The regular meeting of the Flat Rock City Council convened on the above date and time via Zoom, an electronic video conferencing tool due to the National Pandemic of the COVID-19 Novel Coronavirus that has spread throughout the world.

1. **PLEDGE OF ALLEGIANCE**

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

   PRESENT ELECTED OFFICIALS:
   Mayor Mark A. Hammond
   Council Members: Bergeron, Martin, Maul, Pardo, Tefend, Wrobel

   ALSO PRESENT: City Attorney Matthew Zick, City Clerk Meaghan Bachman, Chief of Police Glen Hoffman, Fire Chief James Katona, Economic Development Director Liz Hendley, Recreation Director Rodney Wade, Treasurer Joanne Beard, DPS Director Justin Danosky, Building Director Andrew Miller.

3. **APPROVAL OF MINUTES:**

   Resolution 04-06-20-01

   Motion by Tefend
   Supported by Martin

   RESOLVED, to approve the minutes of the regular City Council meeting of March 2, 2020, as amended by Council Member Martin. Item 9-B was duplicated in the minutes and it was noted the duplication will be deleted.

   Motion carried unanimously 7-0

4. **CITIZENS TO BE HEARD:**

   None

5. **REPORTS FROM DEPARTMENT HEADS:**

   Building Director Andy Miller spoke of the agenda items he presented for City Council approval with nothing else to report.

   DPS Director Justin Danosky announced the decision was made to close the bathrooms at the parks because they are unable to keep up with properly sanitizing and cleaning due to the coronavirus. The Mayor noted we will have to watch the parks and make sure people are practicing social distancing. He noted this past weekend, the parks were packed with people.

   Economic Development Director Liz Hendley announced she updated the business license email address list of businesses in town. She also noted information was sent out to local business who provided emails, been posting on FROHT with COVID-19 information along with the census information. Liz is on a team of members with Wayne County to review all Flat Rock grant applications for the Small Business Program. The applications will be reviewed by a team of three people and she will also be reviewing a few from other communities.
Treasurer Joanne Beard announced the rabies clinic has been cancelled due to the coronavirus and will not be rescheduled this year. She asked that residents not put cash into the drop box, check or money order only.

City Clerk Meaghan Bachman announced she along with the Deputy City Clerk are keeping the City Website and City Facebook Page updated with coronavirus information. The Mayor noted the Clerk is working from home due to her pregnancy and will work at City Hall some evenings due to the coronavirus. He noted the Deputy Clerk is at City Hall during the day.

Chief of Police Glen Hoffman noted they are cleaning the patrol cars, the lobby and the station. The officers have been around the business and parks to keep order. He noted it is becoming hard to regulate as many people that are out at the parks. Council Member Bergeron asked when the officers are patrolling the parks, keep notice and if we have to, we will close the parks. The Mayor noted we may have to take some steps due to the statistics in Wayne and Monroe County and that we will begin to see higher rates of the coronavirus outbreaks next week and the week after. He noted we may have to close the parks. Council Member Tefend asked if we can use the CodeRed alert system regarding social distancing in the parks. Council Member Wrobel noted there is a video from the State Parks as to social distancing. Council Member Bergeron asked if the DPS Director can put up social distancing signs at the park entrances and bridge locations.

City Attorney Matt Zick noted the 33rd District Court is closed to the public. He also noted they have been very busy with the Governor’s thirty-eight (38) Executive Orders. Attorney Zick noted he is working with the department heads to implement those orders. The Mayor noted this is quite the job for the departments within the city and thanked everyone for their efforts.

Recreation Director Rodney Wade noted he’s been busy with phone calls. He thanked Fire Chief Katona and the DPS Department for their help with food commodities. He noted commodities for the month of April will be delivered April 29th, 2020 and the Community Center is still shut down to the public. He spoke with the Treasurer regarding refund status of the prepaid events at the center. Director Wade noted the volleyball league will later announce when they can start back up. The Mayor noted the bus service for the seniors is still available. Director Wade thanked the TIFA Board for the new floor in the community center gym. Council Member Martin asked if the bus is being sterilized between rounds of pickups. Rodney noted they haven’t used it yet for pick-ups but will speak to the staff.

Fire Chief James Katona announced COVID-19 has kept them very busy. They have one staff member off on quarantine. They are trying to keep the staff safe by taking temperatures every day, shift and call and trying to keep mental and physical health up. It can be a stressful situation. They are keeping up with disinfecting. He thanked Ford Motor Company for well equipping the fire department staff but he noted their supplies are at a minimum. The Chief noted there is constant change in COVID-19 situations. He noted there is constant communication with the PIO and passing a lot of good information along.

6. REPORTS FROM COUNCIL MEMBERS:

City Council Member Jim Martin reminded everyone to be aware of social distancing with the coronavirus and be considerate of everyone else. He suggested to go outside in your yards but keep your groups to family due to cross contamination.

City Council Member Ken Wrobel noted he wanted to make sure Fire, Police and DPS are not making unnecessary contact with others. He noted if you’re looking for something to do, you can pick up the garbage around town and make the city look nice. The Mayor noted his wife participated in garbage pickup around town as well. Council Member Wrobel thanked Beth and Jamie Hoover who pick up on their walk every day.

Council Member Rick Tefend sends wishes to the Fire and Police to stay safe and well.

Council Member Maul thanked the first responders and city employees during these difficult times with the coronavirus and to keep up the good work. He reminded all to social distance and stay at home when possible.
Council Member Kim Pardo reminded everyone to social distance and noted it is nice to see the police out in the neighborhood. She spoke of a caravan of teachers coming through the subdivisions for the kids. She also noted with the seniors not having their commencements, they are decorating front doors at home with their names, where they are attending college, if they played sports. Council Member Pardo also spoke of Ford Motor Company building the respirators in town. She reminded everyone to be safe.

Council Member Bergeron thanked Ford Motor Company for what they are doing here with the respirators. He thanked the department heads and the employees for doing a great job and appreciate it. He thanked the first responders and asked them to stay safe. He reminded everyone to be kind and patient and we are all in this together.

7. **MAYOR COMMENTS:**

Mayor Hammond spoke of COVID-19 and what the City has done thus far. He noted the City services are still running. He noted the importance of people staying home. He encouraged everyone to stay home unless you must go out, it is a global pandemic and not just a local problem. He has been in emergency management for a long time and has never seen anything like this. Everyone needs to limit close contact at work, in public, and in our homes. We closed the Recreation Center, Library, the Historical Campus, City Hall. Events were cancelled at the Recreation Center. Things have changed around City Hall and will continue to operate city services for the weeks and months ahead but will have to change. The City will ensure social distancing to make sure our staff and critical infrastructure is maintained. This means adjusting business hours, making phone calls, video conferencing and always working from home. Payments will be deferred and late fees will be waived during this time. He encouraged everyone to order delivery from local business for pickup and not go into the stores. Mayor Hammond noted we don’t know when this will end and are hearing April 30th and that may not be a sensible time. The Mayor said we must be diligent but during the worst times is when the best people come out. He noted a lot has been done in the past month and if anyone has questions, to reach out to him. He thanked everyone for doing their part.

8. **UNFINISHED BUSINESS:**

**Item 8-A-2nd and Final Reading of Ordinance #447 to Amend Section 58-226:**

**Resolution 04-06-20-02**

Motion by Martin
Supported by Tefend

RESOLVED, to suspend the 2nd and final reading of Ordinance #447 to amend Section 58-226; vaping with the proposed amendment.

Motion carried unanimously 7-0
Resolution 04-06-20-03

Motion by Martin
Supported by Tefend

RESOLVED, to adopt Ordinance #447, Section 58-226 as follows:

ORDINANCE NO. 447

AN ORDINANCE TO AMEND CHAPTER 58, ARTICLE VII, DIVISION 2 ORDINANCES OF THE CITY OF FLAT ROCK, ENTITLED "OFFENSES AGAINST PUBLIC SAFETY - SMOKING IN PUBLIC AREAS"

THE CITY OF FLAT ROCK ORDAINS TO:

Amend Chapter 58, Article VII, Division 2 by adding Section 58-226 which will read as follows:

Sec. 58-226. - Vaping

(a) No person under the age of 18 years of age may possess or use (including inhaling or exhaling) any of the following items in public, including upon school property, public parks or anywhere else within the City of Flat Rock:

   (1) Electronic nicotine delivery system (ends);
   (2) Electronic cigarette or electronic smoking device.
   (3) E-Liquid, E-Juice, E-Wax d. Vapes, Vaporizers, Vape pens;
   (4) E-Pipes, Hookah, water pipe, or any other type of pipe.
   (5) Any other similar type of item as described above that could be used for inhaling or exhaling or vaping ingredients or contents including but not limited to nicotine, cannabis (THC), flavorings, propylene glycol, glycerin or any other ingredients.

(b) A person who is 18 years of age or older shall not use or possess any of the items listed in (a) above, on school property, unless specifically permitted by the school and then only in those areas of school property and at times, authorized by the school that are outdoors, including but not limited to, an open area stadium during either of the following time periods: Saturdays, Sundays, and other days on which there is no regularly scheduled classes or school activities, or; after 6:00 p.m. on days which there are regularly scheduled school hours and activities.

(c) In the event any person possesses or uses any of the above items described in (a) above in violation of this section, the item will be seized and forfeited to and destroyed by the City of Flat Rock.

(d) Any person who violates any provision of this section is responsible for a municipal civil infraction or guilty of a misdemeanor as follows:

   (1) For the first violation, the individual is responsible for a municipal civil infraction and shall be fined not more than $50.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available in addition, the court may order the individual to perform not more than 16 hours of community service.

   (2) For the second violation, the individual is responsible for a municipal civil infraction and shall be fined not more than $50.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 32 hours of community service.

   (3) If a violation of this section occurs after 2 or more prior judgments, the individual is guilty of a misdemeanor punishable by a fine of not more than $50.00 for each violation. Pursuant to a probation order, the court may also require the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 48 hours of community service.

(e) This section may be enforced by the Flat Rock Police Department and for the violations on school property, by the various school principals or their designees, school security police or school liaison or all attendance officers, provided, however, that all appearance tickets or citations written in violation of this section shall be coordinated through the Flat Rock Police Department.

Motion carried unanimously 7-0
9. **NEW BUSINESS**

**Item 9-A-1st Amendment Lease Agreement with Grand Trunk Railroad and Flat Rock Metal at Huroc Park Bridge**

**Resolution 04-06-20-04**

Motion by Wrobel
Supported by Hammond

RESOLVED, to approve the Lease Agreement with Grand Trunk Railroad and Flat Rock Metal at Huroc Park Bridge.

This First Amendment to Lease Agreement ("Amendment") by and among **Grand Trunk Western Railroad Company** ("Railroad"), **Flat Rock Metal, Inc. and City of Flat Rock** (collectively "Lessees").

WHEREAS, Railroad and Lessees are parties to that certain Property Lease Agreement ("Lease") dated March 1, 1989, and amended by the Lease Addendum dated May 2, 2011, leasing certain premises to Lessees in Flat Rock, Michigan; and

WHEREAS, the term of the lease has been extended from time to time by written agreement of the parties; and

WHEREAS, Railroad and Lessees desire to further amend the Lease, but only under the terms and conditions contained herein.

NOW, THEREFORE, the parties hereto, intending to be lawfully bound, agree as follows:

1. **Term.** Lessees and Railroad hereby amend the Lease, effective with the date of this Addendum, to extend the term from March 1, 2020, until February 28, 2025. If Lessees desire to extend the Lease beyond February 28, 2025, they must notify Railroad in writing on or before January 15, 2025, and thereafter the parties will in good faith negotiate to determine whether a further extension of the Lease is in their mutual interest, and if so, under what terms.

2. **Premises.** The parties agree that the Premises are further identified as 2.06 acres, more or less, as shown on Exhibit A, attached hereto and made a part hereof (hereinafter called the "Premises") and the use of the Premises is amended to include Flat Rock Metal, Inc.’s employee vehicle parking adjacent to Flat Rock Metal Inc.’s building, and which will not be used for any other purpose without the express written consent of Railroad. This new Exhibit A replaces and supersedes all prior exhibits showing the Premises.

3. **Rental.** The parties agree that the annual rental payment will be Eight Thousand Dollars ($8,000.00), which rental payment shall be paid solely by Flat Rock Metal, Inc. to Railroad. Said payments will be made annually on or before the 1st day of March in each successive year in which the Lease remains in effect.
4. **Insurance.** Lessees shall provide and maintain in effect during the term of this Lease commercial general liability insurance (occurrence based), including public liability, property damage, and comprehensive liability covering liability assumed by Lessees under the provisions of Lessees' convents herein. Such insurance shall have a minimum combined single limit of liability of $5,000,000 combined single limit, with an aggregate of not less than $10,000,000. The insurance shall not contain an exclusion for either damage occurring on, near or adjacent to railroad property. Such insurance shall be primary and non-contributory.

All insurance required hereunder shall be in companies and form acceptable to Railroad and such insurance policies shall be endorsed to name Railroad as an additional insured party and to provide not less than thirty (30) days to Railroad of any cancellation thereof any material change in coverage. Lessees agrees to cause all insurance policies to contain a waiver of subrogation against Railroad, its owners, directors, officers, employees and agents (the "Railroad Parties") and to be so written that the insurers shall have no claim or recourse of any kind whatsoever against Railroad, Railroad Parties, or the Premises. Lessees shall furnish to Railroad complete copies of all such insurance policies with evidence of payment and premiums therefore. The providing of said insurance coverage and Railroad's acceptance thereof shall not be deemed a limitation or modification of the liability or obligations of Lessees as provided in this Lease, but shall be additional security therefore.

5. **INDEMNIFICATION.** LESSEES SHALL HOLD HARMLESS, DEFEND AND INDEMNIFY THE RAILROAD, ITS OWNERS, DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, INVITEES, LESSEES AND LICENSEES, AND RELATED PERSONS AND ENTITIES AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSE, COSTS (INCLUDING WITHOUT LIMITATION COSTS AND FEES OF LITIGATION) OF EVERY NATURE ARISING OUT OF OR IN CONNECTION WITH, OR IN ANY MANNER OR DEGREE DIRECTLY OR INDIRECTLY ATTRIBUTABLE OR RESULTING FROM, THE ISSUANCE OR EXERCISE OF THE LEASE, AS AMENDED, OR THE FAILURE OF LESSEES TO CONFORM TO ALL CONDITIONS OF THE LEASE, AS AMENDED, EXCEPT SUCH LOSS OR DAMAGE WHICH WAS CAUSED BY THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE RAILROAD.

The word "Railroad" as used in this Section shall include the assigns of Railroad and any other railroad company that may be operating upon and over any tracks crossing the Premises. At the election of Railroad, Lessees, upon receipt of notice to that effect, shall assume or join in the defense of any claim based upon allegations purporting to bring said claim within the coverage of this section.

6. **Miscellaneous.**
   (a) Lessees agrees, at Lessees' sole cost and expense, to keep the Premises in a neat and orderly condition during the term of this Lease.
   (b) Lessees agrees, at Lessees' sole cost and expense, during the lease period to maintain all roads and to repair/maintain all fencing during the term of this Lease.
   (c) Lessees will not allow snow removal or debris to be placed on adjacent Railroad property.
(d) Lessees will not negatively impact drainage from Railroad property.
(e) Lessees will not impair or damage track structure.
(f) Railroad to inspect the condition of the property prior to lease termination to ensure the Premises are in equal or better condition than the condition at the start of the Lease term.

7. All other terms and conditions of the Lease shall be unaffected by the terms of this Addendum.

8. The parties agree that this Amendment maybe executed in counter parts, each of which will be deemed to constitute an executed original, even though not all the signatures may appear on the same counterpart.

Motion carried unanimously 7-0

**Item 9-B-Post Marked Payments for Tax Bills and Water Bills**

**Resolution 04-06-20-05**

Motion by Wrobel
Supported by Martin

RESOLVED, to approve the request from the Treasurer to no longer accept post marked payments for tax and water bills after close of business on the day of the due date.

Discussion: Council Member Bergeron asked Treasurer Beard to clarify this request and why this is a problem; she responded giving examples. Council Member Martin asked if the post office delivering mail on time is an issue; she responded yes. Council Member Maul asked if it’s fair that we are penalizing people because of the mail service; she responded she is not penalizing anyone by not accepting post marks. The Mayor noted the Treasurer said they have months to pay the bill. Council Member Pardo asked what the due date is; she responded tax bills are due August 31st and February 14th and noted this date doesn’t change because of this policy.

Roll Call Vote:
Yes Approve: Hammond*  
                        Bergeron  
                        Martin  
                        Pardo  
                        Tefend  
                        Wrobel  

No Against: Maul

Motion carried 6-1 with Maul voting no
Item 9-C-Extension of Due Date for Animal License

Resolution 04-06-20-06

Motion by Tefend
Supported by Pardo

RESOLVED, to approve the request from the Treasurer to extend the date to June 1, 2020 for animal license.

Discussion: Council Member Pardo asked if someone could pay by online; the Treasurer responded yes but must use credit card and explained.

Motion carried unanimously 7-0

Item 9-D-Building Department Fee Schedule

Discussion: The Mayor noted he and the Treasurer tasked the department heads to submit a budget and look at their fee schedule to see what needs to be updated. It has been several years since the building department and clerk updated certain fees. The Mayor noted this is a very sensitive time with the COVID-19 to raise rates and he understands how this may seem unsensitive, but also very torn on how to stabilize departments without the much-needed increases.

The Building Director spoke regarding the proposed fees and noted the last update was 2009 and further explained. Council Member Martin asked because of COVID-19 the changes could be effective July 1, 2020 at the new budget year. Council Member Maul said there should be no new fees because of COVID-19 with businesses being closed and people out of work, this should be across the board for all fees and departments. Council Member Tefend agrees with Martin and should be effective with the new budget year. Council Member Pardo felt July is too soon and suggested the item is tabled later, even until next year because of COVID-19 and the bad times. Council Member Tefend noted he agrees that with people being out of work its hard to do, but doesn’t want to put city employees out of work as well, he noted he would be ok with August 2020, but we need to move forward and not wait until next year. Council Member Maul asked if we could table until August and revisit. The following motion was made:

Resolution 04-06-20-07

Motion by Maul
Supported by Pardo

RESOLVED, to TABLE the Building Department fee schedule until August 2020.

Discussion: Council Member Bergeron noted it has been 11 years since this was addressed and should have been looked at every year and we are very behind. He noted he is not opposed to waiting until the new fiscal year. He spoke of the cost of recycling and how money could have been saved by not recycling.

Roll Call Vote to Table:

Yes Approve table: Maul
Pardo
No Against table: Hammond
Bergeron*
Martin
Tefend
Wrobel

Motion failed 2-5 with Hammond, Bergeron, Martin, Tefend, Wrobel voting no, to table

**Resolution 04-06-20-08**

Motion by Tefend
Supported by Martin

RESOLVED, to approve the Building Department fee schedule as presented effective July 1, 2020.

Roll Call Vote:

Yes Approve: Hammond
Bergeron
Martin*
Tefend
Wrobel

No Against: Maul
Pardo

Motion carried 5-2 with Maul and Pardo voting no

**Item 9-E-Clerk’s Office Fee Schedule**

**Resolution 04-06-20-09**

Motion by Wrobel
Supported by Martin

Discussion: The Mayor noted he and the Treasurer tasked the department heads to submit a budget and look at their fee schedule to see what needs to be updated. It has been several years since the building department and clerk updated certain fees. The Mayor noted this is a very sensitive time with the COVID-19 to raise rates and he understands how this may seem unsensitive, but also very torn on how to stabilize departments without the much-needed increases. The Mayor noted that the Clerk’s Office fee schedule for Business and Rental License will not take effect until the January 2020/2021 because of the 2-year schedule. She noted a new fee is for a late notice and explained the process.

Council Member Wrobel asked about the FOIA request and it could take many hours to process. The Clerk explained the FOIA fees are charged by the statuary rates and explained the process. The Attorney also agreed to the FOIA rates.

RESOLVED, to approve the Clerk’s office fee schedule as requested by City Clerk Meaghan Bachman as follows:
<table>
<thead>
<tr>
<th>Service Provided</th>
<th>Current Amount</th>
<th>Proposed Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License</td>
<td>$80.00 for 2 years</td>
<td>$120.00 for 2 years</td>
</tr>
<tr>
<td>Rental License</td>
<td>$80.00 for 2 years</td>
<td>$120.00 for 2 years</td>
</tr>
<tr>
<td>Vacant Property</td>
<td>$100.00 per year</td>
<td>$125.00 per year</td>
</tr>
<tr>
<td>Late fee for above</td>
<td>No charge</td>
<td>$20.00 after 2nd notice due date</td>
</tr>
<tr>
<td>Solicitor Permit</td>
<td>$25.00 per month</td>
<td>$50.00 per month</td>
</tr>
<tr>
<td>Solicitor Permit</td>
<td>$100.00 per year</td>
<td>$200.00 per year</td>
</tr>
<tr>
<td>Notary Service</td>
<td>$5.00 per notarial act</td>
<td>$10.00 for non-resident</td>
</tr>
<tr>
<td>Notary Service</td>
<td>$5.00 per notarial act</td>
<td>No change if Flat Rock Resident</td>
</tr>
<tr>
<td>Garage Sale</td>
<td>$5.00 per permit</td>
<td>No change</td>
</tr>
<tr>
<td>Marriage Service</td>
<td>$100.00</td>
<td>No change</td>
</tr>
<tr>
<td>Mechanical Amusement</td>
<td>Various fees</td>
<td>No change</td>
</tr>
<tr>
<td>FOIA Request</td>
<td>Various fees</td>
<td>No change</td>
</tr>
<tr>
<td>Passport Photo</td>
<td>$10.00 per photo</td>
<td>No change</td>
</tr>
<tr>
<td>Passport Service</td>
<td>$35.00 per application</td>
<td>Unable to change – federal fee</td>
</tr>
</tbody>
</table>

Roll Call Vote:
Yes Approve: Hammond
Bergeron
Martin
Tefend
Wrobel

No Against: Maul*
Pardo

Motion carried 5-2 with Maul and Pardo voting no

**Item 9-F- Relocation of Polling Precinct #3 - Flat Rock Library to Community Center**

**Resolution 04-06-20-10**

Motion by Hammond
Supported by Maul

RESOLVED, to relocate Polling (Voting) Precinct No. 3 from the Flat Rock Library to the Flat Rock Community Center, effective immediately as requested by City Clerk Meaghan Bachman.

Motion carried unanimously 7-0

**Item 9-G- Agreement with Granicus for Agenda Management Software**

**Resolution 04-06-20-11**

Motion by Wrobel
Supported by Martin

RESOLVED, to approve the three (3) agreement with Granicus for Peak Agenda Management Software as requested by City Clerk Meaghan Bachman. The first-year cost of the program is $3,300.00 and will increase to $3,399.00 for year two and $3,500.97 for year three.

Motion carried unanimously 7-0
10. **CITIZENS TO BE HEARD:**
   None

11. **LATE CORRESPONDENCE:**

    The Mayor noted City Hall is currently scheduled to open to the public on April 13, 2020 and is looking to extend it until May 4, 2020. He further noted that it could be extended beyond May 4th, we just don’t know yet. Council Member Bergeron asked where the May 4th date came from. The Mayor noted it was discussed at a department head meeting and would give time to restart services. Council Member Bergeron noted the health and safety of employees and residents is most important.

    Building Director Andy Miller asked about the Grand Trunk Railroad and Flat Rock Metal Agreement that would require them to do repair to the bridge. Attorney Zick responded that Flat Rock Metal and the City would have to repair the bridge.

12. **ADJOURNMENT:**

    **Resolution 04-06-20-11**

    Motion by Martin  
    Supported by Wrobel

    RESOLVED, to adjourn the regular City Council meeting of April 6, 2020.

    Motion carried unanimously 7-0

    _______________________________________________________________________
    MARK A. HAMMOND, MAYOR

    _______________________________________________________________________
    MEAGHAN K. BACHMAN, CITY CLERK

Approved as amended at the April 20, 2020 Regular City Council Meeting