CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 14, 2007

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, Michigan at 5:30 p.m., Tuesday, August 14, 2007.

Vice Mayor Gawron opened the meeting with a prayer from Pastor Penny Johnson from the Oakcrest Church of God after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Vice Mayor Stephen Gawron, Commissioners Kevin Davis, Clara Shepherd, Lawrence Spataro, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker

Absent: Mayor Stephen Warmington (excused)

2007-66 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 24, 2007.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Precinct Boundary Modifications. CITY CLERK

SUMMARY OF REQUEST: State Election Law allows for 2,999 registered voters in each voting precinct. Precinct 1, Marquette School, currently has 3,148 voters. It is proposed to move 349 voters form the area bound by Wesley, Broadmoor, and the river to Precinct 2, Steele Junior High. This change will allow for 2,759 registered voters at Marquette School and 2,454 voters at Steele Junior High.

Precinct 9, the Fire Station, currently has 2,858 registered voters. The area is growing and the Fire Station is unable to accommodate a large line of voters. It is proposed to move 379 voters from the area bound by W. Laketon, Seaway, Young, and Barclay to Precinct 8, Nelson School. This change will allow for 2,479 voters at the Fire Station and 1,257 voters at Nelson School.

The proposed changes will not affect the Wards.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends adoption of the resolution.

C. **Liquor Control Commission – Law Enforcement Recommendation for Tipsy Toad.** PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting authorization to sign the Law Enforcement Recommendation form for changes that have been submitted to the Liquor Control Commission on behalf of the Tipsy Toad. The changes involve two (2) new "Direct Connections" on the roof-top area. The new connections would include an additional restroom and an electrical access area. As a result of these changes, there would be a decrease in size in the outdoor service area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATON: Approval of the request.

D. **Maintenance Agreement for Two CSX Railroad Properties.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To enter into an agreement to maintain two vacant lots owned by CSX Railroads which are located at 313 Ottawa Street and 2447 S. Harvey Street and keep them in compliance with our ordinance regarding the noxious weeds and trash.

FINANCIAL IMPACT: None. CSX will pay for all costs within thirty days.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposed agreement and authorize the Mayor and City Clerk sign the agreement.

G. **Resignations and Appointments from Various Boards.** COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: Accept the resignation of Rich Taylor and Latesha Thomas and appointments of Chip VanderWier to the DDA, Doris Rucks to the Library Board, and Janice Kay Knox-Foster to the Equal Opportunity Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Community Relations Committee recommends acceptance of the resignations and the appointments.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda as presented minus items E and F.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, and Wierengo

Nays: None

MOTION PASSES

2007-67 ITEMS REMOVED FROM THE CONSENT AGENDA:

E. <u>Budgeted Vehicle Replacement – Three Chevrolet Impalas.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three 2008 Chevrolet Impalas from Berger Chevrolet.

FINANCIAL IMPACT: $45,648.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of three Chevrolet Impalas from Berger Chevrolet.

Motion by Commissioner Davis, second by Commissioner Carter to approve the purchase of three Chevrolet Impalas from Berger Chevrolet.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Wierengo, and Carter

Nays: None

MOTION PASSES

E. <u>Budgeted Vehicle Replacement – Three GMC Canyons.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three GMC Canyons from Glenn Buege GMC.

FINANCIAL IMPACT: $34,524.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of three GMC Canyons from Glenn Buege.

Motion by Commissioner Davis, second by Commissioner Carter to approve the purchase of three GMC Canyons from Glenn Buege.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

2007-68 PUBLIC HEARINGS:

A. <u>Request to Issue an Obsolete Property District – 585 W. Clay.</u> PLANNING

& ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jack McPherson has requested an issuance of an Obsolete Property District. The district would be located at 585 W. Clay Ave., Muskegon, MI. Total capital investment for this project is $200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 585 W. Clay, Muskegon, MI.

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing and approve the resolution establishing an Obsolete Property District for 585 W. Clay.

ROLL VOTE: Ayes: Shepherd, Spataro, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

B. <u>Request to Issue an Obsolete Property Certificate – 585 W. Clay.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jack McPherson has requested the issuance of an Obsolete Property Certificate for the property located at 585 W. Clay, Muskegon, MI. The building will be rehabilitated and will be mixed-use, with the top floor serving as residential and the bottom floor commercial. Total capital investment for this project is $200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 585 W. Clay, Muskegon, MI.

The Public Hearing opened to hear and consider any comments from the public. Leland Davis, 1148 Terrace, commented.

Motion by Commissioner Davis, second by Commissioner Carter to close the Public Hearing and approve the resolution issuing an Obsolete Property Certificate for 585 W. Clay.

ROLL VOTE: Ayes: Spataro, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

C. <u>Spreading of the Special Assessment Roll for Western Avenue, Third Street to Eighth Street.</u> ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Western Avenue, from Third Street to Eighth Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $53,169.90 would be spread against the 35 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

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

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and approve the special assessment roll and adopt the resolution.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

D. <u>Spreading of the Special Assessment Roll for Getty Street, Hovey Avenue to Keating Avenue.</u> ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Getty Street from Hovey Avenue to Keating Avenue, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $73,799.36 would be spread against the 21 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened to hear and consider any comments from the public. Comments in opposition were heard from Annette Smedley, 3006 Glade, representing Harold Harvey, owner of 2124 Getty, 2112 Getty, and 1106 Getty; and from Julie Stone, 2845 Cline, Fruitport, owner of 2294 Getty.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close

the Public Hearing and approve the special assessment roll and adopt the resolution.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

2007-69 NEW BUSINESS:

A. <u>Waiver of Building Permit Fees – United Way.</u> CITY MANAGER

SUMMARY OF REQUEST: To consider a request from United Way to waive building permit fees for the construction of a pavilion at the Grand Trunk to take place on September 7, 2007. The laying of the foundation will take place before that date.

FINANCIAL IMPACT: Approximately $169.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request.

Motion by Commissioner Spataro, second by Commissioner Carter to deny the request to waive the fees.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, and Wierengo

Nays: None

MOTION PASSES

B. <u>Waiver of Building Permit Fees – Love, INC.</u> CITY MANAGER

SUMMARY OF REQUEST: To consider a request from Love, INC to waive building permit fees for the construction of accessible ramps.

FINANCIAL IMPACT: $50 - $65 per ramp.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request.

Motion by Commissioner Spataro, second by Commissioner Carter to deny the request to waive building permit fees.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Wierengo, and Carter

Nays: None

MOTION PASSES

C. <u>City – MDOT Agreement for the Traffic Signal Upgrade on Laketon Avenue from Creston Street to Barclay Street and the Traffic Signal Installations on Marquette Avenue at Harvey Street and Broadmoor Street.</u> ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the traffic signal upgrade on Laketon Avenue from Creston Street to Barclay Street and the traffic signal installations on Marquette Avenue at Havery Street and Broadmoor Street and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of $308,000. The estimated total construction cost is $379,000.

BUDGET ACTION REQUIRED: None at this time.

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

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the resolution and contract with MDOT.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

D. Representation at the Michigan Municipal League Meeting.

SUMMARY OF REQUEST: It is time to nominate a representative and an alternate to represent the City of Muskegon at its annual Michigan Municipal League business meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends appointing a representative and an alternate.

Motion by Commissioner Spataro, second by Commissioner Wierengo to appoint Commissioner Clara Shepherd as the MML representative and City Clerk Ann Becker as the alternate.

ROLL VOTE: Ayes: Shepherd, Spataro, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Shepherd recognized Police Officer Andy Rush and Timothy VanderWier for removing a pit bull from an empty house. She also mentioned the Back to School Bash on August 22nd.

PUBLIC PARTICIPATION:

2007-70 CLOSED SESSION: Property acquisition.

Motion by Commissioner Spataro, second by Commissioner Davis to go into Closed Session.

ROLL VOTE: Ayes: Spataro, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

Motion by Commissioner Wierengo, second by Commissioner Carter to come out of Closed Session.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk