# CITY OF MUSKEGON

## CITY COMMISSION MEETING

## SEPTEMBER 23, 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, September 23, 2014.

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

**2014-70 INTRODUCTIONS/PRESENTATION:**

**A. Presentation of Beautification Awards.**

Mayor Gawron recognized the winners of the Beautification Awards.

**2014-71 CONSENT AGENDA:**

**A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the September 8th Commission Worksession Meeting, and the September 9th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

**B. Small Wine Maker License – Pigeon Hill Brewing Co., 500 W. Western.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Pigeon Hill Brewing Company, LLC for a Small Wine Maker License to be located at 500 W. Western, Suite 1.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**C. Roof Maintenance/Repair Fire Station #4 (Robinson Street).** PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the amount of $9,600 for the roof repair to Fire Station #4. It was determined that the aging roof was leaking and causing damage to the roof structure, which needs immediate attention. Roofing bids were requested, Mikalan Roof Inc. (sub contracted to Werner & Sons) was selected from the process.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: Repairs to Fire Station #4 roof were requested in the 2014/2015 budget cycle to assure proper maintenance at this fire facility.

STAFF RECOMMENDATION: Staff recommends approval of this repair request.

**E. City-MDOT Agreement for Veteran Park Improvements.** ENGINEERING

SUMMARY OF REQUEST: Approve a contract with MDOT amending the previously signed contract No. 14-5155 increasing the grant amount by $123,200 by approving the resolution authorizing the Mayor and City Clerk to sign the amended contract No. 14-5519.

FINANCIAL IMPACT: No change from what was previously approved since the entire increase is in federal grant.

BUDGET ACTION REQUIRED: None at this time as this project was budgeted for, however, the revised cost/grant amount will be reflected in the upcoming budget re-forecast.

STAFF RECOMMENDATION: Approve the contract amendment and resolution authorizing the Mayor and Clerk to sign both.

**F. New Cingular Wireless Third Amended Tower Lease Agreement.** PUBLIC WORKS

SUMMARY OF REQUEST: Approve the staff negotiated amendment to the contract with New Cingular Wireless to add three more antennas to the Nims Street Water Tower and authorize the Mayor and Clerk to sign said amendment.

New Cingular Wireless PCS, LLC a Delaware Corporation and the Department of Public Works have been in negotiations to amend the Second Amendment to the 1998 Lease Agreement for the Nims Street and Marshall Street Water Towers.

This third amendment would allow New Cingular Wireless to install, on Nims Street Water Tower only, up to a total of 12 antennas, 3 additional antennas from the current number of 9.

FINANCIAL IMPACT: Monthly rental will increase from $7,772.54 per month to $9,077.54 escalating at the rate of 3% annually for the life of the contract which ends in 2018.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Third Amendment to the 1998 Lease Agreement and to authorize the Mayor and Clerk to sign.

**G. Request to Proceed with the Redevelopment Ready Communities Program.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon is one of eight communities selected to participate in the Michigan Economic Development Corporations (MEDC) Redevelopment Ready Communities program. The program supports communities to become redevelopment ready and to adopt innovative strategies and efficient processes which build confidence among businesses and developers. The MEDC recently released its evaluation of Muskegon and shared the findings at a recent Commission Meeting. The MEDC is requesting a resolution in support of continuing the certification process.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution and to proceed with the Redevelopment Ready Communities program.

**I. Sale of the Property at 816 Marquette Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval to sell the vacant, buildable, residentially zoned lot at 816 Marquette Avenue to James Williams, owner of the multi-family residential complexes at 860 Marquette Avenue. He plans on constructing two more multi-family residential units and an office on the property. The property is 6.1 acres; however, more than an acre of it is undevelopable due to the ravine to the north of the property.

FINANCIAL IMPACT: Staff recommends a sale price of $11,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval and authorize signature of the purchase agreement and resolution.

**J. Nims Elevated Storage Tank Interior Coating and Repairs.** PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to award contracts to Seven Painting for the interior painting and miscellaneous repairs to the Nims Street elevated water storage tank and to Dixon Engineering for the project administration, pre-construction meeting and paint inspection services.

FINANCIAL IMPACT: Seven Brothers Painting = $204,700

Dixon Engineering = $15,683

Total: $220,383

BUDGET ACTION REQUIRED: Budgeted capital improvement for 2014/15.

STAFF RECOMMENDATION: Staff recommends acceptance of the bid from Seven Brothers Painting and Dixon Engineering for a total cost of $220,383.

**Motion by Vice Mayor Spataro, second by Commissioner Johnson to adopt the Consent Agenda as read with the exception of items D and H.**

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

**Nays: None**

***MOTION PASSES***

**2014-72 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**D. T.V. Truck and Camera System.** PUBLIC WORKS

SUMMARY OF REQUEST: The Equipment Division has requested bids from Jack Doheny Companies and Fredrickson Supply Company for a new T.V. Truck and camera system. After several attempts to contact the Aries camera rep from Fredrickson and no return calls, we are requesting permission to purchase the T.V. Truck and camera system from Jack Doheny Companies.

FINANCIAL IMPACT: $189,867.95.

BUDGET ACTION REQUIRED: Authorize staff to move the budgeted purchase amount from the 2013/2014 budget to the 2014/2015 budget at the time of the first quarterly reforecast.

STAFF RECOMMENDATION: Authorize staff to purchase one T.V. Truck and Camera System from Jack Doheny Companies for $189,867.95.

**Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to authorize staff to purchase one T.V. Truck and Camera System from Jack Doheny Companies for $189,867.95.**

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

**Nays: None**

***MOTION PASSES***

**H. Sale of the Property at 481 Monroe Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval to sell the vacant, buildable, residentially zoned lot at 481 Monroe Avenue to the Shoreline Branch Lions Club. The non-profit organization plans on working in conjunction with Love Community Garden to expand their current community garden. The lot is considered buildable because of its size, however; the odd shape of it would make development difficult and would require variances to meet current setback requirements. There are several other City-owned buildable lots in the area. The asking price for the lot is $3,600 and the Shoreline Branch Lions Club is offering $50.

FINANCIAL IMPACT: The City would receive $50 and help Love Community Garden expand its operations.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval and authorize signature of the resolution.

**Motion by Commissioner Turnquist, second by Commissioner Johnson to approve and authorize the signature of the resolution for the sale of the property at 481 Monroe Avenue.**

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

**Nays: None**

***MOTION PASSES***

**2014-73 PUBLIC HEARINGS:**

**A. <u>Consolidated Annual Performance Evaluation Report (CAPER 2013).</u>**
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing of the 2013-2014 CAPER projects funded through CDBG and HOME allocations to the City of Muskegon Community & Neighborhood Services Department.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To submit the 2013-2014 CAPER, including any public comments received during the 30-day comment period ending September 25, 2014.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

**Motion by Vice Mayor Spataro, second by Commissioner German to close the Public Hearing and submit the 2013-2014 CAPER, including any public comments received during the 30-day comment period ending September 25, 2014.**

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

**Nays: None**

***MOTION PASSES***

**2014-74 UNFINISHED BUSINESS:**

**A. <u>Road Millage Resolution.</u>** CITY MANAGER

**Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to approve the amended Road Millage Resolution.**

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

**Nays: None**

***MOTION PASSES***

**2014-75 NEW BUSINESS:**

**A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u>** PUBLIC SAFETY

**<u>703 Amity Avenue</u>**

**<u>717 Amity Avenue</u>**

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: 703 Amity – General Funds

717 Amity – CDBG Funds

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

**Motion by Commissioner Hood, second by Commissioner German to concur with the Housing Board of Appeals notice and order to demolish 703 Amity and 717 Amity.**

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

**Nays: None**

***MOTION PASSES***

**B. <u>Marihuana Ordinance.</u>** 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 marijuana 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 Rinsema-Sybenga to approve the ordinance and authorize the fees as outlined above be added to the fee schedule.**

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to amend the motion by changing number 6 of Sec. 34-112 to Municipal Civil Infraction.**

**VOTE ON AMENDMENT:**

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

**Nays: Turnquist**

***MOTION ON AMENDMENT PASSES***

**VOTE ON ORIGINAL MOTION:**

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

**Nays: Johnson**

***MOTION PASSES* (ORDINANCE REQUIRES SECOND READING)**

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 7:19 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk