CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 27, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, November 27, 2007.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2007-98 HONORS AND AWARDS:

A. Honorary Ambassador – Robert Andres.

Bob Kuhn, Public Works Director, presented Mr. Robert Andres with an Honorary Ambassador Certificate thanking him for picking up litter along the Sherman hill.

B. Winner of Recycling Logo Contest – Raya Wood.

Mayor Warmington introduced Raya Wood and teacher Amy Brown from the Muskegon Career Tech Center. Raya Wood, the winner of the recycling contest, was presented with a gift package.

2007-99 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the November 5th Commission Worksession, and the November 13th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Rezoning Request for Property Located at 145 W. Laketon Avenue.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 145 W. Laketon Avenue, from R-1, One Family Residential District to B-4, General Business District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

C. **<u>Amendment to Zoning Ordinance – Add Sidewalk Signs as Exempt Signs in all Zoning Districts.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334, Signs, #5, o, of Article XXIII (General Provisions) to add "sidewalk signs" as exempt signs in all zoning districts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add "sidewalk signs" as exempt signs in all zoning districts.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

D. **<u>Amendment to the Zoning Ordinance – Remove "A-Frame Signs" from "Prohibited Signs".</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334, Signs, #4, i, of Article XXIII (General Provisions) to remove "A-frame signs" from "Prohibited Signs".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language removing A-frame signs.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

E. **<u>Amendment to the Zoning Ordinance – Add a Definition for "Sidewalk Sign".</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add a definition for "Sidewalk Sign".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add a definition for "Sidewalk Sign".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

F. <u>Set Public Hearing for Amendment to Brownfield Plan – Heritage Square Development, LLC.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Heritage Square Development, LLC, located at 274, 276, 290, and 296 W. Clay; and 887 and 889 First Street, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a residential development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on November 14, 2007 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for January 8, 2008.

G. <u>One Year Extension of Temporary Services Contract with GoodTemps Temporary Staffing Services.</u> CIVIL SERVICE

SUMMARY OF REQUEST: For the past three years (2005-2007) the City has contracted with GoodTemps Temporary Staffing Services, a division of Goodwill Industries, for its contingent workforce needs. The relationship with GoodTemps has been a very successful one, as evidenced by consensus of managers indicating their desire to continue the City's association with them.

The advantages of remaining with GoodTemps include:

- There will be no increase in the mark-up by GoodTemps, which will remain at 33.5% of the position pay rates.

- Maintaining the very flexible working arrangement achieved with GoodTemps.
- Continuance of ability to contract out additional positions such as Lifeguard and Playground Leader, which other temporary services will not agree to due to corporate restrictions.

FINANCIAL IMPACT: Seasonal and temporary services are projected to cost approximately $600,000 during 2008.

BUDGET ACTION REQUIRED: Financial resources allocated for in the 2008 budget.

STAFF RECOMMENDATION: Staff recommends and requests approval of a one-year extension of the City's contract with GoodTemps Temporary Staffing Services.

H. <u>Traffic Crash Reporting System Use Agreement.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement with the Michigan State Police which will allow for the electronic submission of traffic crash data. This method of submitting data is now possible as a result of the implementation of the new county-wide records management system.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

I. <u>Purchase of Audio Visual Presentation System.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: Public Safety staff request that the Commission approve the purchase of an audio visual presentation system for the community room at Central Fire. This room will be utilized for not only fire but police training as well. Bids have been solicited for this system. We could only locate two vendors in the region who provide these systems. Only one of the vendors responded. Central Interconnect Inc., of Grand Rapids submitted a bid of $8,969.12 for the system. In speaking with other agencies we found this bid to be appropriate for similar systems that have been installed.

FINANCIAL IMPACT: Funds from the Criminal forfeiture account will be used to pay for this system.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

L. <u>Accept Resignations from Various Boards.</u> CITY CLERK

SUMMARY OF REQUEST: To accept the resignation of Christopher

VanOosterhout from the Downtown Development Authority and of Mary Jo McCann from the Muskegon Housing Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignations.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended acceptance of the resignations at their November 5th meeting.

Motion by Commissioner Carter, Second by Commissioner Wierengo to approve the Consent Agenda as read minus items J and K.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2007-100 ITEMS REMOVED FROM THE CONSENT AGENDA:

J. <u>Write Off of Invoices for 487 W. Clay.</u> CITY MANAGER

SUMMARY OF REQUEST: To write off invoices in the amount of $965.37 for 487 W. Clay. The property has a new owner (The Muskegon Heritage Association) and they have requested that they not be held responsible for these costs. This action is consistent with the City Financial Policies with respect to adjusting uncollectible accounts.

FINANCIAL IMPACT: $965.37.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the write off of invoices for 487 W. Clay.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

K. <u>Engineering Services for the Design of Drainage Facility at West Branch of Ruddiman Creek and Vacated Greenwood Street.</u> ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Prein & Newhof to perform the design services to replace the existing culvert at the westerly branch of Ruddiman Creek at vacated Greenwood Street. The $14,828.50 of not to exceed fee will be shared between the cities of Norton Shore, Roosevelt Park and the City of Muskegon based on previously established percentages.

Prein & Newhof is being recommended after review of five proposals that were received based on their fee, hours and scope of services.

FINANCIAL IMPACT: The City's share of about 34% of the fee.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an engineering services agreement with Prein & Newhof contingent upon concurrence by the other involved cities' approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Engineering Services for the design of drainage facility at west branch of Ruddiman Creek and vacated Greenwood Street with the amendment of the City's share of 37% of the fee.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

2007-101 NEW BUSINESS:

A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1497 Division.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 1497 Division – Area 12, is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1497 Division.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 5:57 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk