

CITY OF MONROE  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 6, 2009

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, April 6, 2009 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members Molenda (arrived 7:31 pm), Conner, Beneteau, Clark, Paisley, McGhee and Mayor Worrell.

Charles Evans, City Clerk gave the invocation.

Mayor Worrell led the pledge of allegiance to the flag.

Proclamations.

56 Month of the Young Child – April 2009.

Mayor Worrell read a Proclamation naming April 2009 as the “Month of the Young Child” and presented it to Gloria Riggan who gave some information about the organization and the events planned for the month.

Public Hearings.

61 This being the date set for the purpose of reviewing and hearing comments on the Recovery Act - Edward Byrne Memorial - Justice Assistance Grant (JAG) Program, there being no comments on file in writing in the Clerk-Treasurer’s Office and no persons present commenting, the Mayor declared the hearing closed.

Sam Guich, City Assessor gave a presentation that was previously given during a budget work session.

Council Action

57 It was moved by Councilman Paisley and supported by Councilman McGhee that the communication from the Finance Director, submitting proposed Ordinance No. 09-003, an ordinance to approve the budget Fiscal Year 2009-2010 Budget for the City of Monroe, be placed on its first reading and the public hearing be set for Monday, April 20, 2009.

Mayor Worrell opened the floor for discussion on the motion.

Councilman Paisley commented on the difficulty of the situation and likened it to the faltering economy.

Councilman Molenda pointed out that the Ordinance dates in Section 9 are not correct and stated that this is a balanced budget and commended the City Manager and the Director of Finance for that.

Ed Sell, Finance Director stated that those dates in Section 9 were from last years Budget Ordinance and would need to be changed to reflect July 1, 2009 through June 30, 2010.

Councilman McGhee stated that public safety is one of the key issues in the city and that he is not in agreement with closing a fire station but still understands the necessity to rightsize government with regards to our operating revenue.

Joe Mominee, Fire Chief stated when he originally requested his Budget; it included 31 personnel which would allow for the operation of the 3 existing fire stations. The proposed Budget from the City would only allow the Fire Chief to operate with 22 personnel, unless the firefighter's union would agree to concessions. The Fire Chief went on to say if Personnel levels were to drop to 22, he would consider recommending the closure of a satellite Fire Station.

Councilman Clark stated that the reality is in the statement from the Assessor and that he appreciates the presentation of each department's budget. He further stated that we can not stand by and wait for stimulus monies from government grants but rather decisions need to be made now with what we do have.

Councilwoman Conner stated that council and management has had hours of meetings trying to crunch the figures and that if anyone can come up with a better solution than what is being proposed to please give us your ideas. She also stated that she is not in favor of closing a fire station but she thinks if we close one we should close two.

Mayor Worrell thanked Paula Smith, COMEA I President and Sheri Hudson, COMEA I Secretary for being in attendance at all of the budget work sessions. He also commented on the economy and how it has affected Monroe County residents and businesses, about revenue loss and job loss, and about how the population has declined in the county and state. He spoke about the reduction in revenue-sharing locally and state-wide and surrounding states. He also commented on the pension fund, the subsidy of the Multi Sports Arena and the options for the Fire Department. He further commented on the flyer that was distributed through the community by the Fire Department and stated that he does not think fear mongering and intimidation is appropriate and asked that issues be dealt with straight up.

Joe Mominee, Fire Chief stated that the document that the Mayor was referring to was not written by him and he believes was distributed by the Firefighters Union. He went on to say the document had some valid point's dependant on the situation. The chief said as staffing levels continue to drop, contingency planning would need to be done. The contingency planning would include mutual aid, automatic aid and possibly the closure of a satellite Fire Station dependant on the economic conditions

Councilman Paisley commented on the safety conditions within the city limits vs. the county area and proposed staff reductions.

Councilman Molenda asked how multiple calls or the need for additional resources would be handled, and asked if it is typical that most fire departments meet National Fire Protection Association Standards.

Joe Mominee, Fire Chief stated that during large scale incidents or multiple calls there is a mutual aide agreement within the county that has been in place over 25 years.

Councilman McGhee expressed his surprise of the amount of Firefighters that do not live in the city and stated that services should be representative of the people who pay for them and if we are in a position that we do not have the revenue to pay for the services then it should be up to the stakeholders to direct council in terms of recommendations as to how we can save.

Councilwoman Conner pointed out that the Firefighters could apply for a grant similar to the COPS Grant.

Councilman Clark asked what percentage calls or how many calls for service are fire related.

Joe Mominee, Fire Chief stated roughly 110 or 3.6%.

Councilman Beneteau asked for comment on one of the options presented at the budget presentation regarding the loss of one person per shift and what happens with the ambulance service during a fire call.

Joe Mominee, Fire Chief explained that any changes in minimum staffing levels would require collective bargaining. He went on to say there are a few options to explore to prevent this catastrophic loss to the Fire Department.

Derek Whitaker, 9091 Newport Creek Road, President of Local 326 read a statement from the Firefighters local.

Pat McElligott, 813 Reisig Street said he is very proud of this Mayor and Council and that he resents the information in the flyer distributed by the Firefighters. He further stated that he is not in favor of the ambulance service and never has been.

Brian Wolfe, Firefighters Local 326 stated that he lives in Newport but spends a great majority of his time off and money in Monroe. He also spoke about the City of Warren and other cities and the problems they have faced since giving up their ALS unit.

David Smith, 530 Hollywood commented on the current ambulance unit and how we came to have it and the personnel that respond to the calls.

John Navarre, 8965 Sandra Kaye, Lambertville, Firefighters Local 3233 commented on Frenchtown Township's Fire Department and NFPA standards. He continued by explaining the reasons not to discontinue the ALS transport unit.

Following discussion a vote was then taken on the motion.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 09-003 was then presented for the first time and laid over for its second reading and the public hearing be set for Monday, April 20, 2009.

58 It was moved by Councilman Paisley and supported by Councilman Clark that the communication from the Monroe Police Department, submitting Proposed Ordinance No. 09-004, an Ordinance to amend Section 658.07 Minor's Curfew of the Codified Ordinance of the City of Monroe, be placed on its first reading and the public hearing be set for Monday, April 20, 2009.

Mayor Worrell opened the floor for discussion on the motion.

Pat McElligott, 813 Reisig Street stated that his concern with the ordinance is that it holds the parent responsible for the child if the child was in violation of the Ordinance without reasonable necessity.

Tom Ready, City Attorney explained the section of the ordinance that Mr. McElligott was referring to.

Following discussion a vote was then taken on the motion.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 09-004 was then presented for the first time and laid over for its second reading and the public hearing set for Monday, April 20, 2009.

59 It was moved by Councilman Paisley and supported by Councilman Beneteau that the communication from the Monroe Fire Department, submitting Proposed Ordinance No. 09-005, an Ordinance to amend various sections of the Codified Ordinance of Monroe, Michigan relating to the elimination of the Fire Marshal designation and the regulations for Open Burning, be placed on its first reading and the public hearing be set for Monday, April 20, 2009.

Mayor Worrell opened the floor for discussion on the motion.

Councilman Paisley asked for more background on the repeal of number 676.06 Burning Leaves.

Tom Ready, City Attorney explained that the Fire Chief recommended that the section on burning leaves be repealed so open burning would be prohibited in the approved ordinance with the exception of limited circumstances which would be with the approval of the Fire Chief under certain conditions and specifications and the approval of City Council.

Ronald Reese, 938 Waterloo Avenue stated that he did not understand and asked if the ordinance would allow burning or not.

Tom Ready, City Attorney stated that the general rule is no burning and that it has always been that way except for an act of council which could have made an exception for burning of leaves for a specified period of time.

Adam Yeager, 1833 S. Custer Road stated his concerns about being permitted to burn garden debris.

Councilman Paisley commented on the burning of the grasses at the IHM.

Councilwoman Conner said that it gets into sustainability with people who want to plant meadows and prairies they have to burn every five years.

Following discussion a vote was then taken on the motion.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 09-005 was then presented for the first time and laid over for its second reading and the public hearing be set for Monday, April 20, 2009.

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, March 16<sup>th</sup>, 2009, and the Minutes of the Work Session held on Monday, March 23, 2009.
  - B. Approval of payments to vendors in the amount of \$1,038,541.07.  
Action: Bills be allowed and warrants drawn on the various accounts for their payment.
- 60 Proposed Resolution – Taxi Cab Fares.
- 1. Communication from the City Attorney, reporting back on a request from Monroe Cab for new Taxi Cab rates, and recommending that the proposed resolution be adopted.
  - 2. Supporting documents.
  - 3. Action: Accept, place on file and the resolution be adopted.
- 61 Recovery Act – Edward Byrne – Justice Assistance Grant (JAG) Program.
- 1. Communication from the Chief of Police reporting back on the intent to submit a grant application to the U.S. Department of Justice Grant Program to obtain funds designated for law enforcement purposes in the amount of \$38,096.00, and recommending the grant submission be approved.
  - 2. Supporting documents.
  - 3. Action: Accept, place on file and the recommendation be carried out.
- 62 Lawn Maintenance for City-Owned Properties.
- 1. Communication from the Director of Engineering and Public Services, reporting back on bids received for contractual mowing of City owned properties and recommending that Grass Gators Inc., the low bidder for Group A at \$39,049.29 initial annual cost, and that Noel Lawn Service, the low bidder for Group B at \$48,078.80, both be awarded a contract for Lawn Maintenance of City-owned properties for a five (5) year period commencing April 20, 2009, and further recommending that the Mayor and Clerk-Treasurer be authorized to execute the contracts on behalf of the City.
  - 2. Supporting documents.
  - 3. Action: Accept, place on file and the recommendation be carried out.
- 63 Traffic Committee Minutes of March 25, 2009 meeting, Traffic Control Orders.
- 1. Communication from the Director of Engineering and Public Services, submitting the minutes of the Mayor's Traffic Committee meeting held on March 25, 2009, and recommending that the minutes be accepted and placed on file and that Traffic Control Orders 066-006 and 167-006 be approved.
  - 2. Supporting documents.
  - 3. Action: Accept, place on file and the recommendation be carried out.
- 64 2009 City-Funded Water Main Replacement Program.

1. Communication from the Director of Engineering and Public Services, reporting back on bids received for the 2009 City-Funded Water Main Replacement Program and recommending that council award the contract to C & D Hughes, Inc., in the amount of \$889,628.46, and that a total of \$1,025,000.00 be encumbered to include a 15% project contingency 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.

65 Custer Airport Runway Rehabilitation Resolution.

1. Communication from the Director of Engineering and Public Services submitting a proposed resolution delineating the terms of the agreement between the City of Monroe and MDOT, and recommending that the attached resolution be approved, and that the City share of the costs be appropriated as detailed in the financial information provided.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

66 Annual Weed Cutting Date.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting May 11, 2009, as the annual date that all weeds and grasses and other items subject to Ordinance No. 08-008 must be cut, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

67 Demolition Fees – Proposed Resolution.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 20, 2009 as the date of the public hearing on the assessment roll for demolition expenses where the owners have failed to pay for the same, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

68 Sidewalk Repair – Proposed Resolution.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 20, 2009 as the date of the public hearing on the assessment roll for the expenses of sidewalk repair where the owners have failed to pay for the same, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

69 Snow Removal – Proposed Resolution.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 20, 2009 as the date of the public hearing on the assessment roll for the expenses of snow removal where the owners have failed to pay for the same, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

70 Blight Removal – Proposed Resolution.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 20, 2009 as the date of the public hearing on the assessment roll for the expenses of blight removal in those cases where the owners have failed to do so, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

71 Rental Property Inspection Fee – Proposed Resolution.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 20, 2009 as the date of the public hearing on the assessment roll for the expenses of unpaid rental property inspection fees where the owners have failed to pay for the same, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

72 Weeds and Grass Cutting – Proposed Resolution.

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 20, 2009 as the date of the public hearing on the assessment roll for the cutting of weeds and grasses where the owners have failed to do so, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

73 Proposed Resolution – Holiday Camp Association Inc. of Monroe.

1. Communication from the City Manager's Office, submitting a proposed resolution to recognize Holiday Camp Association Inc. of Monroe, as a non-profit organization and recommending the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

74 American Recovery and Reinvestment Act – COPS Hiring Recovery Program Grant.

1. Communication from the Chief of Police reporting on the intent to submit a grant application to the Office of Community Oriented Policing Services (COPS), U.S. Department of Justice, to obtain funds designated for retaining police officers through the COPS Hiring Recovery Program and recommending the grant submission be approved. (This item will be provided at the meeting)
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

75 Proposed "Buy American" Resolution

1. Communication from the Director of Engineering and Public Services, submitting a request from Mr. Blue Wilson of the Alliance for American Manufacturing, to adopt a resolution of support for the "Buy American Products" campaign and recommending that Council accept and place on file the attached resolution
2. Supporting documents.
3. Action: Accept, place on file and the resolution.

It was moved by Councilman Paisley and seconded by Councilman McGhee that items 60, 61, 63, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75 be approved as indicated and that items 62, 64 and 65 be removed and considered separately.

Ayes: 7 Nays: 0.

Motion carried.

62 The communication from the Director of Engineering and Public Services was presented, reporting back on bids received for contractual mowing of City owned properties and recommending that Grass Gators Inc., the low bidder for Group A at \$39,049.29 initial annual cost, and that Noel Lawn Service, the low bidder for Group B at \$48,078.80, both be awarded a contract for Lawn Maintenance of City-owned properties for a five (5) year period commencing April 20, 2009, and further recommending that the Mayor and Clerk-Treasurer be authorized to execute the contracts on behalf of the City.

Councilman Clark expressed his concerns about a long term contract, the specific requirements of the insurance, the checks and balances of the obligations to the City and the employment standards of the Company involved in the contract.

Tom Ready, City Attorney explained that the general contract stipulation would have to be complied with in terms of certificate of liability insurance, that there is a bond requirement, and legal standards and labor standards are expected to be complied with.

It was moved by Councilman Clark and seconded by Councilman Beneteau that item 62 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion passed.

64 The communication from Director of Engineering and Public Services was presented, reporting back on bids received for the 2009 City-Funded Water Main Replacement Program and recommending that council

award the contract to C & D Hughes, Inc., in the amount of \$889,628.46, and that a total of \$1,025,000.00 be encumbered to include a 15% project contingency and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.

Councilman Molenda asked Patrick Lewis to comment on the past issue with C & D Hughes, Inc., and how it was resolved.

Patrick Lewis, Director of Engineering and Public Services stated that there were three separate occasions, during the 2008 project of West Seventh Street, where the company had severed sanitary sewer leads to individual houses during the project but that they have satisfactorily redeemed themselves with the City. He went on to explain the how's, why's of the incidents and the repairing of the relations between the City and C & D Hughes, Inc.

It was moved by Councilman Molenda and seconded by Councilman Paisley that item 64 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

65 The communication from Director of Engineering and Public Services was presented, submitting a proposed resolution delineating the terms of the agreement between the City of Monroe and MDOT, and recommending that the attached resolution be approved, and that the City share of the costs be appropriated as detailed in the financial information provided.

Adam Yeager, 1833 S. Custer Road asked if Custer Airport is an economic winner or an economic loser.

Ed Sell, Finance Director stated that the airport makes a small profit with its revenues being the sale of fuel, the rental of the hangers and a small staff of part time employees which has been in place for about three years.

After discussion, it was moved by Councilman Beneteau and seconded by Councilman Clark that item 65 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Ayes: 0

Motion carried.

#### Mayor's Comments.

Mayor Worrell thanked Monroe/Lenawee AFL-CIO for their collective efforts with the United Way of Monroe County with the Easter Egg Hunt at St. Mary's Park on Saturday, April 4, 2009.

#### Council Comments.

Councilwoman Conner stated that Monroe County has 827 foreclosures for 2009.

Councilman Paisley commented on the budget and negotiations.

Councilman McGhee commented on the economy, the budget, job position cuts and negotiations.

City Manager Comments.

George Brown, City Manager said there was an oversight of contact numbers for him on the flyer distributed by the Firefighters and stated that he can also be reached at 734-682-3882 or 734-384-9144.

Citizen's Comments.

Pat McElligott, 813 Reisig Street commented on proposed job loss, plummeting property values and how benefits can be cut from employees that may help the budget.

Adam Yeager, 1833 S. Custer Road commented on buying American.

Derek Whitaker, 9091 Newport Creek Road commented on the requirement that Citizen's give their name and address before addressing council and he also stated that the state residency requirements bind city employees to a twenty mile radius of the nearest postal boundary of the city you work in. He also commented on negotiations.

Mayor Worrell explained that since he was first on Council and before, it has been a requirement for the public to give that information.

Adjournment.

It was moved by Councilwoman Conner and seconded by Councilman Paisley that the meeting adjourn at 10:07 p.m. until the Regular Meeting on Monday, April 20, 2009 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

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Charles D. Evans  
City Clerk-Treasurer

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Mark G. Worrell  
Mayor