

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, JULY 1, 2013

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, July 1, 2013 at 7:30 p.m. in the City Hall Council Chambers.

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

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

Mayor Clark led the Pledge of Allegiance.

Public Hearing.

137 This being the date to receive and review comments on proposed Ordinance No. 13-006, an ordinance to amend Chapter 720, Zoning, Article XIII, Signage, Section 720-168 through 720-185 of the Code of the City of Monroe and there being one letter, with attachments, on file in writing in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Charles D. Evans, Clerk-Treasurer read a letter from Mitchell Gasche, Real Estate Manager, Adams Outdoor Advertising regarding new language for the proposed signage ordinance revisions.

Mitchell Gasche, Real Estate Manager, Adams Outdoor Advertising said that he recommends that Council include in the second reading and adopt into the ordinance the language that Adams Outdoor Advertising has proposed. He reviewed points that were included in the letter that was sent to Council and said that they concurred with staff recommendation.

Mayor Clark clarified whether the "staff" he was referring to was City staff or Adams Outdoor Advertising staff.

Mitchell Gasche, Real Estate Manager, Adams Outdoor Advertising said that he was referring to Mr. Swallow and the Citizens Planning Commission and said it was originally city staff's idea.

Mayor Clark said that in looking at the minutes of the Citizens Planning Commission, CPC, and the correspondence from Mr. Swallow to Council, it is not a recommendation. He explained that in one portion of the May 17th Sign Code correspondence from Mr. Swallow, he notes that the CPC has directed staff to explore an exchange program that would allow conversion from static electronic for the elimination of several nonconforming static billboards. He further explained that the minutes from the May 13th CPC meeting, page 7, notes a motion made by the Vice-Chairman Smith that directs staff to examine a sign exchange program between nonconforming billboards to replace them with electronic billboards.

Mitchell Gasche, Real Estate Manager, Adams Outdoor Advertising said that whether it was a recommendation or an exploration, it was the idea of staff and Adams Advertising submitted a program for review.

There being one person present commenting and one comment on file in writing in the Clerk-Treasurer's Office, the Mayor declared the public hearing closed.

Council Action.

137 It was moved by Council Member Molenda and seconded by Council Member McKart that the Proposed Ordinance No. 13-006, and ordinance to amend Chapter 720, Zoning, Article XIII, Signage, Section 720-168 through 720-185 of the Code of the City of Monroe be placed on its final reading.

Ayes: 6 Nays: 0

Motion carried.

Proposed Ordinance No. 13-006, was then presented for the second time after which time the Mayor asked for comments from Council regarding this item.

Council Member Kansier asked if Mr. Swallow could clarify the opinion on the ordinance.

Dan Swallow, Director of Economic & Community Development explained the specific changes to the ordinance and said that the CPC did not give a conclusion or recommendation and that he is not recommending the ordinance amendments at this time.

Following lengthy discussion, the Mayor asked, "Shall this ordinance pass?"

Ayes: 3 Nays: 3 (Council Member Kansier, Beneteau and Mayor Clark)

Motion failed.

It was moved by Council Member Hensley and seconded by Council Member Kansier to request, by advertisement through MPACT and on the City's website, letters of interest from potential candidates of the vacant Council Seat in the 3rd Precinct no later than Wednesday, July 10, 2013 at 5:00 p.m., that all letters be received at the Mayor's Office, that there will be interviews following at a Council Meeting.

Ayes: 6 Nays: 0

Motion carried.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and may be approved by one motion. Any item may be removed for separate discussion by a Councilperson or citizen.)

A. Approval of the Minutes of the City Council Work Session Meeting held on June 17, 2012 and the Minutes of the Regular City Council Meeting held on June 17, 2013.

B. Approval of payments to vendors in the amount of \$649,045.16.

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

143 Arthur Lesow Community Center (ALCC) Building Improvements Bid.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for Arthur Lesow Community Center (ALCC) building improvements, and recommending that Council award the above contract for the base bid only to Envision Builders in the amount of \$236,000, and that a total of \$251,400 be encumbered, which includes a 6.5% contingency, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe, and further recommending that a contract for professional services be awarded to Mitchell and Mouat Architects in the amount of \$7,000, and that the Director of Engineering & Public Services be authorized to execute any necessary agreements on behalf of the City.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

144 North Dixie Highway Resurfacing Funding Contract with MDOT.

1. Communication from the Director of Engineering & Public Services, submitting a proposed resolution delineating the terms of the North Dixie Highway Resurfacing Funding Contract with the Michigan Department of Transportation, MDOT, and recommending that the attached resolution be approved, and that the local share of the costs be appropriated as detailed in the financial information below.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

145 Consider Awarding Community Development Block Grant FIX Projects to Pranam Globaltech.

1. Communication from the Director of Economic & Community Development, reporting back on bids received for the recipients of the CDBG FIX Program, and recommending that Council award the Community Development Block Grant FIX contract to Pranam Globaltech for this project with a budget of \$23,800 plus an additional \$1,199 in contingencies, and further recommending that Council authorize staff to take the necessary steps to complete each project in compliance with federal regulations, including drafting agreements to be signed by each homeowner and contractor.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

146 2013 Sidewalk Replacement Program Bid Award.

1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the 2013 Sidewalk Replacement Program, and recommending that Council award the above contract to G.V. Cement Contracting Company in the amount of \$92,758.54, and that a total of \$106,700 be encumbered, which includes a 15% project contingency, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe, and that the Finance Director be authorized to make any necessary funding transfers during the project from the Capital Projects Fund or other appropriated source.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

147 2013 Sidewalk Program – Final Notice to Affected Property Owners.

1. Communication from the Director of Engineering & Public Services, submitting a list of property owners who have not repaired the sidewalks adjacent to their property in conjunction with the 2013 Sidewalk Replacement Program, and recommending that Council resolve to direct the Engineering Department to repair the walks of those property owners on the attached list that do not do so within the next ten (10) calendar days, and to authorize the Engineering Department to bill the cost to them following repairs.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

148 Resolution Authorizing the Acquisition of 51 Winchester Street, 1247 E. First Street and four lots on E. First Street adjacent to the Arthur Lesow Community Center from the Monroe County Treasurer through the Tax Foreclosure Procedure in the Michigan General Property Tax Act, .

1. Communication from the Director of Economic & Community Development, submitting a proposed resolution authorizing the acquisition of 51 Winchester Street, 1247 E. First Street and four lots on E. First Street adjacent to the Arthur Lesow Community Center from the Monroe County Treasurer through the tax foreclosure procedure in the Michigan General Property Tax Act, and recommending that Council approve the resolution, and that acceptance of the properties is conditioned upon completion of Environmental Site Assessments with acceptable findings relative to potential environmental liability.

2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

149 Orchard East Homecoming at Hellenberg Park.

1. Communication from the City Manager, submitting a request from Tracy Palm on behalf of the Arthur Lesow Community Center and the Orchard East Homecoming Committee for permission to hold a "Festival in the Park" on Saturday, August 31, 2013 and a "Gospel Jubilee" on Sunday, September 1, 2013, to use Hellenberg Field, the city's portable stage, ball diamonds and picnic shelters, 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, 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. Action: Accept, place on file and the recommendation be carried out.

150 Black & White Transportation Taxi Cab Service.

1. Communication from the Director of Public Safety, submitting a request from Judith Potter, President/Owner of Black & White Transportation of Toledo, to operate a Taxi service within the City of Monroe, and based upon a thorough investigation, it is recommended that the application be approved pending the passing of vehicle inspections and provided the necessary permits, fees and licenses are obtained.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

151 Resolution Revoking the Obsolete Properties Rehabilitation Act Property Tax Abatement for James Moody for the Property Located at 11 Washington Street.

1. Communication from the Director of Economic & Community Development, submitting a proposed resolution to revoke the Obsolete Properties Rehabilitation Act Property Tax Abatement for James Moody for the property located at 11 Washington Street, and recommending that Council revoke the Obsolete Property Rehabilitation Exemption Certificate, Certificate No. 3-07-0008, granted to James Moody in 2007 in the form of the attached resolution; based on the findings that the completion of rehabilitation of the facility has not occurred in a reasonable timeframe and the property has since been sold, thereby making James Moody ineligible for this property tax abatement.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

152 Proposed Storm Sewer Special Assessment District Number 233 – Alley Between Riverview and Arbor, South of Noble – Resolution Number 4.

1. Communication from the Director of Engineering and Public Services, submitting Resolution No. 4, setting the public hearing date for Monday, July 15, 2013, at 7:30 p.m. to hear comments on the special assessment roll for the installation of a storm sewer in the alley between Riverview and Arbor, south of Noble, and recommending that the resolution be adopted and that the public hearing on the assessment roll be scheduled for Monday, July 15, 2013 at 7:30 p.m. in the City Council Chambers.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

153 Lawn Maintenance Contract – Change of Contractor for Munson Park and Custer Airport (Group A of Contract).

1. Communication from the Director of Engineering and Public Services, submitting a Lawn Maintenance Contract - Change of Contractor for Munson Park and Custer Airport (Group A of Contract), and recommending that the

City Council award the remainder of the 2013 season work for Group A to Noel Lawn Service in the amount of \$31,751.05 and that the Director of Engineering and Public Services be authorized to execute the necessary change order on behalf of the City.

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

154 2013 Construction Projects Consultant Inspection Contract – TTL Associates.

1. Communication from the Director of Engineering and Public Services, submitting a contract for 2013 construction projects inspection services, and recommending that the City Council award a professional services contract to TTL Associates for inspection services on the Telegraph Road Water Main Replacement project (or another appropriate project if needed subject to funding availability) in an amount up to \$35,000, and for testing on the North Dixie Highway Resurfacing project in an amount up to \$10,000, and further recommending that the Director of Engineering and Public Services be authorized to execute any necessary agreements on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

155 Employee Parking.

1. Communication from the Human Resources Director, submitting a policy to establish procedures for the allocation and assignment of employee parking permits and for the permissible use of the City's employee parking lot, and recommending that the Mayor and City Council approve the attached policy and direct City administration to proceed with implementation.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

156 Patrol Officers Collective Bargaining Agreement.

1. Communication from the Human Resources Director, submitting an extension to the current Police Officers Association of Michigan Collective Bargaining Agreement for an additional year, and recommending that the Mayor and City Council approve the attached extension of the POAM/Police Officers Collective Bargaining Agreement.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

157 HIPPA Privacy and Security Policies and Procedures.

1. Communication from the Human Resources Director, submitting the HIPPA Privacy and Security Policies and Procedures, and recommending that the Mayor and City Council approve the HIPAA Privacy and Security Policies and Procedures, and direct administration to proceed with the execution, training, and implementation of such HIPAA Policies and Procedures.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

158 Option Agreement to Purchase Riverfront Property on East Front Street.

1. Communication from the Director of Economic & Community Development, submitting an Option Agreement to purchase riverfront property on East Front Street, and recommending that City Council approve the option for the purchase of real property with William and Sharry Gross and authorize the Mayor and Clerk-Treasurer to execute the agreement, and further recommending that City Council amend the FY 2013-14 budget to provide

for the first option payment of \$20,000 from the Capital Project Fund Balance; and that the second option payment is reflected in the future FY 2014-15 budget.

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

159 Policy for the Allowance of Parking Private Vehicles in the City Employee Parking Lot, by Non-Employees.

1. Communication from the City Manager, submitting a policy for the allowance of parking private vehicles in the city-employee parking lot, by non-employees, and recommending that Council approve and adopt the attached policy entitled "City Employee Parking Lot, Permitted Parking for Non-Employee Vehicles" and that the City Manager and/or his/her designee be authorized to implement and enforce the terms of the policy.
2. Supporting documents.
3. Action: 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 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158 and 159 of the Consent Agenda be approved as indicated and item 153 be removed and considered separately.

Ayes: 6 Nays: 0

Motion carried.

153 The communication from the Director of Engineering and Public Services was presented, submitting a Lawn Maintenance Contract - Change of Contractor for Munson Park and Custer Airport (Group A of Contract), and recommending that the City Council award the remainder of the 2013 season work for Group A to Noel Lawn Service in the amount of \$31,751.05 and that the Director of Engineering and Public Services be authorized to execute the necessary change order on behalf of the City.

Council Member McKart explained that he has voted against having work contracted out and thinks staff should be able to handle that work in-house. He noted that he will not support this item.

Council Member Kansier asked does the city not have string trimmers and lawn mowers to use to do the work.

Patrick Lewis, Director of Engineering & Public Services, said that we have some but have not done a full analysis of equipment that we would need to do the work. He said that most of our equipment was sold at auction several years ago when the work was first contracted out.

Following discussion, it was moved by Council Member Molenda and seconded by Council Member Hensley that item 153 be accepted, placed on file and the recommendation be carried out.

Ayes: 4 Nays: 2 (Council Member McKart and Kansier)

Motion carried.

Council Member Comments.

Council Member Hensley said that if those who live in the 3rd Precinct and are interested in being a Council Member, send a letter to the Mayor's Office.

Council Member McKart commented on the ground breaking ceremony for the new La-Z-Boy Chair Company site and thanked those who were instrumental in bringing this to fruition and especially Dan Swallow, Director of Economic & Community Development.

Mayor's Comments.

Mayor Clark also commented on the effort put into the La-Z-Boy project and thanked all who were involved but especially Dan Swallow, Director of Economic & Community Development. He also commented on the vacant 3rd Precinct Council Member seat and urged those who are interested to call him. He also commented on the 4th of July Freedom Walk.

City Manager's Comments.

George Brown, City Manager commented on the unusual amount of rain and said that those who live in homes that have in the past experienced wet basements to be extra vigilant and that if you have experienced a back up of water in your basement previously during heavy rainfall events, you should consider taking steps protect any valuables by raising them up off the floor. He said that if you need information on how to protect your home from flooding to contact the Water Department at 384-9150 or to go to the City's website at www.monroemi.gov for helpful information.

Citizen's Comments

Tracy Williamson, 1028 E. Front Street said she is fed up with the drug problem in Monroe and cited many reasons why. She said that the City of Monroe needs to get involved in the problem.

Closed Executive Session.

It was moved by Council Member McKart and seconded by Council Member Molenda that Council go into Closed Executive Session to discuss Pending Litigation at 8:48 p.m.

Ayes: 6 Nays: 0

Motion carried.

It was moved by Council Member Kansier and seconded by Council Member Beneteau that Council reconvene to Open Session at 9:40 p.m.

Ayes: 6 Nays: 0

Motion carried.

Adjournment.

It was moved by Council Member Kansier and seconded by Council Member Beneteau that the meeting adjourn at 9:41 p.m. until the next Regular Meeting on Monday, July 15, 2013 at 7:30 p.m.

Ayes: 6 Nays: 0

Motion carried.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor