

CITY OF MONROE
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 18, 2011

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, January 18, 2011 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Clark led the pledge of allegiance to the flag.

Council Action.

265 This item was postponed at the December 20, 2010 meeting.

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. It was moved by Council Member Beneteau and seconded by Council Member Bica that item 265 be postponed until the January 18, 2011 Council Meeting with the stipulation that the inside of the property be cleared of all rubbish and debris before that meeting.

It was moved by Council Member Beneteau and seconded by Council Member Molenda that item 265 be placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

Council Member Beneteau asked if the rubbish has been cleaned from the house.

Joseph Lehmann, Building Official said he expected the property owner to be at the meeting tonight but she is not. He said he had an inspector go by the property today and does not believe the house has been emptied. He said he spoke to Ms. Roach, property owner, a couple of times last week, and she informed him that she was taking out anything of value. He also explained that during the time he and the property owner were drafting the agreement, he suggested that she get a dumpster on the property and at least make an honest effort to begin cleaning up the property before the January 18th deadline, but no dumpster has been seen at the property.

Council Member Beneteau said the "honest effort" part of the communication is the part he is having a hard time with because he is getting calls from neighbors who are concerned with that resident and are concerned with why we haven't moved forward with the demolition. He said it was his intention originally to extend this period of time, noting that the house seems to be structurally sound; we are asking the home owner to provide a timeline and a plan. He continued that the simplest of those things was to clean the debris from the inside of the house.

Mayor Clark asked if the property owner gave a reason why the house had not been cleaned out.

Joseph Lehmann, Building Official explained that Ms. Roach said she didn't want to hire a contractor to clean everything out because there are still valuables in the house.

Council Member Molenda said that when this type of agreement is made, obviously there needs to be some sort of verification that progress is being made and he asked if there is anything agreed to on how we would go about verifying progress.

Joseph Lehmann, Building Official explained that after a permit is pulled for the work to be done, different inspections would be part of that process. He said that his inspector has not been in the house and that there hasn't been a dumpster at the property, so he is not sure if progress has been made. He said the property owner told him that she is taking items of value out with a pickup truck.

Council Member Molenda said that his hesitation in moving forward with demolition is that there is no verified, if any, progress being made as it relates to the agreement.

Thomas Ready, Attorney explained that since an inspection has not been done on the inside of the house since the last meeting, and the property owner signed an agreement in which she agreed, among other things, to make a deposit with the City to cover the cost of demolition in the event that she didn't comply with the timeline, his suggestion would be to postpone action on this item until the next Council Meeting, to be held on February 7, and if no progress has been made and no deposit has been given, then we know where she stands for sure.

After lengthy discussion, it was moved by Council Member Beneteau and seconded by Council Member Bica that item 265 be postponed until the February 7, 2011 Council Meeting and to modify the list so that the first three (3) items be completed by January 31, 2011 and if not complete, execute demolition of the property.

Ayes: 7 Nays: 0

Motion carried.

270 This item was delayed at the December 20, 2010 meeting.

Communication from the Interim Director of Planning & Recreation, submitting an application for Obsolete Property Rehabilitation Tax Exemption from West Front Development, LLC for the buildings at 114 and 116 West Front Street, and recommending that Council delay action on this item until its meeting on January 18, 2011 in order to draft the terms of the above referenced agreement and to address outstanding issues pertaining to property maintenance code compliance. It was moved by Council Member Beneteau and seconded by Council Member Paisley that item 270 be accepted, placed on file and the recommendation be carried out.

It was moved by Council Member Beneteau and seconded by Council Member Molenda that item 270 be placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

Council Member Beneteau asked Joseph Lehmann, Building Official for an update on this issue so Council knows where things stand with this item.

Joseph Lehmann, Building Official said that this item is a little more in-depth as it relates to item 273 and the rehabilitation of the property, so he is requesting that Council postpone this item for another two (2) weeks so a contract can be worked out. He said that underlying circumstances have delayed the completion of the contract by that it is in the works.

George Brown, City Manager said that the recommendation is that both item 270 and 273 be postponed until the Council Meeting on February 22, 2011 and as noted this crafting the details for a potential agreement on this property has turned out to be rather complex. He continued that Daniel Swallow, Director of Economic & Community Development, is new onboard this week and has reviewed these items.

After discussion, it was moved by Council Member Beneteau and seconded by Council Member Bica that item, 270 be postponed until the February 22, 2011 Council Meeting and that past due taxes and current year taxes be paid by the February 22, 2011 Council Meeting.

Ayes: 7 Nays: 0

Motion carried.

273 This item was tabled at the December 20, 2010 meeting.

Communication from the Building Official, reporting back on bids received for the demolition of a property located at 114 and 116 West Front Street, and recommending that Council table this action until January 18, 2011 Council Meeting in order to draft terms of an agreement to renovate the structures and further recommending that if an agreement cannot be reached the structure be demolished. It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 273 be approved as indicated.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 273 be placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 273 be postponed until the February 22, 2011 Council Meeting.

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.)

A. Approval of the Minutes of the Regular Council Meeting held on Tuesday, January 4, 2011 and the Minutes of the Work Session held on Monday, January 10, 2011.

B. Approval of payments to vendors in the amount of \$560,463.77.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

3 Appointments.

1. Communication from the Mayor's Office, submitting a proposed resolution for appointments to various boards, commissions and committees, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

4 Multi-Sports Complex Software Contract.

1. Communication from the Finance Director, submitting a proposal from Max Enterprise Software for the purchase of their most current events scheduling software program for a total cost of \$22,410, and recommending that Council approve entering into the attached agreement with Maximum Solutions, Inc. for the purchase and finance of the Max Enterprise Software and further approve the City Manager to sign the agreement on its behalf.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

5 Professional Services Contract for Processing of LiDAR Elevation Data.

1. Communication from the Director of Engineering & Public Services, submitting a request for a service agreement for professional services contract for processing of LiDAR Elevation Data, and recommending that Council award the above contract to Woolpert in the amount of \$10,000, and that the Director of Engineering & Public Services be authorized to execute it on behalf of the city, once a commitment from FEMA to accept the dataset and extend the comment / protest period for the new FIRMs is received.
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 Hensley that item 4 be approved as indicated and that item 3 and 5 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

3 The communication from the Mayor's Office was presented, submitting a proposed resolution for appointments to various boards, commissions and committees, and recommending that the resolution be adopted.

Council Member Conner asked if any of people who are being recommended for the appointments are in attendance.

Mayor Clark recognized all of those who are being recommended to the various boards and commissions and asked them to introduce themselves. He also commented on the recommended appointment of David Thompson to serve on the Civil Service Commission, and said that after looking through the records of various meetings of the Civil Service Commission in reference to how appointments are made, he determined that the appointment of the position that was filled by Mr. Richard Turner, was appointed by Mayor and Council. He asked Mr. Ready, Attorney to comment on the recommended appointment of Mr. Thompson to the Civil Service Commission.

Thomas Ready, Attorney explained that the Civil Services Commission is created by two (2) documents; the first document is Act 78 of the Public Act of 1935, which was approved in 1935 by the voters, for application to the Monroe Fire Department. He continued that the second document is the City Charter adopted by the voters of the City of Monroe in 1937, which presently relates to the Police Department. He explained that it appears, from a review of the documents, that the city's appointment as authorized under Act 78 and under the City Charter has expired in January 2010 and it's appropriate for the Mayor and Council to fill that appointment at this time.

It was moved by Council Member Molenda and seconded by Council Member Paisley that item 3 be accepted, placed on file and the resolution be adopted.

Ayes: 6 Nays: 1 (Council Member Conner)

Motion carried.

5 The communication from the Director of Engineering & Public Services was presented, submitting a request for a service agreement for professional services contract for processing of LiDAR Elevation Data, and recommending that Council award the above contract to Woolpert in the amount of \$10,000, and that the Director of Engineering & Public Services be authorized to execute it on behalf of the city, once a commitment from FEMA to accept the dataset and extend the comment / protest period for the new FIRMs is received.

David Smith, 530 Hollywood said that the way he reads it is that we are hiring another contractor to do an independent study from that of the FEMA Contractor and also as he understands it, no one is required to have flood insurance. He went on to talk about statistics on flooding and elevation data.

Mayor Clark explained that in discussions with FEMA we've asked for an extension and that this particular contract is for us to take the data, have it processed and make it available to the residents that are within the flood plain.

It was moved by Council Member Hensley and seconded by Council Member Molenda that item 5 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member Paisley thanked those who accepted appointments for the various boards and commissions.

Council Member Bica also thanked those who were appointed tonight and announced a meeting of the Orchard East Community Awareness Group on Thursday, January 20th, at 6:00 p.m. at the Navarre Library and invited the community members to come and give some input.

Council Member Molenda wished former Council Member McGhee happy retirement and thanked him for his service to the city. He commented on the "Dance through Time" at the Shirley Meyer Theater at Monroe County Community College this weekend. He explained that the dance is to raise funds for the Community Foundation and the War of 1812 Bicentennial Steering Committee.

Council Member Conner wished Council Member Molenda a good time at the dance along with a trophy and also thanked the people who were appointed to the boards and commissions tonight. She announced that the December foreclosures were 145 and that 10 of those were sold and 18 were added. She also thanked those who called and sent cards and for their prayers during her recovery.

Mayor's Comments.

Mayor Clark welcomed Council Member Conner back and commented on the "Dance through Time". He also said that there will be an opening and greeting along at the Center in the National Battlefield Park on Saturday morning. He also commented on the appointments to the boards and commissions this evening.

Adjournment.

It was moved by Council Member Molenda and seconded by Council Member Paisley that the meeting adjourn at 8:31 p.m. until the next Regular Meeting on Monday, February 7, 2010 at 7:30 p.m.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor