

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 23, 2022 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

AGENDA

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, August 23, 2022, Reverend Eileen Stoffan, St. Paul's Episcopal Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

Present: Mayor Ken Johnson, Vice Mayor Willie German, Jr., Commissioners Teresa Emory, Rebecca St.Clair, and Eric Hood, Interim City Manager LeighAnn Mikesell, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioners Rachel Gorman and Michael Ramsey

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2022-74 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 26, 2022 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Alive on the Lakeshore Tax Appeal Legal Representation Finance

SUMMARY OF REQUEST: The City of Muskegon is seeking to reach an agreement with Foster Swift for a Tax Appeal regarding Alive on the Lakeshore.

Parmenter Law which normally represents the City of Muskegon has a conflict of interest because they also represent Alive on the Lakeshore. Therefore, the City of Muskegon seeking another Firm (Foster Swift) to represent the City for the Tax Appeal.

As part of this engagement, the City of Muskegon understands that the Firm also represents Muskegon County. If a circumstance arises in the future that presents a conflict of interest based on the Firm's representation of the City in this matter and its representation of the County in other matters, the City agrees to waive

any such conflict of interest so that the Firm is not precluded from representing the County in any matters.

AMOUNT REQUESTED: \$230/hour

STAFF RECOMMENDATION: Authorize the Finance Director to enter into an agreement with the Foster Swift for the Tax Appeal against Alive on the Lakeshore.

C. 1095 Third Street Purchase Agreement Economic Development

SUMMARY OF REQUEST: Staff have been working on acquisition terms for the 1095 Third Street site, and have worked with legal counsel to prepare the attached purchase and sale agreement.

We have had a positive working experience with Shaun Burket and Suburban Property. We are at a point where we have agreed on development components, timeline, and incentive vehicle (Brownfield TIF). The document before you tonight represents the terms of sale for the parcel and building. The developer proposes a \$100,000 payment at time of closing, with a \$10,000 refundable deposit during the due diligence period. During the 90-day due diligence period both parties mutually commit to finalizing a specific development agreement, which will lay out potential consequences to breach of timeline for the development.

AMOUNT REQUESTED: (\$100,000 gain)

FUND OR ACCOUNT: 404

STAFF RECOMMENDATION: Motion to approve the Purchase and Sale Agreement as presented and authorize the Mayor and Clerk to sign.

Motion by Vice Mayor German, second by Commissioner Emory, to accept the consent agenda as presented, minus item D.

ROLL VOTE: Ayes: Johnson, Hood, German, Emory, and St.Clair

Nays: None

MOTION PASSES

2022-75 REMOVED FROM CONSENT AGENDA:

D. STOP Violence Against Women Grant Public Safety

SUMMARY OF REQUEST: The Michigan Department of Health and Human Services (MDHHS) Division of Victim Services has approved a fourth year of grant funding in the amount of \$211,884 for two detectives to be assigned to a multi-jurisdictional violence against women task force. Public Safety seeks approval to accept the funds and sign the contract.

With STOP Violence Against Women grant funding from MDHHS, the Muskegon Police Department, Norton Shores Police Department, and Muskegon Prosecutor's Office established a Violence Against Women Task Force in October of 2020. Two detectives from Muskegon PD, two from Norton Shores PD, and two prosecutors make up the task force. The task force works collaboratively to investigate and support victims of domestic violence, sexual assault, and stalking cases from all Muskegon County jurisdictions.

MDHHS has offered each governmental unit a fourth year of funding from October 1 through September 30 with a required 25% match. Funding was approved for two detectives, grant administration, and victim support items. The total project cost for the City of Muskegon is \$282,512, where MDHHS will provide up to \$211,884. A match is only necessary on funds used. Full contract details, program requirements, and budgeted items are attached.

AMOUNT REQUESTED: \$211,884 with a 25% match requirement.

FUND OR ACCOUNT: 101-301-703-000630

STAFF RECOMMENDATION: To accept the 2023 Stop Violence Against Women Grant and authorize staff to sign the contract.

Motion by Commissioner St.Clair, second by Commissioner Emory, to accept the 2023 STOP Violence Against Women Grant and authorize staff to sign the contract.

ROLL VOTE: Ayes: Johnson, Hood, German, Emory, and St.Clair

Nays: None

MOTION PASSES

2022-76 NEW BUSINESS:

A. Amendment to the Zoning Ordinance – Minimum Housing Unit Sizes
Planning

Sent back to Planning Commission

B. Planned Unit Development at 2033 & 2044 Lakeshore Drive Planning

SUMMARY OF REQUEST: Request for final Planned Unit Development approval for a micro-lodging development at 2033 and 2043 Lakeshore Dr, by Tiny Diggs Muskegon LLC.

The development consists of 10 micro-lodging rental units at the corner of Lakeshore Drive and Moon Street. The units are 212 sq ft in size and will be placed 10 feet apart from each other. Parking will be located off-site behind Ghezzi's Market. The Planning Commission will hold a public hearing regarding the case on August 11. Staff has recommended the addition of five canopy trees to be placed in the terrace along Moon Street.

STAFF RECOMMENDATION: To adopt the resolution and approve the final PUD at 2033 and 2043 Lakeshore Dr with the addition of five canopy trees to be located in the terrace along Moon St.

Grant and authorize staff to sign the contract.

Motion by Commissioner Hood, second by Commissioner St.Clair, to adopt the resolution and approve the final PUD at 2033 and 2043 Lakeshore Drive with the addition of five canopy trees to be located in the terrace along Moon Street.

ROLL VOTE: Ayes: German, Emory, St.Clair, and Hood

Nays: Johnson

MOTION PASSES

ANY OTHER BUSINESS:

Interim City Manager, LeighAnn Mikesell, provided an update on the selection of the new Public Safety Director. Tim Kozal will be sworn in on Monday, August 29, 2022 at 9:00 a.m. in the Commission Chambers. He is coming from the City of Ludington. Captain Rush did a fantastic job of acting as interim Public Safety Director while the search was being conducted.

Mayor Johnson commented on the concerns that have come up over short term rentals and would be interested in exploring options to refine regulations as well as how to preserve housing stock for city residents.

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

ADJOURNMENT: The City Commission meeting adjourned at 7:38 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC - City Clerk