

CITY OF MONROE
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 17, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, January 17, 2012 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members Hensley, McKart, Bica, Molenda, Kansier, Beneteau and Mayor Clark.

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

Mayor Clark led the pledge of allegiance to the flag.

Presentations.

Presentation by Mayor Clark, Certificate of Commendation for Reid Heiser.

Public Hearings.

252 This being the date set for the purpose of hearing comments on Proposed Ordinance No. 11-010, an Ordinance to amend several sections of Chapter 127, Retirement, Article I, Municipal Employees' Retirement System, and establish Article IV, Denial of Claim; Appeals, of the Code of the City of Monroe, there being no comments on file in writing in the Clerk's Office, the Mayor declared the hearing open.

Council Member Molenda said, "Your honor, I brought to um, the attention of the Human Resources Department that there may be some confusing language and uh, as last we left it, um, it was the opinion of staff that it would be acceptable to pass it as is and do a friendly amendment shortly thereafter. Has there been any change in that alteration or recommendation at this point?"

Mayor Clark said, "I will ask Mr. Brown or Ms. Howard."

Peggy Howard, Director of Human Resources said, "thank you Mayor and Council, uh from our last meeting um, Mr. Sell and myself and Jim Green did review that. We are recommending some further amendments on that and uh I'll have it here for the next meeting, (inaudible) regarding to that policy."

Council Member Molenda said, "I guess I would ask if it makes sense in these circumstances to, to pass this tonight and two weeks from now do a friendly amendment or do we, if we brought forth an amended policy, would we have to do a two part hearing again or would we be able to pass it at the next meeting?"

Tom Ready, City Attorney said, "If I may your honor uh, I think it would be, what makes common sense to simply um postpone Council Action until the next regular meeting at which time the amendment could be inserted and passed at that point. There would not be a need for further hearing or two part, (inaudible).

Council Member McKart asked, "Would it be appropriate to table or just, (inaudible).

Mayor Clark said, "Well the appropriate motion is what we're looking for, is to postpone or to table.

Tom Ready, Attorney said, "Right now we are just in the public hearing stage so when we get to the Council Action stage that would be the time to make the motion to postpone or to table."

Mayor Clark said, "Other questions from Council. Very well, thank you, any other comments?"

Council Member Molenda said, "Your honor I have one more comment um, I think this goes back to last year so I'm wondering if our two new Council people have this item that they'll be voting on since it was first, (inaudible)."

Mayor Clark said "I know that uh, leading up to them taking office that the Council packets were provided and I believe that this was one of the items that they would've received. Mr. Brown..."

George Brown, City Manager said "Your honor, what we can do uh is distribute all of the language for the next meeting since there will be some uh proposed uh changes so uh it probably makes sense to have it back comprehensively."

Mayor Clark said, "I agree. Any other comments, hearing none I close this public meeting, uh hearing, I'm sorry."

Council Action.

252 It was moved by Council Member Molenda and seconded by Council Member Beneteau that the communication from the Director of Human Resources, submitting Proposed Ordinance No. 11-010, an ordinance to amend several sections of Chapter 127, Retirement, of the Code of the City of Monroe, be postponed until the next regular scheduled Council Meeting to be held on February 6, 2012.

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 Meeting held on Tuesday, January 3, 2012 and the Minutes of the First Meeting of the New Council held on Tuesday, January 3, 2012.

B. Approval of payments to vendors in the amount of \$674,684.33
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

1 Earth Day Committee Banner Request.

1. Communication from the City Manager's Office, reporting back on a request from Mary Conner on behalf of The Earth Day 2012 Steering Committee for permission to display vertical pole banners on Monroe Street and an overhead banner across Monroe Street from April 9-30, 2012 announcing Earth Day, and recommending that Council approve the request.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

- 2 Annual Earth Day Activities and Street Closure Request.
 1. Communication from the City Manager's Office, submitting a request from Mary Conner on behalf of The Earth Day 2012 Committee for permission to hold the annual Earth Day Celebration and to close East First Street between Monroe and Macomb Street and Washington Street between East Second and East Front Street on April 21, 2012 from 10:00 a.m. – 2:00 p.m. for the Earth Day Celebration, and recommending that Council approve the request contingent upon items being met as outlined by the administration, subject to no additional overtime or other costs to the city, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 3 Monroe County Civil War Fallen Memorial Monument Dedication at Soldiers and Sailors Park.
 1. Communication from the City Manager's Office, submitting a request from the Planning Committee for assistance from the City to hold the Memorial Dedication and to close E. Front Street between Scott Street and east of Jerome Street (near the tennis courts to Blossom Lane), use of the city's portable stage, rental of portable toilets, bleachers, etc on Sunday, May 27, 2012 at Soldiers and Sailors Park and the Sawyer House, and recommending that Council approve the proposed request and the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 4 11th Annual River Raisin Jazz Festival Service Contract.
 1. Communication from the City Manager's Office, reporting back on a request from the Monroe Convention & Tourism Bureau for permission to use St. Mary's Park to hold the 11th Annual River Raisin Jazz Festival on August 11 & 12, 2012, for the City to help sponsor the event, 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 necessary to make the park area presentable, and recommending that Council approve the request contingent upon passage of the 2012 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 2012 River Raisin Jazz Festival, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 5 Letter of Understanding to Rehire Previous Firefighters.
 1. Communication from the Director of Human Resources, submitting a Letter of Understanding between the City and the Monroe Firefighters, IAFF, Local 326 to facilitate the possible

- reemployment of two former employees, and recommending that Council approve the attached Letter of Understanding and authorize administration to execute the Agreements.
2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 6 Consider Awarding Community Development Block Grant FIX Project to Pranam GlobalTech.
1. Communication from the Director of Economic & Community Development, reporting back on bids received for the Community Development Block Grant Program FIX project, and recommending that Council award this Community Development Block Grant FIX contract to Pranam GlobalTech with a budget of \$22,900 plus an additional \$2,099 in contingencies, and further recommending that Council authorize staff to take the necessary steps to complete each project in compliance with federal regulations, including drafting agreements to be signed by each homeowner and the contractor.
 2. Supporting documents.
 3. Accept, place on file and the recommendation be carried out.
- 7 Extending Moratorium on Growing, Sale and Dispensing of Medical Marihuana.
1. Communication from the Director of Economic & Community Development, submitting a proposed resolution to extend the moratorium on the growing, sale and dispensing of medical marihuana, and recommending that council extend the Moratorium to allow additional time for the courts to rule on the pending cases related to the MMMA and for the state legislature to act on the proposed bills that would clarify permitted uses under the MMMA; that Council extend the moratorium on the submission or receipt of applications, and any and all City permits, licenses or approvals for the growing, sale or dispensing of medical marihuana within the City of Monroe in accordance with the attached resolution.
 2. Supporting documents.
 3. Accept, place on file and the resolution be adopted.
- 8 North Monroe Street Pump Station Modifications Bids.
1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the North Monroe Street Pump Station modifications, and recommending that Council award the above contract to Salenbien Trucking & Excavating, Inc., in the amount of \$28,893.60, and that a total of \$30,340 be encumbered to include a 5% 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. Accept, place on file and the recommendation be carried out.
- 9 2012 Sanitary Sewer Rehabilitation Program Bids.
1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the 2012 Sanitary Sewer Rehabilitation program, and recommending that Council award the above contract to Lanzo Lining Services, Inc., in the amount of \$406,214 and that a total

of 446,834 be encumbered to include a 10% 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. Accept, place on file and the recommendation be carried out.

10 West Front Street FIX Project Change Order.

1. Communication from the Director of Economic & Community Development, submitting a change order to the West Front Street FIX project, and recommending that Council amend the existing contract with Pranam GlobalTech to \$24,999 to reflect the amount needed to complete the work described above, \$24,212, and a contingency of \$787 for the remaining work.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

11 Authorization for the City to Acquire and Transfer Property for the South Monroe Street and West Front Street Parking Lot and Greenspace Project.

1. Communication from the Director of Economic & Community Development, reporting back on a request from the DDA to authorize the City to acquire and transfer property for the South Monroe Street and West Front Street Parking Lot and Greenspace project, and recommending that Council authorize the purchase and acquisition of portions of seven (7) privately owned parcels from five (5) separate property owners necessary for the completion of the planned improvements for the South Monroe Street and West Front Street Parking Lot and Greenspace Project; including portions of parcel #29-00434-000 (a.k.a. 34 W. Front St.), parcel #29-00438-000 (a.k.a. 56 W. Front St.), parcel #29-00441-000 (a.k.a. 78-84 W. Front St.), parcel #29-00444-000 (a.k.a. 102 W. Front St.), parcel #29-00447-000 (a.k.a. 112 W. Front St.), parcel #29-00448-000 (a.k.a. 114 W. Front St.), and parcel #29-00449-000 (a.k.a. 116 W. Front St.); and further recommending that Council authorize the sale and transfer of a small strip of City owned property, currently part of parcel #29-00435-001, to WestSide Exploration LLC, necessary for the reconstruction of one wall of the building located at 116 W. Front Street, and further recommending that Council authorize the City Manager to execute all necessary documents, including but not limited to, purchase agreements, deeds and funding authorizations to complete the transactions. The purchase and acquisition of the above referenced parcels shall be subject to the conditions that the DDA fund the property acquisitions and planned improvements through their tax increment revenues and/or the capital improvement bonds being sold for the project, and further recommending that the City Assessor review the purchase prices to verify they are in the range of reasonable market values and that the City Attorney review and approve the necessary documents prior to execution.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

12 Appointments Resolution.

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. Accept, place on file and the resolution be adopted.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that items 1, 2, 3, 5, 6, 8, 9, 10, and 11 be approved as indicated and that items 4, 7 and 12 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

4 The communication from the City Manager's Office was presented, reporting back on a request from the Monroe Convention & Tourism Bureau for permission to use St. Mary's Park to hold the 11th Annual River Raisin Jazz Festival on August 11 & 12, 2012, for the City to help sponsor the event, 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 necessary to make the park area presentable, and recommending that Council approve the request contingent upon passage of the 2012 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 2012 River Raisin Jazz Festival, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.

Council Member Molenda noted that in the last line of paragraph four (4) in the Contract for Services, it should read either, "to perform the contracted services called for in this agreement", or delete the word contracted.

George Brown, City Manager noted that the language is redundant and said that his preference would be to remove the word contracted.

It was moved by Council Member Molenda and seconded by Council Member Bica that item 4, as amended, be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

7 The communication from the Director of Economic & Community Development was presented, submitting a proposed resolution to extend the moratorium on the growing, sale and dispensing of medical marihuana, and recommending that council extend the Moratorium to allow additional time for the courts to rule on the pending cases related to the MMMA and for the state legislature to act on the proposed bills that would clarify permitted uses under the MMMA; that Council extend the moratorium on the submission or receipt of applications, and any and all City permits, licenses or approvals for the growing, sale or dispensing of medical marihuana within the City of Monroe in accordance with the attached resolution.

Council Member McKart said he thinks that Council should develop a policy and/or a program to set parameters for growing, sale and dispensing of medical marihuana instead of postponing this action for another 180 days.

Council Member Molenda said that his problem with extending this item again is how the City will be exposed to litigation in terms of being in violation of federal and state laws.

Dan Swallow, Director of Economic & Community Development said that he does have specific concerns in that the Medical Marihuana Act does provide some guidelines but that it leaves huge gaping holes in some of the details on how a program may be implemented. He cited some of his concerns.

Council Member Bica asked if Council has the ability to go forward with plans for this program and pull the moratorium before the 180 days if the government would make significant strides with some of the court cases.

Tom Ready, Attorney said that Council could take action at any time within the 6 months.

Mayor Clark said that he knows that some communities have something in place already but that their zoning does may not correlate with our zoning and that Mr. Swallow is very clear about what the law speaks to, what it allows but unfortunately there are many gaps about what it doesn't speak to. He also noted that the law, as it is written, leaves more question and potential for certain liabilities and he is not prepared to put our City into that this time.

Frank Grzywacki, 116 Hollywood Drive said he is against a 180 moratorium because 63% of the people voted in favor of Medical Marihuana Act but acknowledges that there needs to be clarity in the law and plans need to be in place before implementation.

Marjorie Cramer, 411 E. Third Street said that as a landlord she is required to pay \$75 for an inspection fee every three years, and asked if she has a tenant who is a legal grower of marihuana under the Medical Marihuana Act, will that be an issue during inspection time, and if the inspector will count the plants to make sure the person is in compliance with the current law. She also asked if there is any language in the law that covers rental units.

Mayor Clark noted that the rental inspector will check the lights and the electrical hook up being used to grow the plants but would not be liable to establish if they have more plants than allowed under the law. He further explained that if the lighting and electrical are up to code, there would not be a problem with the inspection. He cited some of the stipulations in the law to have a dispensary. He suggested that Ms. Cramer give her contact information to Dan Swallow, Director of Economic & Community Development so he can answer her question regarding the law.

Council Member Beneteau explained that he adds a paragraph to most of his rental leases that the premises should not be subject to anything that is in violation to local, state or federal law, which leaves the landlord an out for removal of a tenant that is growing a substance that is in violation of the law.

It was moved by Council Member McKart and seconded by Council Member Beneteau that item 7 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

12 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.

Frank Grzywacki, 116 Hollywood Drive asked if there is an available copy of the resolution, or can it be read aloud.

Mayor Clark provided Mr. Grzywacki with a copy of the resolution and said it can also be found online.

It was moved by Council Member Hensley and seconded by Council Member McKart that item 12 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member Bica noted that the ALCC Queen of Hearts raffle is still going on to raise money to offset some costs for the center and that there are 22 numbers left to choose from. He said tickets are for sale at the ALCC and at Beeks Bar and the drawings are at 9:00 p.m. every Friday night.

Council Member Molenda said that he and his wife will participate in the Dance through Time, an event to benefit the War of 1812 Bicentennial Steering Committee, at the La-Z-Boy Center, Meijer Theater at Monroe County Community College on Friday, January 20, 2012 at 7:00 p.m.

Mayor's Comments.

Mayor Clark congratulated Reid Heiser for his life saving action at the YMCA, and welcomed the bowlers of the State Bowling Tournament to Monroe at the Monroe Sports Center and Nortel Lanes from January 7 through June 2012. He said that he is also participating in the Dance through Time event and that the following day, Saturday, January 21 from 10:00 a.m. – 12 noon the Commemoration will be out at the River Raisin Battlefield National Park with rein actors of the battle. He also commented on the coordinators position, approved by Council, in conjunction with the Community Foundation to help coordinate all of the activities beginning this week and for the Fife & Drum Muster in June and the Commemoration at the Kentucky Memorial in January 2013.

Citizen's Comments.

Lee Markham, 610 Smith Street presented a birch plate from sister city Tomsk Siberia.

Closed Executive Session to Discuss Pending Litigation.

It was moved by Council Member Molenda and seconded by Council Member Bica that Council go into Closed Executive Session to discuss Pending Litigation at 9:22 p.m.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member McKart and seconded by Council Member Molenda that Council reconvene to open session at 9:45 p.m.

Ayes: 7 Nays: 0

Motion carried.

Adjournment.

It was moved by Council Member Hensley and seconded by Council Member Beneteau that the meeting adjourn at 9:45 p.m. until the Regular Meeting on Monday, February 6, 2012 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor