

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, MARCH 19, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, March 19, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

Rosalind Boswell, Secretary to the Clerk-Treasurer gave the invocation.

Mayor Clark led the pledge of allegiance to the flag.

Mayor Clark noted that the agenda is amended; the first amendment is to the second public hearing, a numerical change from 50 to 49 and that there is an additional item to be added to the agenda, which is item 52.

Presentation.

Presentation by Louis Lombardo, General Manager Monroe Multi-Sports Complex.

Louis Lombardo, General Manager Monroe Multi-Sports Complex introduced Tom Hillgrove, President of Rink Management Services and Eric Danneels, Assistant Manager, Chris Zuckerman, Hockey Board and Michele Nelson, Vice President of the Journey Figure Skating Club.

Public Hearing.

35 This being the date set to hear public comments on Proposed Ordinance No. 12-001, Amendments to Chapter 720 Zoning, Article XIII, Signage, Section 720-168 through 720-185 of the Code of the City of Monroe, and there being on comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the public hearing open.

Mayor Clark: "Thank you, give me one moment please. Item 35, public hearing regarding proposed ordinance, at this time I'll open the public hearing. Any comments from Council... or we can hear comments from those present. Ok, Councilman Hensley."

Council Member Hensley: "I've got a question, maybe for Mr. Swallow."

Mayor Clark: "He did, I'm sorry; he did present us with a correspondence that you should have received regarding a review from our last meeting but also some options as Council moves forward. Councilman Hensley."

Council Member Hensley: "Dan, just some clarification on the digital signage especially along the Telegraph corridor, maybe your views of what the big issue is with them. I recently drove up to Flint and I paid attention to the ones on the side of the road, drove up and down Telegraph and in your views what is the concern about them being there?"

Dan Swallow, Director of Economic & Community Development: "With regard to the sign ordinance, there are a couple of proposed changes related to digital or electronic changeable messages, is some of the terminology in the ordinance. One had dealt with a proposed shift to allow some institutional bulletin boards with a changeable

message, those types of things. I know there was some discussion at the last meeting and I proposed a draft to maybe pulling that back out. The second area where we looked at the electronic changeable messages is on the billboards and that's actually the second area that we looked at. One of the issues I see with the billboards in particular is due to the scale, due to their size, and due to their height, they're usually, typically elevated above most of the structures, trees, those types of things. They do have a larger presence therefore can have a greater impact to the surrounding land uses. Currently you mentioned Telegraph Road, currently electronic signs on a smaller scale incorporated into an existing monument sign, for example, are allowed on Telegraph Road, there's no change to that. There are some billboards however on Telegraph Road where this proposed change could impact the ability of those to transition from what we call a static message to of course an electronic, and again, the reasons above a lot of particular Telegraph Road, I do believe, example of billboards we do have are located in relative proximity to residential land uses, a block of typically or a half a block off as well as parks and other potentially sensitive land uses. So I guess that would be my concern, the scale when you go to an LED or an electronic changeable message sign, obviously there tend to be, the light is more directional, grabs your attention potentially a little bit more but that would be my concern with the scale and the size of those in those locations and the fact that they're elevated.

Council Member Hensley: "If this was enacted as is, would a company wishing to put a digital billboard at a certain location along Telegraph, could they still buy and possibly receive a variance from the Planning Commission."

Dan Swallow, Director of Economic & Community Development: "Yes there are variances to allow for things that are currently not allowed in the ordinance, absolutely, but again, they'd have to apply to the Board of Zoning Appeals, they'd also have to establish a practical difficulty why they somehow impaired to utilize property as it's permitted and so they'd have to establish a practical difficulty for the Zoning Board would be able to grant them a variance."

Mayor Clark: "Thank you. Other comments from Council at this point, Councilmen Molenda."

Council Member Molenda: "Are your concerns characteristic of, I guess what the CPC concluded? I don't know if you do CPC Meetings or if Mr. Green does. Would that be a fair..."

Dan Swallow, Director of Economic & Community Development: "This ordinance was reviewed by the CPC, we went through a number of iterations, and certainly it was identified as a proposed change, eliminating the electronic billboard as well as the other change potentially as more of a clarification. Currently they're allowed in what's deemed sign zone b, which is along Telegraph Road but if you read the other regulations were adopted in 2007 one of the requirements for example is that they have to be on a right-of-way greater than 300 feet in width, which precluded them from sign zone b anyway, so we felt it was more consistent to take that out. So to answer your specific question, yes the CPC has reviewed this, they also held a public hearing to review the proposed changes."

Mayor Clark: "Other questions from Council at this point, or comments, I should say of Mr. Swallow? I know that we'll have, I know that there are some that wish to speak. Mr. Swallow."

Dan Swallow, Director of Economic & Community Development: "Thank you, just noted that there were no comments on file at the Clerk's Office, I would point out that we did receive a letter from the Chamber of Commerce that was distributed out as well as, I believe, at your desk today. Adams Advertising representative has provided you with some additional letters with comment, so there were some written comments that were submitted."

Mayor Clark: "And there were some correspondence, an email that was sent direct to Council as well, none were sent to the Clerk's Office. Councilman Molenda."

Council Member Molenda: "While this doesn't address the issues of brightness or necessarily affect the residential areas nearby, in terms of level of distraction, is there a, I don't see anything, I don't remember anything being in the ordinance as proposed that regulated that the content, whether it's like, you know, fault size or work limit, or you know if you got a changing billboard that's got a lot of text that's a pretty big distraction for motorists. It's something that I've, you know there's one by Ypsilanti and I see people looking where they shouldn't be looking for longer than they need to so I recognize that as a legitimate concern."

Dan Swallow, Director of Economic & Community Development: "It, I guess, first of all we don't regulate content in terms of, you can necessarily say what they can put on the billboard other than obviously you can't have obscene material or something of that nature. There are some very general standards in here in terms of brightness and not, you know extending past property line, those types of things. Generally speaking they can control that and it's not any worse or better than, in terms of light intensity than a static billboard with indirect lighting. What happens with LED or LCD technology, it's a little more directional so it stands out from the background a little bit better so you see it better and the advertising companies will tell you there's no conclusive evidence that the changing is a safety hazard, there's not been a study that's come out and says that it is a safety hazard per say. You know, we can draw our own informal conclusions as to it's one more thing that drivers are looking at as they're driving down the road but there's no conclusive evidence that it truly is a safety hazard."

Mayor Clark: "Councilman Kansier."

Council Member Kansier: "Thank you your honor and you may have covered this Mr. Swallow but is there a limitation on how often they can change?"

Dan Swallow, Director of Economic & Community Development: "There is some standards in the ordinance for electronic changeable message signs relative to the change frequency. There's some question if that would apply to a billboard since it's kind of a different sign class but our current standards for electronic changeable message sign is, that would be one (1) hour. I suspect, due to the slightly different category of a billboard, they'd be looking for a more frequent change."

Mayor Clark: "Councilman Beneteau."

Council Member Beneteau: "The ordinance as presented, not regarding the billboards but regarding the institutional changeable message signs, I'm not really in favor of simply because of the number that could start showing up at all of the different churches and schools around the city. Not to mention, as I spoke at last meeting, these are all nonprofit organizations that would be allowed these signs and I'm not sure that that's fair to the actual taxpaying businesses of the city who may benefit from this type of a sign. So there that gets into a bit of a, could open up a can of worms because I don't think that we need changeable message signs on every business in town either. As I stated before, I'm not sure if the Historic District Commission has made comment on this since the last meeting. I understand that the DDA did have a meeting and did have some discussion on this, I'm pretty sure of the outcome of those discussions, that this is not a favorable item that the DDA endorsed. I still believe that this item should probably be referred back to the CPC so that these other groups input can be given before we allow these for certain business and I don't know what actually drove this portion of the sign ordinance to be brought forth before an entire sign ordinance. I do know that there were two (2) changeable message signs that were denied at a ZBA Appeal, one (1) was a for profit business, hopefully, for profit business, the other was for a nonprofit business. Again, I can't see giving one to one and not the other, if

they're going to be allowed, there needs to be a little bit more discussion about where they're at, so I believe it should be referred back to the CPC for a little more discussion on the topic, interested in hearing what, if there is anyone out there that has comments."

Mayor Clark: "I'll make just a brief comment; I know Councilman McKart has his inquiry or comment to make. I can say back when I sat on the Citizens Planning Commission and chaired that, this issue regarding the signs and the potential of the ordinance and changeable messages signs or not was discussed back then and that would have been back in 2005 or 2006 in that area, so I know it's been discussed in the city at different times and not moved forward. This time it seems to have moved forward at least to Council level but I have your comment, thank you. Councilman McKart."

Council Member McKart: "What kind of negative impact would there occur on Monroe Street? I know that in a historical area there is concern, but let's say from Third Street heading south or past Elm Street heading north."

Mayor Clark: "First it's a zone area which they are, it's not the central business district whereas the DDA extends, but it would be in those areas, I'm not sure what you're..."

Dan Swallow, Director of Economic & Community Development: "I see, you have to define what's a negative impact. I guess if you, as we've discussed with the, previously discussed with the LED and LCD technology, it tends to be a little bit more directional and stand out against background than your typical backlit sign or your indirectly lit sign and so if you see that more visible signs, if you will, at institutional locations that could be viewed as a negative impact and I guess that would be, and so you'd have to think about what institutions along the way may apply for this in the future and maybe granted the sign, so somewhat limited because of they were limited to those billboards that announce activities and times, etc., excuse me, institutional bulletin boards, but still could have a impact."

Mayor Clark: "I can say that we'll hear probably positive comments this evening that's advantageous in a positive message, so that's in this public hearing I'm sure we'll hear from various entities as we move forward, so, other questions or comments at this point? Councilman Beneteau."

Council Member Beneteau: "One further comment your honor, I guess another concern I have with the changeable message signs is enforcement. Right now I believe there are two (2) changeable message signs, well now there is one (1) possibly left in the city, and that has been, I know that they have received fines because of going against the rules for the changeable message signs. They've had scrolling letters, they've had graphics, they've had different things and as we just heard during our budget we don't have a lot of personnel to be out policing sign ordinances so I think that it's something that could possibly be, the rules probably will not get followed if there are too many of these signs out there to be, to keep an eye on."

Mayor Clark: "If there are no other comments from Council, Councilman Molenda."

Council Member Molenda: "I think Councilman Beneteau raises a number of good issues in particular when you identify the downtown area is a particular district and if it's, you know the kind of collective will to prioritize the protection of the historical integrity of downtown, I think at least know you start to make a good argument for maybe not allowing those within that zone and I can further rationalize that by the fact that the sandwich board signs are in fact allowed in that zone and not in other zones, I mean, I don't know if a church wants to put a sandwich board out or not but regardless, so I think there's some legitimate questions yet to be explored. You know we walk in and then we have additional letters on the, in front of us, which, I mean, some of them are form letters but I guess I would be of similar mind if perhaps we refer this back to CPC for more particular consideration of these two items."

Mayor Clark: "Before we get to the options that at least been presented I would like to hear from those that are present because they're here for this public hearing and whether they're in favor or not or just their personal general opinion, to hear those comments as we move forward and before we make a decision of what we're going to be recommending here. So being a public hearing, is there anybody here that wishes to make comment and as I ask that I will ask that we be mindful of all that are here that wish to make comment to this and be constructive in your comments and be timely in your comments, not looking for presentations or half hour discussions. Obviously we've received some correspondence we've received some letters and rather than re-read the letter cause we do have some of those now that have just been presented, it's about position and information and helping guide not only the decision here but what might go back to the to the Citizens Planning Commission or it might stay here in a decision this evening or in the future. So with that is those that step forward if you please state your name and your interest and then we can move forward. Thank you."

"Council and Mayor, my name is Mitchell Gashee and I represent Adams Outdoor Advertising. We have the vast majority of all the billboards in zone b, both on Telegraph and on the other portion of Dixie Highway in zone b. I provided you with those letters this evening and also put the package in your box last Friday to try and give you more information and part of the reason that I'm here tonight is to ask that you recommend that it go back to the CPC so that we might be involved to educate not only the Council but anyone else that would like to be involved to digital billboards and billboards in and of itself. There were several issues I brought up to Mr. Swallow that I'd like to address, just briefly because you do have my package regarding digital billboards, etc. One of the first ones, local business, the size of our billboard is designed for local business, we're a local business in a sense that we are part of your community, we own, I think over 90% of all the billboards in your town. The people that advertise on your billboards are, the vast majority of them are local businesses. They use them to reach a customer base that they can't reach otherwise, whether it be the reduction in newspaper print because there's not as much newspaper publishing going on today or they can't afford TV or radio ads, something of that nature, so we provide them with a different alternative. We spoke about enforcement; I will say that may be an issue for some people that will not be an issue for Adams Outdoor Advertising. You may be correct that it may be difficult to enforce however we're part of the business community. It wouldn't behoove us to be negative or create an enforcement issue, that's not our business motto. We run our company differently than even our competitors, we're designed to do a partnership with your community, that's why in the packages you'll see we offer community messaging, public service messaging, emergency amber alerts, some of the package talks about the different messaging, the billboard copies, whether school's out, festivals coming up. We offer it in a digital aspect; we would offer to the City of Monroe the upcoming river festival or something to that nature, and we do that free of charge. On a digital billboard it's completely free of charge, on a static billboard all that we would ask of the nonprofit, 501(c) 3 organizations is that they cover the cost of the vinyl that goes up on the billboard. So there's no cost, we design it for them, we put it up for them, there's just a small fee to prepare the vinyl for them. We talked about illumination, Mr. Swallow talked about LED lighting is direct lighting, it is, in the ordinance they talk about how far past the property line would it go. We have several lighting studies that we would love to bring to Council or to the planning groups to discuss this and tell you what the lighting impact are. They are easier to read, that's the idea of advertising, and we're in a business to sell advertising or give public messaging. You want people to see your sign, however, the lighting will tell you that, one of the lighting studies dealt with a billboard and there was an apartment building across the road, over 5, a little over 500 feet away. We did an independent lighting study that stated that the light on that billboard was less than a half of foot candle, which is indiscernible by the human eye, you couldn't tell it. Now that doesn't mean that if you looked out you window of that building you wouldn't see our billboard, you would. But if you opened your window and turned around and looked at the wall, and there wasn't a mirror on it, you wouldn't see the billboard cause the light wouldn't be coming through, it would only be that it's visible not that it impacting you. Now the lights on that road that we did in the same study you could have conducted surgery underneath those lights. On a static billboard, and we're actually in the process of trying to convert our lighting on all our

static billboards to LED lighting or less, a more green type of lighting but also more direct type lighting because generally the light pollution from a static billboard is far greater than a digital billboard. We asked about distraction, I obviously gave you a few of the studies that have been our by various universities and government. The federal, there was, back in 2010 there was a call by Rebecca Warren to have a two year moratorium on digital billboards why it was studied and she said there should be a report issued. It was defeated three (3) times in House and then a fourth time put up for vote and defeated every time. The report has never been issued partly because the leaks tell us that it would be safety neutral and that's what most of the studies are going to tell you, that it's safety neutral. Do people look at billboards, yes they do, they're going to look at a static billboard, they're going to look at a digital billboard. That's the idea of it, we look at advertising, but no study has every proven that it's a distraction. You asked Mr. Swallow about dwell time and right now the change time is an hour under the ordinance, whether or not it applies, there might need to be some clarification. The State of Michigan standard under MDOT is six (6) seconds, the national average is between four (4) and ten seconds. The idea of dwell time is as you're driving, and Telegraph is a lower speed so you actually might see a second message, and that's what the advertisers are looking for. If you're driving along you'll see a change after six (6) seconds, you actually might see two (2) messages as opposed to one (1) as you're driving along. On the expressway you're generally moving faster, likelihood you'll see one (1) message unless you can see it from a great distance away. We would never go into the historical district so if that's an issue for anyone, it's not what we're after. We don't want to be in residential districts, there's a, we take a lot of time and effort and plan where we're going to put our billboards, especially a digital billboard. Not only do we have the local restrictions we also have state restrictions that restrict us where we can put it. We also have restrictions on messaging. Adams Outdoor Advertising doesn't take certain messaging, anything adult oriented, we would not take, we are conscious of all types of alcohol advertising, you can't use tobacco advertising. I gave an example because I had a legislative visit in my office today from three (3) State Senators' or Representatives and we were discussing this issue because the State of Michigan has received a deficit report from the federal government and they have until July to revise their highway advertising act and the federal government has stated that there are certain deficiencies so we were bringing in the legislators to try and help them get prepared for that meeting, and so we talked about dwell time and the different type of advertising. One of the examples I gave them; we put up a billboard near a school that dealt with autism it was a public service messaging and it's for the Judson Center, they deal with children with autism. The school called us and said that they were concerned by that billboard because it, they didn't want the kids talking about, thinking about, because they were kids currently in the school that had autism. We removed the sign, and that's what Adams Outdoor Advertising does, we're not opposing to business or opposing to Council, we're trying to be a part of the community and do what's best while running our profit business and that issue came up as well as whether nonprofit or profit and should they be allow or not. Obviously we would think that if they were going to have it we should be allowed to have it but we also try to work with those nonprofit organizations to provide that type of messaging. The last thing I'll discuss is variance; yes, you can get a special use variance, under the old ordinance you'd probably be able to get a special use variance under the new ordinance however, to be able to show that there is some sort of impediment to it would be almost difficult, it would be difficult, if not impossible to do, so the likelihood of being granted a variance would not be strong. Somebody had said that Zoning Board of Appeals had already fazed two of those issues, I'm actually doing one now for the City of Ann Arbor and the reason my impediment is that there's actually a roadway in the way, so that's the type of impediments that we're speaking about. There's nothing in the City of Monroe that would be that type of impediment and I couldn't think of anything that I could argue that would say that I have that type of impediment that should be granted a billboard and a variance for my billboard. So, thank you."

Mayor Clark: "Thank you, other comments from those present this evening regarding this item? Yes sir."

Rick Floraday, 304 E. Fifth Street: "I come before you as Chairperson of the Monroe Downtown Development Authority. The development authority met for a work session on March 14th to discuss the proposed sign

ordinance. The DDA meet with the understanding that this was a work session and no formal motions and recommendations could be voted on. There are a number of points that came out at the work session that the DDA would like the City Council to take under advisement when considering this proposal. The concerns from the DDA are as follows under the proposed ordinance, the usage of electronic signs by nonprofit/tax exempt organizations. The first concern was that the ordinance addresses the use of only the nonprofit organizations. These organizations don't pay any real estate taxes or personal property taxes to the city while the businesses pay both. It is from the businesses in the community that the city receives a sizable amount of revenue. The board felt that if the city was going to adopt this ordinance, it should include all businesses in the City of Monroe. If the city then changed the ordinance to include all businesses, the concern then shifted to the parameters of what streets like East and West Front and Monroe Street would look like if every business and nonprofit organization installed electronic signs, Monroe would be taking on an entirely new atmosphere, not the hometown historic town that one would envision coming from a new National Park into the heart of Monroe. There needs to be a balance between technology, the current rate of technology, and preserving our historical aspects the same historical aspects that helped the City of Monroe to qualify to be considered for a National Park. Individuals that would come to the National Park would be people who are interested in what happened at the Battle of the Raisin River and what the area around the battlefield was like. While the National Parks Department and the Monroe Historical Society will work on that aspect, we, the City of Monroe and the citizens of Monroe need to work on preserving as much of our heritage as possible. Take a look at the investment individuals have made in the community in restoring homes and buildings in Monroe, there's been a huge investment by individuals. The Board did not feel incorporating electronic signs into the sign ordinance would enhance that historic appeal. The next concern the Board expressed was the enforcement issue on the electronic signs, that's proposed electronic signs would be limited to changing every four hours. With the current level of personnel in the city the Board was concerned, how would the city enforce the sign ordinance? I know of at least one electronic sign that was hanging in a window that had lights that turned on and off to form an image of a product, the owner was informed by the previous DDA Director of the policy on current sign ordinance. The sign was put into a stationary mode and sometime since January has now returned to the previous mode of lights turning on and off. If the city can't enforce what we have now how would they be able to enforce the new sign ordinance? The city has already asked all employees to watch and report any blight, are we now going to ask them to become the sign police also? If we don't enforce the sign ordinance and organizations and business realize that there is no enforcement will these signs just become scrolling advertisement? The fourth concern was the distraction of drivers with electronic signs; it is human nature to want to observe what is new in the area. We all take note of changes as we drive to work, the store, etc. If the sign can change every four (4) hours people will slow down and read the sign. The Board felt that this could be an increased risk of traffic accidents due to the sign changes. Overall the Board is not in favor of the changes to the sign ordinance concerning electronic signs. Thank you."

Mayor Clark: "Thank you Mr. Floraday. Other comments from those present here this evening regarding this proposed ordinance? Very well, no other comments from the public hearing aspect, I'll close the public hearing."

49 This being the date set to hear public comments on approval of the Brownfield Plan for Site No. 20-A, proposed to be leased by Great Lakes Towers, LLC, and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the public hearing open.

Mayor Clark: "At this time I'll open the public hearing for item number 49 as it was amended to 49, public hearing for the purpose of reviewing and hearing comments on the approval of the Brownfield Plan Site No. 20-A, proposed to be leased to Great Lakes Tower, LLC., any comments from Council regarding this item? Any comments from those present this evening regarding this item on the Agenda for a public hearing? Hearing none, at this time I'll close the public hearing."

Council Action.

35 It was moved by Council Member Molenda and seconded by Council Member Kansier that the communication from the Director of Economic & Community Development, submitting Proposed Ordinance No. 12-001, Amendments to Chapter 720 Zoning, Article XIII, Signage, Sections 720-168 through 720-185 of the Code of the City of Monroe, be placed on its final reading.

Ayes: 6 Nays: 1 (Council Member Beneteau)

Motion carried.

Proposed Ordinance No.12-001, Amendments to Chapter 720 Zoning, Article XIII, Signage, Sections 720-168 through 720-185 of the Code of the City of Monroe, was then presented for its second time.

Mayor Clark noted that according to the Michigan Zoning and Enabling Act, there are three (3) options; adopt the proposed ordinance with amendments as presented, adopt the proposed ordinance with further amendments, refer the proposed ordinance back to the Citizens Planning Commission, CPC or it can be rejected as well.

Tom Ready, City Attorney said that he agrees that those are the options authorized by the Michigan Zoning and Enabling Act.

It was moved by Council Member Beneteau and seconded by Council Member Bica that item 35 be referred back to the Citizens Planning Commission for reconsideration.

George Brown, City Manager stated that in a case where City Council elects to send a zoning ordinance back to the Citizens Planning Commission, it's advisable that some specific comments or instruction be added into the motion, i.e. what particular items they would like the Citizens Planning Commission to look at and also that Mr. Swallow had suggested that there be a timeline stated for reconsideration.

Mayor Clark noted that there is a motion on the floor and asked Mr. Ready, City Attorney if that can be amended or if it can be voted on as is.

Tom Ready, City Attorney said that the motion may be amended if the moving Council Person and the supporting Council Person agree to an amendment but that the nature of the amendment would need to be discussed. He suggested that a record of what was discussed during the public hearing along with the motions could be sent to the CPC.

Council Member Beneteau said he would let the motion stand.

Following discussion, a vote was taken on the motion.

Ayes: 7 Nays: 0

Motion carried.

42 This item was postponed at the March 5, 2012 meeting.

Communication from the Director of Engineering & Public Services, submitting an extension to the Parks Ball Field Maintenance and Custodial Services Contract, and recommending that both the 2012 Ball Field Maintenance (\$26,495) and the 2012 Parks Custodial Services contracts (\$43,250) be awarded to World Class Landscaping & Contracting, Inc., and that the authorization be given to exceed these contractual amounts if

needs dictate, within the budgetary limitations of each line item, and further recommending that the Mayor and Clerk-Treasurer be authorized to execute the contracts on behalf of the City of Monroe.

It was moved by Council Member Molenda and seconded by Council Member Hensley that item 42 be placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

Council Member Molenda gave a review as to why the item was postponed.

Mayor Clark noted that Council has had a chance to review this proposal and the issues with this item throughout the budget work sessions along with a staff analysis given by the Department Director.

Council Member Kansier asked who takes care of the high visibility areas of the parks.

Patrick Lewis, Director of Engineering & Public Services noted that the parks are split up into several different vendors and gave a brief synopsis on what the vendor's contracts cover.

After discussion, it was moved by Council Member Molenda and seconded by Council Member Beneteau that item 42 be accepted, placed on file and the recommendation be carried out subject to the Contractor agreeing to reasonable call back provisions as determined by staff.

Ayes: 5 Nays: 2 (Council Member's Kansier and McKart)

Motion carried.

44 It was moved by Council Member Molenda and seconded by Council Member Beneteau that the communication from the City Attorney, submitting Proposed Ordinance No. 12-002, an Ordinance to amend Chapter 680, Vehicles and Traffic, Article IV, Michigan Vehicle Code, §680-22, violations and penalties; disposition of fines, pursuant to Public Act 7 of 2012, be placed on its first reading and that a public hearing be set for Monday, April 2, 2012

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance 12-002 was then presented for its first time and laid over for its second reading and the public hearing be set for Monday, April 2, 2012.

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 March 5, 2012.

B. Approval of payments to vendors in the amount of \$729,120.82.

Action: Bills be allowed and warrants drawn on the various accounts for their payment.

45 Wastewater Plant Air Compressor & Air Dryer Replacement Bids.

1. Communication from the Director of Water & Wastewater Utilities, reporting back on bids received for the replacement of the Wastewater Plant Air Compressor and Air Dryer Unit, and recommending that a purchase order in the amount of \$43,515 and a total amount of \$47,900 be encumbered to include a 10% contingency, be awarded to Diversified Air out of Perrysburg, OH for the replacement of the

Wastewater Plant Air Compressor and Air Dryer Unit as part of the fiscal year 2011-2012 CIP project in accordance with the bid specifications.

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

46 Annual Bed Race to Aid Children in Monroe County.

1. Communication from the City Manager's Office, reporting back on a request from Bed Race Committee Chairperson Kim Hooper for permission to hold the annual charity bed race to aid needy children in Monroe County on October 14, 2012, to close East First Street between Monroe and Macomb Streets and Washington Street between East Front and East Second Streets from 8:00 a.m. – 6:00 p.m., 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 in accordance with City Council adopted policy, 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.

47 Custer Airport Layout Plan Contract Extension.

1. Communication from the Director of Engineering & Public Services, submitting a proposed resolution to amend the length of the 2007 Custer Airport Layout Plan Contract with MDOT by an additional three (3) years through November 25, 2013, and recommending that the attached resolution be approved, and that the Mayor be authorized to execute the agreement on behalf of the City.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

48 Light Duty Pickup Truck Purchases – Stores and Equipment Section.

1. Communication from the Director of Engineering & Public Services, submitting price quotation forms from various vendors for the purchase of six (6) light duty pickup trucks, three (3) each for the Building and Engineering Departments, and recommending that Council authorize the purchase of six (6) 2012 Chevrolet Colorado pickups for a total of \$86,124 from Garber Automotive Group, and that the Director of Engineering & Public Services be authorized to prepare a purchase order for the above amount.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

49 Approval of the Brownfield Plan for Site No. 20-A – Great Lakes Towers, LLC.

1. Communication from the Director of Economic & Community Development, submitting a proposed resolution approving a Brownfield Plan for Site No. 20-A, approximately 26 acres owned by the Port of Monroe and proposed to be leased by Great Lakes Towers, LLC., (a.k.a. Ventower Industries), and recommending that Council approve the Brownfield Plan for Site No. 20-A, Great Lakes Towers, LLC in the form of the attached resolution, following consideration of any comments at the public hearing.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

50 Demolition Bid – 1801 Bayview Drive.

1. Communication from the Building Official, reporting back on bids received for the demolition of a property located at 1801 Bayview Drive, and recommending that Council award the contract in the amount of \$4,800 to Salenbien Trucking & Excavating and that a total of \$9,800 be encumbered to include a contingency of \$5,000 for abatement of asbestos if identified, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

51 Land Division at 321 Harbor Avenue.

1. Communication from the Director of Economic & Community Development, submitting an application to divide parcel #59-00417-013, 321 Harbor Avenue, comprised of Lots 210, 211, 212, and 213 of the Harbor View Plat, and recommending that Council approve the proposed land division of parcel #59-00417-013 and authorize staff to complete all required procedural steps and documentation to create the two (2) new parcels.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

52 Annual Weed Cutting Date. (This item was added at the meeting)

1. Communication from the Clerk-Treasurer, submitting a proposed resolution setting April 23, 2012 as the annual date that all weeds and grasses and other items subject to Ordinance No. 05-004 must be cut, 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 Kansier that item 46, 47, 48, 49, 51 and 52 of the amended Consent Agenda be approved as indicated and that item 50 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

50 The communication from the Building Official, reporting back on bids received for the demolition of a property located at 1801 Bayview Drive, and recommending that Council award the contract in the amount of \$4,800 to Salenbien Trucking & Excavating and that a total of \$9,800 be encumbered to include a contingency of \$5,000 for abatement of asbestos if identified, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contract on behalf of the City of Monroe.

Pat McElligott, 813 Reisig Street noted that 1801 is just another property that the city is losing as a tax base because the previous owner walked away and left it in disarray. He also noted that the city is incurring additional expense which he believes will be passed on to the taxpayers if it's not paid. He commented on city certification programs and certificate of occupancy program and why he thinks that the city should have these programs.

Mayor Clark said that those items have been discussed at the recent budget work sessions.

It was moved by Council Member Hensley and seconded by Council Member McKart that item 50 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member Bica commented the Queen of Hearts Raffle at the ALCC and thanked everyone for their patience as Council discussed some of the important items in length this evening.

Council Member Molenda commented on item 52 from the consent agenda, the Humane Society Dinner and Auction, and announced that The River Raisin Ballet Company will perform Alice in Wonderland on Friday, March 30th at 7:00 p.m., Saturday, March 31st at 2:00 p.m., 7:00 p.m. and Sunday, April 1st at 3:00 p.m. For tickets call 242-7722 or order them from the website, www.riverraisincentre.org.

Council Member Beneteau commented on the Charlie Sanders Scholarship Foundation annual fundraiser.

Council Member Hensley congratulated Mayor Clark for receiving an award from the 2012 Heroes for the Homeless breakfast.

Mayor's Comments.

Mayor Clark commented on past water events and actions taken during those events. He suggested that homeowners that have had difficulties because of those events should report any problems to the water department or the engineering department and commented on the issue of not having trash receptacles at the parks until recently.

City Manager's Comments.

George Brown, City Manager commented on the opening of the restrooms at the parks, guest at the park carrying their trash out with them, the beginning of street sweepers and yard waste pickup.

Citizen's Comments.

Adam Yeager, 1833 S. Custer Road asked if one of the Council Members would announce foreclosures like Council Member Conner used to do and said that there is a dead possum in front of his house.

Dave Roberts, 706 Broadway commented on the soccer games being too serious and noted that there should be rules.

Wayne Burdeaux, 602 E. First Street commented on an article in the Monroe Evening News on March 14th regarding a half way house at 57 Navarre Street and wanted to know if it is legal.

Dan Swallow, Director of Economic & Community Development noted that the area of that address is a single family home area and he does not recognize that address as having gone through any approvals to be considered a legal half way house.

Mayor Clark said that Mr. Swallow will follow up on this issue and asked that Mr. Burdeaux leave his contact information with Mr. Swallow to get back with him.

David Smith, 530 Hollywood commented in favor of downsizing the number of city employees.

Steve Swartz, Vice-Chair of NAFA commented on the Charlie Sanders Silent Auction Event held at the Monroe Golf and Country Club on March 22nd at 6:00 p.m.

Pat McElligott, 813 Reisig Street commented on the Monroe Multi Sports Complex, MMSC presentation.

Michelle Nelson, 825 Donnalee Drive commented on the program for the Special Olympics at the MMSC.

Mayor Clark thanked the students from the college for being in attendance and staying for the entire meeting.

Adjournment.

It was moved by Council Member McKart and seconded by Council Member Bica that the meeting adjourn at 9:45 p.m. until the Regular Meeting on Monday, April 2, 2012 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Rosalind Boswell
Secretary to the City Clerk-Treasurer

Robert E. Clark
Mayor