

REGULAR COUNCIL PROCEEDINGS

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

TUESDAY, JANUARY 3, 2023

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, Dishaw, Martin, Tefend, Wrobel

ABSENT: Council: Bergeron

Resolution 01-03-23-01

Motion by Martin
Supported by Tefend

RESOLVED, to excuse Council Member Bergeron for the regular council meeting on January 3, 2023.

Motion carried unanimously 6-0

ALSO, PRESENT: City Attorney Matthew Zick, City Clerk Shane Harrison, Police Chief Jerry Page, City Administrator/Treasurer Joanne Beard, Fire Chief James Katona, Economic Development Director Liz Hendley, Building Director Jeff Kemp Jr., Library Director Michael Cummings, and Parks & Recreation Director Patrick Hawkins.

3. **APPROVAL OF MINUTES:**

Item 3-A Regular Meeting Minutes of December 19, 2022

Resolution 01-03-23-02

Motion by Martin
Supported by Tefend

RESOLVED, to approve the regular City Council meeting of December 19, 2022.

Motion carried unanimously 6-0

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

None

5. REPORTS FROM DEPARTMENT HEADS:

Police Chief Jerry Page

- Updated on Downriver Communities discussions of consolidating 9-1-1 emergency dispatch.

Patrick Hawkins, Parks & Recreation Director

- Community Center will be open of the upcoming Holidays – January 16th & February 20th.
- Pool pump was updated, no cost as under contract, the pool is back open!
- Riverfest Committee meeting will be on Wednesday January 18th @ 6pm in the Fireside Room at the Community Center. All are welcome, looking for more volunteers.

Liz Hendley, Economic Development Director

- SEMCOG Reginal open house on Wednesday January 11th from 10am to 3pm at the King Rd. Event Center in Brownstown. 30 years forecast and draft plans will be available for review.

Fire Chief Jim Katona

- Rapid Response contract began on January 2, 2023, so far 6 calls have completed with no issues.
- Heart Monitor was received, will be in service soon.
- Safety equipment that was awarded by the AFG grant has become to come in.

Shane Harrison, City Clerk

- Update on new audio/visual equipment for Council Chambers.

Joanne Beard, City Administrator/Treasurer

- Updates on OPEB – underfunded amount was significantly reduced to due decisions that Council has made within the past 2 years.
- Provided requested 6-month Community Center financials.

6. REPORTS FROM COUNCIL MEMBERS:

Council Members provided the following updates:

Councilman Jim Martin

- Happy New Year!
- Requested DPS contact Wayne County for drainage issue on Gibraltar Rd. in front of Crest Ford.

Councilman Ken Wrobel

- Welcome 2023!

Councilman Rick Tefend

- Happy New Year!

Councilman Steven Beller

- Happy New Year!
- Encouraged everyone to purchase a Community Center membership.

7. MAYOR COMMENTS:

Mayor Mark Hammond provided updates of the following:

- Happy New Year!
- Thanked the City Hall Staff for their hard work over the past year.
- Thanked the Community Center Staff for their hard work and thanked them for the extending of Community Center hours.

8. AWARDS/PRESENTATIONS:

Item 8-A Police Chief – Mr. & Mrs. Gerry Gorka

- Police Chief Jerry Page thanked Mr. & Mrs. Gorka for their generous donation of a speed radar sign for the East Huron River Dr. area.

9. UNFINISHED BUSINESS:

Item 9-A Historical Commission Appointment

Resolution 01-03-23-03

Motion by Martin
Supported by Wrobel

RESOLVED, to remove the agenda item from the table.

Motion carried unanimously 6-0

Resolution 01-03-23-04

Motion by Martin
Supported by Beller

RESOLVED, to approve the Mayor's recommendation of appointing Rhonda Beuhrer to the Historical Commission with a term expiring on January 3, 2026.

Motion carried unanimously 6-0

10. NEW BUSINESS:

Item 10-A Request to Bid – Sidewalk Replacement

Resolution 01-03-23-05

Motion by Hammond
Supported by Wrobel

RESOLVED, to approve going out to bid for sidewalk replacement.

Motion carried unanimously 6-0

Item 10-B Resolution to Approve – MDOT Permit Use

Resolution 01-03-23-06

Motion by Martin
Supported by Beller

RESOLVED, to approve the MDOT Permit Use as follows:

WHEREAS THE City of Flat Rock hereinafter referred to as the “MUNICIPALITY”, periodically applies to the Michigan Department of Transportation, hereinafter referred to as the “DEPARTMENT”, for permits, referred to as “PERMIT”, to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party’s liability for; or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend litigation, The State of Michigan, the DEPARTMENT and their agents and employee’s, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence of willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT’S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by a contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in

claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof an those contacting governmental bodies, performing permit activities for the DEPARTMENT of all officers, agents and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.

5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this RESOLUTION as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within the State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name: Director of Public Works & Assistant Director or Public Works.

Motion carried unanimously 6-0

11. **LATE CORRESPONDENCE**

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

Members of the audience addressed council regarding the following:

- Concerns regarding recycling being picked up properly.

13. **ADJOURNMENT:**

Resolution 01-03-23-07

Motion by Martin
Supported by Wrobel

RESOLVED, to adjourn the regular City Council meeting of January 3, 2023, at 8:41pm.

Motion carried unanimously 6-0

MARK A. HAMMOND, MAYOR

SHANE ANNE HARRISON, CITY CLERK

Approved as presented at the January 17, 2023, Regular City Council Meeting