

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 6, 2010

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, November 15, 2010 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Member Beneteau, Hensley, Paisley, Bica, Molenda Conner and Mayor Clark.

Charles D. Evans, City Clerk-Treasurer gave the invocation.

Mayor Clark led the Pledge of Allegiance to the flag.

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 Work Session held on Monday, November 15, 2010 and the Minutes of the Regular Meeting held on Monday, November 15, 2010.

B. Approval of payments to vendors in the amount of \$1,035,063.75.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

260 Arthur Lesow Community (ALCC) Building Improvements Bids.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the ALCC Building Improvements, and recommending that Council award the base bid in the amount of \$106,171 to Sieb Plumbing & Heating, with \$122,000 encumbered to include a 15% contingency, that bids for Alternates #1, #2, and #3 be rejected, and that Alternate #1 be re-bid, with proposed award at the January 4, 2011 or January 18, 2011 City Council meeting, 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.

261 Great Lakes Commission – Consultant Award.

1. Communication from the Director of Water & Wastewater Utilities, reporting back on the Great Lakes Commission Grant in cooperation with consultant proposals so an updated action tracking table for the River Raisin AOC can be used to develop a Stage II document complete with all tasks necessary for a complete delisting of all Beneficial Use Impairments (BUI) upon formal approval, and recommending that Council award a contract to ECT, Inc., in the amount of \$6,500 as detailed above and that the Director of Water & Wastewater Utilities or his designee 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.

262 City Hall office lease – Great Lakes Tower.

1. Communication from the Building Official, submitting an addendum to the lease agreement between the City of Monroe and Great Lakes Tower for an additional 351 square feet of office space that will add \$204.75 per month to the current amount of \$537.25, and recommending that Council approve the

terms of the lease addendum document attached and to authorize that it be executed and signed by the Mayor and Clerk-Treasurer.

2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

263 Demolition Bid – 317 Cass Street.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 317 Cass Street, and recommending that Council award the contract to Executive Construction Management Co., in the amount of \$7,875 and that a total of \$12,875 be encumbered to include a contingency of \$5,000 for the abatement of asbestos if identified, and further recommending that the Mayor or 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.

264 Demolition Bid – 1029 East Second Street.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 1029 East Second Street, and recommending that Council award the contract to Den-Man Contractors Inc., in the amount of \$8,965 and that a total of \$13,965 be encumbered to include a contingency of \$5,000 for the abatement of asbestos if identified, and further recommending that the Mayor or 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.

265 Demolition Bid – 369 Armitage Drive.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 369 Armitage Drive, and recommending that Council award the contract to Earth Works Excavating, in the amount of \$8,300 and that a total of \$13,300 be encumbered to include a contingency of \$5,000 for the abatement of asbestos if identified, and further recommending that the Mayor or 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.

266 Energy Efficiency and Conservation Block Grant Award.

1. Communication from the Interim Director of Planning & Recreation, submitting the Energy Efficiency and Conservation Block Grant Agreement between the City of Monroe (grant Subrecipient) and the City of Riverview (grant Recipient) for a grant from the Michigan Department of Energy, Labor and Economic Growth to engage in energy efficiency retrofits, and recommending that Council authorize the Mayor or his designee to execute the enclosed agreement and proceed in accepting the terms described therein.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

267 Director of Economic & Community Development Confirmation.

1. Communication from the City Manager, submitting an Employment Agreement with Daniel E. Swallow to appoint him as the Director of Economic & Community Development, and recommending that the

Mayor and City Council confirm the City Manager's appointment of Mr. Swallow as the Director of Economic & Community Development for the City of Monroe.

2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

268 Director of Economic & Community Development Contract Approval.

1. Communication from the City Manager, submitting an Employment Contract with Daniel E. Swallow to appoint him as the Director of Economic & Community Development, and recommending that the Mayor and City Council approve the contract to appoint Mr. Swallow as the Director of Economic & Community Development for the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that items 260, 261, 262, 263, 264 and 266 be approved as indicated, and that item 265, 267 and 268 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

265 The communication from the Building Official was presented, reporting back on bids received for the demolition of a property located at 369 Armitage Drive, and recommending that Council award the contract to Earth Works Excavating, in the amount of \$8,300 and that a total of \$13,300 be encumbered to include a contingency of \$5,000 for the abatement of asbestos if identified, and further recommending that the Mayor or Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.

Audrey Roach, 1012 Regents Park Drive, owner of property at 369 Armitage Drive said that she would like the opportunity to keep her property and restore it to either sell it or rent it.

Joe Lehmann, Building Official explained that when this house first became an issue, in 2008, it was because of neighbor complaints regarding rodents, overgrown bushes and trees, and a leaky roof of which has since that time been replaced and the tree has been removed. He further explained that the house was vacant and that windows were being broken and the plaster inside the house was deteriorating because of the leaking roof. He explained that he has been in communication with the owner and has asked her to draw up a plan with a time line for which the plans will be completed and bring it to the Council Meeting.

Council Member Conner asked if the owner has provided a time line for repairs.

Joe Lehmann, Building Official said yes that it is attached to the fact sheet but he told her that more than that would be needed and explained what would need to be included in her

Council Member Molenda said that usually when demolition requests reach Council the property is in pretty bad shape and he is surprised that Mr. Lehmann has not be inside of the property but still come up with this finding and recommendation and wonders if a visit inside of the property should be made to determine if it is salvageable. He asked if there is any reason why the homeowner has disregarded the requirements mentioned in the correspondence from the building department.

Joe Lehmann, Building Official said that question should be directed to the property owner, but he did mention to the property owner that would be one of the requirements, to have the house cleaned out so that the department could walk through to inspect it.

Council Member Beneteau said that there was a civil infraction waived on July 31st because there was an understanding that there would be windows replaced and drywall repaired and he would like to hear from Ms. Roach why nothing was done at that time. Also he said that in September 2009 the property owner received another letter but nothing was done at that time either, so if the property owner is not willing to do anything, Council's hands are tied.

Audrey Roach, 1012 Regents Park Drive stated that she wasn't clear about a specific timeline when she spoke to Mr. Lehmann about what needed to be addressed in the letter to be submitted to Council. She explained that she has an estimate from Floral City Glass for the repair of the windows that she will have started immediately if Council will let her. She said that she intends to take care of some of the shrubbery overgrowth herself, that the roof has been replaced, and that the big tree in the back is gone. She explained that things just got away from her for a while.

Council Member Beneteau said that he would be willing to grant a 60 day extension initially, at maximum, to get exterior repairs done on the property and a timeline for the interior repairs of reasonable fashion.

George Brown, City Manager said that if Council chooses to grant an extension for further consideration, he would suggest that a number of steps be taken, such as, to be granted access for a thorough inspection of the property by our inspectors, our inspectors will then write up a list of alterations and repairs to restore the house to code. He continued that timelines will be discussed with periodic inspections done during that timeline to ensure that there is continue progress, and that there be solid proof and evidence that there is adequate financing secured and in place to do the repairs to this property. He explained that those things should be put into a compliance agreement.

It was moved by Council Member Beneteau and seconded by Council Member Hensley that item 265 be postponed until the next meeting on December 20th to allow the Building Inspector time to do a full inspection on the property and a compliance plan be put together with the property owner.

Ayes: 7 Nays: 0

Motion carried.

267 The communication from the City Manager was presented, submitting an Employment Agreement with Daniel E. Swallow to appoint him as the Director of Economic & Community Development, and recommending that the Mayor and City Council confirm the City Manager's appointment of Mr. Swallow as the Director of Economic & Community Development for the City of Monroe.

Council Member Hensley asked the City Manager to introduce Mr. Swallow and he thanked the Committee for their time and dedication put into the process of interviewing the candidates.

George Brown, City Manager said that Monroe previously had a community Development Director for more than 30 years and that each of the last two City Council's expressed interest in hiring someone who would be proactive in economic development and redevelopment. He explained what the position would entail and talked about the candidates and their screening. He then introduced Dan Swallow and invited him to the podium to make comments.

Dan Swallow, Candidate for the Director of Economic & Community Development position thanked the Mayor, City Manager and Council Members for the opportunity to serve the City of Monroe and said he looks forward to the challenge. He told a little about his history with Monroe and about his plans to enhance Monroe.

Council Member Beneteau said that his concerns are not about the person but about the way the position is being funded, stating that one-quarter to one-third of the DDA budget already goes towards personnel costs, not downtown development and now more personnel costs are being taken from that budget. He continued that he

is not sure about the BRA portion of the funding but that the \$42,000 coming from the Port of Monroe isn't really coming from the Port, it is simply money that the city is taking back from the Port so instead of a \$29,000 dollar contribution coming from the general fund it is actually a \$69,600 contribution from the general fund. He further stated that he will not support this because he does not think this is an appropriate time to hire a person considering we've laid off other personnel.

Council Member Molenda said that cuts have been made for years but there comes a point where you realize that we're not going to cut our way into prosperity. He continued that we need to develop, stabilize and grow and that he thinks that Mr. Swallow is going to be an important asset to the City of Monroe. He said we need a plan and that Mr. Swallow is going to help us develop and execute that plan.

Council Member Paisley said that he looks at this as a value-added position that if done properly it will add businesses to the community. He also added that ultimately you get to a certain point where, unless you start marketing, there will be no business.

Council Member Conner is pleased with the donation of funds for this position from the other organizations.

Council Member Bica said that his biggest concern with this position was the funding, but that the DDA and the Pore have helped alleviate that concern.

It was moved by Council Member Hensley and seconded by Council Member Molenda that item 267 be accepted, placed on file and the recommendation be carried out.

Ayes: 6 Nays: 1 (Council Member Beneteau)

Motion carried.

268 The communication from the City Manager was presented, submitting an Employment Contract with Daniel E. Swallow to appoint him as the Director of Economic & Community Development, and recommending that the Mayor and City Council approve the contract to appoint Mr. Swallow as the Director of Economic & Community Development for the City of Monroe.

Council Member Hensley made reference to the amended part of the Employment Contract.

George Brown, City Manager said there are some slight amendments to the copy Council received with their agenda packets; in section 7, part (b) has a typo in line 4, the / between 'purposes only' should be removed, in section 8, last line of the paragraph, Paragraphs '9 and 10', should read Paragraph 11, and in section 9, last line, 'Paragraph 11' should read Section 10.

Council Member Molenda said he would like to highlight that the under section 3, Compensation, the pay scale is adjusted based on whether or not the employee establishes his primary residence within the City of Monroe. He also said that if he had his way, all employees would live in the city limits but the law handicaps our ability to require it, so he thinks it is prudent to incentivize whenever we can to help compel our employees to become stakeholders in this community and that he wouldn't mind seeing it applied more broadly in the future.

It was moved by Council Member Hensley and seconded by Council Member Paisley that item 268 be accepted as amended, placed on file and the recommendation be carried out.

Ayes: 6 Nays: 1 (Council Member Beneteau)

Motion carried.

Council Comments.

Council Member Beneteau congratulated SMCC Girls Volleyball team for their win at the State Championship and to the SMCC Boys Varsity Football team who made it to the State Finals for the second year in a row.

Council Member Conner said that there are 145 foreclosures in the city this month and 16 sales. She commented on the National League of Cities Meeting that she attended in Denver and announced that she was elected to the National Board of Women in Municipal Government and named other committees that she is on.

Mayor Comments.

Mayor Clark congratulated Council Member Conner for her continued participation in the National League of Cities and for being elected to the Board. He commented on yard waste collection, that the last day for pick up is December 9. He also commented on the Habitat for Humanity rehab work house and the ceremonial wreath laying on Saturday, December 11th at 12 noon in Veterans Park. He welcomed Mr. Swallow to Monroe and said he is certain that Mr. Swallow will find a home here.

Citizens Comments.

Richard Micka, 47 E. Elm Avenue provided some handouts to Council and talked about the mystery Monuments of Monroe and the Port Collaborative Summit 2010.

Willie Hall, 415 Mason Run expressed some concerns with the community and some ideas about making downtown vibrant.

Stefano Biundo, property owner of 144 Tremont and 120 Bentley Drive, commented about the three year inspection mandated for rental property and that he was not aware that it was a mandated inspection, the charges that have been billed to him.

George Brown, City Manager said that there is a process and a fee schedule in place and if the fees remain unpaid there is a penalty added to the fee.

Mayor Clark said that he would like to review all correspondence that was sent from the Building Department and will speak with Mr. Lehmann, Building Official, and would like a contact phone number from Mr. Biundo so that an appointment can be set up to discuss this issue. He said that he would like all of the information from Mr. Lehmann to be provided to Council by the next meeting.

Council Member Beneteau said that it would be a service to inform those who are purchasing foreclosures for rental property, that they are required to have rental inspections every three years and it is their responsibility to have the property listed as a rental property.

Pat McElligott, 813 Reisig Street commented on the Monroe High School football team, the appointment of Mr. Swallow, and the implementation of a city certification with the transfer of property from owner to owner.

Mayor Clark announced that the City Council Meetings are now available to view online at <http://mpact.pegcentral.com/> and that within 2 days of the meeting; it will be aired at that address.

Jeanne Micka, 47 E. Elm Avenue thanked Mr. McElligott for the donation of \$100 for the Christmas tree at the Sawyer House. She commented on other events during the Christmas season.

It was moved by Council Member Molenda and seconded by Council Member Bica that Council go into Executive Closed Session to discuss Pending Litigation and Attorney's Opinion.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Hensley that Council go into open session.

Ayes: 7 Nays: 0

Motion carried.

Adjournment

It was moved by Council Member Molenda and seconded by Council Member Beneteau that the meeting be adjourned at 9:45 p.m. until the next Regular Meeting on Monday, December 20, 2010 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor