

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, JULY 21, 2008

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, July 21, 2008 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members, Clark, Paisley, McGhee, Molenda, Conner, Beneteau and Mayor Worrell.

Charles D. Evans, Clerk, City Clerk's Office, gave the invocation.

Mayor Worrell led the pledge of allegiance to the flag.

Public Hearings.

170 This being the date set to hear public comments on Proposed Ordinance No. 08-011, an Ordinance to amend Sections 492.01 and 492.02, Speed on River Raisin of the Codified Ordinance of Monroe, MI., and there being no persons present commenting and no comments on file in writing in the Clerk –Treasurer's Office, the Mayor the declared the hearing closed.

Council Action

170 It was moved by Councilman Paisley and supported by Councilman Clark that Proposed Ordinance No. 08-011, an Ordinance to amend Sections 492.01 and 492.02, Speed on River Raisin of the Codified Ordinance of Monroe, MI., be placed on its final reading.

Ayes: 7 Nays: 0

Motion Carried.

Proposed Ordinance No. 08-011 was then presented for the second time, after which the Mayor asked, Shall this ordinance pass?

Ayes: 7 Nays: 0

Ordinance passed.

211 It was moved by Councilman Paisley and seconded by Councilman McGhee that Proposed Ordinance No. 08-012, an Ordinance to amend Chapter 296, Municipal Employees' Retirement System to revise Section 296.48(b)(2)A, Hybrid Pension retirement window, be placed on its first reading and that the public hearing be set for Monday August 4, 2008.

Ayes: 7 Nays: 0

Motion Carried.

Proposed Ordinance No. 08-012 was then presented for the first time and laid over for its second reading and public hearing for Monday, August 4, 2008.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and may be approved by one motion. Any item may be removed for separate discussion by a Councilperson or citizen.)

- A. Approval of the Minutes of the Regular Meeting held on Monday, July 7, 2008, the Minutes of the Regular Meeting.
- B. Approval of payments to vendors in the amount of \$ 969,720.82.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

196 Demolition Bid – 118 West Fifth Street.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 118 West Fifth Street, and recommending that the award be made to Erie Demolition & Salvage Inc. for a total cost of \$8,200.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

197 Demolition Bid – 1128 East Second Street.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 1128 East Second Street, and recommending that the award be made to Erie Demolition & Salvage Inc., for a total cost of \$8,000.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

198 Demolition Bid – 402 Almyra Avenue.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 402 Almyra Avenue, and recommending that the award be made to Erie Demolition & Salvage Inc., for a total cost of \$7,100.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

199 Demolition Bid – 401 Railroad Street.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 401 Railroad Street, and recommending that the award be made to Erie Demolition & Salvage Inc. for a total cost of \$7,200.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

200 Copper Tubing Bids.

1. Communication from the Director of Water and Wastewater Utilities, reporting back on bids received for the purchase of approximately a year supply of Water Department Copper tubing requirements, and recommending that a purchase order in the amount of \$95,920.00 for providing Water Department Copper Tubing be issued to HD Supply Waterworks.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

201 Water Treatment Plant Chemical Building Roofing Renewal Project Bids.

1. Communication from the Director of Water and Wastewater Utilities, reporting back on bids received for the Water Treatment Plant Chemical Building Roofing Renewal Project, and recommending that a purchase order in the amount of \$22,522.00 for the Water Treatment Plant Chemical Building Roofing Renewal Project be issued to W.M. Morss Roofing, Inc. in accordance with the bid specifications.
2. Supporting documents.

3. Action: Accept, place on file and that the recommendation be carried out.
- 202 St. Michael We Care Banner Request.
1. Communication from the City Manager's Office, reporting back on a request from St. Michael's We Care for permission to display two banners: First banner across Monroe Street from January 19 – February 8, 2009, and the second banner across West First Street from January 19 – February 8, 2009 announcing the We Care Telethon, and recommending that the request be approved.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 203 Nims Street Block Party.
1. Communication from the City Manager's Office, reporting back on a request from Debby Kansier on behalf of the residents of Nims Street for permission to hold their annual block party on August 9, 2008 and to close Nims Street from 5:00 p.m. – 10:00 p.m., and recommending that Council approve the request contingent upon items being met as outlined by the administration, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 204 Lincoln Avenue Block Party.
1. Communication from the City Manager's Office, reporting back on a request from Becky Coffin on behalf of the residents of Lincoln Avenue for permission to hold their annual block party on August 23, 2008 and to close Lincoln Avenue between Noble and Willow from 12noon – 10:00 p.m., and recommending that Council approve the request contingent upon items being met as outlined by the administration, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.
- 205 Appointments Resolution.
1. Communication from Mayor's Office submitting a proposed resolution for appointments to various City Boards and commissions, and recommending the proposed Resolution be adopted.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 206 Special Event and City Services Fee Waiver Policy.
1. Communication from the Director of Engineering, Planning and Public Services, submitting a proposed resolution establishing guidelines to be used by staff to respond to requests for use of City facilities, equipment, personnel and waiver of associated fees and charges, and recommending the attached Resolution be approved providing staff with guidelines and policy for application to requests for services and fee waivers.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.

207 Refuse Collection Contract Extension.

1. Communication from the Director of Engineering, Planning and Public Services, submitting a request to extend the current contract for trash collection which expires August 30, 2008, while staff reviews current refuse collection contract guidelines, specifications and parameters for bid purposes, and recommending that Council approve a six month extension to the existing contract with Waste Management as detailed in their written contract extension proposal and that the Mayor and/or City Clerk be authorized to sign the appropriate contract extension documents.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

208 Petition to Vacate Alley.

1. Communication from the Director of Engineering, Planning and Public Services, submitting a petition to vacate Alley #28-3, which runs north and south and is located between Arbor and Riverview Avenues to the east and west: Noble Avenue on the north; and Alley #28-4, running east and west, on the south, and recommending that Council deny the request.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

209 Replacement of Fire Chief command vehicle.

1. Communication from the Acting Fire Chief, submitting a request to replace the current Fire Chief Commander vehicle, (9 year old Chevy Suburban, 75,000 miles), and recommending that a purchase order in the amount of \$23,787.00 for a 2009 Ford Explorer be issued to Signature Ford in accordance with bid #34-02.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

210 Appointment of Deputy Public Safety Director - Fire Chief.

1. Communication from the City Manager's Office, submitting a confirmation of Appointment of the Deputy Public Safety Director – Fire Chief, and recommending that Council confirm the City Manager's appointment of Joe Mominee as the Deputy Director of Public Safety – Fire Chief for the City of Monroe and also the employment agreement related to the position, which is attached.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Councilman Paisley and seconded by Councilman Beneteau that items, 200, 201, 202, 203 and 204 be approved as indicated and that items 196, 197, 198, 199, 205, 206, 207, 208, 209 and 210 be removed and considered separately.

Ayes: 7 Nays: 0

Motion Carried.

196 The communication from the Building Official, was presented reporting back on bids received for the demolition of a property located at 118 West Fifth Street, and recommending that the award be made to Erie Demolition & Salvage Inc., for a total cost of \$8,200.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.

Councilman Clark requested details of the process in determining the need for demolition.

Joe Lehmann, Building Official, explained that the property owner is given a specific amount of time to do repairs to the property, and if there is no response from the property owner, then demolition would be the next step. He further stated that the city tries to demo the worst cases first.

Councilman Clark asked if any properties on the current demo list were abandoned.

Joe Lehmann, Building Official, stated that one of the properties was abandoned.

George Brown, City Manager explained that the demolition budget is \$50,000.00 and after that amount is exhausted demolition requests would need to come before council.

Fernando Fredrick, 215 West Samaria Road, property owner of 118 West Fifth Street, said he was not given the chance to bring the property up to code and that he was charged \$150.00 for the inspectors to come in. He further stated he has turned this issue over to his attorney.

Debra Miller, 112 West Fifth Street, lives adjacent to the property and stated that the property has been in varying states of disrepair for the past four years and that very little work has been done on the property in that time.

Pat McElligott, 813 Reisig Street, agrees with Debra Miller and Councilman Clark and asked for more information regarding the demolitions.

George Brown, City Manager, explained that the general process is to put an owner on notice that the property is in dangerous condition, they are given a specific amount of time to respond to the notice, and that the property owner can appeal any decision made by Council.

Adam Yeager, 1833 South Custer, asked if the property owners were informed that Habitat for Humanity may offer help to bring the property up to code.

Troy Parriet, 122 West Fifth Street, stated that he can see the ceiling and roof caving in from the inside of the house, that there is a terrible smell coming from the property, and that he is in favor of the demolition.

Julie Adriacchii, 1420 Hagan, asked if the property owner is billed for the demolition and who will be responsible to care for the property if the structure is demolished?

Tom Ready, City Attorney, said the property owner would be billed for the demolition and would also be responsible for the upkeep.

It was moved by Councilman Clark and seconded by Councilman McGhee that item 196 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

197 The communication from the Building Official, was presented reporting back on bids received for the demolition of a property located at 1128 East Second Street, and recommending that the award be made to Erie Demolition & Salvage Inc., for a total cost of \$8,000.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.

Richard Sieb, 630 East Second Street, property owner of 1128 East Second Street, indicated that he has been working on the property and is in agreement that more work is needed, that he has tried to sell the building and found during the negotiation process that the city had rezoned it and he lost the sale. He further stated that the building is structurally sound and doesn't understand why it has been singled out.

Joe Lehmann, Building Official, indicated there have been many building permits pulled since the late 1990's for the structure, and his recommendation is that within ten days the Building Inspector be able to walk through the property for an inspection, that permits be pulled within twenty days, that progress is shown by inspection process in thirty days and that certificate of occupancy be available in ninety days along with a performance bond of \$10, 000.00 to be used for demolition if needed.

Councilman McGhee is in favor of the demolition.

Councilman Molenda asked if improvements were completed from the permits that were pulled in the past.

Richard Sieb, 630 East Second Street, property owner of 1128 East Second Street, said he has replaced the windows and the siding.

It was moved by Councilman Clark and seconded by Councilman Molenda that item 197 be accepted, placed on file and the recommendation be carried out.

Ayes: 4 Nays: 3 (Beneteau, Conner, Paisley)

Motion Failed.

It was moved by Councilman Beneteau and supported by councilman Paisley that the five recommendations from the Building Official be adopted and implemented within the 90 day timeline set forth and if any of the five recommendations are not fulfilled, it should be brought before council immediately.

Ayes: 6 Nays: 1 (Clark)

Motion Carried.

198 The communication from the Building Official, was presented reporting back on bids received for the demolition of a property located at 402 Almyra Avenue, and recommending that the award be made to Erie Demolition & Salvage Inc. for a total cost of \$7,100.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

It was moved by Councilman Clark and seconded by Councilman McGhee that item 198 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

199 The communication from the Building Official, was presented reporting back on bids received for the demolition of a property located at 401 Railroad Street, and recommending that the award be made to Erie Demolition & Salvage Inc. for a total cost of \$7,200.00, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

Pat McElligott, 813 Reisig Street, questioned how it was determined what demolition company was awarded the bid when two of the companies had tied bids.

Joe Lehman, Building Official, explained the bid process and stated that the Finance Department decided to award the bid to Erie Demolition & Salvage because they bid on all of the properties and they would be in town with their equipment already.

It was moved by Councilman Clark and seconded by Councilman Paisley that item 199 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

205 The communication from Mayor's Office, was presented submitting a proposed resolution for appointments to various City Boards and Commissions, and recommending the proposed Resolution be adopted

Councilwoman Conner asked if any persons being appointed to the City Boards were in attendance at the meeting tonight.

Mayor Worrell welcomed Kenneth Miller, Library Advisory Commission, and invited him to come to the podium to be introduced.

Kenneth Miller gave a brief background on his services with the community.

It was moved by Councilwoman Conner and seconded by Councilman Molenda that item 205 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0
Motion Carried.

206 The communication from the Director of Engineering, Planning and Public Services, was presented submitting a proposed resolution establishing guidelines to be used by staff to respond to requests for use of City facilities, equipment, personnel and waiver of associated fees and charges, and recommending the attached Resolution be approved providing staff with guidelines and policy for application to requests for services and fee waivers.

Pat McElligott, 813 Reisig Street, would like clarification on item 206.

Councilman Paisley summarized how and why the fee waiver schedule was created and the process of implementing the schedule.

Councilman Beneteau expanded on the reason's why the city needs a fee schedule.

It was moved by Councilman Paisley and seconded by Councilman Beneteau that item 206 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0
Motion Carried.

207 The communication from the Director of Engineering, Planning and Public Services, was presented, submitting a request to extend the current contract for trash collection which expires August 30, 2008, while staff reviews current refuse collection contract guidelines, specifications and parameters for bid purposes, and recommending that Council approve a six month extension to the existing contract with Waste Management as detailed in their written contract extension proposal and that the Mayor and/or City Clerk be authorized to sign the appropriate contract extension documents.

Councilwoman Conner indicated that she gets many complaints about the current trash collection service and questioned why it would take six months to receive bids from other companies.

George Brown, City Manager, said the city is discussing the advantages and disadvantages of jointly bidding solid waste and recycling services with other townships.

Scott Davidson, Coordinator of Public Services, stated that this is a large contract, approximately a million dollars a year for five years, so we spend a great deal of time reviewing everything in the contract, and further stated that six months is not too long to review a contract of this nature, in fact, more time would be better.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 207 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

208 Communication from the Director of Engineering, Planning and Public Services, was presented submitting a petition to vacate Alley #28-3, which runs north and south and is located between Arbor and Riverview Avenues to the east and west: Noble Avenue on the north; and Alley #28-4, running east and west, on the south, and recommending that Council deny the request

Bernard Maurer, 311 Arbor Avenue, explained that the intention was not to block access to the garages of property owners; it was to put a blockade half way down the alleys so property owners could still access their garage but stop through traffic.

Councilman Molenda indicated that he understood the language in the petition request and wondered if the communication was unclear at the Planning Commission meeting.

Jeff Green, City Planner, said the Planning Commission has an application process to vacate an alley but explained that the Planning Commission decided to forego the application in support of the petition request if there was a consensus of the property owners in the ally ways but found some of the property owners were not in support of the petition. At the meeting there were an equal amount of property owners in favor of the petition as there were not in favor of the petition.

Thomas Veres, 315 Arbor Avenue, stated that he is the initiator of the petition and explained that he had intended that the alley be blocked at the half way point to stop through traffic but not to prevent the property owner access to their property. He further stated that the alley has been in need of maintenance for quite some time.

Andrew Smith, 211 St. Anne Lane, serves on the Citizens Planning Commission, made the motion at the CPC meeting to deny the request to vacate Alley #28-3 and #28-4, but indicated that there was a rider on the motion that the Director of Engineering, Planning and Public Services inspect the ally's for problems with standing water, excessive traffic and speed of traffic.

It was moved by Councilwoman Conner and seconded by Councilman Molenda that item 208 be accepted, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 2 (McGhee, Paisley)

Motion Carried.

209 Communication from the Acting Fire Chief, was presented submitting a request to replace the current Fire Chief Commander vehicle, (9 year old Chevy Suburban, 75,000 miles), and recommending that a purchase order in the amount of \$23,787.00 for a 2009 Ford Explorer be issued to Signature Ford in accordance with bid #34-02.

Councilwoman Conner is concerned about purchasing a vehicle from Owosso, MI and questioned if the vehicle would need to be serviced in Owosso.

George Brown, City Manager, explained that we do service our vehicles locally.

It was moved by Councilwoman Conner and seconded by Councilman Beneteau that item 209 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

210 Communication from the City Manager's Office was presented submitting a confirmation of Appointment of the Deputy Public Safety Director – Fire Chief, and recommending that Council confirm the City Manager's appointment of Joe Mominee as the Deputy Director of Public Safety – Fire Chief for the City of Monroe and also the employment agreement related to the position, which is attached.

Councilwoman Conner asked if the Charter would need to be changed to include the title "Deputy Public Safety Director" to be included with the title of "Fire Chief."

George Brown, City Manager, indicated that a charter change is not needed but that an ordinance change would be in order to make the title change and he is asking council to confirm the Appointment of Joe Mominee as Fire Chief in accordance with the Charter, but that the employment agreement is not available at this time until the language in the agreement is ironed out. He further explained that an employment agreement can be presented independently.

It was moved by Councilman Molenda and seconded by Councilman McGhee that we confirm Joe Mominee as Fire Chief.

Ayes: 7 Nays: 0
Motion Carried.

Mayor Worrell invited Joe Mominee, Fire Chief, to come forward to be introduced. He praised him for his skills and capabilities and indicated it is an honor to have him serve as City of Monroe Fire Chief.

Mayor Comments.

Mayor Worrell spoke about his meeting with the Governor's staff, the State's budget deficit, and the agreement with the County IT department, and the visit at the end of the week from the Secretary of Interiors to discuss the Battlefield and the bill to make the National Park a reality.

Council Comments.

Councilman Clark recognized Ms. Miller and Mr. Parriet for their observation and perspective regarding demolition and stated that we should take an aggressive stance on the interior of our City with the issue of neglect and demolition, and further touched on the maintenance needs of the infrastructure and alley ways.

Council McGhee thanked the Fee Committee for their conclusion of the fee schedule and the thanked Mayor and Council for attending the East Orchard Awareness Group meeting.

Councilwoman Conner thanked the citizens in attendance and explained that what they've witnessed is their City and government working the way it should.

Councilman Beneteau expanded on the East Orchard Awareness meeting and the tour of the area he took after the meeting.

Charles Evans, City Clerk, made an apology for any inconvenience to the citizens who waited in line for up to half an hour at the end of June to pay their property taxes as a result of budget cuts and staff reductions.

Citizen's Comments.

Pat McElligott, 813 Reisig Street, requested that council draft a proposal to the state for monies to come back to our community for help with small business and infrastructure.

David Smith, 530 Hollywood, commended City Manager, George Brown for the good job he does and asked council to take that into consideration when evaluating him.

Jeannie Micka, Lotus Garden Club, reminded everyone that the lotus is in bloom now and to take time out to go see them and the Lotus tour this weekend is sold out.

Greg Dushane, 20 N. Roessler Street, commented on the sidewalk café area, skate boarder's and bikes downtown.

Andrea Jones, Executive Director, DDA, updated council on the upgrades made to the downtown including the bike racks, picnic areas, etc., the distribution of the tear off maps of downtown, upcoming events including Shout, Jazz Festival, Art Fair, and offered to add anyone to the email list for current news of downtown events.

Joe Mominee, Fire Chief, recognized the Water Department and Engineering Department for their quick response and guidance during a fire on July 15, 2008.

John Timko, 1034 Bentley Drive, asked for an update on the building next to Firestone.

Joe Lehman, Building Official, stated a permit was issued to start work on the building.

Debra Merrill would like to see more monitoring of the ally ways.

Adam Yeager, 1833 S. Custer Road, asked if something could be done about the mosquitos.

Scott Davidson, Coordinator of Public Services, gave a brief explanation of steps taken to control mosquitos in the City.

Larry Black, 505 Conant Avenue, complained about the prostitution problem in his neighborhood, and said he can not put up a fence because of an ordinance.

Mayor Worrell urged Mr. Black to speak with the Police Department.

It was moved by Councilman Paisley and seconded by Councilman Beneteau that Council go into Executive Session to discuss the City Manager's evaluation at 9:53 p.m.

Ayes: 7 Nays: 0

Motion carried.

Council reconvened at 10:46 p.m.

Adjournment.

It was moved by Councilman Paisley and seconded by Councilman Molenda that the meeting adjourn at 10:47 p.m. until the Regular Meeting on Monday, August 4, 2008 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
Clerk, Clerk's Office

Mark G. Worrell
Mayor