

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 28, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ☐ CALL TO ORDER:
- ☐ PRAYER:
- ☐ PLEDGE OF ALLEGIANCE:
- ☐ ROLL CALL:
- ☐ HONORS AND AWARDS:
- ☐ INTRODUCTIONS/PRESENTATION:
- ☐ CITY MANAGER'S REPORT:
- ☐ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Sodium Hypochlorite Storage Tank #2 Repairs. PUBLIC WORKS
 - C. Amendment to the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT
 - D. Consulting Services with Michigan Municipal League. AFFIRMATIVE ACTION & RISK MANAGEMENT
 - E. Ground Lease and Option to Purchase for Nims Neighborhood Park Playground. PLANNING & ECONOMIC DEVELOPMENT
 - F. Marketing and Image. CITY MANAGER
- ☐ PUBLIC HEARINGS:
- ☐ COMMUNICATIONS:
- ☐ UNFINISHED BUSINESS:
- ☐ NEW BUSINESS:
- ☐ 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 CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: October 23 2014

We have a number of items on the agenda, and I thought you could use a little background on some of them as you prepare for our meeting next week.

1. Under the consent agenda, we are asking the Commission to accept the recommendation of the Planning Commission to expand the zoning districts for medical marihuana businesses.
2. We are asking for permission to engage the Michigan Municipal League to assess our currently active staff positions, and write new job descriptions for each position that better-reflects the realities of our organizational structure today. Over the past decade or more, many positions have changed or combined with other positions, and this will give us a better understanding of each employee's primary and secondary functions. I expect this will also help us from a recruiting aspect, as it will help us better-identify the skills/traits needed to adequately fill any vacant positions. I am recommending that we utilize the MML for this service, as I have used them for such a project in the past; they are in the best position to provide relevant and accurate information and recommendation on public sector employment trends in Michigan.
3. We are asking the Commission to authorize the lease of land to the NIMS neighborhood association for the purpose of installing a neighborhood park.
4. We are asking the Commission to authorize a budget of \$20,000 for image-related activities. We expect the budget to be spent on developing and implementing a marketing strategy, refreshing some entry way signage, and partnering with other agencies like the CVB and the Chamber of Commerce, as well as with private businesses, to better market our community to its residents and visitors. We have already secured some partnerships, and fully expect to leverage more dollars from the community to have the far greater impact than \$20,000.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

Date: October 28, 2014
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the October 13th Commission Worksession Meeting, and the October 14th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
October 13, 2014
City Commission Chambers
5:30 PM

MINUTES

2014-76

Present: Commissioners Hood, German, Rinsema-Sybenga, Gawron, Johnson, Turnquist, and Spataro.

Absent: None.

Muskegon Bike Time – Request for a 5-Year Commitment for Bike Time 2015-2019.

Muskegon Bike Time has submitted a request for a five-year commitment from the City to host Bike Time downtown. There are no major changes from the way Bike Time has operated in the past. This year, 2014, was the first year that Bike Time was operated by a local group and they are requesting a 5-year agreement to make planning the event easier.

This item has been placed on the October 14, 2014 City Commission meeting for consideration.

Taser (X26-P) Units for the Police Department.

The Director of Public Safety requests the City Commission review and authorize the purchase and implementation of the “Taser x26p” force continuum tool (less than lethal device). The police department is submitting a request for the purchase of twenty-five (25) units (safety yellow), and accessories. The department currently does not have a force continuum tool with the exception of “impact weapons” and “CS gas” (spray). The department believes risk to citizens and police officers may be reduced and research supports a reduction in excessive force claims. The purchase and implementation will be coordinated with officer training, department policy, followed up by “use of force reporting” and supervisory review on all TASER activations.

This item has been placed on the October 14, 2014 City Commission meeting for consideration.

Any Other Business.

West Michigan Lake Hawks – City Support.

After a successful season in 2013, the West Michigan Lake Hawks have requested assistance from the City of Muskegon for their 2014 Season. Staff has proposed providing financial assistance through the purchase of game tickets, which would be provided to local groups working with youth (similar to the arrangement with the Muskegon Lumberjacks). The majority of games for the season will be played at the Muskegon Heights and Reeths Puffer High Schools. However, staff has suggested the team attempt to get at least one game at Muskegon High School (in which case additional funds may be needed for the higher cost of the facility).

Staff recommends the City Commission consider purchasing 20 tickets at \$10 each for each home game (13 games this season) for a total of \$2,600; as well as 20 additional tickets if they are able to secure the Muskegon Public High School (MPHS) for a game (additional \$200). In addition, if the MPHS is secured, it is recommended the City finance the difference in costs from the other venues (cost over \$500); possibly to be shared by MPS.

This item has been placed on the October 14, 2014 City Commission meeting for consideration.

City Commission Rules and Procedures

Vice Mayor Spataro reviewed some of the rules and procedures with Commissioners. Commissioner Turnquist reiterated the need for Commissioners to be recognized by the Chair before speaking.

Adjournment.

Motion by Commissioner Hood, seconded by Commissioner Rinsema-Sybenga to adjourn at 6:48 p.m.

MOTION PASSES

**Ann Marie Cummings, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 14, 2014

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, MI at 5:30 p.m., Tuesday, October 14, 2014.

Mayor Gawron opened the meeting with prayer from Mr. 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 Gawron, Vice Mayor Lawrence Spataro, Commissioners Ken Johnson, Eric Hood, Willie German, Dan Rinsema-Sybenga, and Byron Turnquist, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2014-77 INTRODUCTIONS/PRESENTATION:

A. Recognition of JAAR Partnerships Participation in the Third Annual "GOOD BUDDY BUCKS" Program.

Public Safety Director Jeffrey Lewis and Mayor Gawron thanked JAAR Partnerships for their participation in the Third Annual "Good Buddy Bucks" Program.

B. Muskegon Police Department Citizen Certificate of Appreciation for Christopher Johnson.

Public Safety Director Jeffrey Lewis presented Citizen Certificate of Appreciation to Christopher Johnson.

C. Muskegon Police Department Citizen Certificate of Appreciation for Joel Erndteman.

Public Safety Director Jeffrey Lewis presented Citizen Certificate of Appreciation to Joel Erndteman.

2014-78 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the September 23rd City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Assistance to Firefighters Grant Program – Fire Prevention. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the acceptance of the Fire Prevention Grant offering (Smoke Alarms). The Muskegon Fire Department submitted and received \$10,000 (match of 5%) to purchase approximately 1,000 Home Smoke Alarms (lithium-ion battery operated – ten year warranty). The alarms will be offered to the residents of Muskegon which requires they submit a “home survey” to the NFPA before reception. The alarms will be purchased through Home Depot (Muskegon) that offered a special price offering of \$10.05 each.

FINANCIAL IMPACT: \$500 supplies as a match to the grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of acceptance of the Fire Prevention Grant.

C. West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY2015 (October 1, 2014-September 30, 2015). CITY MANAGER

SUMMARY OF REQUEST: To approve the City of Muskegon’s portion of the WestPlan dues, payable to West Michigan Shoreline Regional Development Commission. The agency determines projects and distributes federal transportation funds.

FINANCIAL IMPACT: \$16,040.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this request.

COMMITTEE RECOMMENDATION: Commissioner Turnquist, who is our representative on WMSRDC, recommends approval.

D. Donation Programs for M-1040 Individual Income Tax Returns. TREASURER/INCOME TAX

SUMMARY OF REQUEST: Approval of multiple donations programs for the Muskegon M-1040 income tax returns. Every year our goal is to increase the number of refunds donated to our designated programs. Last year, 410 taxpayers donated their refunds to our donation programs for a grand total of

\$2,414.

The three designated donation programs for the M-1040 income tax returns will be the Lakeshore Trail Improvements, Muskegon Farmer's Market Capital Improvement Fund and the Downtown Muskegon Now.

FINANCIAL IMPACT: Each donated refund saves the City approximately \$1.25 in checks, fees, and postage.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval recommended.

E. Policy for Public Inspection and Copying of Assessing Records. CITY CLERK

SUMMARY OF REQUEST: The State requires all jurisdictions to have a policy for inspection and copying of Assessing Records. The policy is written in compliance with the State requirements.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the policy as written.

F. Adoption of 2012 International Fire Code. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the adoption of the 2012 (edition) of the International Fire Code. The new edition addresses safeguarding of life, property from fire, explosion hazards arising from the use and occupancy of building within the City of Muskegon. The new edition has been reviewed and forwarded by the City of Muskegon Fire Marshal's Office.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends adoption of the proposed 2012 edition.

Motion by Commissioner Johnson, second by Commissioner German to approve the Consent Agenda as read minus Items G and H.

ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

2014-79 ITEMS REMOVED FROM THE CONSENT AGENDA:

G. Muskegon Bike Time – Request for a 5-Year Commitment for Bike Time.

2015-2019. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Muskegon Bike Time has submitted a request for a five-year commitment from the City to host Bike Time downtown. There are no major changes from the way Bike Time has been run in the past. This year, 2014, was the first year that Bike Time was run by a local group, and they are asking for the five-year agreement to make planning the event easier. Knowing their plans well in advance should also help City staff with their planning.

Items requiring City Commission approval are the same as in past years: that the City waive DPW equipment rental costs, that Bike Time be able to use their own labor pool when possible rather than using City staff, and some deviation from street closure times listed in the City's special event policy.

FINANCIAL IMPACT: Request for the waiver of equipment rental fees.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: As in past years, it is recommended that staff be allowed to make the final decision regarding rental fees and actual costs to be coordinated through the City Manager. In addition, staff recommends that if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Bike Time. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event.

Regarding street closures, staff recommends approval with the condition that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to approve the agreement with Muskegon Bike Time for the request for a 5-year commitment extending from 2015 to 2019.

ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

H. West Michigan Lake Hawks – City Support. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: After a successful season in 2013, the West Michigan Lake Hawks have requested assistance from the City of Muskegon for their 2014 Season. Staff has proposed providing financial assistance through the purchase of game tickets, which would be provided to local groups working with youth

(similar to the arrangement with the Muskegon Lumberjacks). The majority of games for the season will be played at the Muskegon Heights and Reeths Puffer High Schools. However, staff has suggested that the team attempt to get at least one game at Muskegon High School (in which case additional funds may be needed for the higher cost of the facility).

FINANCIAL IMPACT: Recommended that the City Commission consider purchasing 20 tickets at \$10 each for each home game (13 games this season) for a total of \$2,600; as well as 20 additional tickets if they are able to secure the Muskegon Public High School (MPHS) for a game (additional \$200). In addition, if the MPHS is secured, it is recommended the City finance the difference in costs from the other venues (cost over \$500); possibly to be shared by MPS.

BUDGET ACTION REQUIRED: Amend the "General Recreation" budget to include the amount for sponsorship of the West Michigan Lake Hawks.

STAFF RECOMMENDATION: To approve the sponsorship of the West Michigan Lake Hawks through the purchase of tickets and possible contribution towards the cost to secure Muskegon High School for a game.

Motion by Commissioner Rinsema-Sybenga second by Commissioner German to approve the City support of the West Michigan Lake Hawks.

ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

2014-80 UNFINISHED BUSINESS:

A. SECOND READING: Marihuana Ordinance. CITY CLERK

SUMMARY OF REQUEST: The City Commission issued a moratorium on the current marihuana ordinance to give staff and counsel the opportunity to review the State law and make changes to be in conformance. An extension of the moratorium was granted because of pending State legislation. Because it's unknown when the State may take action, staff is recommending to move forward.

Applicants will be responsible to pay a \$1,500 application fee and a \$1,100 renewal fee as well as all inspections required by the Building Inspection and Fire Marshall to ensure public safety of such operations. Signage will not be allowed.

Patients growing in their homes for themselves are subject to a \$100 application fee and the necessary safety inspections by the Building Inspector and Fire Marshall. The City Clerk will serve as the medical marihuana officer of the community.

Facilities used by a primary caregiver are permitted in the following zoning

districts: B-2, B-3, B-4, B-5, MC, I-1, and I-2. No facility may be located within 1,000 feet of a preschool, elementary school, middle school or high school.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance and authorize the fees as outlined above be added to the fee schedule.

Motion by Vice Mayor Spataro, second by Commissioner Hood to approve the ordinance as read and authorize the fees as outlined and add the fees to the fee schedule.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to amend the motion by adding to Section 34-103(7) the following clause: Withholding consent for inspection by law enforcement of a patient's premises used for a medical marihuana home cultivation operation shall not be considered a violation of this article, nor may this denial of consent be considered by the City Clerk with regard to revocation or non-renewal of a patient's license.

VOTE ON AMENDMENT:

ROLL VOTE: Ayes: Johnson

Nays: Rinsema-Sybenga, Turnquist, Gawron, Hood, Spataro, and German

MOTION FAILS

Motion by Vice Mayor Spataro, second by Commissioner Hood to call the question.

VOTE ON MOTION TO CALL THE QUESTION:

ROLL VOTE: Ayes: Turnquist, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: Johnson

MOTION PASSES

VOTE ON ORIGINAL MOTION:

ROLL VOTE: Ayes: Rinsema-Sybenga, Gawron, Hood, and Spataro

Nays: German, Turnquist, and Johnson

MOTION PASSES

2014-81 NEW BUSINESS:

A. Taser (X26-P) Units for the Police Department. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City

Commission review and authorize the purchase and implementation of the “Taser x26p” force continuum tool (less than lethal device). The Police Department is submitting a request for the purchase of 25 units (safety yellow), and accessories. The department currently does not have a force continuum tool with the exception of “impact weapons” and “CS gas” (spray). The department believes risk to citizens and police officers may be reduced and research supports a reduction in excessive force claims. The purchase and implementation will be coordinated with officer training, department policy, followed up by “use of force reporting” and supervisory review on all TASER activations.

FINANCIAL IMPACT: Force Continuum Tool budgeted (\$31,350 units and accessories).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of TASER purchase and implementation.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German to approve the TASER purchase and implementation.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: **October 28, 2014**
To: **Honorable Mayor and City Commission**
From: **Water Filtration - DPW**
RE: **Sodium Hypochlorite Storage Tank #2 Repairs**

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement with Tri-Clor Inc. for fiberglass repairs to Sodium Hypochlorite Storage Tank #2.

FINANCIAL IMPACT:

\$8,750.00

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends acceptance of bid from Tri-Clor Inc. for \$8,750.00



TRI-CLOR, Inc.

QUOTATION

To: City of Muskegon
Attn: Kevin Herbert

Phone: 231-724-4104

From: Tim Schoessel
Tri-Clor, Inc.
1012 Enterprise Drive
Hastings, MI 49058
Telephone: 269-948-9310
Fax: 269-948-9306
Email: tim@tri-clor.com

Date: 09/26/2014

Tri-Clor to provide supervision, labor, materials, trade tools, insurance, and safety equipment to reline bottom and 1 foot side shell of existing FRP tank serial number 20394-2.

Reline to consist of prepping (grinding) the bottom and side shell. Then applying new corrosion barrier laminate or (4) 1.5oz mat, (2) nexus.

Resin of construction to be Derakane 411 BPO/DMA

After repair a post cur will be required.

Total Price.....\$8,750.00

*****NOTES*****

- The repair is to be performed by Tri-Clor Technicians in accordance with 29 code of federal regulations 1910.146 for permit required confined spaces. In order to maintain compliance with this regulation Tri-Clor technicians are trained and certified in the following:

Attn: Kevin Herbert

Restor-it-all

905 E Keating
Muskegon, MI 49442
(231) 722-0234

No. 10015

Date: October 7, 2014

Name : *Water filtration plant*

Phone: 724-4104

Address: *1900 Beech St Musk, Mi 49441*

Cell Phone:

Fax:

Dan Norris

Due on receipt

1. Grind and prep floor and lift up wall of tank
2. Clean and prep repaired area.
3. Prime inside repaired area
4. Reline bottom of tank with laminate and Derakane Resin
5. Final coat with special cure agent.

Customer notes.

1. Restor-it-all will be following manufacturers recommended procedures
2. I will need 1 week to do repair.
3. Cost not to exceed \$9,000.00
4. Can do this job the week of Dec 8th

Not responsible for loss or damage to cars or articles left in cars in case of fire, theft or any other cause beyond our control.

YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED AND INSPECT THE PARTS WHICH CAN NOT BE RETURNED TO YOU.

I hereby authorize the above repair work to be done along with the necessary material, and hereby grant you and/or your employees' permission to operate the car, truck or vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car, truck or vehicle to secure the amount of repairs thereto X_____

This is an estimate based on our inspection and does not cover additional parts and labor which may be required after the work has started. Such additional work has to be authorized by the customer and the insurance adjuster before it is executed.

Total

Labor

Parts

Paint, Misc

Sublet

Tax

TOTAL

10/8/2014

TO: Mohammed Al-Shatel – Public Works Director

FROM: Kevin Herbert – Water Filtration Plant

RE: Repairs to Sodium Hypochlorite Storage Tank #2

A small but significant leak has been discovered in the floor of our #2 Sodium Hypochlorite bulk storage tank. This 12,000 gallon fiberglass tank was installed in 1997 as part of the Multi-Purpose Building plant expansion.

I solicited bids for the repair of this tank and received quotes from 2 vendors that are qualified; both specified the same fiberglass material that is recommended by the tank supplier as well as the ASTM C-581 chemical compatibility code.

Price Quotes:

Tri-Clor Inc. - Hastings, MI \$8,750.00

Restore-It-All – Muskegon, MI \$9,000.00 (Cannot perform work until mid-December)

I am seeking authorization to contract with Tri-Clor the lowest qualified bidder at the quoted price of \$8,750.00 for the repairs to Sodium Hypochlorite tank #2.

Commission Meeting Date: October 28, 2014

Date: October 23, 2014
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Zoning Ordinance

SUMMARY OF REQUEST:

Staff initiated request to amend the zoning ordinance to allow medical marihuana dispensaries in B-2 (Convenience and Comparison Business), B-3 (Central Business), B-4 (General Business), B-5 (Governmental Business), MC (Medical Care), I-1 (Light Industrial) and I-2 (General Industrial) districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their October 16 meeting.

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

STAFF REPORT

October 16, 2014

Hearing, Case 2014-12: Staff initiated request to amend the zoning ordinance to allow medical marihuana dispensaries in B-2 (Convenience and Comparison Business), B-3 (Central Business), B-4 (General Business), B-5 (Governmental Business), MC (Medical Care), I-1 (Light Industrial) and I-2 (General Industrial) districts.

STAFF OBSERVATIONS

1. See the enclosed proposed city ordinance on medical marijuana. The ordinance was approved at the September 23 City Commission meeting, but will have to go back for a second reading on October 14 because it was not unanimous, with one City Commissioner voting no.
2. The city ordinance was written to allow medical marijuana dispensaries in B-2 (Convenience and Comparison Business), B-3 (Central Business), B-4 (General Business), B-5 (Governmental Business), MC (Medical Care), I-1 (Light Industrial) and I-2 (General Industrial) districts.
3. Currently, medical marihuana caregiver facilities are only allowed in I-2, General Industrial districts.
4. A medical marihuana dispensary is defined in the ordinance as one or more primary caregivers growing, storing, delivering, transferring, and/or providing qualifying patients with medical marihuana out of a building or structure.
5. The Planning Commission is being asked to approve the districts that these dispensaries will be allowed to operate as a principal use permitted.

MOTION FOR CONSIDERATION

I move that the amendments to principal uses permitted sections of the B-2, B-3, B-4, B-5, MC, I-1 and I-2 districts of the Zoning Ordinance be recommended to City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____

An ordinance to amend Sections 904, 1100, 1200, 1300, 1304, 1400 and 1500 of the Zoning Ordinance to allow medical marihuana dispensaries as a principal use permitted.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

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

Amendment to Section 904

- 15. Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.**

Amendment to Article XI, Section 1100

- 14. Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.**

Amendment to Article XII, Section 1200

- 10. Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.**

Amendment to Article XIII, Section 1300

- 15. Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.**

Amendment to Section 1304

- 13. Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.**

Amendment to Article XIV, Section 1400

12. Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.

Amendment to Article XV, Section 1500

8. ~~Medical Marihuana caregiver facilities to the extent licensed pursuant to City Code Sections 34-101 through 43-107.~~ **Medical Marihuana dispensaries to the extent licensed pursuant to City Code Sections 34-101 through 31-116.**

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Cummings, 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 16th day of October, 2014, 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: _____, 2014.

Ann Cummings, 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 October 28, 2014, the City Commission of the City of Muskegon adopted an ordinance to amend Sections 904, 1100, 1200, 1300, 1304, 1400 and 1500 of the Zoning Ordinance to allow medical marihuana dispensaries as a principal use permitted.

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 _____, 2014.

CITY OF MUSKEGON

By _____

Ann Cummings, MMC
City Clerk

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

Account No. 101-80400-5354



TO: Honorable Mayor and City Commissioners
CC: Frank Peterson
FROM: Dwana Thompson, Affirmative Action & Risk Management Director
DATE: October 22, 2014
RE: Consulting Services with Michigan Municipal League

SUMMARY OF REQUEST:

Approval to utilize the Michigan Municipal League's Consulting Services in the development of comprehensive job descriptions for City staff positions.

The scope of the work included in the packet outlines the process the league will undergo to perform the updates to all the currently budgeted job descriptions. Many of the job descriptions at the City have not been updated since the late 1980's to the mid 1990's. We have recognized difficulties with attempts to recruit employees utilizing outdated industry language, and the updates are needed across the board for all position descriptions. The descriptions will comprise all the necessary elements utilizing ADA compliant language for inclusion in each job description.

The project would begin in January 2015, and would be completed within three months.

FINANCIAL IMPACT:

Using an estimate of 55 positions, the total not-to-exceed professional fee would be \$13,750. This rate includes two on-site visits to conduct employee orientation sessions and employee interviews. Travel related expenses will be held to a minimum and billed at actual cost, and additional visits will be billed at \$750 per visit plus the actual cost of travel.

BUDGET ACTION REQUIRED:

Amend the 2014/2015 FY budget to include \$15,000 as an expense under Civil Service. This budget item will be reflected in the 1st Quarter Reforecast to the 2014/2015 Fiscal Year Budget.

STAFF RECOMMENDATION:

Staff recommends and requests approval to utilize the Michigan Municipal League's Consulting Services in the development of comprehensive position descriptions for City staff, and amend the 2014/2015 FY budget to include the expense under Civil Service, and authorize the Mayor and Clerk to sign the agreement.



Better Communities.
Better Michigan.

1675 Green Road
Ann Arbor, MI 48105

TEL 734.662.3246 800.653.2483
FAX 734.662.8083
WEB www.mml.org

October 15, 2014

Mr. Franklin Peterson
City Manager
933 Terrace St.
Muskegon, MI 49443

Dear Mr. Peterson:

I understand you are interested in utilizing the League's consulting services in the development of comprehensive job descriptions for City staff positions. In follow-up, I am providing the enclosed potential scope of work and an estimate of professional fees associated with this type of project.

Scope of Work

Task 1: Initiate the Project & Orient Employees

As a first step in the project, we will meet with the City Manager to discuss the project, our methodology and the role of employees. During the same visit, we will orient all employees to the purpose of job analysis, discuss our methodology and answer any questions about the project.

At the orientation session we will distribute and provide instruction on job analysis questionnaires. When completed, these documents will provide us with information concerning specific job duties, scope of responsibility, experience, educational and licensing requirements, the knowledge, skills and abilities needed to perform the job, physical demands of the position, the work environment encountered on the job, and other job-related criteria.

Typically it will take about an hour for employees to complete the questionnaires. Staff with similar positions are encouraged to work together on them where appropriate, for example Public Safety Officers or Equipment Operators. We typically suggest the questionnaires be completed within a week or two, and we ask that supervisors, department heads and the City Manager review all questionnaires prior to submission to the League.

These questionnaires serve as the foundation for personal interviews with employees during the next site visit, and the most complete information is important to have on hand while meeting with employees.

Task 2: Conduct Employee Interviews and Job Analysis

Once we have received the completed questionnaires, including review by supervisors/department heads and the City Manager, we will conduct on-site interviews with employees in each classification studied. In cases where several staff members share the same position, for example Public Safety Officer or Equipment Operator, we prefer to conduct small group meetings. As well, we are available to conduct telephone interviews with any staff who may be out of the office or who work an alternative schedule. It is critical to ensure that every employee has the opportunity for input at this stage.

Interviews focus on gaining a full understanding of the duties and responsibilities associated with each position and the knowledge, skills and abilities required to succeed in the position. We also discuss the physical requirements and work setting of each job to guide development of ADA compliant language for inclusion in the job description.

The questionnaires are an important foundation but can never fully capture the details needed to prepare a comprehensive position description. These personal meetings offer additional depth and perspective to support the process.

Task 3: Draft Job Descriptions and Prepare Final Report

Having gained a full understanding of each position, we will create draft job descriptions to clearly delineate positional duties, responsibilities, reporting arrangements and the knowledge, skills and abilities required for each position. Also, we will consider and incorporate criteria relevant to the requirements of the Americans with Disabilities Act into each description.

Task 4: Finalize Job Descriptions

The draft job descriptions will be sent to the City Manager for review and discussion. Any feedback and input will be gathered and incorporated into the final job descriptions.

Professional Fees, Expenses and Timing

This scope of work is to include approximately 55 positions. Our fees for the scope of services outlined above will not exceed \$250 per position analyzed. Using an estimate of 55 positions, the total not-to-exceed professional fee would be \$13,750.

This not-to-exceed rate includes two on-site visits to conduct employee orientation sessions and employee interviews. Travel related expenses, such as mileage, lodging, and meals will be held to a minimum and billed at actual cost. We are pleased to make additional visits to meet in person or make presentations. These visits will be billed at \$750 per visit plus the actual cost of travel.

We are currently available to begin work in January, 2014 and expect to complete the work within three months.

Please let me know if I can further refine the scope of work presented above or if there are any questions. If this letter is acceptable, I've provide a signature line below to formally engage the League in this work if/when you're ready to move in that direction.

Sincerely,

Sent via email

Mandy M. Reed, PHR
Human Resources Specialist

To officially engage the League to provide the services described within this letter, please sign below:

AUTHORIZED SIGNATURE:

Signature: _____ Date: _____

Title: _____

Signature: _____ Date: _____

Title: _____

Commission Meeting Date: October 28, 2014

Date: October 22, 2014
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Ground Lease and Option to Purchase for Nims
Neighborhood Park Playground**

SUMMARY OF REQUEST: On March 5, 2014 the City Commission approved the "Participation Agreement" with Nims Neighborhood, Muskegon Public Schools and the City of Muskegon for the Nims Neighborhood Park Playground. After several months of planning, fundraising, grant writing and negotiations, Nims Neighborhood and City staff have agreed on the "Ground Lease and Option to Purchase" for the property at the corner of Southern and Davis (see attachment). The Nims Neighborhood president has signed the document. The Neighborhood has raised over \$25,000 for playground equipment, which is expected to be ordered early next year and installed in the spring of 2015. The Neighborhood continues to fundraise and write grants for additional improvements in the future.

FINANCIAL IMPACT: Minor costs for water service and tap fees.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached "Ground Lease and Option to Purchase" and authorize the Vice-Mayor and City Clerks signatures and to authorize the purchase of the designated property (legal description in the "Lease" agreement) by the City of Muskegon staff from Muskegon Public Schools.

GROUND LEASE AND OPTION TO PURCHASE

THIS LEASE (the "**Lease**") is entered into on _____, 201__, between CITY OF MUSKEGON, a municipal corporation ("**City**"), and NIMS NEIGHBORHOOD ASSOCIATION, an unincorporated association ("**Nims**"), on the terms and conditions set forth below.

1 **Premises.** City leases to Nims and Nims leases from City real property located in the City of Muskegon, Muskegon County, Michigan, as legally described and shown on the attached **Exhibit A** (the “**Premises**”).

2. **Term.** This Lease shall be for an initial term of ten (10) years, commencing with the signing of the Lease. Nims shall have the right to renew the term of this Lease for succeeding periods of five (5) years each for a maximum of five (5) renewal terms by giving City notice of Nims' intent to renew the Lease at least 1 calendar year prior to the expiration of the then current term. Each renewal shall be on the same terms and conditions as contained in this Lease.

3. **Rent.** Upon execution of this Lease, Nims shall pay rent of One Dollar (\$1.00) per year for use and occupancy of the Premises. For the first year, the payment shall not be prorated and shall be due upon execution of the Lease. Thereafter, payments shall be due on January 1.

4. **Use.** The Premises are to be used as a playground ("Project").

5. **Covenant of Quiet Enjoyment.** So long as the Nims is not in default under this Lease, Nims shall be entitled to quiet possession of the Premises during the term of this Lease.

6. **Utilities.** Nims shall pay when due all bills for gas, electricity, and other utilities and services, and water usage, for the Premises during the term of this Lease. City shall pay for installing water service and tap fee for water.

7. **Leasehold Improvements.** Nims shall have the obligation to construct and/or place on the premises playground equipment, picnic tables, a walking path, tables, benches, grills, drinking fountain and an irrigation system, which must be ADA compliant and approved in advance by City. The equipment and location of the improvements are shown on attached Exhibit B.

Nims shall have the right to construct and/or place on the premises additional playground equipment, picnic tables, a walking path, tables, benches, grills, drinking fountain and irrigation, which must be ADA compliant. Anything constructed or built or improved on the Premises must first be approved by City staff.

Within 12 months of the effective date of the Lease, City shall remove the withering tree in the leased area.

upon the transmission of the facsimile); (iii) two (2) days after depositing in the custody of a nationally-recognized receipted overnight delivery service with delivery fees prepaid; or (iv) five (5) days after depositing in the United States Mail first-class or registered or certified mail, postage prepaid and return receipt requested. Notices shall be sent to the parties as follows:

If to City: CITY OF MUSKEGON
Director of Public Works
933 Terrace Street
Muskegon, MI 49440
Phone: (231) 724-6994

If to Nims: NIMS NEIGHBORHOOD ASSOCIATION
Attn: Shirley Strang
1535 Palmer
Muskegon, MI 49441
Phone: (231) 755-8222

16. **Modifications.** No modification, alteration, or amendment to this Lease shall be binding unless in writing and signed by both parties to the Lease.

17. **Title and Nondisturbance Agreement.** City warrants that no lien, exception to title, or encumbrance affects the Premises other than those of record at the Effective Date of this Lease.

18. **Whole Agreement.** This Agreement constitutes the entire agreement between the parties and shall be deemed to supersede and cancel any other agreement between the parties relating to the transaction contemplated in this Agreement. None of the prior and contemporaneous negotiations, preliminary drafts, or prior versions of the agreement leading up to its signing and not set forth in this Agreement shall be used by any of the parties to construe or affect the validity of this Agreement. Each party acknowledges that no representations, inducement or condition not set forth in this Agreement has been made or relied upon by either party.

19. **Governing Law.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan. In the event any provision of this Agreement is in conflict with any statute or rule of any law in the State of Michigan or is otherwise unenforceable for any reason whatsoever, then that provision shall be deemed severable from or enforceable to the maximum extent permitted by law, as the case may be, and that provision shall not invalidate any other provision of this Agreement. Venue for any action brought under this Agreement shall lie in Muskegon County, Michigan.

20. **Effective Date.** The parties have signed this Agreement in duplicate and it shall be effective as of the day and year first above written.

By: _____
Name: Lawrence O. Spataro
Title: Vice Mayor
Date:

NIMS NEIGHBORHOOD ASSOCIATION - A Michigan corporation

By: Shirley Strang
Name: Shirley Strang
Title: President
Date: 10-22-2014

EXHIBIT A

LEGAL DESCRIPTION

This parcel is located in the City of Muskegon, Muskegon County, Michigan, and is described as follows:

Lot 9 of Block 493 of the 1903 Plat and the vacated east west alley abutting said lot

252
88
182
11
4/1

66

[illegible]

66

Scale: 1"=50'

66 BARCLAY

ST.

1-21-26.



EXHIBIT B

SITE IMPROVEMENTS

SINGLE LINK
CROSS BEAM
26091

SYMMETRIC
CLIMBING WALL
26071

DNA
CLIMBING WALL
26084

STRETCHED
LOOP LADDER
26080

TRIANGULAR
SHROUD
26094 (5)

POWERSCAPE
CONNECTSCAPE
CLIMBER
28163

CLIMBER OFFSET
ARCHWAY
(GUARDRAIL)
90335

TRANSFER SYSTEM
w/ BARRIER
(2' RISE)
90021

Picnic Table Area

TRANSFER PLATFORM
w/ GUARDRAIL
90032
ACCESS
ATTACHMENT
80656

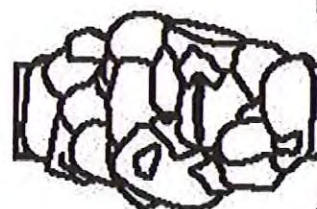


3'

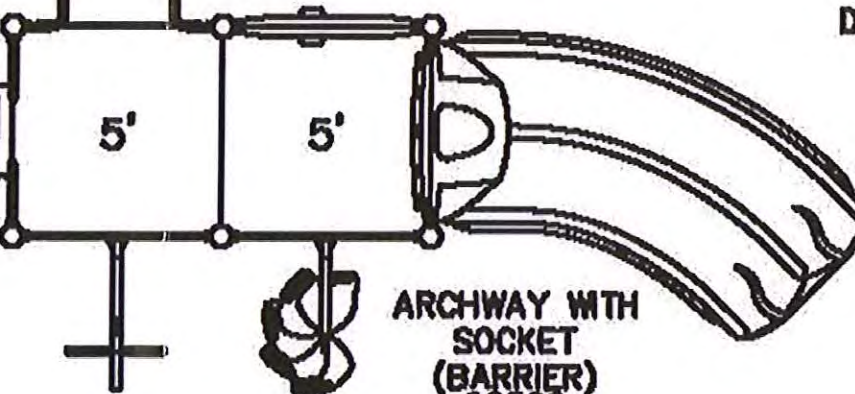
WAVE ZIP SLIDE
90503

SINGLE GIZMO PANEL
90430

DOUBLE SWERVE
ZIP SLIDE
90579



RIVER ROCK CLIMBER
90369
CLIMBER ENTRYWAY
(BARRIER)
91209



ARCHWAY WITH
SOCKET
(BARRIER)
90306
EDIDAI CTED

38'-11 $\frac{1}{8}$ "

Date: October 28, 2014
To: Honorable Mayor and City Commissioners
From: City Manager's Office
RE: Marketing and Image

SUMMARY OF REQUEST: At its annual Goal Setting Meeting, the City Commissioners listed improving the city's image as a top priority. Staff has been working on image-related activities including signage, marketing strategies, and partnering with other agencies on this endeavor. The City currently does not have funds budgeted for Marketing and Image and is requesting that \$20,000 be added to the Public Relations budget to fund marketing and image related activities.

FINANCIAL IMPACT: To add \$20,000 to the Public Relations Fund.

STAFF RECOMMENDATION: Staff recommends approval.