

City of Allen Park Regular Council Meeting Minutes
Tuesday, November 27, 2018

Mayor William B. Matakas called the Meeting to order at 6:00 PM at the City Hall - 15915 Southfield Rd. Roll Call showed present: Councilwoman Gail McLeod, Councilman Kevin Rourke, Councilwoman Tina Gaworecki, Councilman Angelo Americo DeGiulio, and Councilman Larry Templin;
EXCUSED: Councilman Harry Sisko

Also present: City Administrator Mark Kibby, City Attorney Joe Couvreur, Deputy Fire Chief Ed Cann, P&R Operations & Facilities Manager Kyle Kar, DPW Director Tom Murray, Building Official Dave Boomer, Deputy Parks and Recreation Director Robert Fulton, Parks and Recreation Director Pat Hawkins, Finance Director Robert Cady, Treasurer Maureen Armstrong & City Clerk Michael I. Mizzi

Motion by Templin

Supported by Gaworecki

RESOLVED, to approve the Agenda with adding Swearing in of Police Officer Anthony Carioti and separate Claims & Accounts

MOTION ADOPTED – 18-1127-0259

Motion by Rourke

Supported by McLeod

RESOLVED, to approve the Minutes for the Regular Meeting of November 13, 2018

MOTION ADOPTED – 18-1127-260

Motion by DeGiulio

Supported by Gaworecki

RESOLVED, to Accept and File the City Administrators operational updates/reports/documents and submissions

MOTION ADOPTED – 18-1127-261

Motion by McLeod

Supported by Templin

RESOLVED, to appoint Pamela Sych to the Historic Commission with a Term ending December 31, 2019 due to the resignation of Linda Milne

MOTION ADOPTED – 18-1127-262

Motion by DeGiulio

Supported by Templin

RESOLVED, to approve Claims and Accounts as presented.

MOTION ADOPTED – 18-1127-263

Motion by McLeod

Supported Gaworecki

RESOLVED, to approve the following Consent Agenda Items:

A. Purchasing Actions

2. Payroll Report

MOTION ADOPTED – 18-1127-264

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Motion by Rourke

Supported by DeGiulio

WHEREAS, Chapter 7 of the Wayne County Storm Water Management Ordinance (“Wayne County Ordinance”), requires storm water management systems to be maintained in perpetuity to ensure that the systems function properly as designed;

WHEREAS, Rule 801 of the Wayne County Storm Water Management Administrative Rules (“Administrative Rules”) requires applicants for storm water construction approval to submit long term maintenance plans as part of an application for storm water construction approval;

WHEREAS, Allen Park Superior Hospitality, LLC (“Owner”) has applied to the Wayne County Department of Public Services for approval to construct a storm water management system with respect to a Hotel and Retail project (“Project”) located at 16850 Southfield Road in Allen Park, Michigan;

WHEREAS, Developer’s and Owner’s application for approval to construct a storm water management system has been assigned Permit No. M-50579.

WHEREAS, Developer and Owner submitted a plan to the County and City of Allen Park (“Plan”) for long-term maintenance of the storm water management system(s) at the Project pursuant to Rule 801, which Plan has been tentatively approved by the County pending issuance of this resolution and has been accepted by the City of Allen Park; and

WHEREAS, the City of Allen Park has agreed to assume jurisdiction and accept responsibility for long-term maintenance of storm water management system(s) at the Project in perpetuity;

NOW, THEREFORE, BE IT RESOLVED, that upon execution of the Agreement for Maintenance of Storm Water Management System, Reimbursement of Expenses Incurred by the City and Indemnification with Allen Park Superior Hospitality, LLC, the City of Allen Park assumes jurisdiction over and accepts responsibility for long term maintenance of storm water management system(s) at the Project pursuant to the Wayne County Ordinance, the Administrative Rules, the Plan, and the storm water construction approval issued by Wayne County;

BE IT FURTHER RESOLVED, that approval be and is hereby granted, authorizing the DPW Director to execute, on behalf of the City of Allen Park, the Permit and other documents for long-term maintenance of the storm water management system issued by Wayne County for the Project.

MOTION ADOPTED – 18-1127-265

Motion by McLeod

Supported by Gaworecki

WHEREAS, the City of Allen Park (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting -

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Wayne County Annual Maintenance Permit - A-19076 (hereinafter the “Permit”), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community’s authorized representative.

BE IT FURTHER RESOLVED, that the **DPS Director Tom Murray** is authorized in their official capacity as the Community’s authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

MOTION ADOPTED – 18-1127-266

Motion by Rourke
Supported by Templin

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WHEREAS, the **City of Allen Park** (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting - **Wayne County Annual Pavement Restoration Permit - A-19131** (hereinafter the “Permit”), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community’s authorized representative.

BE IT FURTHER RESOLVED, that the **DPS Director Tom Murray** is authorized in their official capacity as the Community’s authorized representative to sign and so bind the Community to the provisions

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of any and all permits applied for to the County of Wayne Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

MOTION ADOPTED – 18-1127-267

Motion by Gaworecki

Supported by McLeod

WHEREAS, the City of Allen Park (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting -
Wayne County Annual Permit for Special Events - A-19161 (hereinafter the “Permit”), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor’s behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be

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cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the **DPS Director Tom Murray** is authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

MOTION ADOPTED – 18-1127-268

Motion by DeGiulio

Supported by McLeod

RESOLVED, to Convene into Closed Session to consult with attorneys regarding pending litigation as permitted under MCL 15.268 (e)

Roll Call Vote: Unanimous

MOTION ADOPTED – 18-1127-269

The door was closed at 6:43 PM

The door was opened at 7:33 PM

Motion by Gaworecki

Supported by Templin

RESOLVED, to reconvene into the Regular Council Meeting

MOTION ADOPTED – 18-1127-270

Motion by McLeod

Supported by Rourke

RESOLVED, to adjourn the Regular Council Meeting at 7:34 PM

MOTION ADOPTED – 18-1127-271

William B. Matakas – Mayor

Michael I. Mizzi – City Clerk