

**REGULAR COUNCIL PROCEEDINGS**

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

**MONDAY, AUGUST 15, 2022**

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 pm.

**1. PLEDGE OF ALLEGIANCE:**

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

PRESENT ELECTED OFFICIALS:

PRESENT: Mayor: Hammond  
Council Members: Beller, Bergeron, Dishaw, Martin, Wrobel

ABSENT: Council: Tefend

**Resolution 08-15-22-01**

Motion by Martin  
Supported by Bergeron

RESOLVED, to excuse Council Member Tefend for the regular council meeting on August 15, 2022.

Motion carried unanimously 6-0

ALSO, PRESENT: City Attorney Matthew Zick, Department of Public Services Director Justin Danosky, Treasurer Joanne Beard, Chief of Police Jerry Page, Fire Chief James Katona, City Clerk Shane Harrison, Economic Development Director Elizabeth Hendley, Building & Safety Director Jeff Kemp and Parks & Recreation Representative Heather Beitler.6

Mayor Hammond requested a moment of silence for the passing of Council Members Rick Tefend's mother.

**3. APPROVAL OF MINUTES:**

**Resolution 08-15-22-02**

Motion by Wrobel  
Supported by Martin

RESOLVED, to approve the minutes of the regular City Council meeting of August 1, 2022.

Motion carried unanimously 6-0

**4. CITIZENS TO BE HEARD: QUESTIONS OR INPUT ON AGENDA ITEMS:**

Members of the audience addressed council regarding the following agenda items:

- Item 9-I – Full Time Community Center Hires

**5. REPORTS FROM DEPARTMENT HEADS:**

Department Heads provided updates of the following:

Fire Chief James Katona

- Fire Department has been busy conducting fire education with local children around town and recruiting early.
- Will be representing the City of Flat Rock, at an upcoming FERMI training drill
- Received grant from Marathon for signage along the Huron River

Treasurer Joanne Beard

- Summer taxes are due on August 31, 2022, and penalty will be applied on September 1, 2022.

Economic Development Director Liz Hendley

- The Under the Radar episode that showcases Flat Rock is now airing and can be seen on their website.
- Destinations Downriver has invited local restaurant owner John Fiorelli to assist in hosting a podcast showcasing Downriver eateries.
- Lather Barbershop will be opening at the end of August.

Clerk Shane Harrison

- Set dates for the following work sessions: September 27<sup>th</sup> @ 5:30pm for TIFA/DDA work session and October 11<sup>th</sup> @ 5:30pm for the Shovel Ready Water Projects work session.
- Update on the August 2, 2022, thanked all Department Heads for their assistance

**Resolution 08-15-22-03**

Motion by Hammond

Supported by Martin

RESOLVED, to approve the closure of City Hall, with the exception of the Clerk's Office on November 8, 2022.

Motion carried unanimously 6-0

City Attorney Matt Zick

- Received an accepted petition to add the Michigan Regulation and Taxation of Marijuana Act (MRTMA) ordinance to the November 8, 2022, ballot.

**Resolution 08-15-22-04**

Motion by Dishaw  
Supported by Hammond

RESOLVED, to set a Planning Commission Public Hearing in September to discuss a MRTMA ordinance.

Motion carried unanimously 6-0

Recreation Representative Heather Beitler

- Updates on upcoming Fall activities and programs
- Received The Senior Alliance Grant

**6. REPORTS FROM COUNCIL MEMBERS:**

Council Members provided the following updates:

Councilman Ken Wrobel

- Has the county made any attempts to do anything on E. Huron River Dr. between Van Riper and Aspen

**Resolution 08-15-22-05**

Motion by Hammond  
Supported by Wrobel

RESOLVED, to compose a letter to Wayne County exploring their assistance in the poor road conditions on E. Huron River Dr.

Motion carried unanimously 6-0

- Questions on the funding for Riverfest

Councilman Jim Martin

- Shared his condolences to the Tefend family

Councilman John Bergeron

- Shared condolences with the Tefend family
- School will be back in session soon, and reminded residents to be careful

**7. MAYOR COMMENTS:**

- Requested approval to sell the Turtle Top Bus currently at the Community Center.
- Requested two (2) Council Members to participate in Parks & Recreation Director interviews? Council Members Beller, Martin, & Wrobel all volunteered.
- Notified of the upcoming retirement of Treasurer Joanne Beard

**Resolution 08-15-22-06**

Motion by Bergeron  
Supported by

RESOLVED, to motion failed due to lack of support.

**Resolution 08-15-22-07**

Motion by Martin  
Supported by Bergeron

RESOLVED, to approve the resignation of Treasurer Joanne Beard.

Motion carried unanimously 6-0

**8. UNFINISHED BUSINESS:**

**9. NEW BUSINESS:**

**Item 9-A Public Hearing for Amendment of TIFA Plan**

**Resolution 08-15-22-08**

Motion by Hammond  
Supported by Martin

RESOLVED, to open the Public Hearing on the Amendment of the TIFA Plan.

Motion carried unanimously 6-0

**Resolution 08-15-22-09**

Motion by Beller  
Supported by Wrobel

RESOLVED, to close the Public Hearing on the Amendment of the TIFA Plan.

Motion carried unanimously 6-0

**Resolution 08-15-22-10**

Motion by Hammond  
Supported by Martin

RESOLVED, to approve the Amendment of the TIFA Plan as follows:

RESOLVED, WHEREAS, the City Council held a public hearing upon the expiration of the deadline for comment by the required entities on August 15, 2022, and

WHEREAS, the Tax Increment Finance Authority approved the Amendment by adopting a resolution by the affirmative vote of at least 2/3 of its members, and

WHEREAS, the City Planner has now submitted a copy of the proposed amendment language to the Flat Rock City Council in a memo dated August 9, 2022, and

WHEREAS, the Tax Increment Finance Authority is now requesting that the City Council approve the amendment as submitted; therefore be it

RESOLVED, that a statement recording this approval shall be signed by the City Clerk; be it further

RESOLVED, that this resolution is given immediate effect.

Motion carried unanimously 6-0

**Item 9-B Request to Purchase – Council Chambers Audio Visual Equipment Upgrades**

**Resolution 08-15-22-11**

Motion by Dishaw  
Supported by Martin

RESOLVED, to approve the upgrades of the Audio/Visual Equipment in the Council Chambers not to exceed the amount of \$57,630.83 with the use of ARPA funds.

Motion carried unanimously 6-0

**Item 9-C Request to Approve – Contract Renewal with Velocity EHS**

**Resolution 08-15-22-12**

Motion by Dishaw  
Supported by Beller

RESOLVED, to approve contract renewal with Velocity EHS with a termination date of October 18, 2025.

Motion carried unanimously 6-0

**Item 9-D Request to Award Property Sale Bid for 58-137-03-0111-000, 58-137-03-0112-000, 58-137-03-0113-000 – Nicholas Homes**

**Resolution 08-15-22-13**

Motion by Hammond  
Supported by Martin

RESOLVED, to accept the bid by Nicholas Homes in the amount of \$31,500.00 for the purchase of lots 58-137-03-0111-000, 58-137-03-0112-000, 58-137-03-0113-000.

Motion carried unanimously 6-0

**Item 9-E Request to go for Bid – Curbs on W. Huron River Dr.**

No action taken.

**Item 9-F Request to Authorize – Installment Purchase Agreement, Community Center Roof**

**Resolution 08-15-22-14**

Motion by Martin  
Supported by Beller

RESOLVED, to approve the Installment Purchase Agreement for the Community Center Roof as follows:

WHEREAS, the City Council of the City of Flat Rock, County of Wayne, State of Michigan (the “City” determines it to be necessary for the public health, safety and welfare of the City and its residents to replace the roof system at the Flat Rock Community Center (the “Property”) in an amount of Five Hundred Two Thousand Nine Hundred Sixty-One Dollars (\$502,961); and

WHEREAS, under the provisions of Act No. 99, Public Acts of Michigan, 1993, as amended (“Act 99”), the City is authorized to enter into any contracts or agreements for the purchase of the Property to be paid for in installments over a period of not to exceed the useful life of the Property acquired as determined by resolution of the City; and,

WHEREAS, the outstanding balance of all purchases by the City under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of the taxable value of the real and personal property in the City at the date of such contract or agreement; and

WHEREAS, purchase of the Property pursuant to an installment purchase agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and

WHEREAS, the City has received an offer from First Merchants Bank, Carmel, Indiana (the “Bank”) to finance the Property through an installment purchase agreement; and

WHEREAS, the City Council wishes to delegate to the Treasurer to arrange for the financing of the property with the Bank pursuant to an installment purchase agreement within the parameters set forth herein.

NOW THEREFOR, BE IT RESOVLED THAT:

1. The Treasurer is hereby authorized to arrange for the financing of the Property with the Bank pursuant to an installment purchase agreement. Interest on the agreement shall not exceed 5.0% per annum. The aggregate principal amount of the agreement shall not exceed Five Hundred Thousand Dollars (\$500,000), and term of the agreement shall not exceed ten (10) years. The

Mayor, City Clerk, Treasure or their designee are ach hereby authorized to execute the agreement, when in final form, and deliver it to the purchaser.

2. The useful life of the property is hereby determined to be not less than ten (10) years.
3. The Mayor, City Clerk, Treasurer, or their designee are each authorized to execute such additional documentation as shall be necessary to effectuate the closing, contemplated by the agreement.
4. The City herby agrees to include in its budget for each year, commencing with the present fiscal year, a sum which will be sufficient to pay the principal of and the interest coming due under the agreement during such fiscal year.
5. The City covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the agreement from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.
6. The acquisition of the Property and the approval of the agreement hereby are found and declared to be for a valid public purpose and in the best interest of the health and welfare of the residents of the City.
7. The City hereby designates the agreement as a "qualified tax-exempt obligation" for purposes of deduction of interest expense by financial institutions pursuant to the Code.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

Motion carried unanimously 6-0

**Item 9-G Request to Approve – Part Time Accounts Payable Clerk Wage Increase**

**Resolution 08-15-22-15**

Motion by Martin  
Supported by Wrobel

RESOLVED, to approve Part Time Accounts Payable Clerk Wage Increase for LeeAnne Keen of \$18.50 per hour, with an increase to \$19.00 after ninety (90) days.

Motion carried unanimously 6-0

**Item 9-H Request to Approve – Abandonment of Will Carleton Water Main**

**Resolution 08-15-22-16**

Motion by Hammond  
Supported by Beller

RESOLVED, to approve the abandonment of Will Carleton water main as follows:

WHEREAS, the City of Flat Rock, through its Department of Public Services (the “City”), desires to complete the Will-Carleton Road Water Main Replacement from Telegraph Road to 27160 Will-Carleton Project (the “Project”).

WHEREAS, the existing water main lines lie underneath the existing gas line and other utilities; running close to or outside the Right-of-Way under the jurisdiction of the County of Wayne (“the County”) and it would be a significant impact to residential front yards; and that the existing water main is running under some trees.

WHEREAS, the City has requested an exception to the County’s requirement; specifically, the City has requested permission to leave the current water main lines in the ground (the “current water mains”) when new ones will be installed during the Project.

WHEREAS, the County is willing to grant the request in exchange for the City’s agreement to adhere to specific duties related to the current water mains.

NOW THEREFORE BE IT RESOLVED that the County shall grant the City an exception to its requirement that unused utilities be removed in lieu of abandonment in-place.

BE IT FURTHER RESOLVED, that the County shall grant the contemplated exception to the City as related to the Project, only; and

BE IT FURTHER RESOLVED, that in exchange for the exception provided, the City shall:

1. Maintain ownership of the current water lines;
2. Restore in a manner and condition acceptable to the County, a County owned road Right-of-Way suffering damage(s) arising from the current water mains;
3. Under County permit, take action necessary to protect the public from potential injury or property damage arising from the current water mains;
4. Pressure-grout the current water mains with flowable fill material;
5. Remove, cause to be removed or reimburse the County for removal of reconstruction, widening, or relocation project; and
6. Hold harmless the County with respect to any and all incidents or claims arising from the current water mains.

Motion carried unanimously 6-0

**Item 9-I Request to Approve – Full Time Aquatics Manager & Full Time Recreation Manager**

**Resolution 08-15-22-17**

Motion by Martin  
Supported by Hammond

RESOLVED, to approve Heather Beitler as the Full Time Recreation Manager with yearly wage of \$42,640.00 and benefits as outlined in the Administrative Officers/Employees Policy.

Roll Call Vote:  
Yes Approve: Hammond\*  
Beller  
Martin

No Against: Bergeron  
Dishaw  
Wrobel

Motion failed 3-3

**Resolution 08-15-22-18**

Motion by Hammond  
Supported by Martin

RESOLVED, to approve Todd Taylor as the Full Time Aquatics Manager with yearly wage of \$42,640.00 and benefits as outlined in the Administrative Officers/Employees Policy.

Roll Call Vote:  
Yes Approve: Hammond\*  
Beller  
Martin

No Against: Bergeron  
Dishaw  
Wrobel

Motion failed 3-3

**Resolution 08-15-22-19**

Motion by Dishaw  
Supported by Wrobel

RESOLVED, to table the hiring of a Full Time Aquatics Manager and Recreation Manger until a Parks & Recreation Director is hired.

Roll Call Vote:  
Yes Approve: Bergeron  
Dishaw\*  
Wrobel

No Against: Hammond  
Beller  
Martin

Motion failed 3-3

**Resolution 08-15-22-20**

Motion by Martin  
Supported by Hammond

RESOLVED, to approve Heather Beitler as the Interim Director of the Community Center.

Roll Call Vote:  
Yes Approve: Hammond  
Beller  
Dishaw  
Martin\*

No Against: Bergeron  
Wrobel

Motion carried 4-2

**10. LATE CORRESPONDENCE**

**11. CITIZENS TO BE HEARD: COMMENTS AND/OR REQUESTS:**

Members of the audience addressed council regarding the following:

- City Wide Garage Sale will be held on September 10<sup>th</sup> and 11<sup>th</sup>, 2022, St. Vincent De Paul donation trucks will be available.

**CLOSED SESSION:**

**Item A Discussion of Attorney/Client Privileged Confidential Legal Opinion RE: EMS Runs 22-0581 & 22-0582**

**Resolution 08-15-22-21**

Motion by Martin  
Supported by Hammond

RESOLVED, to convene into closed session for discussion of attorney/client privileged confidential legal opinion RE: EMS Runs 22-0581 & 22-0582

Motion carried unanimously 6-0

**Resolution 08-15-22-22**

Motion by Martin  
Supported by Hammond

RESOLVED, to reconvene into open session.

Motion carried unanimously 6-0

12. **ADJOURNMENT:**

**Resolution 08-15-22-23**

Motion by Beller  
Supported by Wrobel

RESOLVED, to adjourn the regular City Council meeting of August 15, 2022, at 9:23pm.

Motion carried unanimously 6-0

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**MARK A. HAMMOND, MAYOR**

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**SHANE ANNE HARRISON, CITY CLERK**

Approved as presented at the September 6, 2022, Regular City Council Meeting