



City of Plymouth  
City Commission Regular Meeting Minutes  
Monday, November 15, 2021 - 7:00 p.m.  
Plymouth City Hall 201 S. Main St., Plymouth, MI 48170

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City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170-1637

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Phone 734-453-1234  
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**1. CALL TO ORDER**

- a. Mayor Moroz called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.
- b. Roll Call

Present: Mayor Nick Moroz, Mayor Pro Tem Tony Sebastian, Commissioners Suzi Deal, Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Kelly O'Donnell

Also present: City Manager Paul Sincock, Attorney Robert Marzano, Public Safety Director Al Cox, and various members of the City administration

**2. CITIZEN COMMENTS**

There were no citizen comments.

**3. APPROVAL OF THE AGENDA**

Sebastian offered a motion, seconded by O'Donnell, to approve the agenda for Monday, November 15, 2021.

There was a roll call vote.

Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

**4. ENACTMENT OF THE CONSENT AGENDA**

- a. Approval of November 1, 2021 City Commission Regular Meeting Minutes
- b. Approval of November 8, 2021 City Commission Regular Meeting Minutes
- c. Approval of October 2021 Bills
- d. Special Event: Ladies' Holiday Shopping Night, Thursday November 18, 2021

Sebastian offered a motion, seconded by O'Donnell, to approve the consent agenda.

Ellen Elliott, 404 Irvin, asked that the minutes from the November 1, 2021 meeting be removed from the consent agenda and added to New Business.

Kehoe offered a friendly amendment to remove the minutes from the November 1, 2021 meeting from the consent agenda and added to New Business. Sebastian and O'Donnell accepted the friendly amendment.

There was a roll call vote.

Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

**5. COMMISSION COMMENTS**

Filipczak congratulated Kemnitz Fine Candies and Gifts for celebrating their 70<sup>th</sup> anniversary.

O'Donnell said she attended the Red Kettle Kickoff and Downtown Tree Lighting last week.

Deal thanked the staff for organizing the strategic plan meeting and said it was a great opportunity for the Commission and staff to work together.

Maguire thanked the residents, voters, poll workers and staff for participating in the November 2 election.

Kehoe encouraged everyone to work to mitigate the spread of Covid.

Moroz announced that Harvey St. is now open and thanked all involved in the construction project. He reminded the group about upcoming events, including Ladies' Holiday Shopping Night on November 18, the Santa Parade on November 26, and Christmas in Plymouth on December 2. He also recognized the service of Jim Allen, the former chief of the Northville City Fire Department who passed away on November 3.

**6. OLD BUSINESS**

There was no old business.

**7. NEW BUSINESS**

a. State Highway Permits

The following resolution was offered by Sebastian and seconded by O'Donnell.

RESOLUTION 2021-94

## PERFORMANCE RESOLUTION FOR MUNICIPALITIES

*This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the   CITY OF PLYMOUTH   (County, City, Village, Township, etc.)

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 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 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 any 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 and those contracting governmental bodies performing permit activities for 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 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.
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- 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 State Highway Right of Way on behalf of the MUNICIPALITY.

<u>Title and/or Name:</u>	Chris Porman	and/or	Director of Municipal Services
	Chris Helinski	and/or	Operations
	Adam Gerlach	and/or	Utilities
	Mike Brindley	and/or	Foreman
	Al Cox	and/or	Director of Public Safety
	Paul Sincock	and/or	City Manager

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the \_\_\_\_\_  
(Name of Board, etc.)  
 of the \_\_\_\_\_ of \_\_\_\_\_  
(Name of MUNICIPALITY) (County)  
 at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day  
 of \_\_\_\_\_ A.D. \_\_\_\_\_

\_\_\_\_\_  
*Signed*  
 \_\_\_\_\_  
*Title*  
 \_\_\_\_\_  
*Print Signed Name*

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There was a roll call vote.  
 Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

b. Snow and Ice Control Policy  
 The following resolution was offered by Sebastian and seconded by O'Donnell.

RESOLUTION 2021-95

WHEREAS The City of Plymouth completes snow and ice control measures in order to protect the public health, safety and welfare; and

WHEREAS The City annually reviews and updates its Snow and Ice Control Policy that directs and gives responsibilities to various city departments.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the City of Plymouth Department of Municipal Services Snow & Ice Control Policy as reviewed and revised on November 15, 2021.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby establish that the minimum billing for the City or its contractors removing snow as a result of violations of Section 62-39 and 62-40 of the Plymouth City Code shall be a minimum of \$150.00 and the hourly rate shall not be less than \$150.00 per hour.

Sincock shared a video showcasing Department of Municipal Services crew members explaining the brining process and demonstrating the use of the vehicles. Commission members were complimentary of the video and of the crew's work.

There was a roll call vote.

Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

c. Minutes of the November 1, 2021 Meeting

Elliott asked that the minutes be revised to include her comment about the City survey.

RESOLUTION 2021-96

O'Donnell offered a motion, seconded by Deal, to revise the minutes of the November 1, 2021 minutes to include the following under item 6.a.

Resident Ellen Elliott asked that members of the City's boards and commissions be allowed to have input regarding questions on future surveys.

There was a roll call vote.

Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

**8. REPORTS AND CORRESPONDENCE**

a. Liaison Reports

O'Donnell said she attended the November Planning Commission meeting and the site plan for the Post Local Bistro was approved. She reported that Scott Silvers was elected vice chair at the meeting.

b. Appointments

Deal recommended the following re-appointments.

Board of Review – Steven Repasky

Cemetery Board – Barb Solterman

DDA – Kerri Pollard and Scott Foess

HDC – Josh Mrozowski

Planning – Karen Sisolak  
ZBA – Jim Burrows and Mike Devine (Scott Silvers alternate)  
Housing – Elizabeth Johnson

She also recommended that Mike Pappas be appointed to the ZBA.

Maguire offered a motion, seconded by Filipczak to accept the re-appointments and appointment as presented.

Kehoe offered a friendly amendment, seconded by Filipczak, to re-appoint Scott Silvers to the Planning Commission. The friendly amendment was accepted.

There was a roll call vote.

Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

## 9. ADJOURNMENT

Hearing no further discussion, Moroz asked for a motion to adjourn at 7:31 p.m. A motion to adjourn was offered by Sebastian and seconded by Filipczak.

There was a roll call vote.

Yes: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Sebastian, Moroz

MOTION PASSED 7-0

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NICK MOROZ  
MAYOR

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MAUREEN A. BRODIE, CMC, MiPMC  
CITY CLERK