CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 14, 2006

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 14, 2006.

Mayor Warmington opened the meeting with a prayer from Reverend Michael Borgert from the First Christian Reformed 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, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

Absent: Commissioner Kevin Davis (Excused)

2006-90 HONORS AND AWARDS:

A. Mrs. Ruth David. Mayor Warmington presented Mrs. Ruth David's family with a resolution in honor of her contributions to the City. They were also given her reserved-parking sign.

Mayor Warmington sent condolences to Gerald Moore and family on the death of the former City Treasurer Shirley Moore.

2006-91 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 24, 2006.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Transfer Request – Racquets Downtown Grill, 446 W. Western Ave. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Downtown Pinnacle Properties, LLC, to transfer ownership of the 2006 Class C-SDM licensed business with Dance-Entertainment permit from Southbound, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

C. **Liquor License Transfer Request – H & J, Inc., 939 E. Laketon.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Sung Jung to transfer ownership of the SDM licensed business located at 939 E. Laketon from H & J, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

D. **Sale of Buildable Vacant Lot at 1361 Albert Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1361 Albert Avenue (Parcel #24-611-000-0291-00) to Terence Sykes. The lot is 100 x 140 ft. and is being offered to Mr. Sykes for $8,000. A single family home will be constructed. The home will have a two stall attached garage, four bedrooms, and two bathrooms. The square footage of the home will be approximately 1810 square feet.

FINANCIAL IMPACT: The sale of this lot for the construction of a single family home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

E. **SECOND READING: Zoning Ordinance Amendment – Planning Commission Notice Mailing Area.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2405 (Petitions, Fees, paragraph #2) of Article XXIV (Administration and Enforcement) regarding the 300 foot notice mailing area for Planning Commission public hearings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language for Planning Commission public hearing notices.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 12th meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

F. **SECOND READING: Zoning Ordinance Amendment – Aggrieved Parties Language.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2503 (Appeals, Applications, Filing Procedure and Fees, paragraph #1) of Article XXV (Zoning Board of Appeals) regarding "aggrieved parties" language.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language for "aggrieved parties".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 12th meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

G. **SECOND READING: Zoning Ordinance Amendment – Zoning Board of Appeals Newspaper Public Notice.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding newspaper notice of Zoning Board of Appeals public hearings.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 12th meeting. The vote was unanimous with T. Harryman, S. Warmington, and J. Aslakson absent.

J. **Replacement Sodium Hypochlorite Application Pumps.** WATER FILTRATION

SUMMARY OF REQUEST: To replace the existing sodium hypochlorite (disinfectant) pumps at the Water Filtration Plant.

FINANCIAL IMPACT: The replacement of two chemical application pumps at a cost of $10,812.

BUDGET ACTION REQUIRED: None, the replacement of these pumps is budgeted.

STAFF RECOMMENDATION: Staff recommends purchasing the replacement sodium hypochlorite pumps from Matoon & Lee at a cost of $10,812.

K. **Accept Resignations and Make Appointments to Various Boards and Committees.** CITY CLERK

SUMMARY OF REQUEST: To accept resignations from Cara Taylor – District Library Board; and Brett Sova – Citizen's Police Review Board. To appoint Craig Brown – District Library Board; and Kari Tyler – Citizen's Police Review Board (contingent upon background check).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The Community Relations Committee recommended approval at their November 13th meeting.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Consent Agenda as read less items H and I.

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

Nays: None

MOTION PASSES

2006-92 ITEMS REMOVED FROM THE CONSENT AGENDA:

H. **Resolution of Support for Muskegon Area Sustainability Coalition.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the "Resolution of Support for Muskegon Area Sustainability Coalition". The resolution states that the City of Muskegon endorses the "Coalition" and "embraces the development of sustainability planning on a best effort basis".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Commission discussed the efforts of the Coalition at their October 9th Work Session and requested that a resolution of support be prepared.

Motion by Commissioner Wierengo, second by Commissioner Carter to approve

the "Resolution of Support for Muskegon Area Sustainability Coalition".

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

Nays: None

MOTION PASSES

I. Budgeted Vehicle Purchases. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two Ford Focus 4-door wagons from Great Lakes Ford.

FINANCIAL IMPACT: Total cost $27,320.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the purchase of two Ford Focus four-door wagons from Great Lakes Ford.

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

Nays: None

MOTION PASSES

2006-93 NEW BUSINESS:

A. Consideration of Bids: Fifth Street Landscaping, Merrill Avenue to Western Avenue. ENGINEERING

SUMMARY OF REQUEST: Award the contract for landscaping and installation of the customized concrete sidewalk along Fifth Street from Merrill Avenue to Western Avenue to Muskegon Quality Builders, Inc. of Muskegon Heights, MI since they were the lowest responsible bidder with a bid price of $47,859.82.

FINANCIAL IMPACT: The construction cost $47,859.82 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Muskegon Quality Builders, Inc.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to award the contract for the Fifth Street landscaping of Merrill Avenue to Western Avenue to Muskegon Quality Builders, Inc.

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

Nays: None

MOTION PASSES

B. <u>Parking Ramp Purchase Agreement.</u> CITY MANAGER

SUMMARY OF REQUEST: To enter into a new purchase agreement with Press's Development, LLC, for the purchase of the Clay Street Parking Ramp. This agreement will supersede the previous agreement to purchase the ramp. The price remains the same, but the actual property conveyance will not occur until the ramp is demolished.

FINANCIAL IMPACT: $100,000 to the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement.

COMMITTEE RECOMMENDATION: The City Commission has previously approved the sale of the ramp.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the new purchase agreement with Press's Development, LLC, for the purchase of the Clay Street Parking Ramp.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington announced that Commissioner Spataro represented the City at a summit reference the homeless situation and received a leadership award on behalf of the City for our ten year plan to abolish homelessness.

Also mentioned was the condition of streets at Hartford and Peck and Spring and Apple.

ADJOURNMENT: The City Commission Meeting adjourned at 5:53 p.m.

Respectfully submitted,

Linda Potter, CMC
Acting City Clerk