

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 7, 2009

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

Present: Council Members Beneteau, Clark, Paisley (arrived 7:32 a.m.), McGhee, Molenda, Conner and Mayor Worrell.

Charles D. Evans, City Clerk gave the invocation.

The Boy Scout Troop 567 led the pledge of allegiance to the flag.

Presentation.

Presentation by Councilman Robert Clark of a Certificate of Appreciation to Danny & Lisa Weipert for exemplarily home ownership.

Public Hearings.

269 This being the date set for the purpose of reviewing and hearing comments on the Proposed Ordinance No. 09-013, an ordinance to amend § 720-19, Enforcement and § 720-20, Municipal Civil Infractions of Chapter 720, Zoning, of the Code of the City of Monroe, and there being no persons present commenting and no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

Council Action.

269 It was moved by Councilman Paisley and seconded by Councilman Beneteau that the communication from the Building Official, submitting Proposed Ordinance No. 09-013, an ordinance to amend § 720-19, Enforcement and § 720-20, Municipal Civil Infractions of Chapter 720, Zoning, of the Code of the City of Monroe, be placed on its final reading.

Ayes: 7 Nays: 0

Motion Carried.

Proposed Ordinance No, 09-013, was then presented for the second time after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0

Motion Carried.

275 It was moved by Councilman Paisley and seconded by Councilman McGhee that the communication from the Director of Water & Wastewater Utilities, submitting Proposed Ordinance No. 09-014, an ordinance to amend Sections 22-31 and 22-32 of Chapter 22, Article IX; Commission on Environmental & Water Quality, of the Code of the City of Monroe, be placed on its first reading and the public hearing be set for Monday, December 21, 2009.

Ayes: 7 Nays: 0

Motion Carried.

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.)

Charles Evans, Clerk Treasurer explained that there is an amendment to the Minutes of the Regular Meeting held on Monday, November 16, 2009, to item number 271 as it was pulled and voted on. He explained that the roll call for the vote was recorded as, Ayes: 7 Nays: 0, but the roll call was actually, Ayes: 6 Nays: 1 (Councilperson Conner).

- A. Approval of the Minutes of the Special Meeting held on, Monday, November 16, 2009, the Minutes of the Regular Meeting held on, Monday, November 16, 2009.
- B. Approval of payments to vendors in the amount of \$571,234.12.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

276 2010 General Fund Budget Amendment.

- 1. Communication from the Finance Director, submitting an amendment to the 2010 General Fund Budget to reduce revenue sharing to \$1.781 million and add \$90,275 in federal grant revenue from the COPS Grant into the budget, and recommending that Council approve the attached amendment to the 2010 fiscal year General Fund budget.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

277 Capital Improvement Bond Notice of Intent Resolution.

- 1. Communication from the Finance Director, submitting a proposed Capital Improvement Bond Notice of Intent Resolution, and recommending that Council approve the attached Notice of Intent Resolution related to the 2010 Capital Improvement Bonds.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the resolution be adopted.

278 Retiree Health Care Plan Actuarial Valuation.

- 1. Communication from the Finance Director, submitting a proposal of the Retiree Health Care Plan Actuarial Valuation, and recommending that Council approve the proposal submitted by Gabriel, Roeder, Smith & Company for the performance of an actuarial valuation of the Retiree Health Care Plan for the City of Monroe as of December 31, 2008 in the amount of \$15,000.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

279 Monroe County Convention & Tourism Bureau Banner Request.

- 1. Communication from the City Managers Office, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display three banners across East Front Street, West First Street and Monroe Street from August 1 – 16, 2010, announcing the Jazz Festival on August 14 – 15, 2010, and recommending that Council approve the request.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

280 Monroe County Convention & Tourism Bureau Banner Request.

- 1. Communication from the City Managers Office, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display three banners across East Front Street, West First Street and Monroe Street from August 23 – September 7, 2010, announcing the Labor Day Barbeque Festival on September 4, 2010, and recommending that Council approve the request.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

281 Monroe County Convention & Tourism Bureau Banner Request.

1. Communication from the City Managers Office, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display three banners across East Front Street, West First Street and Monroe Street from September 27 – October 11, 2010, announcing the Custer Week on October 4 – 10, 2010, and recommending that Council approve the request.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

282 Jazz Festival Service Contract.

1. Communication from the City Manager's Office, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to hold the 9th Annual River Raisin Jazz Festival on August 14 & 15, 2010, with assistance from city personnel (DPS, Fire & Police), for the City to help sponsor the event, to use St. Mary's Park, to close Elm Avenue from Borgess Avenue to North Monroe Street, VIP parking spots in St. Mary's parking lot, police security in Park from Friday – Sunday, clean-up of city park, install fencing around VIP viewing area, install flags and banners, signage to parking, provide bleachers, porta-potties, and garbage cans, etc. and any other touch up or clean up as necessary to make the park area presentable, and recommending that Council approve the request contingent upon passage of the 2011 budget and inclusion of the funding for the event, items being met as outlined by the administration, as well as the signing of this contractual services agreement between the City and the Monroe County Convention & Tourism Bureau for the production of the 2010 River Raisin Jazz Festival, and 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 recommendation be carried out.

283 Traffic Committee Minutes and Traffic Control Orders.

1. Communication from the Director of Engineering & Public Services, submitting the minutes of the Traffic Committee meeting held on November 18, 2009, and recommending that Council accept and place on file the minutes from the November 18, 2009 Mayor's Traffic Committee meeting, and approve Traffic Control Orders 216-003, 229-002, 233-001, 234-001, and 235-001.
2. Supporting documents.
3. Action: Accept, place on file and recommendation be carried out.

284 2010 Sanitary Sewer Rehabilitation Program Bids.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the 2010 Sanitary Sewer Rehabilitation Program, and recommending that Council award the above contract to High Tech Industrial Services, Inc., in the amount of \$438,280.62, contingent upon review and approval of all product specifications and submission of required Labor Harmony documentation, and that a total of \$505,000 be encumbered to include a 15% project contingency and should any of the contingent requirements of the low bidder not be met, it is further recommended that Council authorize the Engineering & Public Services Department to instead award the contract to Insituform Technologies USA, Inc., in the amount of \$832,924.56, contingent upon the submission of required Labor Harmony documentation, and that a total of \$900,000 be encumbered to include a project contingency that is within the budgeted funding, 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 recommendation be carried out

- 285 Downtown Trial Parking Pass Program Approval.
1. Communication from the Mayor's Office, reporting back on the proposed downtown parking pass program, to primarily give downtown residents and employees an additional option for long-term parking during the daytime hours, and recommending that Council approve the attached Downtown Parking Pass Program on a trial basis through June 30, 2010, and that various City and DDA staff be authorized to implement this program with minor revisions as appropriate.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 286 Geographic Information System (GIS) View Software Upgrade.
1. Communication from the Director of Engineering & Public Services, submitting a quote in the amount of \$8,693.99 for the one-time upgrade from Environmental Systems Research Institute, Inc. (ESRI), and recommending that a purchase order be issued in the amount of \$8,693.99 to ESRI, Inc., for a license for ArcInfo software, and that the Director of Engineering & Public Services or his designee be authorized to execute and necessary agreements on behalf of the City of Monroe.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 287 AutoCAD 2010 Software Upgrade Purchase.
1. Communication from the Director of Engineering & Public Services, submitting a quote from DLT Solutions, Inc., in the amount of \$2,663.52 per license, and recommending that a purchase order be issued in the amount of \$13,317.60 to DLT Solutions, Inc., for five (5) licenses of AutoCAD 2010, and that the Director of Engineering & Public Services be authorized to execute any necessary agreement on behalf of the City of Monroe.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 288 Wastewater System Improvements Project Blower Pipe Insulation System Installation Bids.
1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for the Wastewater System Improvements project blower pipe insulation system installation, and recommending that a purchase order in the amount of \$21,380 for the Wastewater System Improvements project blower pipe insulation system installation be issued to Resource Mechanical Insulation of Plymouth, MI in accordance with the bid specifications.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.
- 289 City Policies and Procedures – Nepotism Policy.
1. Communication from the Director of Human Resources, submitting a policy to establish procedures in an effort to avoid the hiring, transfer, or promotion of relatives of employees into situations where the possibility of favoritism or conflict of interest might exist, and recommending that Council approve Policy Number 015 and direct City administration to proceed with implementation.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

290 Transfer Ownership of a 2009 Class C Licensed Business with Dance Permit.

1. Communication from the City Manager's Office, reporting back on a request from Fresca, Inc., that the request in Stock in a 2009 Class C licensed business with Dance-Entertainment Permit located at 391 N. Telegraph, Monroe, MI by dropping Vincenzo Cangialosi as stockholder through transfer of 38.5 shares of stock to existing stock holder, Anthony J. Perna and 294.83 shares of stock to new stockholder, Anthony Sacco and by dropping Antonio Cangialosi, Jr. as stockholder through transfer of $666 \frac{2}{3}$ shares of stock to Anthony Sacco (Step 1), and recommending that Council approve this request.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

291 Monroe Housing Commission Use of Land Request.

1. Communication from the Interim Director of Planning & Recreation, submitting a request from Monroe Housing Commission (MHC) asking the City of Monroe to donate the use of one acre of land near the Greenwood Townhouse complex on Greenwood Avenue to develop a playground, and recommending that Council approve the request from the MHC for use of one acre of land as a playground, with the following contingencies; 1.) The City Manager is authorized to negotiate the use of the land as a park/playground, including a property reversion clause and maintenance of the site; 2.) The MHC is to provide an annual certificate of insurance naming the City of Monroe as an additional insured party (as it relates to the park); and 3.) The MHC is to work with City Administration, and the Planning, Recreation and Engineering Departments to site the specific location of the proposed park.
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 277, 283, 284, 285, 286, 287, 288, 289 and 290 and the amended minutes be approved as indicated and that items 276, 278, 279, 280, 281, 282 and 291 be removed and considered separately.

Ayes: 7 Nays: 0

Motion Carried.

276 Communication from the Finance Director was presented, submitting an amendment to the 2010 General Fund Budget to reduce revenue sharing to \$1.781 million and add \$90,275 in federal grant revenue from the COPS Grant into the budget, and recommending that Council approve the attached amendment to the 2010 fiscal year General Fund budget.

Pat McElligott, 813 Reisig Street commented about the waist in the City's budget, and specifically the Police Department budget.

George Brown, City Manager explained that when the budget was adopted we did not have word whether we were successful in our applications for COP Grants so we budgeted for two additional Police Officers that the COPS Grant would allow for and this budget amendment reflects those two officers and the grant is reflected on the revenue side.

It was moved by Councilman Beneteau and seconded by Councilman Clark that item 276 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

278 Communication from the Finance Director was presented, submitting a proposal of the Retiree Health Care Plan Actuarial Valuation, and recommending that Council approve the proposal submitted by Gabriel, Roeder, Smith

& Company for the performance of an actuarial valuation of the Retiree Health Care Plan for the City of Monroe as of December 31, 2008 in the amount of \$15,000.

Mike Gaynier, 433 St. Marys Avenue, Trustee for the City of Monroe Pension Board and Post Health Care Retirement Board, PHCR, asked if the \$15,000 fee for the study will have to be approved by the Pension Board or just approved by Council.

Ed Sell, Finance Director explained that the PHCR Fund is set up so that the contributions that go into the fund are first set aside to pay costs that are incurred by the system, not just for the health care but also for the cost of this actuarial valuation. He further explained that whatever funds are left over will be transferred over to the PHCR Board to be invested for future claims which is the practice each time we have the actuarial valuation performed.

It was moved by Councilman Paisley and seconded by Councilman Clark that item 278 be accepted, placed on file and the recommendation be carried out.

Jim Kansier, 624 Godfroy Avenue asked if this is the first time the actuarial valuation study has been performed and who paid for study the first time.

George Brown, City Manager explained that the study was done two (2) years ago so this will be the second time.

Ed Sell, Finance Director stated that the last time the evaluation was performed done was in December 2006 and was paid in the same manner as this study, out of the City's contributions to the PHCR Fund.

Jim Kansier, 624 Godfroy Avenue asked if that was appropriations brought to the PHCR Board for approval/discussion or was it just approved by the City as it is being done now.

Ed Sell, Finance Director explained that it was discussed with the PHCR Board after approval by City Council and it will also be discussed this time with the PHCR Board after approval of City Council. He explained that the City budgets a specific amount of money for the PHCR fund which the Board invests, but before it is deposited into that fund, it is used to pay claims by the retirees, and aside from that, the Actuarial Valuation is the only other cost.

After a brief discussion, a vote was then taken.

Ayes: 7 Nays: 0

Motion Carried.

279 Communication from the City Managers Office was presented, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display three banners across East Front Street, West First Street and Monroe Street from August 1 – 16, 2010, announcing the Jazz Festival on August 14 – 15, 2010, and recommending that Council approve the request

Councilman Molenda asked if the scribble that is half way down each of the three request forms is indicative of the content for each of the banner requests.

George Brown, City Manager stated that there are not separate sketches that accompany these requests for the events because they are requests that have been approved in the past so we did let them sneak through without more detailed graphics. He continued that in some of the case, the Monroe County Convention & Tourism Bureau, MCC&TB, dates are a moving target for the smaller events. He further explained that there have been problems in the past because the request have not been as timely as these and the space was taken up by other events so it was the action on the MCC&TB part to ensure that they had places held for the cables for their banners and the specific times.

It was moved by Councilman Molenda and seconded by Councilman Paisley that item 279 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

280 Communication from the City Managers Office was presented, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display three banners across East Front Street, West First Street and Monroe Street from August 23 – September 7, 2010, announcing the Labor Day Barbeque Festival on September 4, 2010, and recommending that Council approve the request.

It was moved by Councilman Molenda and seconded by Councilman McGhee that item 280 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

281 Communication from the City Managers Office was presented, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to display three banners across East Front Street, West First Street and Monroe Street from September 27 – October 11, 2010, announcing the Custer Week on October 4 – 10, 2010, and recommending that Council approve the request.

It was moved by Councilman Molenda and seconded by Councilman Beneteau that item 281 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

282 Communication from the City Manager's Office was presented, reporting back on a request from the Monroe County Convention & Tourism Bureau for permission to hold the 9th Annual River Raisin Jazz Festival on August 14 & 15, 2010, with assistance from city personnel (DPS, Fire & Police), for the City to help sponsor the event, to use St. Mary's Park, to close Elm Avenue from Borgess Avenue to North Monroe Street, VIP parking spots in St. Mary's parking lot, police security in Park from Friday – Sunday, clean-up of city park, install fencing around VIP viewing area, install flags and banners, signage to parking, provide bleachers, porta-potties, and garbage cans, etc. and any other touch up or clean up as necessary to make the park area presentable, and recommending that Council approve the request contingent upon passage of the 2011 budget and inclusion of the funding for the event, items being met as outlined by the administration, as well as the signing of this contractual services agreement between the City and the Monroe County Convention & Tourism Bureau for the production of the 2010 River Raisin Jazz Festival, and the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.

Councilwoman Conner expressed concern about the request from the Monroe County Convention & Tourism Bureau, MCC&TB, to waive the application fee of \$150 and stated that there are other organizations that have to pay the fees and thinks that MCC&TB should pay them also.

George Brown, City Manager explained that the Jazz Festival is one of the primary community events identified in Council's adopted policy to waive all fees, encompassing application fees, rental facilities fees, and some support services fees.

Councilwoman Conner said it would be helpful to have a list of the community events so that Council doesn't go through this every time. She asked how it would be recorded with each department that will not be collecting their fees, because the fees help in their funding.

It was moved by Councilwoman Conner and seconded by Councilman Clark that item 282 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0
Motion Carried.

291 Communication from the Interim Director of Planning & Recreation was presented, submitting a request from Monroe Housing Commission (MHC) asking the City of Monroe to donate the use of one acre of land near the Greenwood Townhouse complex on Greenwood Avenue to develop a playground, and recommending that Council approve the request from the MHC for use of one acre of land as a playground, with the following contingencies; 1.) The City Manager is authorized to negotiate the use of the land as a park/playground, including a property reversion clause and maintenance of the site; 2.) The MHC is to provide an annual certificate of insurance naming the City of Monroe as an additional insured party (as it relates to the park); and 3.) The MHC is to work with City Administration, and the Planning, Recreation and Engineering Departments to site the specific location of the proposed park.

Councilwoman Conner asked Nancy Wain, Monroe Housing Commission Executive Director to give some of the details of the Park project.

Nancy Wain, Monroe Housing Commission Executive Director explained that they would like to partnership with the City of Monroe in building a playground at the north end of Greenwood Avenue, and that just a small area of land, about an acre, would be needed

It was moved by Councilwoman Conner and seconded by Councilman Clark that item 291 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion Carried.

Mayor Comments.

Mayor Worrell commented about complaints of gun shots from runners on the new trail from the Battle Field out to the State Park and said they had later run across hunters. He said he that he was under the impression that there was no hunting allowed on City property and expressed concern about it. He announced that he and Mayors from other Michigan Cities recently discussed revenue sharing and other topics with Governor Granholm at a meeting in Southgate.

Council Comments.

Councilman Beneteau commented on the dinner with Police and Fire, the article in the newspaper regarding the Goodfellows Solicitation fundraiser, and a letter to the editor.

Councilman Clark commented on the Goodfellows solicitation fundraiser, the stipulations mandated by the City regarding street solicitation, and transitions of the new members of council and various boards. He explained how members of the public can apply to be on the boards and commissions.

Councilman Paisley mentioned that he had received several negative comments from citizens since the last meeting and commented on the negative facts of the Michigan Employees Retirement System, MERS.

Councilman McGhee commented on the property where the hunting has occurred.

Councilman Molenda commented on the Tree Lighting Ceremony, and the family that the City has adopted.

Councilwoman Conner commented about the conference on the Battlefield at Monroe County Community College, that Crosswinds may be paying for the street resurfacing in Munson Run II and total foreclosures in the City are down to 119.

City Manager Comments.

George Brown, City Manager commented on the issue of MERS and explained the steps that have been taken thus far and why. He read part of the communication letter that he prepared for employees and retirees to clarify the actions the City's has take and their intentions regarding cost reductions.

Peggy Howard, Human Resource Director gave some history of communication she has had with MERS and where things stand presently.

Citizens Comments.

Adam Yeager, 1833 S. Custer Road ask for a moment of silence for those who died in the December 7th attack on Pearl Harbor.

John Timko, 1034 Bentley Drive complained about a bill from the City for cutting of the grass at his rental property on E. Fifth Street and said there was not reason for it.

Mayor Worrell said that he should talk to the City Manager after the meeting.

Andy Pinchoff, 469 Bentley Drive, Pension Board Trustee asked that the City look at the current pension system before making any changes to our pension plan and give us a chance to save some money for the City..

George Brown, City Manager said that they will certainly compare all of the factors of the current plan and MERS plans.

Andrea Jones, Executive Director DDA announced that the DDA is printing a Monroe Tourism Brochure that will be distributed to the Welcome Centers, thanked everyone who volunteered in the Holiday Kick-off weekend, and announced some of the holiday activities going on downtown which are listed on their website at www.monroemainstreet.com or call the office at (734)240-2458.

Pat McElligott, 813 Reisig Street commented on the City's budget, financial decision's of past Council Members, drug problems and traffic violations in the City, and Charter Revisions.

It was moved by Councilman Paisley and seconded by Councilman Beneteau that Council go into Closed Executive Session to discuss Pending Litigation at 9:08 p.m.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Councilman Paisley and seconded by Councilman Molenda that Council reconvene at 9:50 p.m.

Ayes: 7 Nays: 0

Motion carried.

Adjournment.

It was moved by Councilman McGhee and seconded by Councilman Molenda that the meeting adjourn at 9:51 p.m. until the Regular Meeting on Monday, December 21, 2009 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Mark G. Worrell
Mayor