

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 28, 2021 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

933 TERRACE STREET, MUSKEGON, MI 49440

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, September 28, 2021, Commissioner Willie German, Jr., opened the meeting with a prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Dan Rinsema-Sybenga, Willie German, Jr., Michael Ramsey, and Teresa Emory, City Manager – Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

HONORS, AWARDS, AND PRESENTATIONS:

A. Senior Power of Produce Volunteer Recognition

Several people from the Senior Power of Produce program were recognized for being excellent volunteers. The Senior Power of Produce program provided \$93,000 in produce to area seniors. The program is made possible by the Lions Club, the City of Muskegon, and Senior Resources Senior Millage dollars. The Senior Power of Produce served between 1100 and 1400 seniors each Tuesday for ten weeks this summer.

2021-86 CONSENT AGENDA:

A. Approval of Minutes City Clerk

REMOVED PER STAFF REQUEST

C. Aquarium Feasibility Study Economic Development

SUMMARY OF REQUEST: Staff is requesting authorization to commit funds of the City to be included in a Feasibility Study as one of two potential locations for the construction of an aquarium facility in the West Michigan region. The Feasibility Study would be coordinated by the John Ball Zoo (JBZ) in Grand Rapids and conducted by Zoo Advisors, Inc.

The JBZ is currently exploring the viability of building a large scale aquarium in the West Michigan area to compete with similar major marine attractions across

the United States. Staff initiated contact with JBZ officials earlier this Spring to assess the impact of locating this pivotal tourist destination within the City. The City is an established tourism and cultural destination throughout the region and is supported by area educational and Great lakes environmental throughout the region and is supported by area educational and Great Lakes environmental research institutions. Exploring the potential of adding a conservation, research and community education aquatic asset to our lakeshore community could realize greater social resiliency and further catapult our local and regional economy's as a premier national tourism destination. The City continues to reclaim its former industrial waterfront for a mix of uses designed to enhance public waterfront access and further connect to our vibrant downtown and other recreational activities.

Four phases of the 9-12 month Feasibility Study process would include Concept Development (2-3mo), Preliminary Research Study (3-4mo), Project Modeling (2-3mo), and Economic Impact (2mo). Results of the Study would further develop the aquarium concept, assess the operational feasibility of locations in the City of Muskegon and Kent County, establish attendance estimates, project preliminary capital investment of construction, and develop economic impacts associated with construction and operation of the facility in both potential locations. JBZ has proposed a cost-sharing arrangement for the total cost of the \$227,585 Study. One-third of the fee would be paid by the City of Muskegon, one-third by Kent County, and the remainder by JBZ.

Based on estimates of a 2018 JBZ Feasibility Study, a \$150M aquarium investment would, at minimum, result in a \$100M impact on the regional economies.

According to their website, Zoo Advisors is a full-service planning and consulting firm focused on helping zoos, aquariums, and conservation organizations advance their missions, increase impact, and grow sustainability.

The expense will need to be included in a future reforecast of the budget if approved.

AMOUNT REQUESTED: \$75,000 AMOUNT BUDGETED: \$0

FUND OR ACCOUNT: TBD

STAFF RECOMMENDATION: To authorize the commitment of funds to include the City of Muskegon in a Feasibility Study as a potential location for the construction of an aquarium facility in the West Michigan region.

D. Reassignment of Building Contracts for 769 Catawba Avenue and 548 E Dale Avenue CNS

SUMMARY OF REQUEST: To award the Building Contracts of the rehabilitation of 769 Catawba Avenue and 548 E. Dale Avenue to Nassau Construction for the City of Muskegon's Homebuyers Program.

Both contracts were previously awarded to Mike Murphy, Custom Exteriors, LLC. Unfortunately, Mr. Murphy is not able to fulfill his contract to rehabilitate 769 Catawba Avenue and 548 E Dale Avenue.

CNS is requesting that the 2 rehabilitation projects be awarded to the second bidder – Nassau Construction;

Nassau Construction is a MBE (Minority Business Enterprise) and WBE (Woman-owned Business Enterprise) with a history of working with the city since 2018 for our Homebuyers, Lead Safe Muskegon and Muskegon County Senior Millage programs.

AMOUNT REQUESTED: \$91,910 – Catawba Avenue
 \$81,231 – Dale Avenue

AMOUNT BUDGETED: \$220,000

FUND OR ACCOUNT: HOME Program

STAFF RECOMMENDATION: To award Nassau Construction the rehabilitation contracts for 769 Catawba Avenue and 548 E Dale Avenue.

E. Alley Paving Policy Public Works

SUMMARY OF REQUEST: Staff is requesting approval of the Alley Paving Policy effective for the 2022 Calendar Year.

The draft Alley Paving policy was discussed at the September 13, 2021 Worksession Meeting. Minor adjustments to the draft policy were made to clarify the difference between “Residential” and “Non-Residential” parcels.

STAFF RECOMMENDATION: To approve the Alley Paving Policy.

H. Water Filtration Plant Fencing – Change Order #001 Public Works

SUMMARY OF REQUEST: Staff is seeking approval of a change order with Fence Consultants for \$23,260.35 for the fencing project at the Water Filtration Plant. This change order includes the use of Ultra Aluminum fencing in place of the originally proposed black vinyl coated chain link fencing.

The City Commission previously approved a proposal from Fence Consultants to replace the Water Filtration Plant fencing on the east side of the plant property. The project included the replacement of the existing chain link fencing with black vinyl coated chain link fencing.

Upon further discussion with city staff, it was decided to investigate the cost of using decorative aluminum fencing that would match the existing fencing on the west side of the Water Filtration Plant. City staff is now recommending that Ultra Aluminum fencing be used instead of the originally proposed black vinyl coated chain link fencing. This upgrade will improve the appearance along the east side of the plant and provide continuity with the existing fencing that was

upgraded 2018.

AMOUNT REQUESTED: \$19,219.44

AMOUNT BUDGETED: \$0

FUND OR ACCOUNT: 591-92034-5346

STAFF RECOMMENDATION: Authorize staff to approve the change order from Fence Consultants for \$23,260.35 for the replacement of the fencing and gate on the east side of the Water Filtration Plant property with Ultra Aluminum Fencing.

I. Administrative Vehicle Replacement

Public Works

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase two Chevy Blazer's from Berger Chevrolet the State Mi-Deal contract holder. The price of this vehicle is \$32,936.00 each for a total price of \$64,872.00 coming from the Equipment budget.

AMOUNT REQUESTED: \$64,872.00

AMOUNT BUDGETED: \$85,000

STAFF RECOMMENDATION: Authorize staff to move forward with the purchase.

J. Temporary Art Installation, 1095 Third

Economic Development

SUMMARY OF REQUEST: The City Commission is asked to approve the use of the exterior of the city-owned, former Catholic Social Services building for a temporary photo exhibit through the end of the year.

Local photographer Patrick Thompson of Pat ApPaul Photography has requested to use the exterior of the city-owned, former Catholic Social Services building at 1065 Third to present The Stand phot exhibit through the end of the year. The city is seeking a new owner to redevelop the office building in Midtown. The current exterior will be removed. The exhibit will be taken down if a new owner needs the exterior before the end of the year. The Lemonade Stand of Muskegon is a residential home in the heart of downtown and Nelson Neighborhood supporting those with mental health and addiction issues. Thompson visually captured The Stand in a work that has been published in a book and in a multi-media presentation. The Stand images would be temporarily attached to the outside of the building along Third Street for public viewing.

STAFF RECOMMENDATION: To authorize Patrick Thompson of Pat ApPaul Photography in Muskegon to use the exterior of 1095 Third for The Stand Photo Exhibition through the end of 2021 or the building is needed by a new owner for redevelopment.

K. West Urban ARP Development Agreement

City Manager

REMOVED PER STAFF REQUEST

L. Holiday Lights on Western Avenue

City Clerk

SUMMARY OF REQUEST: Terry Puffer has approached the City with a commitment to raise \$30,000 to decorate the downtown with colorful lights. It's a program he would like to add to each year. We have reached out to Lakeshore Aquascape who can do the decorating. They need to start in two weeks and require half down.

Terry Puffer is working to secure \$15,000 in sponsors to get the project going. Once he does, we are asking permission to sign an agreement with Lakeshore Aquascape in the amount of \$30,000. If Mr. Puffer is not able to secure the additional \$15,000, the city will need to pay that amount from its PR fund.

AMOUNT REQUESTED: Up to \$15,000 AMOUNT BUDGETED: \$0

FUND OR ACCOUNT: Public Relations

STAFF RECOMMENDATION: To authorize the Clerk to sign an agreement for \$30,000 in holiday lighting with Lakeshore Aquascape once the \$15,000 in donations are secured.

M. Shoreline Tram Transfer City Clerk

SUMMARY OF REQUEST: We are seeking approval to accept the gift of an 18-seat Tran, being gifted by Ramos Towing. Acceptance of the gift will allow the City to add the vehicle to the City's insurance. Ramos Towing donates hundreds of hours, paying their staff to run the Shoreline Tram for City events at no charge while paying \$1,000 per month in insurance costs.

STAFF RECOMMENDATION: To authorize the City Clerk to sign the Gift Agreement for Shoreline Tram gifted by Ramos Towing.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Ramsey, to accept the consent agenda as presented minus items B, F, and G.

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

Nays: None

Absent: Emory

MOTION PASSES

2021-87 REMOVED FROM CONSENT AGENDA:

B. Solid Waste Ordinance Amendment City Manager

SUMMARY OF REQUEST: Staff is seeking approval of an amendment to Chapter 70, Article II of the Code of Ordinances in coordination with the revised Sanitation Policy.

The newly adopted Sanitation Policy includes revised times when refuse collection carts can be placed at the curb and restricts where the carts can be stored. Staff is seeking a change to the Solid Waste ordinance to match the new

standards.

STAFF RECOMMENDATION: To amend and adopt Chapter 70, Article II, Section 31 (a) of the Code of Ordinances for Solid Waste.

Motion by Commissioner Johnson, second by Commissioner German, to amend and adopt Chapter 70, Article II, Section 31(a) of the Code of Ordinance for Solid Waste.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to amend the motion and have the ordinance language read “Mixed refuse collection carts shall be removed by the owner and occupant of the residential unit not later than 7:00 a.m. of the day after the collection day and stored in a discrete location.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Ramsey to table this item

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, and Ramsey

Nays: None

MOTION PASSES

F. Deer Hunting Ordinance Amendment

Public Works

SUMMARY OF REQUEST: Staff is requesting approval of an amendment to Chapter 6 of the Code of Ordinances to incorporate the new Section 6-19 which provides for limited archery hunting options within the City of Muskegon.

The draft Archery Hunting ordinance was discussed at the September 13, 2021 Commission Work Session meeting. No revisions have been made to the draft ordinance that was presented at that meeting.

STAFF RECOMMENDATION: To amend Chapter 6 of the City Code of Ordinances with the addition of Section 19.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to amend Chapter 6 of the City Code of Ordinances with the addition of Section 19.

ROLL VOTE: Ayes: Rinsema-Sybenga

Nays: Emory, Johnson, Gawron, Hood, Ramsey, and German

MOTION FAILS

G. Traffic Control Order #71

Public Works

SUMMARY OF REQUEST: Staff is requesting approval of Traffic Control Order #71- (2021) for the installation of “Yield Signs” at East and West bound Ada Avenue at Williams Street.

STAFF RECOMMENDATION: To approve Traffic Control Order #71-(2021).

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve Traffic Control Order #71-(2021).

ROLL VOTE: Ayes: Emory, Johnson, Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2021-88 UNFINISHED BUSINESS:

A. Amendment to the Floodplain Management Ordinance – SECOND READING Planning

SUMMARY OF REQUEST: Staff-initiated request to amend Sections 26-401 through 26-405 of the City Code of Ordinances to adopt the new Flood Insurance Rate Map panels from the National Flood Insurance Program.

The only change is to the Flood Insurance Rate map panels listed in Section 25-403.

STAFF RECOMMENDATION: To approve the request to amend Sections 26-401 through 26-405 of the City Code of Ordinances to adopt the new Flood Insurance Rate Map panels from the National Flood Insurance Program.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the request to amend Section 26-401 through 26-405 of the City Code of Ordinances to adopt the new Flood Insurance Rate Map panels from the National Flood Insurance Program.

ROLL VOTE: Ayes: Johnson, Gawron, Good, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

MOTION PASSES

B. Rezoning of 1128 Roberts – TABLED on August 24, 2021 Planning

SUMMARY OF REQUEST: Request to rezone the property at 1128 Roberts Street from R-1 Single-Family Residential Low Density to MC Medical Care, by Fresh Coast Alliance.

The Planning Commissioner unanimously (8-0, one absent) recommended approval of the rezoning and also unanimously approved the special use permit, contingent upon the rezoning approval by the City Commission.

The case was tabled at the July 27 City Commission meeting. The Commission requested to prepare a separate agreement that would limit intensive medical zoning uses at the location. A proposed Conditional Zoning Agreement is provided.

This item was removed from the table on August 24, 2021 for further discussion and was then tabled until September 28, 2021.

STAFF RECOMMENDATION: To (approve/deny) the request to rezone the property at 1128 Roberts Street from R-1 Single-Family Residential Low Density to MC Medical Care.

Motion by Commissioner Ramsey, second by Vice Mayor Hood, to deny the request to rezone the property at 1128 Roberts Street from R-1 Single-Family Residential Low Density to MC Medical Care.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, and Ramsey

Nays: None

MOTION PASSES

2021-89 PUBLIC HEARINGS:

A. Final PUD Approval at Adelaide Point Planning

SUMMARY OF REQUEST: Request for final Planned Unit Development (PUD) approval for a mixed-use development at 920/1148/1204 W Western Avenue.

The Planning Commission unanimously recommended approval (5-0, 4 members absent) at their September 15 meeting, with the following conditions:

1. A stormwater permit is obtained from the Muskegon County Drain Commissioners Office.
2. Staff approves an amended site plan that addresses the comments from the Public Works, Fire, and Planning Departments.

STAFF RECOMMENDATION: To approve the request for final Planned Unit Development (PUD) approval for a mixed-use development at 920/1148/1204 W Western Avenue with the following conditions: 1) A revised site plan that addresses narrower streets and water main and fire hydrants locations is approved by staff 2) The site plan receives a stormwater permit from Muskegon County Drain Commissioners Office 3) A development agreement that establishes public accesses requirements is approved by the City Commission.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to close the public hearing and to approve the request for final Planned Unit Development (PUD) approval for a mixed-use development at 920/1148/1204 W Western Avenue with the following conditions: 1) A revised site plan that addresses narrower streets and water main and fire hydrants locations is approved by staff 2) The site plan receives a stormwater permit from Muskegon County drain Commissioners Office 3) A development agreement that establishes public accesses requirements is approved by the City Commission.

ROLL VOTE: Ayes: Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, Ramsey, and German

Nays: None

MOTION PASSES

2021-90 NEW BUSINESS:

A. DDA Liquor License – 1208 8th Street Planning

SUMMARY OF REQUEST: Request for issuance of a DDA On-Premise Liquor License for Motu Lakeshore Wine Bar, LLC at 1208 8th Street

STAFF RECOMMENDATION: To approve the request for a DDA On-Premise Liquor License for Motu Lakeshore Wine Bar, LLC at 1208 8th Street.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the request for a DDA On-Premise Liquor License for Motu Lakeshore Wine Bar, LLC at 1208 8th Street.

ROLL VOTE: Ayes: Emory, Johnson, Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Ramsey requested an update at the next meeting as to what is happening at the Watermark. Commissioner Johnson announced an expungement clinic to be held on Friday, October 1, 2021 at the Muskegon Farmers Market from 3:30 p.m. – 7:30 p.m. Mayor Gawron announced that the City of Muskegon would be hosting the Michigan Municipal League Convention October 19-21, 2022.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 9:27 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk