

CITY OF MONROE  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 20, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, August 20, 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.

Public Hearing.

154 This being the date set for the purpose of reviewing and receiving comments on 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 8.03 acres of property located at 610 West Elm Street and there being two comments on file in the Clerk-Treasurer's office, the Mayor declared the hearing open.

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

- 1) A letter addressed to Mayor and Council from the IHM Sisters signed by 22 of the Sisters.
- 2) An email addressed to Jeffrey Green and Mayor Clark from Rick Grassley.

Mayor Clark asked for any comments from the public.

William Godfroy, 645 Godfroy Avenue spoke in opposition to the rezoning of the area at 610 West Elm Avenue to a Planned Unit Development, PUD district and doesn't think it is wise to put a solar panel array in a PUD district.

Dale Morgan, 403 Godfroy Avenue is opposed to PUD zoning for the property but is not opposed to the solar panel array.

David Smith, 530 Hollywood Drive commented solar panels and the intent of their design.

Council Member Molenda expressed concern about holding this project up and said that he is not familiar with contract rezoning.

Dan Swallow, Director of Economic & Community Development explained what contract rezoning is and its benefits.

Council Member Bica asked if conditional rezoning or contract rezoning was considered for this property.

Tom Ready, City Attorney said that to his knowledge conditional rezoning was not considered for this project.

Council Member Kansier asked if the property can be returned to R1-B when the 20 year commitment is up.

Mayor Clark commented on reversion back to an R1-B.

Dan Swallow, Director of Economic & Community Development said that the agreement in place with the applicant does not trigger a reversion back to the underlying zoning but that the applicant or City Council can request to have a

reversion back to the original zoning. He also commented on the solar panel array compatibility with residential land uses and the impact on the surrounding properties.

There being 10 persons present commenting and two comments on file in the Clerk-Treasurer's Office, the Mayor declared the public hearing closed.

Council Action.

154 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 final reading.

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

Motion carried.

Proposed Ordinance No. 12-005, was then presented for the second time after which the Mayor asked "shall this Ordinance Pass?"

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

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 August 6, 2012 and the Minutes of the Work Session held on August 13, 2012.

B. Approval of payments to vendors in the amount of \$1,472,696.90.

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

162 Proposed Resolution to Recognize the River Raisin Institute as a Non-Profit Organization.

1. Communication from the City Manager's Office, submitting a proposed resolution that would officially confirm the River Raisin Institute as a non-profit organization, and recommending that the Resolution be adopted and the City Clerk convey a certified copy of the attached resolution to the applicant for submittal to the State LCC.
2. Supporting documents.
3. Accept, place on file and the resolution be adopted.

163. Scottwood Avenue Block Party.

1. Communication from the City Manager's Office, reporting back on a request from the residents and families of Scottwood Avenue for permission to hold their annual block party on August 26, 2012, specifically to close the 500 block of Scottwood Avenue between Riverview and Arbor Avenues from 1:00 p.m. – 10:00 p.m., 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, and that the City Manager be granted authority to alter/amend the event due to health and/or safety reasons.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

164 Monroe Public Schools Banner Request.

1. Communication from the City Manager's Office, reporting back on a request from Monroe Public Schools for permission to display an overhead banner across East Front Street from September 10 – 22, 2012 announcing Monroe's Bully Prevention Week, and recommending that Council approve the request.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 165 Great Lakes Commission – Consultant Award.
1. Communication from the Director of Water & Wastewater Utilities, submitting proposals to capture, document, and complete interviews through high-end video to illustrate all aspects of the projects being completed necessary for delisting of the River Raisin Area of Concern, AOC, Project, and recommending that Council award a contract to 20 Creative, a division of the Monroe Publishing Company, MPC from Monroe, MI in the amount of \$9,935 as detailed above and that the Director of Water & Wastewater Utilities or his designee 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.
- 166 Auction Services Award and Sale Authorization.
1. Communication from the Director of Engineering & Public Services, reporting back on bids received for Auction Services and Sale Authorization, and recommending that Council authorize the Department of Public Services to contract with Rollo A. Juckett Auctioneer to conduct a public auction, and to allow them to secure a 10% commission on all items sold (5% for items over \$10,000), and further recommending that all items on the attached spreadsheet be sold to the highest bidder at the auction.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 167 Funding Assistance for Low Income Homeowners for Gee Drive Special Assessment District.
1. Communication from the Director Economic & Community Development, submitting a request for funding assistance for low income homeowners located in the Gee Drive Special Assessment District, and recommending that Council waive the outstanding late fees and interest for the four homeowners who received assistance in the payment of their special assessment fees. This request is being made due to homeowners having no part in the payments being made in and untimely manner.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 168 River Raisin Dam Remediation – Phase One Bid.
1. Communication from the Director of Engineering & Public Services, reporting back on bids received for Phase One of the River Raisin Dam Remediation project, and recommending that Council award a contract to L. D'Agostini & Sons Inc. in an amount of up to \$1,039,617.70, and that up to \$1,196,000 be encumbered to include a 15% contingency, and further recommending that, if City staff determines that some work should be eliminated to stay within the present budget, that Council authorize award of the contract either to L. D'Agostini or to Mark Haynes Construction Inc., depending on which firm is the low bidder on the selected work, up to the available funding, and further recommending that the Mayor and Clerk-Treasurer be authorized to execute the contracts on behalf of the City of Monroe.
  2. Supporting documents.
  3. Accept, place on file and the recommendation be carried out.
- 169 Purchase of Property at 317 East First Street.

1. Communication from the City Manager, submitting a purchase agreement for the purchase of property located at 317 East First Street, and recommending that Council approve the attached purchase agreement for the purchase of the property at 317 E. First Street and that the purchase be completed subject to satisfactory building inspections and a satisfactory environmental report, and further recommending that up to \$65,000 be allocated from the Capital Project Fund Balance to fund the acquisition and associated costs.
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 162, 163, 164, 165, 166 and 167 of the Consent Agenda be approved as indicated and that item 168 and 169 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

168 The communication from the Director of Engineering & Public Services, reporting back on bids received for Phase One of the River Raisin Dam Remediation project, and recommending that Council award a contract to L. D'Agnostini & Sons Inc. in an amount of up to \$1,039,617.70, and that up to \$1,196,000 be encumbered to include a 15% contingency, and further recommending that, if City staff determines that some work should be eliminated to stay within the present budget, that Council authorize award of the contract either to L. D'Agnostini or to Mark Haynes Construction Inc., depending on which firm is the low bidder on the selected work, up to the available funding, and further recommending that the Mayor and Clerk-Treasurer be authorized to execute the contracts on behalf of the City of Monroe.

Darrin Dusenberry, D'Agnostini & Sons Inc, commented on the bid award and requested that it be awarded without a deduction of finish quantities and within current budget dollars.

Barry LaRoy, Director of Water & Wastewater commented on the reduced award and options to balance the project budget.

It was moved by Council Member Molenda and seconded by Council Member Hensley that item 168 be accepted, placed on file and the recommendation be carried out.

Ayes: 5 Nays: 0

Motion carried.

169 The communication from the City Manager, submitting a purchase agreement for the purchase of property located at 317 East First Street, and recommending that Council approve the attached purchase agreement for the purchase of the property at 317 E. First Street and that the purchase be completed subject to satisfactory building inspections and a satisfactory environmental report, and further recommending that up to \$65,000 be allocated from the Capital Project Fund Balance to fund the acquisition and associated costs.

Adam Yeager, 1833 South Custer Road asked why the City is purchasing the property.

Mayor Clark explained the reason that the City is looking to purchase the property.

Pat McElligott, 813 Reisig Street asked about the condition of the Fire Station and how the purchase of the property will correct that situation. He also commented on the purchase price of the property and property values of surrounding properties.

Mayor Clark addressed Mr. McElligott's concerns.

Council Member Beneteau asked why the broker fee is in addition to the purchase price instead of being included in the purchase price and expressed concern about assuming responsibility for the current tenant.

George Brown, City Manager addressed Council Member Beneteau's questions and concerns.

Pat McElligott, 813 Reisig Street responded to Mr. Brown's comments.

It was moved by Council Member Hensley and seconded by Council Member McKart that item 169 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

#### Council Comments.

Council Member McKart commented on the partnership with the YMCA to open the Dick Waters Pool at Cantrick School.

Council Member Beneteau noted that Saturday, September 1<sup>st</sup> is the annual Downtown Labor Day Bar-b-Que beginning at 12noon and ends about 10:00 p.m.

Council Member Kansier commented about the attendance at the Jazz Festival and the timelines of the clean up afterward.

#### Mayor's Comments.

Mayor Clark also commented on the Jazz Festival / Fine Arts Fair and commended all of the city employees who were involved in preparations, clean up and Fire and Police Department personnel. He noted that Mercy Memorial Bicycle Run is on Sunday, August 26<sup>th</sup> at 9:00 a.m., and commented on the annual Downtown Labor Day Bar-b-Que. He also noted that the River Raisin National Battlefield Park is hosting a walk back in time on Saturday, September 1<sup>st</sup> and Sunday, September 2<sup>nd</sup> and commented on the upcoming school season.

#### Citizen's Comments.

Adam Yeager, 1833 South Custer Road noted that the "W" streets need some paving work and commented on the speed limit on South Custer Road.

Jeff Tuttle, 15212 South Dixie Hwy noted that September is "National Recovery Month", a month set aside in the recovery community for those who have suffered from addiction and talked about the drug problem in the community.

#### 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 Attorney's Opinion at 8:39 p.m.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member McKart and seconded by Council Member Kansier that Council reconvene to open session at 9:20 p.m.

Ayes: 7 Nays: 0

Motion carried.

Adjournment.

It was moved by Council Member Hensley and seconded by Council Member Molenda that the meeting adjourn at 9:21 p.m. until the next Regular Meeting on Tuesday, September 4, 2012 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

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Charles D. Evans  
City Clerk-Treasurer

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Robert E. Clark  
Mayor