

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 24, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Amendment to the Zoning Ordinance – Modify “Exempt Signs”.
PLANNING & ECONOMIC DEVELOPMENT
 - C. Amendment to the Zoning Ordinance – Article II, Definitions.
PLANNING & ECONOMIC DEVELOPMENT
 - D. Towing Contract. PUBLIC SAFETY
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER’S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Moratorium on Fees for 2010 Vacant Buildings. PLANNING &
ECONOMIC DEVELOPMENT
- ❑ ANY OTHER BUSINESS:
- ❑ PUBLIC PARTICIPATION:
 - *Reminder: Individuals who would like to address the City Commission shall do the following:*
 - Fill out a request to speak form attached to the agenda or located in the back of the room.
 - Submit the form to the City Clerk.
 - Be recognized by the Chair.
 - Step forward to the microphone.

- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: November 24, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the November 9th Commission Worksession, and the November 10th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
November 9, 2009
City Commission Chambers
5:30 PM

MINUTES

2009-93

Present: Commissioners Carter, Wierengo, Wisneski, Gawron, and Spataro.

Absent: Commissioners Warmington and Shepherd.

Laketon Township Intergovernmental Sewer System Maintenance Agreement.

Robert Kuhn, Public Works Director, gave an overview of the proposed Laketon Township Intergovernmental Sewer System Maintenance Agreement that the Commission will consider at its November 10, 2009 meeting.

Marsh Field Operations and Maintenance Proposal – Lakeshore Baseball Club.

Robert Kuhn, Public Works Director, presented a proposed management agreement for the Marsh Field baseball facility with Lakeshore Baseball Club. The proposed agreement is for three years with an option to extend the agreement. The City Attorney is currently reviewing the agreement.

Vacant Building Issue.

Mike Cameron, Planning Department, gave an update of the Vacant Building Ordinance. The ordinance has been changed since its original adoption to accommodate specific needs and situations that have come to light. Mr. Cameron cited some examples in which the ordinance has been proved effective.

Engineering Services to Muskegon Heights.

The City of Muskegon proposes to offer engineering services to Muskegon Heights for a road project from Sherman to Harvey on Getty Street.

Adjournment

Motion by Commissioner Wisneski, seconded by Commissioner Wierengo to adjourn at 6:35 p.m.

MOTION PASSES

**Ann Marie Becker, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 10, 2009

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 10, 2009.

Vice Mayor Gawron opened the meeting with a prayer from Commissioner Spataro after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Mayor Stephen Warmington and Commissioner Clara Shepherd (both excused).

2009-94 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 27, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Clean Indoor Air Regulation Policy. CIVIL SERVICE

SUMMARY OF REQUEST: Pursuant to the Muskegon County Clean Indoor Air Regulation, the City is required to adopt a policy prohibiting smoking in all enclosed worksites and public places as specified in Sections 1005-1007 of the Regulation.

FINANCIAL IMPACT: Minimal.

BUDGET ACTION REQUIRED: None. Required signage purchased from 2009 budget allocation.

STAFF RECOMMENDATION: Staff respectfully requests City Commission approval

of the Clean Indoor Air Regulation Policy proposal.

C. Water Rate Adjustments. FINANCE

SUMMARY OF REQUEST: The City intends to hold residential/commercial water commodity charges at current levels for 2010. However, staff is recommending the following minor changes to the City's water rate schedule to facilitate operational issues, including implementation of monthly utility billing:

- Set the delinquent payment penalty to 0% for the period from December 1, 2009 until April 1, 2010 to allow citizens to become familiar with the monthly billing cycle;
- Establish credits of \$0.75 (each) for participation in the City's eBill and/or Autopay programs. Customers participating in both programs will save \$18/year;
- Put into resolution form the longstanding practice of billing non-resident water users not covered by separate agreement at two times the City's water rate.

FINANCIAL IMPACT: The proposed water rate adjustments will facilitate implementation of monthly billing and facilitate the streamlining of operations by encouraging participation in cost-effective billing and payment programs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Adoption of the fee adjustment resolution.

D. Consideration of 2010 COLA for Retirees. FINANCE

SUMMARY OF REQUEST: It is time to consider whether an annual cost of living adjustment (COLA) should be awarded to City retirees. Under the City's COLA program, permanent cost of living increases are made to pensioners retired five years or more. COLA payments are capped at 75% of the CPI and are payable only when investment performance exceeds estimates and the COLA is deemed affordable. In 2009, a 0.50% COLA was granted.

The collapse of the financial markets in late 2008 took a big toll on the City's pension funds as noted in the most recent actuarial valuation:

"The dramatic price declines across the world financial markets in 2008 led to volatility unlike any experienced in decades. 2009 has continued to be only somewhat less volatile....If the December 31, 2008 valuation results were based on market value on that date instead of 10-year smoothed funding value: i) the funded percent of your entire municipality would be 72% (instead of 100%); and ii) your total employer contribution requirement for the fiscal year starting January 1, 2010 would be \$4,427,460 (instead of \$1,084,944). If the investment markets do not turn around, employer contribution requirements can be expected to rise. MERS is doing everything it

can to make sure that if this proves to be the case, the increases are incremental as opposed to steep.”

Given the unprecedented economic and investment environment we are in and the severe market losses suffered by the City’s pension funds, staff is recommending no retiree COLA be awarded for the year beginning January 1, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Commission action affirming staff’s recommendation that no COLA increase be granted to City retirees in 2010.

E. Control System Annual Software Support. WATER FILTRATION

SUMMARY OF REQUEST: Renewal of the annual customer support for the Wonderware control system software at the Water Filtration Plant.

FINANCIAL IMPACT: A one-time cost of \$9,946.76.

BUDGET ACTION REQUIRED: None. This item is budgeted.

STAFF RECOMMENDATION: Staff requests authorization to renew the annual software customer support agreement at a cost of \$9,946.76 for 2010.

F. Request to Deny Acceptance of Three Vacant Lots that were not Sold During the Tax Sale for 2009. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon held two delinquent tax auctions during 2009. There were three properties left after the last auction. According to the State’s new tax laws, the City must state that they are not interested in obtaining them, otherwise the City will automatically receive them. From the list that was provided, all three parcels are vacant non buildable lots.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny acceptance of the three vacant lots and authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended not to accept the properties at their meeting of October 27, 2009.

G. Request for Encroachment Agreement for 1983 Lakeshore Drive – Marine Tap Room, Inc. ENGINEERING

SUMMARY OF REQUEST: Marine Tap Room, Inc. has submitted an encroachment agreement form requesting your permission to place a sign on their property which will extend over public sidewalk.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

H. Engineering Services to Muskegon Heights. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to negotiate an engineering services agreement with Muskegon Heights to survey, design and provide construction oversight for the reconstruction of Getty Street.

Furthermore, should the City Manager and Attorney find the agreement acceptable; the Manager be authorized to execute said agreement.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to negotiate and execute the agreement.

I. Revocation of Industrial Facilities Tax Exemption Certificate for RC Productions. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, the City of Muskegon requests that the Industrial Facilities Tax Exemption Certificate (number 99-700) for RC Productions at 1756 Lakeshore Drive be revoked. The industrial activity for which the certificate was granted is no longer in production at this location.

FINANCIAL IMPACT: The business will now be charged the full tax rate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends revocation of the IFT.

J. Appointment to the District Library Board. CITY CLERK

SUMMARY OF REQUEST: To appoint Clayton Hardiman to the District Library Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended this appointment at their November 9th meeting.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2009-95 NEW BUSINESS:

A. Laketon Township Intergovernmental Sewer System Maintenance Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: Approve the agreement between Laketon Township and the City of Muskegon DPW to enter into a Sewer System Operation and Maintenance Agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Laketon Township Intergovernmental Sewer System Maintenance Agreement.

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

Nays: None

MOTION PASSES

B. Madison Street Fire Station Purchase Request. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Jon Ritz, of Ritz Properties, is offering a bid of \$10,000 for the fire station that is for sale at 1774 Madison Street. The building would be used to start a new business, Muskegon Handiman Services, LLC. The company would offer small scale handyman services and would employ up to three people. Ritz Properties was approved for a special use permit for the property during the October Planning Commission meeting, contingent upon purchase of the building.

FINANCIAL IMPACT: Purchase price of \$10,000; \$635 annually from income tax of three jobs; \$620 annually from property taxes.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the sale of the building.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the sale of the Madison Street Fire Station as requested.

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

Nays: None

MOTION PASSES

C. Acquisition of Property for a Right Turn Radius through Eminent Domain Portion of 1813 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City had sent a letter to Samei Btk, owner of 1813 S. Getty on July 14, 2009, with an offer of \$500 to purchase a small corner of the parking area of the property. He declined the offer. The County Equalization Department has placed a value on the portion that the City would need to obtain and that amount is \$758.44. Staff sent a second letter on October 23, 2009 with an offer of \$758.44. The owner has not accepted nor made a counter offer. It is necessary to begin eminent domain proceedings in order to acquire the property.

FINANCIAL IMPACT: The sum of \$1,000 will need to be placed with the County Treasurer's Office to show that the funds are segregated.

BUDGET ACTION REQUIRED: To allow payment of \$1,000 from the Public Improvement Fund.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and Declaration of Taking with the City Engineer to sign the Affidavit of Deposit.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the acquisition of property for a right turn radius through Eminent Domain for a portion of 1813 S. Getty Street.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 5:43 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: November 24, 2009

Date: November 13, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Modify “Exempt Signs”

SUMMARY OF REQUEST:

Staff initiated request to amend Section 2334, #5 (f) (Signs) of Article XXIII to modify “Exempt Signs”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to modify the “Exempt Sign” language.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/12 meeting. The vote was unanimous with B. Smith absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

December 11, 2008

Hearing; Case 2009-23: Staff-initiated request to amend Section 2334, #5 (f) (Signs) of Article XXIII to modify “Exempt Signs”.

BACKGROUND

Recently a new sign was proposed for identifying the new stage area in the common area between the DMDC property and Third Street, recently referred to as the “Third Street Commons”. Our present zoning ordinance made no provisions for this type of signage. In an attempt to keep our zoning ordinance reflecting the times, the following amendment to the “Exempt Signs” section of the sign ordinance is proposed.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in bold:

- 5. f. Historic markers, wall signs identifying the names of a building, place or date of erection of a structure.

DELIBERATION

I move that the amendment to Section 2334, (Signs) #5, (f) of Article XXIII, to modify “Exempt Signs, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2334, #5 (f) (Signs) of Article XXIII (General Provisions), to modify the language for "Exempt Signs".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Amendment to Article XXIII, Section 2334, #5 (f): Exempt Signs:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

5. f. Historic markers, **wall** signs identifying the names of a building, **place** or date of erection of a structure.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 24th day of November, 2009, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2009.

Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 24, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334, #5 (f) (Signs) of Article XXIII (General Provisions) amending language to modify "Exempt Signs".

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2009.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Commission Meeting Date: November 24, 2009

Date: November 13, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Article II, Definitions

SUMMARY OF REQUEST:

Staff initiated request to amend Article II, Definitions, to modify the definition for “mezzanine”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to modify the definition for “mezzanine”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/12 meeting. The vote was unanimous with B. Smith absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 12, 2009

Hearing; Case 2009-22: Staff initiated request to amend Article II, Definitions, to modify the definition for “mezzanine”.

BACKGROUND

Over the past couple of years, several requests were received by the Planning Department to construct mezzanines in certain 2-story homes with high ceilings. Due to the current language these weren't allowed, even when the total height of the house was within the height limit. By making this change to the definition, our ordinance would be more in keeping with requests by home owners to make use of previously wasted space in cathedral ceilings, which is a trend in new homes, and additions to existing homes. The present definition is as follows:

Mezzanine: An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

New Definition:

Mezzanine: A small extra floor between one floor of a building and the next floor up, or if no floor above then the ceiling next above. The mezzanine shall not occupy more than one-third (1/3) of the floor area of such story below it and at least one wall must be open to the adjacent living space below. In no case shall a mezzanine expand the roofline, such as with a dormer.

DELIBERATION

I move that the amendment to Article II, Definitions, to amend the definition of “mezzanine”, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article II (Definitions), to modify the definition of "mezzanine".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Amendment to Article II, Definitions:

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

New Definition:

Mezzanine: A small extra floor between one floor of a building and the next floor up, or if no floor above then the ceiling next above. The mezzanine shall not occupy more than one-third (1/3) of the floor area of such story below it and at least one wall must be open to the adjacent living space below. In no case shall a mezzanine expand the roofline, such as with a dormer.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 24th day of November, 2009, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2009.

Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 24, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) modifying the definition of "mezzanine".

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2009.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

CITY COMMISSION MEETING
Thursday, November 19, 2009

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker

DATE: November 24, 2009

SUBJECT: Towing Contract

SUMMARY OF REQUEST:

Public Safety staff requests that the Commission extend the current towing agreement with Campbell Towing, 2462 Getty Street through October 31, 2010. This extension was provided for in the original agreement that was authorized in January of this year.

FINANICAL IMPACT:

None

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approval of this request.

Commission Meeting Date: November 23, 2009

Date: November 17, 2009
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Moratorium on fees for 2010 Vacant Buildings

SUMMARY OF REQUEST: Request to approve a moratorium on fee's charged to owners of vacant buildings that are entering their second years billing cycle in 2010. Eligibility for the moratorium of fee would be determined based on certain criteria included on the attached staff memo.

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of a fee moratorium for vacant building invoices meeting the approved criteria.

COMMITTEE RECOMMENDATION: None

Memo

To: Honorable Mayor and City Commission
Cc: Bryon Mazade, City Manager
From: Mike Cameron
Date: November 10, 2009
Re: Vacant Building Registration Moratorium

Staff believes a billing moratorium, with conditions, could be initiated for the year of 2010. This would only impact the structures that are about to enter their second vacant building billing cycle in 2010. Additionally, this moratorium would apply only to structures that meet certain criteria. The criteria used would help insure that the structure is being properly maintained and the owners are current on all their responsibilities to the various city departments.

The criteria staff feels a vacant building would have to meet to qualify for a moratorium of fee are:

1. All taxes & fees, such as property taxes, mowing charges, past vacant building registration fees, landlord registrations, business registrations and any other applicable fees, must be fully paid and current.
2. All city supplied utilities for the property must be fully paid.
3. There are no environmental letters sent to the address or work performed at the address in the vacancy years in question.
4. The building owner can demonstrate that they have made recent investments in the vacant building during the vacancy period or in the case of a building in good condition, they have continued to provide the necessary financial support for the building to be in usable and move-in condition.
5. The property has been listed for sale with a professional realty firm during the past vacancy period and is currently listed for sale with a professional realty firm.

Due to the complexities of the overall program, city staff would utilize our current appeal process to administer the moratorium and the owners that feel they qualify would be required to apply for the moratorium within thirty days after receiving an invoice. To make the public aware of this opportunity, we would mail a notice to each qualified building owner informing them of the moratorium and its requirements to qualify. If the owner felt they could meet the criteria, they would apply, with any necessary supporting documentation. If they do not meet the criteria we would hope they would not apply for it and consume staff time with the reviews.

Because of the criteria that must be met and the large number of structures that we will be billing, staff would not be able to review all the invoices prior to billing. We simply do not know if all of the structures can meet the criteria and we do not have the staff to make those determinations in advance.

Using the appeal process, staff can make the determination by requiring the owner to provide some of the above listed information and this will cut down on staff time spent. Even so, this will increase the amount of time staff must spend processing paperwork for this program. We currently expect to process 202 cases that will fall into the second year criteria and this number will continue to rise as inspectors find more vacant structures which have been vacant for many years.