

CITY OF MONROE  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 5, 2012

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, November 5, 2012 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Clark led the pledge of allegiance to the flag.

Proclamations.

230 November 11-17, 2012 – Homeless Awareness Week.

Public Hearings.

224 This being the date set to review and receive comments on an amendment to the Five Year Consolidated Plan and FY 2012 Annual Action Plan for Community Development Block Grant (CDBG), and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

William Gunther, 130 Sylvan Drive, stated that he would like to go on record as being opposed to this, explaining that he did not feel it was right to divert \$25,000, which would have gone to rehabilitate one home in the city, to facilitate the La-Z-Boy Corporation Project, when they have 50 million dollars to invest.

Mayor Clark stated that one of the items that had been put in for from the state was a \$700,000 grant, but in order to get the \$700,000, the city has to put a portion in, and the city's portion is \$25,000.

Dan Swallow, Director of Economic & Community Development, agreed, stating that the state did require a local allocation, but it leveraged a much larger portion from the state's Community Development Block Grant Program. He also stated that one of the reasons that La-Z-Boy is eligible for the grant is because they will be creating at least 35 new jobs and 51 percent of those jobs must be from low to moderate income individuals.

Mayor Clark stated that he also understands that money from these funds is not money that goes to La-Z-Boy; it is money that is to be used for infrastructure and other improvements.

Dan Swallow, Director of Economic and Community Development agreed, stating that those funds have to be used for public infrastructure.

There being no persons present commenting and no comments on file in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

241 This being the date set to review and receive comments on proposed amendment to the FY 2012-13 CDBG Annual Action Plan and the Five Year Consolidated Plan, and there being no comments on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

There being no persons present commenting and no comments on file in the Clerk-Treasurer's Office, the Mayor declared the hearing closed.

Council Action.

226 Memorial Place Floral Display.

Consider rescinding the approval of item 226, which was inadvertently not withdrawn from the October 15, 2012 City Council Regular Meeting consent agenda. To rescind the approval, the motion to rescind would need to be made by Council Member Molenda and seconded by Council Member Beneteau who made those motions for the October 15, 2012 consent agenda.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 226, be placed on the floor for further consideration.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that approval of item 226, Memorial Place Floral Display be rescinded.

Ayes: 7 Nays: 0

Motion carried.

231 It was moved by Council Member Molenda and seconded by Council Member Kansier that Proposed Ordinance No. 12-008, an ordinance to amend Part Two of the Monroe Code, Chapter 720, Zoning, Section 720-23, Zoning Map, in order to rezone property identified by the City Assessor's Office and commonly referred to as 501 Stewart Road, be placed on its first reading and that the public hearing be set for Monday, November 19, 2012.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 12-008, was then presented for the first time and laid over for its second reading and public hearing for Monroe, November 19, 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 Council Meeting held on October 15, 2012 and the Minutes of the Work Session held on October 30, 2012.

B. Approval of payments to vendors in the amount of \$1,614,333.83.

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

232 Multi-Sports Complex Lighting Renovation.

1. Communication from the Finance Director, reporting back on proposals for the Multi-Sports Complex Lighting Renovation, and recommending that Council approve issuing a purchase order to Voss Lighting in the amount of \$45,254.73 for the purchase of the lights and further approve entering into an agreement with Noonan Electric in the amount of \$12,667.00 for the installation of the lights with the contract to be approved by the City Attorney and that a \$2,500.00 contingency be approved, and further recommending that a contract with Clean Energy Coalition in the amount of \$4,150.00 be approved for the overall management of the remainder of the project.

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

233 Multi-Sports Complex Sage System Replacement.

1. Communication from the Director of Finance, submitting notice of the emergency replacement of the Multi-Sports Complex Sage System, and recommending that Mayor and City Council confirm the actions of the City Manager and authorize the issuance of a purchase order to Building Automated Systems Services (BASS) in the amount of \$6,700.00 for the replacement of the Sage System at the Multi-Sports Complex.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

234 Multi-Sports Complex Underfloor Repair.

1. Communication from the Director of Finance, submitting an amendment to the previous purchase order approved for the underfloor repair at the Multi-Sports Complex, and recommending that the Mayor and City Council approve an amendment to the previous purchase order approved to Cimco Refrigeration for the heat exchanger repair in the amount of \$17,480.00 for the purpose of repairing the underfloor leaks at the Multi-Sports Complex, and that a contingency budget for this repair be approved in the amount of \$3,520.00, making the total City Council approval be \$21,000.00.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

235 Traffic Committee Meeting.

1. Communication from the Director of Engineering & Public Services, submitting the minutes of the Traffic Committee meeting held on October 24, 2012, and recommending that City Council place on file the minutes from the October 24, 2012 Mayor's Traffic Committee meeting, and adopt Traffic Control Orders 042-002 and 085-002.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

236 Sale Approval of Additional Surplus Items.

1. Communication from the Director of Engineering and Public Services, submitting a list of additional surplus items to be sold at auction, and recommending that City Council authorize the Department of Public Services to dispose of all assets shown on the attached spreadsheet to the highest bidder at the auction.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

237 Detroit Avenue Consultant Inspection Contract – Change Order for Additional Work.

1. Communication from the Director of Engineering and Public Services, submitting a change order for additional work to the Detroit Avenue Consultant Inspection Contract, and recommending that City Council increase the authorization for the professional services contract to TTL Associates for inspection services on the Detroit Avenue Reconstruction project to a total of \$55,000.00, and further recommending that the Finance Director be authorized to make any necessary fund transfers.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

238 Award of Community Development Block Grant FIX Projects.

1. Communication from the Director of Economic and Community Development, reporting back on bids received for the Community Development Block Grant FIX Projects, and recommending that City Council award the Community Development Block Grant FIX contracts to Pranam GlobalTech for the Sackett project with a budget of \$22,450 plus an additional \$2,549 in contingencies and to Global Green Service Group for the Maple project with a budget of \$18,525 plus an additional \$3,705 in contingencies, and further recommending that City 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 contractor.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

239 Proposed Stewart Road Corridor Amendment to the City of Monroe Comprehensive Plan.

1. Communication from the Director of Economic and Community Development, submitting the Proposed Stewart Road Corridor Amendment to the City of Monroe Comprehensive Plan, and recommending that City Council adopt the resolution asserting its authority to adopt or reject the proposed Stewart Road Corridor amendment to the City of Monroe's Comprehensive Plan.
2. Supporting documents.
3. Accept, place on file and the resolution be carried out.

240 Renaissance Zone Development Agreement between the Michigan Strategic Fund, the Sisters Servants of the Immaculate Heart of Mary, La-Z-Boy Incorporated, and the City of Monroe.

1. Communication from the Director of Economic and Community Development, submitting the Renaissance Zone Development Agreement between the Michigan Strategic Fund, the Sisters Servants of the Immaculate Heart of Mary, La-Z-Boy Incorporated, and the City of Monroe, and recommending that City Council approve entering into the proposed Renaissance Zone Development Agreement: MSF Designated Facility, between the Michigan Strategic Fund, the Sisters Servants of the Immaculate Heart of Mary, La-Z-Boy Incorporated, and the City of Monroe; and authorize the Mayor to execute the Agreement and any other necessary documentation for the establishment of the Renaissance Zone for the La-Z-Boy World Headquarters project.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

241 FY 2012-13 Amendment to Community Development Block Grant Annual Action Plan and Five Year Consolidated Plan.

1. Communication from the Director of Economic and Community Development, submitting the FY 2012-13 Amendment to Community Development Block Grant Annual Action Plan and Five Year Consolidated Plan, and recommending that City Council approve the proposed amendment to the FY 2012-13 CDBG Annual Action Plan and the Five Year Consolidated Plan, following a public hearing to be held at this meeting.
2. Supporting documents.
3. Accept, place on file and the recommendation be carried out.

242 Huron Valley Sport Fishing Club Banner Request.

1. Communication from the City Manager's Office, submitting a request from the Huron Valley Sport Fishing Club for permission to display a banner across Monroe Street from January 25- February 11, 2013, and recommending approval of the request subject to meeting qualifications outlined in the banner policy.

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

243 Generic Employment Agreement for Occasional Reemployment of Retirees for Temporary, Seasonal, or Part-time Assistance.

1. Communication from the City Manager, submitting a Generic Employment Agreement for the occasional reemployment of retirees for temporary, seasonal or part-time assistance, and recommending that City Council approve the attached, generic employment agreement and to authorize the City Manager to execute at-will employment agreements within this form when he/she deems it is beneficial to the City.
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 items 235, 236, 237, 238, 241 and 242 of the Amended Consent Agenda be approved as indicated and that items 232, 233, 234, 239, 240, and 243 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

232 The communication from the Finance Director was presented, reporting back on proposals for the Multi-Sports Complex Lighting Renovation, and recommending that Council approve issuing a purchase order to Voss Lighting in the amount of \$45,254.73 for the purchase of the lights and further approve entering into an agreement with Noonan Electric in the amount of \$12,667.00 for the installation of the lights with the contract to be approved by the City Attorney and that a \$2,500.00 contingency be approved, and further recommending that a contract with Clean Energy Coalition in the amount of \$4,150.00 be approved for the overall management of the remainder of the project.

Council Member Molenda asked for an explanation of the bid process and the hiring of a consultant.

Ed Sell, Finance Director, explained that they were originally approached by a company that works in the led lighting area who submitted a proposal in which they would provide the lights for the facility and then get paid from the monthly energy savings that the lights created. The city got another proposal from a company that worked in led lighting and compared the two. He stated that at this point realizing they were not experts in led lighting; they decided to get someone who could advise them. They got in contact with a nonprofit organization clean energy coalition he knew of and they originally reviewed the proposals they already had. He stated that through the process they learned there were more companies doing the shared savings plan, so at that point they hired the company to do a request for proposal process and that is when they got the six proposals.

Adam Yeager, 1833 South Custer Road, stated that he would address his comments regarding items 232, 233 and 234 at this time. He stated that the Multi Sports Complex is a sore thumb for the city, always has been and the citizens are paying for it.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 232 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

233 The communication from the Director of Finance was presented, submitting notice of the emergency replacement of the Multi-Sports Complex Sage System, and recommending that Mayor and City Council confirm the actions of the City Manager and authorize the issuance of a purchase order to Building Automated Systems Services (BASS) in the amount of \$6,700.00 for the replacement of the Sage System at the Multi-Sports Complex.

It was moved by Council Member Beneteau and seconded by Council Member Bica that item 233 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

234 The communication from the Director of Finance was presented, submitting an amendment to the previous purchase order approved for the underfloor repair at the Multi-Sports Complex, and recommending that the Mayor and City Council approve an amendment to the previous purchase order approved to Cimco Refrigeration for the heat exchanger repair in the amount of \$17,480.00 for the purpose of repairing the underfloor leaks at the Multi-Sports Complex, and that a contingency budget for this repair be approved in the amount of \$3,520.00, making the total City Council approval be \$21,000.00.

It was moved by Council Member Hensley and seconded by Council Member Molenda that item 234 be accepted, placed on file and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

239 The communication from the Director of Economic and Community Development was presented, submitting the Proposed Stewart Road Corridor Amendment to the City of Monroe Comprehensive Plan, and recommending that City Council adopt the resolution asserting its authority to adopt or reject the proposed Stewart Road Corridor amendment to the City of Monroe's Comprehensive Plan.

William Gunther, 130 Sylvan Drive, asked if a traffic study has been done on the impact of the added trips on Stewart Road due to the La-Z-Boy project, how many trips it is projected to generate during the twelve hour period and also if the impact of filtering emergency traffic through the "S" Streets has been considered.

Dan Swallow, Director of Economic and Community Development, responded stating that a preliminary traffic study has been completed, a representative from MDOT has been down to look at the site and the entire Stewart Road corridor and although he has not seen the details of the traffic study, they will be looking at it in great detail before going to site plan review. He also stated that emergency access through the "S" Streets has been discussed at the Citizen Planning Commission and if there is a need for one, it would be gated and not used on a regular basis. He explained that there are close to 500 employees at the La-Z-Boy facility with a majority of them on an 8 to 5 time frame, so there would be peak flows in the a.m. and p.m. and those peak flows will be carefully considered in the traffic study.

William Gunther, 130 Sylvan Drive, stated that he was most concerned with the traffic feed through their neighborhood every time there is an accident at Stewart and Monroe Streets and that is not acceptable.

John Sieb, 105 Stockton, expressed concern regarding a section of the Traffic and Circulation section of the plan where it makes a "recommendation to provide an east-west connection through the site", asking if that means from Lavender to Monroe Street or to Borgess or to the street that they border on, or is it just one exit only coming out of the proposed site that would be an emergency exit.

Mayor Clark stated that there has been long discussion in the city about east-west connectivity from one side of the IHM property to the other and while that has never come to fruition it is still something that appears in the comprehensive plan.

Dan Swallow, Director of Economic and Community Development, explained that while they are not looking at a through road at this point in time, there is a concern that in the future there will be a need for an east-west connection if the property to the south, which is zoned single family residential, were to be developed.

After discussion, it was moved by Council Member Molenda and seconded by Council Member Hensley that item 239 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

240 The communication from the Director of Economic and Community Development was presented, submitting the Renaissance Zone Development Agreement between the Michigan Strategic Fund, the Sisters Servants of the Immaculate Heart of Mary, La-Z-Boy Incorporated, and the City of Monroe, and recommending that City Council approve entering into the proposed Renaissance Zone Development Agreement: MSF Designated Facility, between the Michigan Strategic Fund, the Sisters Servants of the Immaculate Heart of Mary, La-Z-Boy Incorporated, and the City of Monroe; and authorize the Mayor to execute the Agreement and any other necessary documentation for the establishment of the Renaissance Zone for the La-Z-Boy World Headquarters project.

William Gunther, 130 Sylvan Drive, was concerned that this agreement completely abates all the taxes that La-Z-Boy would have paid for the first six years; then it is 25, 50 and 75. He stated they will amass a tax debt of over 9 million dollars when you include all the taxing agencies within the county and city. He doesn't feel it is right to ask the citizens to incur 2.7 million dollars from a company that has 50 million dollars to invest.

Council Member Molenda pointed out that on page 2, sections iv and v of the agreement, the dates should read September 30, 2013 and June 30, 2013, not the 31<sup>st</sup> of each month.

After discussion, it was moved by Council Member Molenda and seconded by Council Member Hensley that item 240 be accepted, placed on file and the recommendation be carried out, as amended.

Ayes: 7 Nays: 0

Motion carried.

243 The communication from the City Manager was presented, submitting a Generic Employment Agreement for the occasional reemployment of retirees for temporary, seasonal or part-time assistance, and recommending that City Council approve the attached, generic employment agreement and to authorize the City Manager to execute at-will employment agreements within this form when he/she deems it is beneficial to the City.

Council Member McKart asked if this agreement would allow the City Manager to hire retirees back to fill vacancies until a full time employee is hired.

George Brown, City Manager, stated yes, conceivably this could, but explained that the retiree ordinance does not allow a retiree to collect their pension unless they are a contract employee and this agreement would provide the opportunity to potentially bring back a retiree under an employment contract. He further explained that they could hire someone off the street without having this agreement. He also stated that if they brought someone in to temporarily fill a position while they were in the process of recruiting and screening candidates they would only bring the person in as an at will employee and they would be given several days courtesy notice when a permanent employee was hired. He stated that temporary employees are limited to six months employment in at least one of the collective bargaining agreements.

Council Member Kansier asked what is different in this agreement than what is currently being done.

George Brown, City Manager, responded stating that this agreement creates some administrative simplification. He explained that with this form in place they could bring someone back in short notice without having to bring the contract to council every time that person is used. He further explained that if they were to use a temp agency or hire someone who is not retired from the city they would not need this agreement; this is simply proposed in order to meet the needs of the retirement ordinance.

Council Member Hensley asked if the City Attorney has reviewed the agreement.

Tom Ready, City Attorney, stated that he has reviewed it and finds it acceptable.

Council Member Kansier stated that he does not want to see a grievance or a contract problem.

George Brown, City Manager, stated that they did consider that concern and do not believe that this contract would be the issue that would trigger a potential grievance.

Council Member Kansier asked if there is a vacant position that a current employee is interested in, would they be given the opportunity to become qualified to fill the position.

George Brown, City Manager, stated that there is collective bargaining language that includes provisions for bidding on positions, base qualifications and probationary periods. He stated that regardless if this is with a retiree or not, this is always going to be a case where there wasn't a bid into a position.

After discussion, it was moved by Council Member McKart and seconded by Council Member Bica that item 243 be accepted, placed on file and the recommendation be carried out.

Kevin Heller, Chief Union Stewart, Teamsters Local 214, stated that they are opposed to this because of the potential that teamsters could be bypassed for overtime and a retiree would be used.

After further discussion, a vote was taken on the motion.

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

Motion carried.

#### Council Comments.

Council Member Kansier stated that he hoped everyone gets out and votes tomorrow.

Council Member McKart encouraged everyone to vote on Tuesday.

Council Member Molenda spoke regarding item 243 stating that several years ago when they had some exits from the organization they found that they were weak in succession planning and it was good to be able to call back upon the expertise of people trained in the organization to help make the transition. He felt that these types of agreements have allowed us to do just that; it is simply standardizing those agreements so when they do bring back key employees, it doesn't come at the expense of the retiree having to suspend their retirement benefits.

#### Mayor's Comments.

Mayor Clark thanked the volunteers that came downtown Saturday morning to hang holiday decorations, thanked the Downtown Development Authority for coordinating the event, reminded everyone that the Chamber of Holiday Parade is this Saturday at 4:00 p.m. and that the downtown tree lighting would also take place including Santa visits

at Monroe Bank and Trust and carriage rides throughout the downtown area. He also recognized the Community College students who were present in the audience, stated that all 70,000 leaf bags have been distributed and that the city public auction would be held this Saturday at 10:00 a.m. at 222 Jones Avenue.

City Manager's Comments.

George Brown, City Manager, stated that the La-Z-Boy project did not qualify for the Public Act 198 incentive, which is an industrial facilities tax exemption, but is instead entering into an agreement for a renaissance zone, which is a special incentive that the state had the authority to structure.

Citizen Comments.

Adam Yeager, 1833 South Custer Road, encouraged everyone to vote on Election Day.

Closed Executive Session.

It was moved by Council Member Molenda and seconded by Council Member McKart that Council go into Closed Executive Session to discuss Property Acquisition and Collective Bargaining at 8:47 p.m.

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 10:12 p.m.

Ayes: 7 Nays: 0

Motion carried.

Adjournment.

It was moved by Council Member Beneteau and seconded by Council Member McKart that the meeting adjourn at 10:13 p.m. until the next Regular Meeting on Monday, November 19, 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