

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, MARCH 7, 2011

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

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

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

Mayor Clark led the pledge of allegiance to the flag.

Presentation.

Presentation by Fire Chief Joseph Mominee – Life Saving Award to Captain Toth and Firefighter Whittaker and Citizen Recognition Award to Anthony Pope and Richard Morgan.

Public Hearings.

14 This being the date set to hear public comments on proposed Ordinance No. 11-001, an Ordinance to amend several sections of Chapter 374, Hawkers, Peddlers and Transient Merchants, of the Code of the City of Monroe. 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.

Council Action.

14 It was moved by Council Member Molenda and seconded by Council Member Beneteau that the communication from the Director of Economic & Community Development, submitting proposed Ordinance No. 11-001, an Ordinance to amend several sections of Chapter 374, Hawkers, Peddlers and Transient Merchants, of the Code of the City of Monroe, be placed on its final reading.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 11-001 was then presented for the second time after which the Mayor asked, "Shall this Ordinance Pass?"

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, February 22, 2011.
- B. Approval of payments to vendors in the amount of \$856,852.49.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

Mayor Clark requested that items 30, 31 and 32 be pulled from the Agenda and refer them to the Personnel Committee to be reviewed prior to a discussion or vote. He also explained that item 33 has been amended by adding a position to the Board of Review as a result of a resignation on that board.

- 25 Monroe County Emergency Medical Authority – Resolution to Re-join.
 1. Communication from the Fire Chief, submitting a proposed resolution to re-join the Monroe County Emergency Medical Authority, and recommending that the City of Monroe re-join the Monroe County Emergency Medical Authority.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.

- 26 Annual Earth Day Activities Street Closure and Banner Request.
 1. Communication from the City Manager's Office, submitting a request from Council Member Mary Conner on behalf of The Earth Day 2011 Committee for permission to close East First Street between Monroe and Macomb Street and Washington Street between East Second and East Front Streets on April 30, 2011 from 10:00 a.m. – 2:00 p.m. for Earth Day activities, and to display a banner across Monroe Street from April 16 – 30, 2011 announcing Earth Day on April 30th.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

- 27 Transfer Ownership of an escrowed 2010 Class C Licensed Business.
 1. Communication from the City Manager's Office, reporting back on a request from Pizza Hut of America, Inc., (A Delaware Corporation) to transfer ownership of an escrowed 2010 Class C license business located at 403 N. Telegraph, Monroe MI from Midland Food Services, L.L.C. to Pizza Hut of America, Inc. and to transfer the status from Class C to Tavern License, and recommending that Council approve this request.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

- 28 Council Chambers Video Equipment Bids.
 1. Communication from the Finance Director, reporting back on bids received for the Council Chambers Video Equipment, and recommending that Council approve the award of video equipment bid to the following companies at a total purchase price of \$14,229.28: Roscor Corp. - \$8,554.92, Aprisa Technology, LLC - \$800.36, Thalner Electronic Labs, Inc. - \$3,040.00, and B&H Photo-Video Pro Audio - \$1,834.00.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

- 29 Kentucky Avenue Storm Sewer Repairs Change Order Award.
 1. Communication from the Director of Engineering & Public Services, submitting a Change Order to the Kentucky Avenue Storm Sewer Repairs, and recommending that Council increase the previous authorization for repairs to the storm sewer on Kentucky Avenue, to C & D Hughes, Inc., from the original \$15,000 to \$30,000, and further recommending that the Director of Engineering & Public

Services be authorized to execute a change order to this effect if necessary on behalf of the City of Monroe.

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

30 City Policies and Procedures – Policy No. 22 – Non-Discrimination and Harassment Policy.

1. Communication from the Director of Human Resources, submitting a revised policy to assist and provide a more detailed statement of the Non-Discrimination & Harassment Policy, and recommending that Council approve the attached revised Non-Discrimination & Harassment policy and direct City administration to proceed with implementation and dissemination.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

31 City Policies and Procedures – Policy No. 23 – Personnel Records.

1. Communication from the Director of Human Resources, submitting a policy to provide consistent procedures in accordance with existing laws and collective bargaining procedures regarding the maintenance, access, security and retention of employees' records or files, and recommending that Council approve the attached policy and direct City administration to proceed with implementation.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

32 City Policies and Procedures – Policy No. 24 – Workplace Violence Policy.

1. Communication from the Director of Human Resources, submitting a revised policy to provide clearer guidelines to deal with intimidation, harassment, or other threats of (or actual) violence, and recommending that Council approve the attached policy and direct City administration to proceed with implementation.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

33 Appointments.

1. Communication from the City Manager'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.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 26 and 28 of the Consent Agenda be approved as presented and that item 25, 28 and 33 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

25 The communication from the Fire Chief was presented, submitting a proposed resolution to re-join the Monroe County Emergency Medical Authority, and recommending that the City of Monroe re-join the Monroe County Emergency Medical Authority.

Council Member Conner asked how re-joining the Monroe County Emergency Medical Authority would benefit the City and what it will cost the City.

Joe Mominee, Fire Chief said he is not sure about the cost and would defer that to the Attorney.

Thomas Ready, City Attorney said when he was asked to prepare the resolution, he called Phil Goldsmith, County Attorney who said that there would be no cost to the City.

Joe Mominee, Fire Chief explained that the Monroe County Emergency Medical Authority audits monthly ambulance response data from the provider, Monroe County Ambulance (MCA). They insure the efficiency of the system, work with the provider to insure the best placement of resources, insure compliance with contract response requirements, review and remediate extended response situations. He further explained that they conduct quarterly audits of any air ambulance situation that would arise throughout the County. He continued citing other benefits that would come from approval of the resolution and cited some history surrounding the request to re-join.

It was moved by Council Member Conner and seconded by Council Member Hensley that item 25 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

28 The communication from the Finance Director was presented, reporting back on bids received for the Council Chambers Video Equipment, and recommending that Council approve the award of video equipment bid to the following companies at a total purchase price of \$14,229.28: Roscor Corp. - \$8,554.92, Aprisa Technology, LLC - \$800.36, Thalner Electronic Labs, Inc. - \$3,040.00, and B&H Photo-Video Pro Audio - \$1,834.00.

Council Member Molenda asked if the franchise fees go directly into the General Fund or is some portion of the fees allocated to certain functions such as replacing and repairing the video equipment.

George Brown, City Manager explained that there are two categories of fees that are paid to the City which applies to many local government jurisdictions in Michigan that have cable television franchises. He continued that part of the franchise system was set up to allow cable providers to use the public right-of-way to string their cable and operate their for profit operations. He stated that the franchise fee is the larger of the two and are less restricted in use, and Monroe, like many communities uses the line share for General Fund operations. He said that you can look at franchise fees, as he equates them, to righting the roadways and said that we don't earmark it specifically but it could be viewed as helping support our roadway overhead maintenance and reconstruction, etc... He also explained that part of the fee, by agreement, goes to the Public Access Channel, MPACT, which is operated by a private not-for-profit board and staff. He continued that the PAEG fees, Public Access Educational and Governmental Channel, is a smaller fee that we do set aside, more specifically it is shared with the governmental Public Access Channel for the upkeep and operation of the actual cable channels and a little broader allowance for public communications.

It was moved by Council Member Molenda and seconded by Council Member Bica that item 28 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

33 The communication from the City Manager'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 said she would like anyone who is accepting an appointment and is in attendance tonight to stand up and introduce themselves. Since no one was in attendance, she read the names of those being appointed and thanked them for volunteering to serve the City.

It was moved by Council Member Conner and seconded by Council Member Molenda that item 33 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member Conner announced that there are 154 foreclosures in the City of Monroe.

Council Member Hensley congratulated the Firefighters and the citizens who were recognized this evening and also recognized the State Representative who is in attendance.

Mayor's Comments.

Mayor Clark commented on two new businesses downtown, congratulated and thanked Captain Toth and Firefighter Whittaker, citizen's Anthony Pope and Richard Morgan. He also thanked Mr. Navarre for being at the meeting this evening and invited State Representative Dale Zorn to give comments.

Dale Zorn, State Representative said he is very pleased to be at the meeting and plans to attend as many local meetings as possible in the next two years. He explained that he's been attending meetings locally for a long time and has been a part of discussions locally. He commented on the state budget and said that the governor wants the budget to be in place by the end of May. He said that he will keep in touch with the Mayor and asked whom he should contact regarding a bipartisan bill for Port Authorities and the funding of them.

Mayor Clark suggested he speak to Thomas Krzyston, Monroe Port Commission Chairman, George Brown, City Manager or Dan Swallow, Director of Economic & Community Development. He commented on the current out dated flood plain maps and said we are waiting to hear from FEMA regarding updated information on flood plain data.

Citizen's Comments.

Joseph Bentley, 129 Riverview Avenue said that he is one of the seven firefighters who received a pink slip and was laid off and asked if any of the firefighters will be recalled from layoff and if not, why.

Mayor Clark said that there is contractual language regarding the number of employees that could be employed with the city.

George Brown, City Manager said that he doesn't think this would be an appropriate forum to discuss personnel issues and apologizes that that is the case.

Mayor Clark said that it is a contract issue.

John Timko, 1034 Bentley Drive commented on the lack of parking and walking areas downtown because the snow and ice have not been cleared away.

Steve Swartz, 552 Rambow Drive, updated Council on the Charlie Sanders Scholarship fundraiser and thanked Council Members Bica, Paisley, Conner and Mayor Clark for their help during the event.

Adjournment.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that the meeting adjourn at 8:17 p.m. until the next Regular Meeting on Monday, March 21, 2010 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor