

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