

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, AUGUST 6, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, August 6, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Clark led the pledge of allegiance to the flag.

Presentation.

Manuel Hoskins, Fire Chief, gave a presentation acknowledging the bravery of Firefighter Tom Millsap on July 16, 2012.

Mayor Clark acknowledged the presence of students from Sister City Hofu, Japan.

Public Hearing.

153 This being the date set for the purpose of reviewing and receiving comments on the preliminary Planned Unit Development plan for the proposed solar panel array at the Sisters Servants of the Immaculate Heart of Mary campus generally located at 610 West Elm Street, the Mayor declared the hearing open.

Mayor Clark noted that there are several in attendance who wish to speak and said that he will entertain the letters on file first and also asked those who will be speaking to be mindful of the time as stated in the Rules of the Chamber.

Charles Evans, City Clerk-Treasurer, read the following letters into the record.

1) Letter from James Bica with a petition attached containing 107 signatures, in opposition of the proposed solar panels, 2) Letter containing 120 signatures in favor of the proposed solar panels, 3) Letter from the Friends of the Academy Preserve addressed to Andrew Smith, Chairman of the City of Monroe Planning Commission, in support of the proposed solar panels, 4) Letter from Dr. David Nixon, President of Monroe County Community College addressed to Andrew Smith, Chairman of the City of Monroe Planning Commission, 5) Letter from Daniel W. Stefanski addressed to Andrew Smith, Chairman of the City of Monroe Planning Commission.

Council Member Hensley noted he will abstain from the vote on this item, on the advice of legal counsel due to a conflict of interest.

Tom Ready, City Attorney noted that Councilman Hensley is an employee of DTE Energy and that DTE Energy is a party to the proposal.

Jim Bica, 716 Lavender Street questioned the timing of the notification to the residents on Lavender Street.

Mayor Clark said that the public hearing is to make comments in support of or against the issue, but is not for question and answer time.

Jim Bica, 716 Lavender Street asked how many days notice should be given for this public hearing.

Dan Swallow, Director of Economic & Community Development noted that there is a 15 day public notice period before the public hearing.

Jim Bica, 716 Lavender Street said he did not have a problem with solar power, but spoke against the placement of the solar powered units because the location is in a residential area.

Sharon Beeker, 722 Lavender Street spoke against the lack of communication with the residents within the 500 foot radius and why they weren't notified sooner.

Dan Swallow, Director of Economic & Community Development addressed Ms. Beeker's question and noted the intended placement area.

Sister Sue Sattler, IHM spoke about the notices sent to residents, the articles in the paper and the meeting leading up to this public hearing and that they regret any miscommunication or lack of communication that may have occurred.

Larry Beeker, 722 Lavender read an interview with Mr. Swallow by Charles Slat in the Monroe Evening News and expressed concern with the plans.

Mayor Clark addressed Mr. Beeker's concerns.

Jeff Eckhout, Nova Consultants & Contractor for the proposed project on behalf of DTE Energy offered to do a slide presentation for clarification and explained that the planned area has been reduced.

Mayor Clark said he is not inclined to offer a presentation at this time but would be willing to offer copies of the presentation.

Lloyd Conner, 530 Lavender Street commented on the cleaning of Ives Drain, asked for the zoning change to be set for 20 years and commented on the proposed planting of the evergreens. He also expressed his concern about how the project has been handled from the beginning.

Sara Nash, 429 East Sixth Street, IHM employee expressed her support of the installation of the proposed solar panel array on the IHM Campus.

Bonnie Bica, 716 Lavender Street noted that the chemicals components combined with the silicone to make the solar panels are of great concern because the majority of the chemicals are highly toxic and also asked about solar dust.

Sara Kopmanis, 1119 McCormick spoke against the proposed solar panel array and the process to get there.

Dan Swallow, Director of Economic & Community Development offered information about the intent to change the zoning district to PUD.

Suzanne Wetzel, 310 Payson Avenue, MCCC, Vice President of Administration gave some history surrounding the installation of the solar panel array facility at MCCC.

David Smith, 530 Hollywood Drive spoke in favor of PUD Zoning and in favor of the proposed solar panel array facility on the IHM property.

Bill Guenther, 130 Sylvan Drive spoke against the proposed solar panel array facility and the PUD zoning plan.

Molly Lumperd-Coy, Regional Manager for DTE Energy gave highlights of other properties in the area with the solar panel array facility.

Derek Whitaker, Electrical Engineer with DTE Energy talked about public safety criteria with a solar panel array facility and addressed concerns about noise and solar dust.

Brian McLaughlin, 115 Stockton Drive spoke against a solar panel array facility.

Frank Grzywacki, 116 Hollywood Drive spoke in favor of a 20 year limitation if Council votes to approve the facility but spoke against a solar panel array facility in a residential area.

Mayor Clark commented to the 20 year limitation.

Council Member Molenda commented on solar panels in residential areas.

Dan Swallow, Director of Economic & Community Development responded to the solar panels in a residential area.

Council Member Molenda asked if it is permissible to have different zoning areas within the same parcel.

Dan Swallow, Director of Economic & Community Development said that it is permissible and it's called split zoning and explained how it will occur.

Council Member Kansier noted that the solar panel array facility cannot be located off site.

Molly Lumpard-Coy, Regional Manager for DTE Energy concurred that this is a lease project and it must be on the site of the customer.

There being 23 persons present commenting and 5 letters on file in the Clerk-Treasurer's Office, the Mayor declared the public hearing closed.

Council Action.

154 It was moved by Council Member Bica that the first reading of Proposed Ordinance No. 12-005, an Ordinance to amend Part Two of the Monroe Code, Chapter 720, Zoning, Section 720-23, Zoning Map, in order to rezone property located at 610 West Elm Avenue be postponed.

The motion died for lack of support.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that Proposed Ordinance No. 12-005, an Ordinance to amend Part Two of the Monroe Code, Chapter 720, Zoning, Section 720-23, Zoning Map, in order to rezone property located at 610 West Elm Avenue, be placed on its first reading and that the public hearing be set for Monday, August 20, 2012.

Ayes: 5 Nays: 1 (Council Member Bica) Abstain: 1 (Council Member Hensley)

Motion carried.

Proposed Ordinance No. 12-005, was then presented for the first time and laid over for its second reading and public hearing for Monday, August 20, 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.)

Charles Evans, City Clerk-Treasurer, stated that under the Consent Agenda Item A, the last word "20012" should be corrected to read "2012", and the Minutes of the Work Session held on July 23, 2012 should be corrected as follows: the second sentence from the bottom which starts with Dan Swallow, should be corrected to read, "Mayor Clark gave a

presentation prepared by Dan Swallow, Director of Economic & Community Development on the Peace Garden Concept Proposal.”

- A. Approval of the Minutes of the Regular Council Meeting held on July 16, 2012, the Minutes of the Special Council Meeting held on July 23, 2012 and the Minutes of the Work Session held on July 23, 2012.
- B. Approval of payments to vendors in the amount of \$751,434.33.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.

153 Preliminary Planned Unit Development (PUD) Approval.

- 1. Communication from the Director of Economic & Community Development, submitting a request from applicants, DTE Energy and the Sisters, Servant of the Immaculate Heart of Mary (IHM), for approval of a Preliminary Planned Unit Development (PUD) plan for the development of a Proposed Solar Panel Array to service the IHM Campus on West Elm Avenue and feed solar power to the DTE Energy system in the surrounding area, and recommending that City Council approve the Preliminary Planned Unit Development plan for the proposed solar panel array at the Sisters Servants of the Immaculate Heart of Mary campus generally located at 610 West Elm Street, incorporating the recommendations and conditions of the Citizen Planning Commission, and after consideration of the comments received at the public hearing, and that the final PUD review be scheduled for the August 20, 2012 City Council Meeting.
- 2. Supporting documents.
- 3. Action: Accept, place on file and the recommendation be carried out.

155 Arthur Lesow Community Center “Back 2 School, Backpack Event.”

- 1. Communication from the City Manager’s Office, submitting a request from Anthony Hoskins, ALCC Activities Director, for permission to hold the annual “Back 2 School, Supplying Our Future Backpack Event” on August 18, 2012, specifically to use the back parking lot of the ALCC, use of the city’s portable stage, and to close East Second Street between Winchester and Eastchester Streets from 10:00 a.m. – 2:00 p.m. for the event, and recommending that City 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, review of any electrical connections by the City Electrical Inspector, 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.

156 Block Party – Half Street.

- 1. Communication from the City Manager’s Office, submitting a request from Tarantej Chana and Jodi Foster for permission to hold a block party in the 200 block of Half Street on August 18, 2012, specifically to close the 200 block of Half Street between East Second Street and Third Street from 4:00 – 9:30 p.m. and to have a small petting zoo in his yard at 730 E. Second Street, and recommending that City 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, subject to emergency vehicle access being maintained, 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.

157 Custer’s First Run.

- 1. Communication from the City Manager’s Office, submitting a request from Race Director Rodney Johnson on behalf of the Monroe Milers Running Club for permission to hold the annual Custer’s First Run on October 7, 2012 at 3:00 p.m., specifically to run on the affected streets (see attached) and for assistance from the City and Police

Department, and recommending that City Council approve this request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers 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 out.

158 Mercy Memorial Hospital Group Bicycle Ride.

1. Communication from the City Manager's Office, submitting a request from Jackie Swearinge on behalf of Mercy Memorial Hospital for permission to hold a Group Bicycle Ride on August 26, 2012 at 9:00 a.m., specifically to allow the bike ride to proceed on the affected streets (see attached) and into Munson Park, and recommending that City Council approve this request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers 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 out.

159 St. Mary Catholic Central Homecoming Parade.

1. Communication from the City Manager's Office, submitting a request from St. Mary Catholic Central High School for permission to hold their annual Homecoming Parade on October 5, 2012 at 5:45 p.m., specifically to use the parade route selected by the Police Department, due to the closure of the Macomb Street Bridge, which is as follows: assemble at rear of school on West Willow Street, proceed east on Willow, south on Monroe Street, east on Fifth Street, south on Washington to Jones Avenue to the entrance at Navarre Field, and recommending that City Council approve this request contingent upon items being met as outlined by the administration, subject to insurance requirements being met, a parade permit, 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.

160 Return Activated Sludge #5 Pump Repairs – Wastewater Treatment Plant Bids.

1. Communication from the Director of Water and Wastewater Utilities, reporting back on bids received for Return Activated Sludge Pump #5 Repairs for the Wastewater Treatment Plant, and recommending that a purchase order in the amount of \$10,026.00 and a total amount of \$10,600.00 be encumbered to include a 5% contingency, be awarded to Pro-Seal Service Group out of Pontiac, MI for completing repairs on RAS Pump #5 as part of the fiscal year 2011-2012 CIP project in accordance with the bid specification.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

161 Sludge Mixing Pump Repairs – Wastewater Treatment Plant Bids.

1. Communication from the Director of Water and Wastewater Utilities, reporting back on bids received for Sludge Mixing & Chopper Pump Repairs for the Wastewater Treatment Plant, and recommending that a purchase order in the amount of \$14,208.62 and a total amount of \$14,900.00 be encumbered to include a 5% contingency, be awarded to Core Electric / Michigan Pump out of Melvindale, MI for completing repairs on a Sludge Mixing & Chopper Pump as part of the fiscal year 2011-2012 CIP project in accordance with the bid specifications.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

It was moved by Council Member Molenda and seconded by Council Member Kansier that item 155, 158, 159, 160 and 161 of the Amended Consent Agenda be approved as indicated and that items 153, 156 and 157 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

153 The communication from the Director of Economic & Community Development was presented, submitting a request from applicants, DTE Energy and the Sisters, Servant of the Immaculate Heart of Mary (IHM), for approval of a Preliminary Planned Unit Development (PUD) plan for the development of a Proposed Solar Panel Array to service the IHM Campus on West Elm Avenue and feed solar power to the DTE Energy system in the surrounding area, and recommending that City Council approve the Preliminary Planned Unit Development plan for the proposed solar panel array at the Sisters Servants of the Immaculate Heart of Mary campus generally located at 610 West Elm Avenue, incorporating the recommendations and conditions of the Citizen Planning Commission, and after consideration of the comments received at the public hearing, and that the final PUD review be scheduled for the August 20, 2012 City Council Meeting.

Councilman Hensley stated that he was abstaining from this item because of a conflict.

It was moved by Council Member McKart and seconded by Council Member Kansier that item 153 be accepted, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 1 (Council Member Bica) Abstain: 1 (Council Member Hensley)

Motion carried.

156 The communication from the City Manager's Office was presented, submitting a request from Tarantej Chana and Jodi Foster for permission to hold a block party in the 200 block of Half Street on August 18, 2012, specifically to close the 200 block of Half Street between East Second Street and Third Street from 4:00 – 9:30 p.m. and to have a small petting zoo in his yard at 730 E. Second Street, and recommending that City 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, subject to emergency vehicle access being maintained, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.

Councilman Molenda noted a discrepancy between the request and what actually appears on the agenda, stating that the request was only for a half of a block of Half Street while what appears on the fact sheet is the whole block.

Jodi Foster, 730 E. Second Street noted that the requested area is East Second Street between Half Street and Jerome and to the alley.

It was moved by Council Member Molenda and seconded by Council Member Hensley that the record reflect the clarification and that item 156 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

157 The communication from the City Manager's Office was presented, submitting a request from Race Director Rodney Johnson on behalf of the Monroe Milers Running Club for permission to hold the annual Custer's First Run on October 7, 2012 at 3:00 p.m., specifically to run on the affected streets (see attached) and for assistance from the City and Police Department, and recommending that City Council approve this request contingent upon items being met as outlined by the administration, subject to costs recovery & fee waivers 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.

Councilman Molenda said that he noticed inconsistency with the map and the narrative description and has concern with both version of the run involving the project area of the Macomb Street Bridge.

Rodney Johnson, 1016 Hollywood Drive noted that he modified and submitted the modification to the route so that would the run would avoid the Macomb Street Bridge.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 157 be accepted, placed on file and the recommendation be carried out

Ayes: 7 Nays: 0

Motion carried.

Council Comments.

Council Member McKart commented on an item that he received tonight and should have received the information earlier.

Council Member Molenda commented a copy of minutes that were included in the agenda packet and also commented on being prepared for issues and requests by compiling enough information to answer questions.

Council Member Bica commented about a list of those in attendance at the CPC meeting.

Council Member Hensley reminded everyone to come out and vote in the primary election tomorrow.

Mayor's Comments.

Mayor Clark also reminded everyone to vote in the primary and thanked everyone who participated in the River Raisin Cleanup last Saturday morning, noting that there were about 30 volunteers and that the Monroe Evening News printed a great article. He also stated that the River Raisin Jazz Festival starts this Friday and will continue through Sunday, the Downtown Monroe Business Network will host the Fine Arts Fair this Saturday and Sunday, the Downtown Development Authority will hold the dedication and ribbon cutting ceremony for the Riverfront Park and Parking this Thursday at 6:00 p.m. in the park and the Community Foundation will hold their yearly event at the River Raisin Banquet Center this Thursday at 6:00 p.m.

Citizen's Comments.

Sharon Beeker, 722 Lavender Street, commented that Friendly Ford is hosting their 16th Annual Car Show on Saturday and all proceeds go to Hospice.

Adam Yeager, 1833 South Custer Street, commented on the speed on South Custer and asked what the Traffic Committee is doing about it. Mayor Clark responded that the portion of South Custer is not regulated by the City so it would not come before the Traffic Committee but said those concerns have been passed on to the State.

Dave Roberts, 706 Broadway, clarified that as a member of the Planning Commission he voted in opposition of the solar panels, not necessarily because he is opposed to them, but because he feels there needs to be an ordinance in place to regulate where solar panels are allowed.

Joe Lavelline, 1523 Dixie Drive commented on the irregular traffic pattern in his area because of the construction on Detroit Avenue and lack of signage that may contribute to the confusion of the irregular pattern.

Patrick Lewis, Director of Engineering and Public Services addressed the issues brought up by Mr. Lavelline.

Pat McElligott, 813 Reisig, commented on the drug problem in the nation and in our community.

Nancy Bellaire, Interim Director of the Monroe County Library System, distributed a flyer with information about the proposal on the August 7, 2012 Election ballot.

Frank Grzywacki, 116 Hollywood Drive commented about the ban on medical marijuana and stated that the city might be in violation of the law.

Closed Executive Session.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that Council go into closed executive session to discuss the City Manager's annual performance evaluation.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Beneteau and seconded by Council Member Kansier that Council reconvene to open session at 10:28 p.m.

Ayes: 7 Nays: 0

Motion carried.

Adjournment.

It was moved by Council Member Beneteau and seconded by Council Member Kansier that the meeting adjourn at 10:29 p.m. until the next Regular Meeting on Monday, August 20, 2012 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor