257.1 (d).
  - (b) APA standard 87-7 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.
  - (c) Article pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR.
  - (d) Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated

by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.31 or 3.5. Consumer fireworks does not include low-impact fireworks.

- (e) Controlled substance means that term as defined in Section 8(b) of the Michigan Vehicle Code, being 1949 PA 300, MCL 257.8(b).
- (f) Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- (g) Firework or fireworks mean any composition or device, except for a starting pistol, a flare gun, or a flare, designated for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects. This term shall not mean "novelty fireworks."
- (h) Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1 to 3.1.8, and 3.5.
- (i) Minor means an individual who is less than 18 years of age.
- (j) Novelty or novelties fireworks mean that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:
  - 1. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
  - 2. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph 1. are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
  - 3. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (k) Park shall mean a park, reservation, playground, recreation center, or other area in the city owned or used by the city and devoted to active or passive recreation.

- (1) Person means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal organization, or any other legal or commercial entity.
- 2) Ignition, discharge and use of consumer fireworks. A person shall not ignite, discharge or use consumer fireworks, except as permitted in this section.
  - a. Any person, firm, or corporation violating the provisions of subsection (b) shall be responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$1,000.00, \$500.00 of which will be remitted by the court to the local law enforcement agency responsible for enforcing this section pursuant to section 7 of MCL 28.457.
  - b. Except as prohibited in this subsection, a person is permitted to ignite, discharge or use consumer fireworks on the following days and during the following hours only:
    - i. Between 11:00 a.m. on December 31st and until 1 a.m. on January 1st.
    - ii. Between 11:00 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day.
    - iii. Between 11:00 a.m. and 11:45 p.m. on June 29th, June 30th, July 1st, July 2nd, July 3rd, and July 4th.
    - iv. Between 11:00 a.m. and 11:45 p.m. on July 5th, if that day is a Friday or Saturday.
    - v. Between 11:00 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.
- (3) Purchase and/or possession of consumer fireworks by a minor. A minor shall not purchase and/or possess consumer fireworks, at any time.
- (4) Impaired individuals. An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- (5) Property of others.
  - (a) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of others without

that organizations' or persons' express permission to use those fireworks on those premises.

- b) No person shall ignite, discharge, or display fireworks on park property. This prohibition shall not apply to novelty fireworks or display fireworks allowed by permit.
- (6) Fireworks display permits. The city council, upon application in writing, in accordance with the provisions of MCL 28.451 et. seq., may grant a permit for the use of fireworks otherwise prohibited by this section for public display by organizations or groups of individuals approved by the city council.
  - (7) Determination of violation; seizure. If a police officer determines that a violation of this section has occurred, the officer may seize the fireworks as evidence of the violation.
  - (8) Penalty.
    - (a) A violation of this section is a municipal civil infraction, punishable by a civil fine of up to \$500.00.
    - (b) Following final disposition of a finding of responsibility for violating this section, the city may dispose of or destroy any fireworks retained as evidence in that prosecution.
    - (c) In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the city for the costs of storing seized fireworks that were confiscated for a violation of this section.
  - (9) Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

(Code 1979, 9.122(5); Ord. No. 210-8, I,II, 6-18-12 Ord. No. 423, 1, 7-1-13)

State Law reference Fireworks, MCL 28.451 et seq.

Motion carried unanimously 7-0

9. **NEW BUSINESS**

**Item 9-A-Opening of Contract Negotiations for the Flat Rock DPS and Fire Department**

**Resolution 05-06-19-04**

Motion by Martin  
Supported by Wrobel

RESOLVED, to appoint Mayor Dropiewski and Council Member Maul to the contract negotiations team for the Flat Rock DPS and the Fire Department.

Motion carried unanimously 7-0

**Item 9-B-Appointment of Building Department Director**

**Resolution 05-06-19-05**

Motion by Maul  
Supported by Martin

RESOLVED, to appoint Loren Benes as the full time Building Department Director at a salary of \$65,000 per year.

BE IT FURTHER RESOLVED, City Council shall grant Mr. Benes three (3) weeks of vacation time that is pro-rated through the end of the year and resets on January 1<sup>st</sup>, per the Administrative Policy along with the other allowances given under the policy.

Motion carried unanimously 6-0

Note: Mayor Dropiewski cannot cast a vote on this appointment according the City Charter

**Item 9-C-Track Lighting for City Hall Council Chambers**

**Resolution 05-06-19-06**

Motion by Martin  
Supported by Bergeron

RESOLVED, to approve the track lighting for the Council Chambers at City Hall in the amount of \$4,744.63.

Motion carried unanimously 7-0

**Item 9-D-City Hall Parking Lot Lighting Project**

**Resolution 05-06-19-07**

Motion by Wrobel  
Supported by Martin

RESOLVED, to approve the installation of parking lot lights at the Police Department, Fire Department, and City Hall to LED lighting fixtures. This project will be completed by Wesco in the amount of \$14,989.40, of which \$1,200.00 will be refunded to the City by DTE rebates. The bid process shall be waived for this project.

Discussion: Council Member Maul asked if there was a 2<sup>nd</sup> bid on the project. Director Lancaster noted the company received multiple bids from various manufactures. Maul also asked if this is the same company doing work at the Community Center; Lancaster responded yes.

Motion carried unanimously 7-0

#### **Item 9-E-Emergency Repair of the Olmstead Road Lift Station**

##### **Resolution 05-06-19-08**

Motion by Martin  
Supported by Bergeron

RESOLVED, to approve the emergency repair of the Olmstead Road Lift Station.

Discussion: Council Member Maul and Council Member Martin asked what went wrong. Director Lancaster said a piece of conduit was wrapped around a propeller. Council Member Maul asked if it was a new pump; it was a newer pump. Council Member Bergeron asked what we can do to prevent this in the future.

Motion carried unanimously 7-0

#### **Item 9-F-2019 Spray Patching**

##### **Resolution 05-06-19-09**

Motion by Wrobel  
Supported by Martin

RESOLVED, to approve the 2019 Spray Patching project with Highway Services of Romulus in Hickory Ridge Subdivision, Woodruff Road, and Hawthorne Subdivision. The estimated cost of the project is between \$45,000 - \$55,000.

Discussion: Council Member Martin asked when chip sealing will begin. Director Lancaster noted he has been in contact with the company and hopes to start soon.

Motion carried unanimously 7-0

**Item 9-G-2019 Concrete Pavement Replacement Project**

**Resolution 05-06-19-10**

Motion by Martin  
Supported by Wrobel

RESOLVED, to approve the 2019 Concrete Pavement Replacement Project with G.V. Cement Contracting Company. The contract is being extended from the 2017 replacement year.

Motion carried unanimously 7-0

**12. ADJOURNMENT:**

**Resolution 05-06-19-11**

Motion by Martin  
Supported by Bergeron

RESOLVED, to adjourn the regular City Council meeting of May 6, 2019 at 8:04 PM.

All voting yes; motion carried unanimously 7-0

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

\_\_\_\_\_  
**JONATHAN D. DROPIEWSKI, MAYOR**

\_\_\_\_\_  
**MEAGHAN K. BACHMAN, CITY CLERK**