



CITY OF PLYMOUTH MEETING MINUTES

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CITY OF PLYMOUTH
CITY COMMISSION MEETING MINUTES
201 S. MAIN STREET, PLYMOUTH, MI 48170
MONDAY, JANUARY 16, 2017, 7:00 p.m.

CALL TO ORDER:

PRESENT:

Mayor Daniel Dwyer, Mayor Pro-tem Oliver Wolcott, Commissioners Colleen Pobur, Daniel Dalton, Suzi Deal, Joe Valenti, Mike Wright

ABSENT: None

Also present was City Manager Paul Sincock, City Attorney Robert Marzano and various City Department Heads.

CITIZEN COMMENTS:

John Townsend, 1312 Penniman, Plymouth, had a correction on the meeting minutes from January 3, 2017 and asked to have it taken care of. He spoke about attending the last half of the Team Building Session on Saturday with the elected officials and Department Heads at the Cultural Center. He stated he found it very informative and interesting.

Ed Krol, 1108 Beech, Plymouth, inquired as to whether the Planning Commission had gotten to a resolution to amend the fence ordinance because he had not seen anything on any agenda. Mayor Dwyer informed Mr. Krol that there has not been anything done at this point in time and maybe he should attend a Planning Commission meeting and ask that question. City Manager Sincock stated that he does not believe that the work of the Planning Commission has been completed to bring forth an amendment for adoption on the fence ordinance.

APPROVAL OF THE AGENDA:

3. A motion was made by Commissioner Colleen Pobur and seconded by Commissioner Daniel Dalton for approval of the Agenda for Monday, January 16, 2017.

MOTION CARRIED 7 – 0

ENACTMENT OF THE CONSENT AGENDA:

4a. Approval of January 3, 2017 City Commission Regular Meeting Minutes

4b. Approval of December, 2016 Bills

A motion was made by Commissioner Joe Valenti and seconded by Commissioner Colleen Pobur for approval of the amended Consent Agenda for Monday, January 16, 2017. Commissioner Valenti requested to remove item #4a and add to agenda #7f for his comments.

MOTION CARRIED 7 – 0

COMMISSION COMMENTS:

Commissioner Mike Wright spoke about the project being put together for the celebration for the "Plymouth 150 Years". He talked about the work being done by himself and Commissioner Deal, Ellen Elliott and Sherrie Brindley. He asked Ellen Elliott to speak to this project and she provided an outline of some of the things being planned.

Ellen Elliott stated the objective being able to raise community awareness of the rich "150" years of history for the City of Plymouth. She feels they are planning great things for the entire year for various events in the community. She is very excited about this taking place and there is a group of

people diligently working on finding supporters and sponsors for each planned event.

Commissioner Colleen Pobur spoke about the Team Building/Goal Session with the City Commission and Department Heads on Saturday, January 14th. She spoke about the facilitator, Dr. Lew Bender, who was there to work with everyone and facilitate the program. She stated this program is something she really likes to do and felt everyone at the end of the program felt good about the day. She felt it was a very informative program and everyone was engaging throughout the entire day. She stated it was a visionary process of what the City might look like in 2022 and broke out into sessions with a one year goal to achieve.

Commissioner Joe Valenti spoke about the session on Saturday and thought it was a good idea that they consider scheduling workshops or study sessions at a public meeting throughout the year. He felt the demographics were a very interesting discussion and the entire day they had great discussions.

Mayor Pro-tem Oliver Wolcott , stated he was sorry that the Mayor was unable to attend and would have enjoyed himself with the engaging conversations. He stated one of the major things was to find out the big vision goals and they broke out in groups and everyone had interesting ideas. He felt this session was informative and incredibly helpful.

Commissioner Colleen Pobur stated that in this process they were involved in on Saturday the facilitator asked for everyone to come up with a plan and track to it and revisit it to see if everyone is doing what the plan states. She spoke about an issue that has just come to the Commissioners attention concerning a problem going on in the community. She stated that this has happened since the whole issue of disgruntled residents complaining about home tear downs and tree removals in the City (the Kellogg House). Someone has been approaching contractors and giving them a hard time and asking them to leave and going so far as to vandalize their equipment. She stated that the Commission and Police Department will be watching closely because this just is wrong and cannot continue to happen in this community.

Mayor Daniel Dwyer spoke about the lady that lived next to the Kellogg House that was torn down and stated that when she came forth to complain about the historical value and removal at a Commission Meeting, she was harassed about it by some individuals. He also had another phone call from a person that stated they are being harassed because of their views. He stated these houses being town down for development are not the core of Plymouth and how you treat people is a reflection on you as an individual. He stated he is very upset that this has turned into people being afraid to speak their minds at a meeting and this community is better than that. These individuals acting like vigilantes is not going to go well and they just need to stop. The Commission and Police Department are going to keep a watchful eye on what is going on in the City to make sure this kind of behavior stops because we cannot tolerate people acting in this manner.

OLD BUSINESS:

6a. Sign Ordinance Amendment – Final Reading -

RES. #2017-01

WHEREAS, The City of Plymouth has a number of local Ordinances in order to protect the public health, safety and welfare; and

WHEREAS, From time to time it is necessary to update these Ordinances to meet certain community standards and/or to come into compliance with state or federal law of rulings; and

WHEREAS, The City Commission has determined that there is a need to adopt certain changes in the Ordinance commonly known as the "Sign Ordinance".

FROM THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt changes to the Plymouth City Code of Ordinances ARTICLE XIX – Signs Section 78-220 through 78-231 at its Second and Final Reading:

78-220 - Intent

78-221 - Definitions

78-222 - Violations and penalties

78-223 - Signs not permitted

- 78-224 - Application of standards; Exempt signs/temporary signs – Deletion this section
- 78-225 - Required Conditions in any use District
- 78-226 - Signs Permitted
- 78-227 - Measurement
- 78-228 - Ground Signs
- 78-229 - Building Signs/wall signs
- 78-231 - Hanging Signs/Pedestrian Traffic Signage

A motion was made by Commissioner Daniel Dalton and seconded by Commissioner Colleen Pobur for approval of the resolution.

MOTION PASSED 6 – 0

NEW BUSINESS:

7a. Sale of Used Fire Truck -

RES. #2017-02

WHEREAS, The City of Plymouth has recently purchased a new Fire Engine to protect the public health, safety and welfare; and

WHEREAS, The new truck is replacing a 1988 Pierce Fire Engine, which is now deemed to be surplus equipment; and

WHEREAS, The City of Northville has offered to purchase the truck for \$11,000 to replace one of their trucks that is of the same age.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby deem the 29 year old 1988 Pierce Fire Engine to be surplus equipment and does hereby establish the value of the truck at \$11,000.00 and hereby authorizes the sale to the City of Northville for \$11,000.

A motion was made by Commissioner Colleen Pobur and seconded by Mayor Pro-tem Oliver Wolcott for approval of the resolution.

MOTION PASSED 6 – 0

7b. Annual State Highway Permit –

RES. #2017-03

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, The City of Plymouth hereinafter referred to as the 'GOVERNMENTAL AGENCY', 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 GOVERNMENTAL AGENCY agrees that:

1Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement 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.

2If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in 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 or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY.

Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely

as a contractor for the GOVERNMENTAL AGENCY 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 GOVERNMENTAL AGENCY, 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 any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

4The GOVERNMENTAL AGENCY 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, 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 judgment for money damages.

5 The GOVERNMENTAL AGENCY 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 GOVERNMENTAL AGENCY'S facility according to a PERMIT issued by the DEPARTMENT.

6With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY 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.

7The 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.

8This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY 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 GOVERNMENTAL AGENCY 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 State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Paul Sincock, City Manager

Chris Porman, Director of Municipal Services

Al Cox, Police Chief

Steve Faiman, Asst. Director of Municipal Services

Mike Brindley, Foreman, Department of Municipal Services

A motion was made by Mayor Pro-tem Oliver Wolcott and seconded by Commissioner Colleen Pobur for approval of the resolution.

MOTION PASSED 7 – 0

7c. Saw Grant Funded/Manhole Condition Assessment –
RES. #2017-04

WHEREAS, The City of Plymouth was awarded a grant program known as a SAW Grant and this grant program is for asset management; and

WHEREAS, The next phase of the program is to complete an inspection of all of the sanitary sewer manholes in the City; and

WHEREAS, The City has received a proposal from Wade Trim to complete the survey and upload the Data into the City's GIS program in the not to exceed amount of \$60,000; and

WHEREAS, The funding for this effort will be from the Grant proceeds and will be 100% grant funded. NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize professional services from Wade Trim in an amount not to exceed \$60,000.00 to accomplish a SAW Grant funded inspection of all sanitary sewer manholes in the City. Expenses for this project are to be charged to 592-536-818 and will be reimbursed from the SAW Grant.

A motion was made by Commissioner Daniel Dalton and seconded by Commissioner Suzi Deal for approval of the resolution.

MOTION PASSED 7 – 0

7d. Youth Sports Policy Update – Soccer -

RES. #2017-05

WHEREAS, The City of Plymouth offers a Youth Soccer program to help promote the public health, safety and welfare; and

WHEREAS, The City has a number of policies for this program and from time to time they need to be updated; and

WHEREAS, The Recreation Director has proposed a number of changes to the current policies.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the Revised Youth Soccer Program Policies as of January 11, 2017 as presented

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to place a copy of the adopted policies in the Meeting Minutes for this City Commission Meeting

A motion was made by Commissioner Mike Wright and seconded by Mayor Pro-tem Oliver Wolcott for approval of the resolution.

MOTION PASSED 7 – 0

7e. Tolling Agreement With Plymouth Township –

RES. #2017-06

WHEREAS, The City of Plymouth and the Township of Plymouth entered into an Intergovernmental Fire Services Agreement, on or about November 22, 1994; and

WHEREAS, On October 6, 2010 after several meetings with the Township Board representatives, the City gave formal notice to the Township that the City wished to terminate its participation in the Fire Services Agreement; and

WHEREAS, There are certain contractual agreements which still must be resolved and it is the desire of the City and Township to enter into a Tolling Agreement to allow both parties to continue to discuss and potentially come to agreement on outstanding issues.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the proposed Tolling Agreement with the Charter Township of Plymouth and authorizes the Mayor to sign the agreement on behalf of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to include a complete copy of the Tolling Agreement in the Official Meeting Minutes of this City Commission Meeting.

A motion was made by Mayor Pro-tem Oliver Wolcott and seconded by Commissioner Dan Dalton for approval of the resolution.

MOTION PASSED 7 – 0

7f. Approval of January 3, 2017 City Commission Regular Meeting Minutes –

Commissioner Joe Valenti pointed out that on page 6 of the minutes he wanted line #5, the word changed from “builders” to “homeowners” and to make sure that there was the change made in the ordinance that “the ordinance is in effect 30 days after publication”.

Commissioner Pobur indicated that in the motion and also the last part of the ordinance will have the language he is referencing.

A motion was made by Commissioner Joe Valenti and seconded by Commissioner Colleen Pobur for approval of the meeting minutes as amended.

MOTION PASSED 7 – 0

REPORTS AND CORRESPONDENCE: None

ADJOURNMENT:

9. Hearing no further business, a motion was made by Mayor Pro-tem Wolcott and seconded by Commissioner Colleen Pobur for adjournment of the meeting at 7:45 p.m.

MOTION PASSED 7 – 0