CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 25, 2005

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, October 25, 2005.

Mayor Warmington opened the meeting with a prayer from Commissioner Gawron 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 Bill Larson, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2005-96 HONORS AND AWARDS: Battalion Chief Ken Chudy presented Commissioner Clara Shepherd with a Certificate of Appreciation for participating in the demonstration rescue capabilities on September 26, 2005.

2005-97 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the October 10th Commission Worksession and the October 11th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Approval of Neighborhood Enterprise Zone Certificate for 362 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Millie Ortiz and Kenneth Richardson to rehabilitate a home in the Nelson Neighborhood at 362 W. Muskegon Avenue. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be between $3,000 to $6,000 to replace approximately twelve (12) windows with replacement windows with wood framing inside and out. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 6 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the NEZ certificate.

C. **FIRST READING: Zoning Ordinance Amendment for MC, Medical Care Districts.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs, #5.) of Article XXIII (General Provisions) to amend the sign ordinance language to add MC, Medical Care district zones to "Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones" section.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding MC, Medical Care districts.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 10/13/05 meeting. The vote was unanimous in favor of the amendment, with B. Smith, and T. Johnson absent.

D. **FIRST READING: Rezoning Request for Properties Located at 987,953,905, 895, 885, & 875 Keating Avenue; 2010, 2020, & 2040 S. Getty Street; 950 E. Delano Avenue; and 1020 & 900 E. Barney Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 987, 953, 905, 895, 885, & 875 E. Keating Avenue; 2010, 2020, & 2040 S. Getty Street; 950 Delano Avenue; and 1020 & 900 E. Barney Avenue from I-2, General Industrial to I-1, Light Industrial.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/13/05 meeting. The vote was unanimous with B. Smith and T. Johnson absent.

E. **FIRST READING: Rezoning Request for Property Located at 2033 Lakeshore Drive.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City of

Muskegon, located at 2033 Lakeshore Drive, from RM-1, Low Density Multiple-Family Residential to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/13/05 meeting. The vote was unanimous with T. Johnson and B. Smith absent.

F. <u>FIRST READING: Zoning Ordinance Amendment for Antique Shops.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add antique shops, under Special Land Uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add antique shops to the B-2, Convenience and Comparison Business zoning district.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/13/05 meeting. The vote was unanimous with T. Johnson and B. Smith absent.

G. <u>FIRST READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance.</u> PLANNING & ECONOMIC DEVELOPMENT

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

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 10/13/05 meeting. The vote was unanimous in favor of the amendment with B. Smith and T. Johnson absent.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the Consent Agenda as presented.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None

MOTION PASSES

2005-98 PUBLIC HEARINGS:

A. **Spreading of the Special Assessment Roll for Clay Avenue, Terrace to Spring.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Clay Avenue, Terrace Street to Spring Street; and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $37,383.25 would be spread against the seventeen (17) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:44 p.m. and approve the special assessment roll and adopt the resolution for Clay Avenue, Terrace to Spring.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

B. **Spreading of the Special Assessment Roll for Fair Avenue, Torrent to Addison.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Fair Avenue, Torrent Street to Addison Street; and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $18,028.40 would be spread against the twenty-five (25) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:44 p.m. to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:46 p.m. and approve the special assessment roll and adopt the resolution for Fair Avenue, Torrent to Addison.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and

Spataro

Nays: None

MOTION PASSES

C. **Spreading of the Special Assessment Roll for Park Street, Young to Laketon.** ENGINEERING

ITEM C - Staff has requested that this Public Hearing be postponed. Property owners have been notified by letter.

D. **Request for an Industrial Facilities Exemption Certificate - ReSource Industries.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, ReSource Industries, 1485 S. Getty, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1485 S. Getty, Muskegon. The total capital investment is approximately $159,400 in personal property. This request qualifies ReSource Industries for a 6-year exemption for personal property. ReSource Industries current workforce is 42.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 5:49 p.m. and approve the request for an Industrial Facilities Exemption Certificate for ReSource Industries.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and Carter

Nays: None

MOTION PASSES

E. **Resolution for Class C Liquor License for Ciggzree Morris.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing on the request for a Class C Liquor License for Ciggzree Morris. The request is necessary due to a lack of available liquor licenses in the City of Muskegon. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold the Public Hearing but delay action on approval, since the Downtown Development Authority has not yet approved the resolution.

COMMITTEE RECOMMENDATION: The Downtown Development Authority was scheduled to meet on October 18, 2005, but did not have a quorum.

The Public Hearing opened at 5:50 p.m. to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:56 p.m. and defer action until the meeting in November.

MOTION PASSES

2005-99 NEW BUSINESS:

A. <u>Donation Program for 2005 Individual Income Tax Returns – D.A.R.E. Program.</u> INCOME TAX

SUMMARY OF REQUEST: Approval to use the donations from the 2005 income tax returns to be designated to the D.A.R.E. (Drug Abuse Resistance Education) program. Income tax refunds voluntarily donated from taxpayers will go to the City of Muskegon Police Department to help fund the D.A.R.E. program.

FINANCIAL IMPACT: The average amount collected each year is $2,500.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Commissioner Spataro to approve the donations from the 2005 income tax returns to the D.A.R.E. program.

ROLL VOTE: Ayes: Spataro, Carter, Davis, Gawron, and Larson

Nays: None

Absent: Warmington and Shepherd (stepped out of the room)

MOTION PASSES

B. <u>Social Security Privacy Policy.</u> INCOME TAX

SUMMARY OF REQUEST: The adoption of a policy which protects the confidentially of social security numbers, as required by State of Michigan's Social Security Act (Act 454 of 2004).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the Social Security Privacy Policy.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

C. Approval of Sale of City-Owned House at 265 Walton. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sale transaction between Mr. Johnnie Tanner for the new Infill home at 265 Walton. The home is part of the Operation Walton Renaissance AKA Hill Top View, which is a joint project between the City of Muskegon, Fifth Third Banks and Neighborhood Investment Corporation. Mr. Tanner's purchase price is $135,000 with a subsidy of $40,000. The land where the new home now stands is a former Urban Renewal area overlooking the City's Farmers Market. Operation Walton Renaissance AKA Hill Top View is an example of the City of Muskegon's continued efforts to redevelop its urban neighborhood.

FINANCIAL IMPACT: The program income from the sale will be deposited into the City's Home fund for future activity.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution and the sale of 265 Walton to Mr. Tanner.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the sale of the City-owned house at 265 Walton to Mr. Tanner.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None

MOTION PASSES

D. Approval of Quit Claim for the Purchase of the City-Owned House at 510 Creston Street. COMMUNITY & NEIGHBORHOOD SERVICES

ITEM D - REMOVED FROM AGENDA PER REQUEST OF STAFF.

E. Approval of Sale of Infill Home at 747 Marcoux. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Mayor and City Clerk to sign the quit-claim deed and direct the Community and Neighborhood Services office to complete the purchase between Ms. Shavonda Johnson and the City of Muskegon for the property located at 747

Marcoux. Ms. Johnson's purchase price is $118,821 with a subsidy of $38,921. The house at 747 Marcoux is the last of the former Turn-Key 3 sites that were demolished as a part of the City's blight fight efforts. The new home is another example of the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The program income derived from this sale will be used for future HOME activities.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and the sale of 747 Marcoux to Ms. Johnson.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the sale of the infill home at 747 Marcoux to Ms. Johnson.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

F. <u>Budgeted Vehicle Purchases.</u> DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase six Taurus sedans from Great Lakes Ford.

FINANCIAL IMPACT: Total cost $71,808.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the purchase.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the purchase of six Taurus sedans from Great Lakes Ford.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

G. <u>Hartshorn Marina Renovation Project - Bids Award.</u> LEISURE SERVICES

SUMMARY OF REQUEST: Due to an irregularity in the bid document, and per consultation with and recommendation from the State of Michigan Department of Natural Resources (DNR), it is recommended that the Commission reject both bids and re-bid the project.

FINANCIAL IMPACT: Funding source for this project is a $1 Million grant from the DNR with an equivalent $1 Million match from the City of Muskegon.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To re-bid the project.

Motion by Vice Mayor Larson, second by Commissioner Spataro to reject the bids and re-bid the project.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and Carter

Nays: None

MOTION PASSES

H. Selection of Architect - Central Fire Station. PUBLIC SAFETY

SUMMARY OF REQUEST: Proposals have been accepted for the design of a new Central Fire Station. Ten (10) proposals were received. These proposals were reviewed by the Project Team consisting of Mr. Bryon Mazade, Mr. Tim Paul, Deputy Director Mark Kincaid, and Tony Kleibecker. Generally, we evaluated the firms' experience and background in the design of fire stations, their ability to work with staff as part of a team, their vision for our station and their initial cost estimate.

Based upon our review, we are recommending that the following two (2) firms be selected as the architects for this project:

(1) Hooker DeJong of Muskegon, Michigan

(2) Cole & Russell Architects of Cincinnati, Ohio

Hooker DeJong is an established downtown business that has been involved in numerous projects throughout our community. They are keenly aware of the importance of our downtown development and have an established relationship with city staff.

Cole & Russell have been involved in the design of over 60 fire facilities throughout the country. Their proposal included examples of the most cost-efficient use of space, energy-efficient design methods and built-in training features. While staff from Cole & Russell will be directly involved in the design process, they are also experienced in working with local architectural firms. Both firms have agreed to serve as co-architects on this project.

FINANCIAL IMPACT: The proposed fee for this project, subject to negotiation, is 7% of construction costs. This fee will be split between the two firms, per an agreement to be reached by them.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the request to designate Hooker DeJong of Muskegon and Cole & Russell Architects of Cincinnati as the co-architects for the Central Fire Station.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were heard.

PUBLIC PARTICIPATION: Comments were heard from Judy Meisch and Lyle Day.

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

Respectfully submitted,

City Clerk
Gail A. Kundinger, MMC