

CITY OF MONROE
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 2, 2015

Regular meeting of the City Council of the City of Monroe, Michigan held on Monday, February 2, 2015 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Member Iacoangeli, Vining, Molenda, Rafko, Sisk, Hensley and Mayor Clark.

Michelle J. LaVoy, City Clerk-Treasurer gave the invocation.

Mayor Clark led the pledge of allegiance to the flag.

Presentation.

Presentation by Scott Cieniawski, USEPA – PCB Contamination Remediation in the River Raisin.

Presentation by Barry LaRoy, Director of Water & Wastewater Utilities, City of Monroe - Flowering Rush Eradication Efforts.

Presentation by Patrick Lewis, Director of Engineering & Public Services – Roessler Street Bridge Modifications.

It was moved by Council Member Iacoangeli and seconded by Council Member Sisk that the Director of Engineering & Public Services provide a proposal to Council that will amend the design to enlarge the pedestrian walkway on the Roessler Street Bridge.

Following discussion, a vote was taken on the motion.

Ayes: 6 Nays: 1 (Council Member Molenda)

Motion carried.

Communications.

20. Communication from Thomas D, Ready, City Attorney, rendering an opinion concerning Council procedure as it pertains to placement of the citizen comments item on the agenda.

It was moved by Council Member Iacoangeli and seconded by Council Member Rafko that the regular Council Agenda include, after the Invocation/Pledge of Allegiance, an item labeled "Citizen Comments - Not Related to an Agenda Item".

Following discussion, a vote was taken on the motion.

Ayes: 7 Nays: 0

Motion carried.

Public Hearing.

12. This being the date set to hear public comments on proposed Ordinance No. 15-001, an ordinance to amend several sections of Chapter 22, Boards, Commissions, Authorities and Committees, Article VI. Recreation Advisory Commission, there being no comments on file in the Clerk-Treasurer's Office, the Mayor declared the hearing open.

Council Member Molenda noted that in Sections 22-23, line 94 references provisions for a Chair Person, Vice Chair Person and a Secretary and line 95 and 96 states that the Director of Parks & Recreation or his/her designee shall serve as Executive Secretary of the Commission. He asked if these are two different positions.

Loretta LaPointe, Recreation Manager said it was more just a back-up, that if they needed staff, the staff person's really the keeper of the records once they go into their office, so the recording secretary would be either her or a staff designee.

Council Member Molenda said just to clarify; there would be a secretary who is elected within the Commission.

Loretta LaPointe, Recreation Manager said that she believes there is and that would be more to sign a communication to Council but they wouldn't be the recording secretary.

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

Council Action.

12. It was moved by Council Member Molenda and seconded by Council Member Sisk that Proposed Ordinance No. 15-001, an ordinance to amend several sections of Chapter 22, Boards, Commissions, Authorities and Committees, Article VI. Recreation Advisory Commission, be placed on its final reading.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 15-001, was then presented for the second time after which the Mayor asked, "Shall this ordinance pass?"

Ayes: 7 Nays: 0

Motion carried.

21. It was moved by Council Member Molenda and seconded by Council Member Hensley that proposed Ordinance No. 15-002, an Ordinance to add Chapter 448, Neighborhood Enterprise Zones to the Code of the City of Monroe, be placed on its first reading and set for the public hearing on February 17, 2015.

Ayes: 7 Nays: 0

Motion carried.

Proposed Ordinance No. 15-002, was then presented for the first time and laid over for its second reading and public hearing on Tuesday, February 17, 2015.

22. Communication from the Clerk-Treasurer, submitting proposed resolution to approve a tax levy not to exceed 1.00 mills per year for the purpose of Lake Erie Transit continuing to provide bus service for tax years 2016-2020. The attached proposed ballot language must be approved by Council and submitted to the Monroe County Election Commission for their approval to be placed on the ballot at the May Special Election to be held on Tuesday, May 5, 2015.

It was moved by Council Member Molenda and seconded by Council Member Iacoangeli that item 22 be accepted, placed on file, the resolution be adopted and the ballot language be submitted to the Monroe County Clerk.

Ayes: 7 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 Council Member or citizen.)

Dan Swallow, Director of Economic & Community Development noted that he had placed a packet at each Council Members seat regarding the Capital Improvements Program Budget fiscal Years 2015-2021, and asked that Council set a public hearing on the item.

Council Member Iacoangeli asked if this item is an addition to the Consent Agenda.

Mayor Clark said that it would be because it is not listed on the Consent Agenda. He asked Mr. Swallow if he is wants the item added to the Consent Agenda and asked if this item was discussed at a Council Work Session.

Dan Swallow, Director of Economic & Community Development said that he was not sure if they were going to have the February 17 Council Meeting on the scheduled day or if it would be on an alternate date. He said as he reviewed the Charter, it requires that Council shall hold the public hearing the third week in February for the Capital Improvements Program Budget, so there was no longer flexibility to change the date of the public hearing. He said that the City Attorney suggested that Council take formal action to schedule the public hearing.

Mayor Clark said that since this is not a Consent Agenda item, it will have to be given a number and be added to the Consent Agenda.

It was moved by Council Member Iacoangeli and seconded by Council Member Hensley that item 32 be added to the Consent Agenda.

Ayes: 7 Nays: 0

Motion carried.

A. Approval of the Minutes of the Regular Meeting held on Tuesday, January 20, 2015 and the Minutes of the Work Session held on Monday, January 26, 2015.

B. Approval of payments to vendors in the amount of \$543,036.34.

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

23. Appointments Resolution.

1. Communication from the Mayor's Office, submitting a proposed resolution for appointments to various boards, commissions and committees, and recommending that the resolution be adopted.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

24. Landscaping Design services – Professional Services Award.

1. Communication from the Director of Engineering & Public Services, reporting back on Request for Proposals for Landscaping Design Professional Services at Mark G. Worrell Park, and recommending that a professional services award be made to The Johnson Hill Land Ethics Studio for the above work for the base amount of \$5,400, and that the Director of Engineering & Public Services be authorized to execute any necessary agreement documents on behalf of the City and expend up to \$6,000 for work activities under this contract.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

25. Automated Weather Observing System (AWOS) at Custer Airport – Funding Contract for Component Replacement and Upgrades.
 1. Communication from the Director of Engineering & Public Services, submitting a proposed resolution approving a funding contract for component replacement and upgrades with Michigan Department of Transportation (MDOT) Aeronautics for the Automated Weather Observing System (AWOS) at Custer Airport, and recommending that the attached resolution be approved, and that the City share of the cost (\$3,000) be appropriated as detailed in the financial information detail below.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.

26. Michigan Department of Transportation (MDOT) Performance Resolution Approval.
 1. Communication from the Director of Engineering & Public Services, submitting a proposed resolution to approve six (6) individuals to apply for permits on behalf of the City of Monroe, and recommending that Council adopt the attached resolution, approve and authorize the above six (6) individuals to apply for permits on behalf of the City, and that the Director of Engineering & Public Services and/or Clerk-Treasurer be authorized to submit the resolution on behalf of the City.
 2. Supporting documents.
 3. Action: Accept, place on file and the resolution be adopted.

27. Monroe County Convention & Tourism Bureau – Special Event Request.
 1. Communication from the City Manager’s Office, submitting a request from the Monroe County Convention & Tourism Bureau to reserve dates in 2015 for upcoming Events / Festivals, and recommending that Council approve only the dates of the events with full approvals of the events, be subject to policy, timely submission of event planning details, staff reviews, street closure action by Council and approvals of city financial and logistical support.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

28. Award a Professional Services Contract to Quinn-Evans Architects to Complete a Feasibility and Cost Analysis to Evaluate 8 N. Monroe Street for use as a Library and Community Center.
 1. Communication from the Director of Economic & Community Development, submitting a proposed professional services contract to evaluate the potential acquisition of the former Masonic Temple, and recommending that Council award a professional services contract to Quinn-Evans Architects to complete a feasibility and cost analysis to evaluate 8 N. Monroe Street for use as a library and community center in an amount not-to-exceed \$34,600, and further recommending that Council authorize a contingency fee of up to 5% or \$1,730 to be utilized at the discretion of the City Manager for unforeseen services and encumber a total of \$36,330.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

29. Family and Medical Leave Policy Amendment.
 1. Communication from the Director of Human Resources, submitting amendments to FMLA Policy, No. 003, to add new regulations issued by the Department of Labor (DOL), and recommending that Council approve the attached amended policy and direct City administration to proceed with implementation.
 2. Supporting documents.
 3. Action: Accept, place on file and the recommendation be carried out.

30. Roth Individual Retirement Account.

1. Communication from the Director of Human Resources, reporting back on amendments to the Deferred Compensation Program with ICMA-RC to add a Roth Individual Retirement Account (IRA), funded with after-tax contributions by city employees, and recommending that Council approve the attached amendment and that the City Manager be authorized to sign the Agreement on behalf of the City of Monroe.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

31. Approval of the Memorandum of Understanding with the Michigan Municipal League for the PlacePlans 2015 Technical assistance: Downtown Connector Alley Design.

1. Communication from the Director of Economic & Community Development, submitting a request for approval of the Memorandum of Understanding with the Michigan Municipal League for the PlacePlans 2015 Technical Assistance: Downtown Connector Alley Design, and recommending that Council approve the Memorandum of Understanding with the Michigan Municipal League for the PlacePlans 2015 Technical Assistance: Downtown Connector Alley Design; and authorize the City Manager to execute the Memorandum, and further recommending that Council authorize the expenditure of \$8,000 for the local match commitment.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

32. Proposed Capital Improvements Program Budget – Fiscal Years 2015-2021.

1. Communication from the Director of Economic & Community Development, submitting the Proposed Capital Improvements Program Budget for Fiscal Years 2015-2021, and recommending that Council accept and place on file the proposed Capital Improvements Program Budget, Fiscal Years 2015-2021, and the Citizens Planning Commission recommendation, and further recommending that Council schedule a public hearing on the proposed Capital Improvements Program Budget for February 17, 2015 at 7:30 p.m., in accordance with the City Charter, Section 122.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Council Member Iacoangeli and seconded by Council Member Sisk that item 24, 25, 26, 28, 30, 31 and 32 of the amended Consent Agenda be approved as presented and that item 23, 27 and 29 be removed and considered separately.

Ayes: 7 Nays: 0

Motion carried.

23 The communication from the Mayor's Office was presented, submitting a proposed resolution for appointments to various boards, commissions and committees, and recommending that the resolution be adopted.

Council Member Iacoangeli noted that the Appointment Resolution that was initially given to Council in their Agenda packet has an amendment. He said that Ms. Linda Compore, one of the recommended appointees to the Board of Review, will not be able to serve this term and that Mr. Edward Feldman, M.D. will replace her in this appointment.

It was moved by Council Member Iacoangeli and seconded by Council Member Vining that the amended Appointment Resolution be accepted, placed on file and the resolution be adopted.

Council Member Molenda noted that he will abstain from the vote because he is related to Mr. Feldman.

Ayes: 6 Nays: 0 Abstain: 1 (Council Member Molenda)
Motion carried.

27. The communication from the City Manager's Office was presented, submitting a request from the Monroe County Convention & Tourism Bureau to reserve dates in 2015 for upcoming Events / Festivals, and recommending that Council approve only the dates of the events with full approvals of the events, be subject to policy, timely submission of event planning details, staff reviews, street closure action by Council and approvals of city financial and logistical support.

It was moved by Council Member Rafko and seconded by Council Member Iacoangeli that the item be postponed until the next meeting because there is a conflict with one of the events which involves another event at the same time and it needs to be addressed.

Following discussion, a vote was taken on the motion.
Ayes: 7 Nays: 0
Motion carried.

29 The communication from the Director of Human Resources was presented, submitting amendments to FMLA Policy, No. 003, to add new regulations issued by the Department of Labor (DOL), and recommending that Council approve the attached amended policy and direct City administration to proceed with implementation.

Council Member Molenda noted that under Statement of Policy, part A there are two bullet points and it isn't clear if the employee needs to meet both of the requirements or just one of them.

Peggy Howard, Director of Human Resources said that the employee would need to meet both requirements in the bullet points.

Council Member Molenda asked that, for clarity, the word "and" be inserted at the end of the first bullet point after the semi-colon.

It was moved by Council Member Molenda and seconded by Council Member Hensley that amended item 29 be accepted, placed on file and the recommendation be carried out.
Ayes: 7 Nays: 0
Motion carried.

Council Comments.

Council Member Iacoangeli commented on reports of drug related incidents in relation to the public nuisance policy and neighborhood revitalization.

Council Member Molenda thanked staff for their hard work during the recent weather events and said that the Sawyer Homestead Sub-Committee is planning to hold a public forum seeking input on the future use of the Sawyer Homestead on Monday, February 9 at 7:00 p.m. in the Council Chambers.

Council Member Rafko commented on the TMACOG Meeting on January 21 and the Lake Erie Algae Source and Solutions Conference on January 22.

Council Member Sisk said that he will not be available on Tuesday, February 17 for the Regular Council Meeting.

Council Member Hensley said he received a compliment on the performance of a Monroe City Police Officer this week and thanked the Public Services Department for their hard work during the recent snow event. He said there will be a meeting about St. Joseph Church on Monday, February 16 at 6:30 p.m. in the Council Chambers and commented about hiring of Fire Department personnel and the Public Safety Department.

Council Member Sisk commented about the Public Safety Department.

Mayor Comments.

Mayor Clark commented about the TEAMCOG Meeting, about Black History Month, and his attendance at the State of the Union Address. He also commented on the Public Safety Department.

Clerk-Treasurer Comments.

Michelle J. LaVoy, Clerk-Treasurer said the Treasurer's Office accepts credit card payments for tax bills and water bill and thanked Barry LaRoy, Director of Water & Wastewater Utilities for his help in setting up the Water Department to accept credit card for payment. She said all departments will soon be set up to offer credit cards as an option for payment of their invoices.

City Manager Comments.

George Brown, City Manager said that he met with the Director of Public Safety and the Fire Chief to discuss the presentation to Council regarding staffing combinations and levels. He commended the Department of Public Services crew on their efficiency during the past snow event. He said that waste removal will be a day behind this week.

Citizen Comments.

Adam Yeager, 1833 South Custer Road commented about water issues in his area and would like to know when the problem will be addressed.

Mayor Clark addressed Mr. Yeager's concerns.

George Brown, City Manager also addressed Mr. Yeager's concerns.

Shelly Hasley, 5126 Evergreen asked that all Council Members be present to vote when it's time to vote on the Sawyer Homestead.

Adjournment.

It was moved by Council Member Iacoangeli and seconded by Council Member Rafko that the meeting adjourn at 9:56 p.m. until the Regular Meeting on Tuesday, February 17, 2014 at 7:30 p.m.

Ayes: 7 Nays: 0

Motion carried.

Michelle J. LaVoy
City Clerk-Treasurer

Robert E. Clark
Mayor