CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 8, 2020 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

REMOTE MEETING

933 TERRACE STREET, MUSKEGON, MI 49440

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, September, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson (arrived at 5:34 p.m.), Dan Rinsema-Sybenga, Willie German, Jr., Michael Ramsey, and Teresa Emory, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2020-61 HONORS, AWARDS, AND PRESENTATIONS:

A. <u>Big Red Development Proposal - Presentation</u> Development Services

Staff is present a development proposal to construct single and multi-family housing for rent and purchase in three urban core neighborhoods. A subsequent proposal will include a mixed-use development at Angell School.

The initial proposal includes the sale of 55 lots scattered throughout the Angell, Jackson Hill, and McLaughlin neighborhoods with the goal of increasing to at least 100 lots. Homes will be offered for rent or for sale, depending on what the market will bear and will be priced for working class singles and families in the 80-120% area medial income level. Some properties will include new construction while others will include renovation of existing structures. The developers are interested in partnering with the local business community to manage and service the properties.

The developers are requesting that each property be sold for $1 and that water and sewer connection fees be covered by the city. To protect their investment, the developers are also requesting first right of refusal on additional lots and homes that the city acquires within ½ mile of their current investments.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2020-62 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the August 25, 2020 regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Community Relations Committee Recommendations City Clerk

SUMMARY OF REQUEST: To accept the appointment of Sherri Black to the Downtown Development Authority as a Citizen.

STAFF RECOMMENDATION: To concur with the recommendation of the Community Relations Committee and approve the appointment.

C. Purchase Agreement 580 Catherine Ave City Manager

SUMMARY OF REQUEST: City staff is seeking authorization to enter into the attached purchase agreement.

580 Catherine was donated to the city from the family of a deceased resident. Our team rehabbed the home as part of our commitment to create affordable quality home ownership opportunities in the city's neighborhoods. All cost associated with closing the estate and rehabbing the home totaled $95,000. The sale price is $100,000, with the city contributing $4,000 toward closing costs. The gam that exists will be recouped as part of the scattered site brownfield housing program. The gap for this home is our smallest yet – less that 7% - while the sale price is also the lowest yet.

STAFF RECOMMENDATION: Authorize the City Manager to sign the purchase agreement and complete the sale.

D. Purchase Agreement 271 Merrill Ave City Manager

SUMMARY OF REQUEST: City staff is seeking authorization to sell the city-owned home at 271 Merrill to Paul Reichle.

The city constructed this house as part of the phase two of our infill housing program. Our contract to construct the home was $197,464. We also anticipated $11,844 in sales commissions. The accepted purchase price is $188,000. The City will also construct a wooden stockade fence in the rear of the home at a cost of approximately $5,000. The total amount requiring brownfield gap financing will be approximately $14,500. The 7.3% gap is larger than the 3.5% gap from the sale of 395 Houston, but still significantly smaller than the gap anticipated in the Brownfield Plan, and also significantly smaller than the gap in the initial phase of the in-fill project (Midtown Square).

STAFF RECOMMENDATION: Authorize the City Manager to complete the sale

of 271 Merrill Avenue, as described in the purchase agreement.

E. Reeths Puffer Hockey Lease City Manager

SUMMARY OF REQUEST: Staff is seeking approval to amend the shared use agreement with Reeths Puffer's varsity hockey team as presented.

The agreement extends the relationship with RP Hockey through the 2024-25 season and cleans up some items from the original lease. The lease rate will be paid in two payments, totaling $26,000 in year 1, and rising slightly in subsequent years.

STAFF RECOMMENDATION: Approve the change order.

G. Arena Rent Reduction City Manager

SUMMARY OF REQUEST: Staff is seeking approval to eliminate 5 months of rent for all arena lease holders, with the exception of Rad Dad's.

Indoor sporting events have yet to officially resume in the State of Michigan. We are in a position to make concessions for teams' upcoming seasons, but we still do need commission action to properly deal with accrued but unpaid rent. Staff is looking for blanket approval to eliminate any rental obligations for its major sports teams (Risers, Ironmen, and Lumberjacks) for 5 months retroactively. This should put all three teams in a position to compete under modified agreements during the 2020-21 season. Note that there is no amount requested below, as much of this has been accounted for in the original budget projections.

STAFF RECOMMENDATION: Approve the change order.

H. Arena Social Distancing Investments City Manager

SUMMARY OF REQUEST: Staff is seeking approval to complete the social distancing improvements at the Mercy Health Arena at a cost not to exceed $25,000.

As part of the COVID-19 response at the arena, there is significant to provide space for players – specifically youth players – to social distance while off the ice. Typically, we have four general locker rooms available for players. Each team would use one. This allow two teams to be on the ice together, and two more to prepare for their game(s). The cycle continues throughout the day/season. New distancing standards at the arena will require teams to spread out into two locker rooms. The result would be that all 4 locker rooms would be use by the two teams on the ice, and no locker rooms would be available for the two teams playing afterward until the on-ice teams return to their locker room, undress, vacate the room, and the arena staff cleans. We believe this will cost the arena approximately 60 minutes of down time for every change over. We collect on average $285 per hour of ice rental. The down time would cost the arena 16-20 hours of ice rental each week. Over the course of a 30-week season, this could cost us as much at $170,000. Staff is recommending that we

spend some money expanding the rubber matting down the vacant tunnel into the former storage area. The large storage area can accommodate two full teams at one time. We have put together a simple budget for rubber mats at $4,500 for supplies and $500 for installation. Also paint at $1,500 and erection of a dividing wall at $2,500. There will also be a small amount of asbestos removal estimated at $3,000, and we anticipate need for some benches or chairs at $3,500 total. We will also have expenses for a storage container at $7,000. We will undertake the project mostly internally, and only use outside contractors as needing. We are asking for $22,500 plus $2,500 for contingencies.

AMOUNT REQUESTED: $25,000

AMOUNT BUDGETED: $0

FUND OR ACCOUNT: Arena Fund

STAFF RECOMMENDATION: Authorize the city manager to expend up to $25,000 to meet social distancing needs at the arena, with the funds to be drawn from GL Number 254-93015-5300.

I. <u>Second Floor Window Coverings</u> City Manager

SUMMARY OF REQUEST: As part of the renovation efforts, a number of window seals will b replaced. Additionally, it was determined that a number of window treatments need replacement. Staff is asking to replace window treatments on 52 windows in the remodeled area.

The windows are original to the 1960s construction. The window coverings are original to the 1990s remodel. In an effort to improve functionality and energy efficiency, staff is recommending that the 30+year old mini-blind system be replaced with insulated light-filtering cellular blinds. The coverings for 52 windows will cost approximately $4,100. We also received pricing from two other competitors for similar products; $6,000 and $8,500.

AMOUNT REQUESTED: $4,100

AMOUNT BUDGETED: $0

STAFF RECOMMENDATION: Approve the purchase.

J. <u>City Hall Lighting</u> City Manger

SUMMARY OF REQUEST: Staff is seeking approval to complete the lighting upgrade at city hall.

As part of the recent second floor renovation efforts, all of the light fixtures in the renovated area were upgraded to LED. The workspace is visibly different, with the new lighted areas far-better-lit than the older areas. Staff has spoken to the electrician from the remodel, and they have quoted the same cost per fixture to expand the project to the remaining areas of city hall. The cost is approximately $150 per fixture. This includes the removal/disposal of old fixtures and the

purchase/installation of the new fixtures, as well as miscellaneous costs (permitting, egress lighting, etc.). The new lights will utilize 40 watts per fixture vs the current 96 watts per fixture. Staff has estimated the ROI at 66 months. We are requesting enough funding to complete the remaining fixtures on the second floor, plus 5% contingency. 66 fixtures x $150 + $9,900 plus 5% contingency + $10,395. We are seeking to move forward with this contractor as they were already the low bidder on the remodel project and expect that they would continue to be the low bidder on the change order

AMOUNT REQUESTED: $10,395

AMOUNT BUDGETED: $0

FUND OR ACCOUNT: General Fund

STAFF RECOMMENDATION: Authorize the city manager to expend up to $10,395 with Newton Electric to replace existing light fixtures on the second floor of city hall, with the funds to be drawn from General Fund GL Number 101-60265-5300.

K. <u>Muskegon Historic District Commission Certified Local Government Application</u> Planning

SUMMARY OF REQUEST: Staff is requesting to apply for participation in the Michigan State Historic Preservations Office's (SHPO) Certified Local Government (CLG) program.

The CLG program is a preservation partnership between the City of Muskegon, SHPO, and the National Park Service focused on promoting historic preservation at the local level. Once certified as a CLG, the City will gain special access to technical assistance and historic rehabilitation grant opportunities. There is no application fee or membership dues for the program and the City is already meeting most of the program's requirements. The Historic District Commission recommended approval of the request at their September 1, 2020 meeting.

STAFF RECOMMENDATION: To apply for the Michigan State Historic Preservation Office's Certified Local Government program and for the Mayor to sign the application cover letter.

M. <u>Jefferson & Strong Change Order #001</u> Public Works

SUMMARY OF REQUEST: Staff is seeking authorization to approve Change Order #001 to the sewer project work on Jefferson and Strong Streets.

Staff requested pricing from the Contractor to complete additional work on the project. The additional work included milling and resurfacing an additional block of 3rd Street between Merrill and Mason. The resurfacing of this additional block allowed for a continuous new pavement surface on 3rd/Strong from Muskegon Avenue to Peck. Without the addition one block of 3rd Street would have remained with old pavement upon completion of the project. The original

project budgets carried a 6% contingency. This addition will utilize $49,192.20 of the original contingency ($71,908.31). The project is nearing completion with only minor changes anticipated that are not anticipated to exceed the remaining budgeted contingency. As such, there will be no adjustment required in the reforecasting related to this change order. Staff and the Project Engineer (Prein & Newhof) have reviewed the change order and are supportive.

AMOUNT REQUESTED: $0 AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 590/591-91856

STAFF RECOMMENDATION: Authorize staff to approve Change Order #001 to the Jefferson-Strong Sewer Project with Jackson-Merkey Contractors in the amount of $49,192.20.

N. <u>DPW Laborer Position</u> Public Works

SUMMARY OF REQUEST: Staff is seeking authorization to create three new full-time positions within the Department of Public Works under the Laborer classification and to begin the process to fill those position.

DPW has consistently experienced difficulty in filling the current full-time skilled positions as they contain barriers to employment that do not offer a path for an entry level applicant to hire in and learn the field. Most all of our positions require a CDL, or state license upon hiring that can limit our pool of available applicants and disqualify an otherwise good candidate from being eligible.

To try and address that issue staff has recently updated the Laborer position description which eliminates many of the more difficult prerequisites to be considered eligible for employment. Applicants will have the opportunity to learn the DPW field, receive training, and become credentialed while employed and eventually become eligible candidates for our harder to fill vacancies as they become available. Laborers would be full time limited term employees working within our current SEIU Unit 2 Contract. The position and pay scale already exists within the union contract though it has not been utilized for some time.

Staff is proposing to hire three (3) Laborers for DPW. Two (2) would have their home account within the water fund (590) and one would have their home account within the Major Streets Fund (202).

The new positions would be largely funded through the recently added Lead Service Line fee that was approved for water bills. The fee anticipates revenue of approximately $750K per year to be used towards replacement of lead service lines within the city, with the goal to replace 200-300 per year. By adding the additional staff, we anticipate being able to complete a larger number of lead service replacements with in-house staff as opposed to contracting for the work, while also creating a succession plan for our skilled positions at DPW.

AMOUNT REQUESTED: Approximately $110,000 (20-21)

$17.67/hour x 2,080 hours x 1.35 (Markup) x 3 EA x 0.75 (Partial Year) = $111,639.06

(Will be ~ $150,000 in a full FY)

AMOUNT BUDGETED: $0 – To be added at future reforecast and will be offset by reduction in 591 Capital line item for "Water Service Replacement Unassigned"

FUND OR ACCOUNT: 591-60559 & 202-60440

STAFF RECOMMENDATION: Authorize staff to create three (3) full time limited term Laborer positions within the Department of Public Works and begin the process of filling the positions.

O. Lakeshore Trail Repairs Public Works

SUMMARY OF REQUEST: Authorize the award of SP 92012 Lakeshore Trail Repairs including Alternate #001 to the low bidder, Jackson Merkey Contracting.

Staff solicited bids for repairs to the Lakeshore Trail bike path and shoreline restoration and protections. The bike path was damaged due to high water events and storms in the fall of 2019, between Lakeshore Court and Ruddiman Creek.

Bids received are as follows:

- $233,853.000 – Jackson Merkey alternate #1 $10,860.00
- $261,844.00 – Accurate Excavators alternate #1 $12,000.00
- $289,783.00 – Wadel Stabilization alternate #1 $38,000.00
- $296,006.00 – Anlaan Corporation alternate #1 $30,400.00
- $325,280.00 – Hallack Contracting alternate #1 – no bid

The project would be construed in the Fall of 2020 and Spring of 2021 as needed.

The project is still pending receipt of the necessary MDEGLE and USACE permits which are still outstanding. Permits have been applied for and are in process. A notice to proceed will not be issued and work cannot begin until the necessary permits are obtained.

Also recommend the acceptance of Alternate #1 in the amount of $10,860.00

AMOUNT REQUESTED: $244,443.00

AMOUNT BUDGETED: $250,000

FUND OR ACCOUNT: 202-92012

STAFF RECOMMENDATION: Approve the award of the SP 92012 Lakeshore Trail Repairs including Alternate #001 to the low bidder, Jackson Merkey

Contracting.

P. <u>Mausoleum Repairs</u> Public Works

SUMMARY OF REQUEST: Authorize the award for the Mausoleum Wall Restoration including Option #001 to the low bidder, Midwest Building Maintenance.

Staff solicited bids for repairs to the mausoleum at Evergreen Cemetery. Work includes repairs to spalled limestone, tuck pointing, window caulking, and moisture barrier sealant on entire building. Option #001 includes repairs to the limestone front steps.

Bids received are as follows:

- **$29,508.00 – Midwest Building Maintenance Option #001 - $750.00**
- **$36,750.00 – Kent Companies Option #001 - $575.00**
- **$97,600.00 – Bornor Restoration Option #001 - $4,200.00**
- **$120,869.00 – RAM Services Option #001 - $4,300.00**

The project would be constructed in the Fall of 2020.

Project will require adjustment in a future reforecast with funding being drawn from the Cemetery Perpetual care Fund to cover the capital project costs.

AMOUNT REQUESTED: $30,258.00

AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 101

STAFF RECOMMENDATION: Approve the award of the Mausoleum Wall Restoration contract including Option #001 to the low bidder, Midwest Building Maintenance in the amount of $30,258.00.

R. <u>MERS Supplemental Contribution</u> Finance

SUMMARY OF REQUEST: The MERS Defined Benefit amount that was expensed each pay period based on the wages of current Defined Benefit employees was over expensed for the fiscal year FY2019-20 by $89,670.86. Staff is requesting authorization to make a supplemental payment to MERS for $89,670.86.

Each fiscal year based on our required annual contribution to MERS for our Defined Benefit Group Finance calculates a percent of wages to be expensed to MERS contribution for each employee division each pay. This year, as in several years in the past, the amount expensed exceeded our required contribution by $89,670.86.

The city can always contribute more than the minimum required contribution and by doing so will earn additional investment income and may lower future contribution requirements. Staff is recommend making a supplemental payment to MERS for $89,670.86.

AMOUNT BUDGETED: **N/A expensed in FY 19-20**

STAFF RECOMMENDATION: **To authorize staff to make a supplemental payment to MERS for $89,670.86.**

T. Social District Permit Recommendations **Economic Development**

SUMMARY OF REQUEST: **The City Commission must recommend approval of the Michigan Liquor Control Commission permits of participating licensed establishments in the Downtown Muskegon Social District.**

With the establishment of the Downtown Muskegon Social District, participating licensed establishments must receive a Social District permit from the Michigan Liquor Control Commission. The MLCC must first receive a recommendation for approval from the City Commission before granting the permits. You handled the initial five such requests at your August 25, 2020 meeting. The attached resolution includes Burl & Sprig, Nipote's, and Rake Beer Project which are also seeking a Social District permit from the state and seeking City Commission recommended approval. The Social District plan identifies 22 potential participating licensees within the district. Other licensed establishments may file a Social District permit application in the future.

STAFF RECOMMENDATION: **To approve the resolution recommending Michigan Liquor Control Commission approval of Social District permits in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.**

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga to approve the consent agenda as presented, except item F, L, Q, and S.

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

Nays: None

MOTION PASSES

2020-63 REMOVED FROM CONSENT AGENDA:

F. Arena Marquee Change Order 1 **City Manager**

SUMMARY OF REQUEST: **City Commission originally approve the marquee replacement in conjunction with the failure of the LED Marquee. Staff is seeking approval of change order #1 to add an additional $19,875.98 to the project cost.**

City Commission originally approve the marquee replacement in response to the failure of the 20+ year old LED marquee. We received four bids and accepted the lowest bid from Vizidef for $65,888. The next lowest bidder was Advanced Signs at $86,616. As we worked through the process, we decided to adjust the marquee to also advertise the new convention center – this was done to limit the number of signs on Shoreline Drive. Additionally, we learned that

there would be some structural changes of the site to accommodate the new/heavier sign. The additional $19,875.98 will be shared with the convention center project. The new total project cost of $85,763.98 is still lower than the second lowest bidder's original bid from the January 14, 2020 City Commission meeting. Construction is taking place the week of Labor Day, and likely will be underway by the time the Commission formally approves this request.

STAFF RECOMMENDATION: Approve the change order.

Motion by Commissioner Emory second by Commissioner Rinsema-Sybenga to approve the change order.

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

Nays: German

MOTION PASSES

L. <u>Edgewater Street Engineering Study</u> Public Works

SUMMARY OF REQUEST: Staff is seeking authorization to hire Ramboll to complete an engineering study related to Edgewater Street. The study would be used to determine the best options moving forward as it relates to addressing the persistent flooding that has plagued that area as a result of the high water levels within the Great Lakes.

Staff solicited proposals from three firms to complete the work. Two responded with proposals and after review of the proposals staff is recommending the Ramboll proposal based on their previous work on shoreline restoration projects in the area and the familiarity with the specific needs of this site. The Engineering study was not included in the proposed 20-21 budget and will need to be added via a future reforecast to the Local Streets Fund (203). Michigan Transportation Fund (MTF) revenue projections have increased since the original drafting of the 20-21 budget and this expense is expected to be offset by increased revenue.

AMOUNT REQUESTED: $15,300

AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 203

STAFF RECOMMENDATION: Authorize staff to hire Ramboll to complete an engineering study related to the persistent flooding on Edgewater Street.

Motion by Commissioner Emory second by Commissioner Johnson to authorize staff to hire Ramboll to complete and engineering study related to the persistent flooding on Edgewater Street.

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

Nays: None

MOTION PASSES

Q. <u>Citizens Participation Plan (CPP) Amendment</u> Community & Neighborhood Services

SUMMARY OF REQUEST: The CARES Act (Coronavirus Aid, Relief, and Economic Security Act) promotes the amendments to our CPP's comment period. These changes expedite procedures to provide reasonable notification and access for citizen of no less than 5 days.

Changes are highlighted on the attachment.

STAFF RECOMMENDATION: To approve the amendments made to the CPP.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga to authorize staff to hire Ramboll to complete and engineering study related to the persistent flooding on Edgewater Street.

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

Nays: None

MOTION PASSES

S. <u>Resolution Authorizing Issuance of 2020 Capital Improvement Bonds</u> Finance

SUMMMARY OF REQUEST:To approve the Resolution Authorizing Issuance of 2020 Capital Improvement Bonds not to exceed $8,000,000.

The 2020 Capital Improvement Bonds are being issued for additions and improvements to the Muskegon Central Dispatch 9-1-1 facility and fire station, Hartshorn Marina including new docks, clubhouse and pool, Hartshorn Village including water, sewer and road improvements, to acquire police department body camera equipment and the refinancing of existing financing for a new roof and heating, ventilation and cooling improvements to Mercy Health Arena not to exceed $8,000,000.

Motion by Commissioner Johnson second by Commissioner Ramsey, to approve the Resolution Authorizing Issuance of 2020 Capital Improvement Bonds not to exceed $8,000,000.

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

Nays: None

MOTION PASSES

2020-64 PUBLIC HEARINGS:

A. <u>Business Improvement District (BID) Public Hearing</u> Economic Development

SUMMARY OF REQUEST: A public hearing has been scheduled to receive comment on a proposed three-year renewal of the Downtown Muskegon Business Improvement District special assessments through a resolution establishing the district, rates and budget for 2021-2023.

The Muskegon City Commission has approved the Downtown Muskegon Business Improvement District three times since 2016 to enhance the public services in the central business district. The current three-year BID special assessment expires December 31, 2020. The BID Board recommends a three-year renewal of the BID with a reduced district footprint, the same special assessment rates providing a reduced budget that would focus work on summer landscaping and winter sidewalk snow removal. The proposed BID would generate approximately $113,000 in special assessment revenues each year to be collected on the winter tax bills. Class A properties, the commercial properties involved in downtown activities and business, would be assessed $0.08 per square foot of land with a cap of $4,000. Class B properties, those zoned for industry and manufacturing, would be assessed $0.04 per square foot of land with a cap of $2,000. Staff will track the number of objections and the percentage of the assessment for the objecting properties. After hearing public comment, the attached resolution would establish the district, rate, budget and appoint two commissioners to the Board of Assessors. The special assessment roll also is attached and would be subject to a second public hearing before the Muskegon City Commission in October if the district is created.

STAFF RECOMMENDATION: To close the public hearing and approve the resolution to create a Downtown Muskegon Business Improvement District, special assessment rate and budget for 2021, 2022, and 2023, additionally naming two commissioners to the Board of Assessors.

PUBLIC HEARING COMMENCED:

The following comments were received at the meeting via Zoom:

Diane Foster, 135 Ottawa – asked where BID (boundaries) is.

Motion by Vice Mayor Hood second by Commissioner Rinsema-Sybenga, to close the public hearing and approve the resolution to create a Downtown Muskegon Business Improvement District, special assessment rate and budget for 2021, 2022, and 2023, additionally naming two commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

2020-65 UNFINISHED BUSINESS:

A. <u>Amendment to Zoning Ordinance – Marihuana Overlay District</u> Planning

SUMMARY OF REQUEST: Staff-initiated request to amend Section 2331 of the zoning ordinance to include Districts 4 and 5, excluding 863 and 885 E. Apple., into the marihuana facilities overlay district.

Second reading that includes the approval of Districts 4 and 5, excluding 963 and 885 E. Apple, because of a typo on the first reading.

Staff will also be recommending a first hearing on expanding the district to include the proper addresses of 863 and 885 E. Apple.

STAFF RECOMMENDATION: To approve the request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include districts 4 and 5 as presented, excluding 863 and 885 E. Apple.

Motion by Commissioner Johnson second by Commissioner Emory to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include 796 E. Apple for provisioning and retail uses, 981 S. Getty Street for growing and processing uses, and 935 S. Getty Street for provisioning and retail uses.

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

Nays: Ramsey and Emory

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga second by Vice Mayor Hood to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include 623 W. Clay for Microbusiness uses, 639 W. Clay for Microbusiness uses, and 920 Washington for provisioning and retail uses – third floor or higher.

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

Nays: Emory, Johnson, and Ramsey

MOTION PASSES

B. <u>Amendment to Zoning Ordinance – Marihuana Overlay District</u> Planning

SUMMARY OF REQUEST: Staff initiated request to amend Section 2331 of the zoning ordinance to include 863 and 885 E. Apple Avenue into the marihuana facilities overlay district.

First reading that includes adding 863 and 885 E. Apple into the marihuana facilities overlay district. These addresses were left out of the second reading of the first request because of a typo that listed them as being on Laketon Avenue

instead of Apple Avenue.

STAFF RECOMMENDATION: To approve the request to amend Section 2331 of the zoning ordinance to include 863 and 885 E. Apple Avenue into the marihuana facilities overly district.

Motion by Commissioner Rinsema-Sybenga second by Commissioner German to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include 863 and 885 E Apple for provisioning, retail, and microbusiness use.

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

Nays: Emory, Johnson, and Ramsey

MOTION PASSES

2020-66 ANY OTHER BUSINESS:

Mayor, Stephen J. Gawron, suggested a Legislative Meeting to further discuss the Gift Card Program communication from the City Attorney. The Legislative Policy meeting to be held September 23, 2020 at 5:30 p.m.

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

Commissioner German left at 9:40 p.m.

ADJOURNMENT: The City Commission meeting adjourned 9:50 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk