



City of Plymouth
City Commission Regular Meeting Minutes
Tuesday, January 3, 2023, 7:00 p.m.
Plymouth City Hall 201 S. Main St. Plymouth, MI

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

Mayor Moroz called the meeting to order and led the Pledge of Allegiance.

a. Roll Call

Present: Mayor Moroz, Mayor Pro Tem Suzi Deal, Commissioners Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Kelly O'Donnell, and Marques Thomey

Also present: Assistant City Manager Chris Porman, Attorney Bob Marzano and various members of the City administration

2. APPROVAL OF MINUTES

Maguire requested to be recused from voting because she wasn't in attendance at the December 19, 2022 meeting. O'Donnell offered a motion, seconded by Moroz to allow Maguire to abstain.

There was a voice vote.

MOTION PASSED

Thomey offered a motion, seconded by O'Donnell, to approve the minutes of the December 19, 2022, City Commission meeting.

There was a voice vote.

MOTION PASSED

3. APPROVAL OF THE AGENDA

Filipczak offered a motion, seconded by Maguire, to approve the agenda for Tuesday, January 3, 2023.

There was a voice vote.

MOTION PASSED

4. ENACTMENT OF THE CONSENT AGENDA

a. Special Event: Spring Artisan Market – Saturday, April 22, 2023

Filipczak offered a motion, seconded by Deal to approve the consent agenda for January 3, 2023.

There was a voice vote.

MOTION PASSED

5. CITIZEN COMMENTS

There were no citizen comments.

6. COMMISSION COMMENTS

Maguire wished all a happy new year.

Moroz offered congratulations to the following staff members for their work anniversaries: Dee Dee Perino-1 year; Greg DiMaio-1 year; Samantha Jost-1 year; Scott Hockenberry-6 years; Al Cox-25 years.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

a. Annual State Highway Permit - 2023

The following resolution was offered by Thomey and seconded by Filipczak

RESOLUTION 2023-01

Michigan Department
of Transportation
2207B (05/21)

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**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.

- 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.

Title and/or Name:


- Chris Porman and/or Director of Municipal Services
- Dave Cirilli and/or Operations Foreman
- Adam Gerlach and/or Assistant Director Municipal Services
- 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 _____ CITY COMMISSION _____
 (Name of Board, etc.)

of the _____ CITY OF PLYMOUTH _____ of _____ WAYNE _____
 (Name of MUNICIPALITY) (County)

at a _____ CITY COMMISSION _____ meeting held on the 3rd day
 of _____ JANUARY _____ A.D. _____ 2023 _____.



 Signed

CITY CLERK

 Title

MAUREEN A. BRODIE

 Print Signed Name

There was a voice vote.

MOTION PASSED

b. Impervious Pavement Ordinance First Reading

The following motion was offered by Kehoe and seconded by O'Donnell.

MOTION 2023-02

- WHEREAS The City of Plymouth has zoning ordinances that from time to time need to be updated; and
- WHEREAS The City Commission had a one-year objective within the strategic plan to explore/create an impervious surface ordinance; and
- WHEREAS The Planning Commission had a one-year goal to explore an impervious surface ordinance; and
- WHEREAS The Planning Commission held a public hearing on the proposed changes on September 14, 2022.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby direct that the Code of Ordinances of the City of Plymouth, Michigan Section 78 is to be amended as attached at the first reading of the proposed changes.

- Section 78-21 – Define landscape area and permeable pavement.
- Section 78-190 – Add content
- Section 78-191 – Add new subsection (x).
- Section 78-203 – Add, delete, and amend content in subsection (5). Add subsection (6).
- Section 78-219 – Add content in subsection (3).
- Section 78-270 – Fix typo in subsection (a)(2).
- Section 78-273 – Add, delete, and amend content in subsection (1). Delete subsection (2).

Commission members discussed the resolution and asked Community Development and Planning Director Greta Bolhuis questions about the landscaping requirements in the proposed ordinance changes, particularly the prohibited species of plants. There were also questions about potential consequences, enforceability, and other potential ramifications.

Moroz offered a motion, seconded by Deal, to table the motion pending additional information. There was a roll call vote.

YES: Deal, Filipczak, Moroz

NO: Kehoe, Maguire, O'Donnell, Thomey

MOTION FAILED

There was a roll call vote on Resolution 2023-02.

YES: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Thomey, Moroz

MOTION PASSED

9. REPORTS AND CORRESPONDENCE

a. Liaison Reports

Filipczak said the Historic District Commission would be meeting on January 4.

O'Donnell said the Planning Commission would be meeting on January 11.

Moroz said the DDA would be meeting on January 9.

Kehoe said the Zoning Board of Appeals would be meeting on January 5.

10. ADJOURNMENT

A motion to adjourn was offered by Filipczak and seconded by Thomey at 7:34 p.m.

There was a voice vote.

MOTION PASSED

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK