

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 24, 2020 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440
REMOTE MEETING**

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, November 24, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron (Muskegon, MI), Vice Mayor Eric Hood (Muskegon, MI) Commissioners Ken Johnson (Muskegon, MI), Dan Rinsema-Sybenga (Bradenton, FL), Willie German, Jr. (Muskegon, MI), Teresa Emory (Muskegon, MI), and Michael Ramsey (Muskegon, MI), City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

HONORS AND AWARDS: Mayor Steve Gawron announced that the City of Muskegon's application was accepted to participate in a 6-week program with the Mayor's Institute of City Design. We will present our project and receive recommendations from the Institute. The project submitted focuses on seeking greater investment parity city-wide by initially targeting increasing commercial development opportunities in the historically under-invested, and racially diverse Jackson Hill neighborhood. We are currently updating the city's Master Plan and would like to integrate the 2020 Census data that would support and inform land use and transportation decisions outlined in the Plan. Our goal is to understand how this data can be utilized to spur neighborhood-centric commercial development and create new employment opportunities in that particular neighborhood at this time, where 44.6% of the residents live at or below the poverty line. We have an opportunity to do a focused study and develop some good project parameters that could be utilized there. As we go beyond, we can see how that experience can help us in all of our neighborhoods. Planning and Economic Development have done great work to get this plan and application submitted.

PUBLIC COMMENT ON AN AGENDA ITEM: Public comments were received.

2020-86 IMMEDIATE ACTION REQUESTED:

A. Remote Meeting Procedures City Clerk

SUMMARY OF REQUEST: Public Act 228 of 2020 amended the Open Meetings Act to allow for electronic meetings. The Act requires that if the City wishes to conduct electronic meetings, that it adopts electronic meeting procedures.

Public Act 228 of 2020 amended Section 3 of the Open Meeting Act (OMA) and added Section 3a to the OMA to permit, in certain circumstances, public bodies to meet electronically and to permit members of those public bodies to participate in, and vote on, business before the public body remotely.

The Act requires the public body, as defined in Section 2(a) of the OMA, being the City Commission, including all boards, commissions, committees, subcommittees, or authorities of the City of Muskegon, to establish procedures to ensure compliance with the requirements of the Act related to electronic meetings. It is recommended that the City Commission establish the presented electronic meeting procedures for itself and all of the public bodies of the City to comply with this statutory requirement.

STAFF RECOMMENDATION: To establish the procedures to permit the City Commission and all other public bodies of the City of Muskegon to meet electronically and vote on business before the public body remotely.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to establish procedures to permit the City Commission and all other public bodies of the City of Muskegon to meet electronically and vote on business before the public body remotely.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to amend Section C of the proposed procedures to require that if an agenda exists for an electronic meeting, the agenda for that meeting shall be made available to the public at least 12 hours before the electronic meeting begins by posting the agenda on the portion of the City's website that is fully accessible to the public.

ROLL VOTE: Ayes: Ramsey, German, Rinsema-Sybenga, Emory, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

VOTE ON ORIGINAL MOTION:

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: None

MOTION PASSES

2020-87 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the November 9, 2020 Work Session Meeting, the November 10, 2020 Regular City Commission meeting, and the November 13, 2020 Special City Commission Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. 2020-2021 School Resource Officer Agreement Public Safety

SUMMARY OF REQUEST: Review and approve the School Resource Officer Agreement proposed for employment of one Muskegon Police Department officer for the 2020-2021 school year. This agreement includes a 3% increase for a total of \$24,190.40 paid to the City of Muskegon between September 2020 and June 2021.

STAFF RECOMMENDATION: Approval of the 2020-2021 School Resource Officer Agreement.

C. 2020-2021 Winter Parking Ordinance Amendment Public Safety

SUMMARY OF REQUEST: Revise LO09 of the effected city ordinance (92-71), staff received information that the current ordinance was problematic in our downtown designated area. With the increase of full-time residents living downtown parking is a premium throughout the day and night. Staff is proposing a change to the downtown area to accommodate residents and business patrons that the frequent the designated area.

STAFF RECOMMENDATION: Approval of the amended Parking Ordinance as it pertains to Winter Parking.

D. Ramos Towing Agreement Public Safety

SUMMARY OF REQUEST: Extension of the current contract with Ramos Towing for (2) two years. The next renewal date will be January 1st 2023. No changes to the current service and fee schedule are expected during the 24 (twentyfour) month extension.

STAFF RECOMMENDATION: Approve a 24 (twenty-four) month service agreement with Ramos Towing.

E. Social District Permit Recommendation Economic Development

SUMMARY OF REQUEST: The City Commission must recommend approval of the Michigan Liquor Control Commission permits of participating licensed establishments in the Downtown Muskegon Social District.

With the establishment of the Downtown Muskegon Social District, participating licensed establishments must receive a Social District permit from the Michigan Liquor Control Commission. The MLCC must first receive a recommendation for

approval from the City Commission before granting the permits. You handled the initial eight such requests at your August 25 and September 8 meetings. The attached resolution is for Ingalls Business AQ (dba Mike's Inn) which is also seeking a Social District permit from the state and seeking City Commission recommended approval. The Social District Plan identifies 22 potential participating licensees within the district. Other licensed establishments may file a Social District permit application in the future.

STAFF RECOMMENDATION: To approve the resolution recommending Michigan Liquor Control Commission approval of Social District permits in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.

F. MERS Defined Benefit Plan Adoption Agreements Addendum Finance

SUMMARY OF REQUEST: MERS of Michigan, our Pension Plan Administrator, is asking all clients to complete and update plan adoption agreements so they can ensure the details of our plans are accurately documented. Staff is seeking our approval of the Defined Benefit Plan Agreement Addendums presented.

MERS of Michigan is asking the City of Muskegon to review and update our Defined Benefit Plan Adoption Agreements for each of our six divisions, Non-Union, Clerical, 517 m DPW, Police Patrol, Police Command, and Fire. The Plan Adoption Agreement Addendums for each division are attached. Please note we have not changed any of the provision of our plans, this is a MERS request so they can ensure accuracy. Please note that the Addendums for our Defined Contribution Plans will be brought to you at our next meeting.

STAFF RECOMMENDATION: To approve the MERS Defined Benefit Plan Adoption Agreement Addendums as presented.

**G. PRI Document Approval – Jackson Hill Infill Housing Loan
Development Services**

REMOVED PER STAFF REQUEST

H. Trinity Village (COGIC Village) PILOT Agreement Termination Treasurer

SUMMARY OF REQUEST: To terminate the payment in lieu of taxes (PILOT) agreement with Trinity Village for the COGIC Village housing project.

We were recently notified by a representative of KMG Prestige, property manager for COGIC Village, that the property had been sold in August of 2019 to MASH – COGIC Muskegon LDHA Association, LLC. At the time the property was sold, the qualifying load was paid off. As such, the property no longer qualifies for PILOT status, and we need to take official action to terminate the original agreement. After termination, the county's Equalization Department will notify the owners of the termination, and determine the proper classification to return the property to the city's tax roll.

STAFF RECOMMENDATION: To approve the resolution to terminate the Contract for Housing Exemption with Trinity Village Non-Profit Housing Corporation.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Ramsey, to approve the consent agenda as presented.

ROLL VOTE: Ayes: Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, Ramsey, and German

Nays: None

MOTION PASSES

2020-88 PUBLIC HEARINGS:

A. Beach Street Utility Special Assessment Public Works

SUMMARY OF REQUEST: Conduct the first Public Hearing for the Beach Street Aerial Utility Burial Special Assessment to create the special assessment district inclusive of all properties shown in the attachment, appoint two Commissioners to the Board of Assessors, and adopt the resolution.

Staff has been petitioned by property owners along Beach Street to have the aerial communication utilities (Frontier Communications and Comcast Cable) buried within the above referenced limits. Staff has reviewed the request and additional documentation/detail is attached along with a preliminary staff summary.

Staff will present the results of the property owner mailers at the Public Hearing as well as take any public comment on the special assessment. The proposed special assessment district properties are shown in the attachment. Staff is requesting two Commissioners be appointed to the Board of Assessors along with the County Assessor's office to prepare the assessment roll.

STAFF RECOMMENDATION: To close the public hearing, appoint two Commissioners to the Board of Assessors, and approve the resolution.

PUBLIC HEARING COMMENCED:

Darryl Bell – 1668 Beach Street – looking for clarification

Kevin Eaton – 1646 Beach Street – opposed as all lines are not included

Reid Heredowich (grandson) at 1650 Beach Street – opposed

Bernadette Thomas – 1790 Beach Street – clarify timing of project – why wasn't it done with road work.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to close the public hearing, appoint Commissioner Rinsema-Sybenga and Commissioner Emory to the Board of Assessors and approve the resolution.

ROLL VOTE: Ayes: Emory, Gawron, Hood, Ramsey, and Rinsema-Sybenga

Nays: German

MOTION PASSES

2020-89 NEW BUSINESS:

A. Amendment to the Zoning Ordinance - Marihuana Planning

SUMMARY OF REQUEST: Staff-initiated request to amend the zoning ordinance to allow for Microbusinesses, Designate Consumption Establishments, Class A Recreational Grows, (Up to 100 plants), Class B Recreational Grows (Up to 500 plants), Class A Medical Grows (Up to 500 plants) and temporary marihuana events as a special use permitted in I-1, I-2, MC, B-2, and B-4 zoning districts.

The Planning Commission voted in favor of the ordinance amendment with the following conditions:

Any adult -use marihuana business shall not be located within a 500-foot radius of any property occupied by: (1) a public playground, (2) a public park, (3) public housing, (4) a religious institution, (5) a public or private, vocational school, college, junior college, or university, (6) a state-licensed child care center or pre-school, (7) any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails) or public recreation facility, (8) a youth center, (9) a juvenile or adult halfway house, (10) correction facility or rehab center.

STAFF RECOMMENDATION: To approve the request to amend the zoning ordinance to allow for Microbusinesses, Designated Consumption Establishments, Class A Recreational Grown, Class B Recreational Grows and temporary marihuana events as a special use permitted in I-1, I-2, MC, B-2, and B-4 zoning districts.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to table the zoning ordinance amendment until the January 27, 2021 Legislative Policy Committee meeting.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, Emory

Nays: None

MOTION PASSES

B. Community EnCompass Infill Housing Development Agreement and Funding Economic Development

REMOVED PER STAFF REQUEST

ANY OTHER BUSINESS: Commissioner German requested an update from Chief Lewis regarding crime in the city and how we are resolving issues.

Dave Alexander provided an update from the DDA meeting regarding the

Lakeshore Art Festival and Taste of Muskegon. Both events are to be administered by the City Clerk's Office with Dave Alexander providing regular updates to the Downtown Development Authority.

PUBLIC COMMENT: Public Comments received.

2020-90 CLOSED SESSION:

A. Discussion of Pending Litigation

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to go into closed session to discuss pending litigation, Hilton vs. City of Muskegon and Ann Meisch.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: None

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, to come out of closed session.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, Rinsema-Sybenga, Emory, and Johnson

Nays: None

MOTION PASSES

Motion by Commissioner German, second by Commissioner Johnson, to follow recommendation of counsel discussed in closed session.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, and Ramsey

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission meeting adjourned at 7:57 p.m.

Respectfully Submitted,

Ann Marie Meisch – MMC, City Clerk