CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 10, 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, August 10, 2021, Pastor Walley Reames, Central Assembly of God, 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, Teresa Emory, Willie German (left at 7:10 p.m.), and Michael Ramsey, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

HONORS, AWARDS, AND PRESENTATIONS:

A. Presentation of Accreditation Award Public Safety

Bob Stevenson and Neal Rossow from the Michigan Association of Chiefs of Police (MACP) were in attendance to present the Muskegon Police Department with the Michigan Law Enforcement Accreditation Commission (MLEAC) Award, in recognition of completion of the accreditation program.

Accreditation status represents a significant professional achievement. Accreditation acknowledges the implementation of written directives, policies, and procedures that are conceptually sound and operationally effective.

The MACP and MSA (Michigan Sheriffs' Association) believe the Michigan Law Enforcement Accreditation Program will enhance the professionalism of police organizations in the state.

B. Craig Person – Blue House Development – His Muskegon Story

Craig Person moved to Muskegon in 2014 to pursue his passion for real estate. He has invested in several properties in the Muskegon area and has taken his residential redevelopment successes and has become a huge promoter of

Muskegon's ongoing transformation. Mr. Person has started a Facebook blog – "Coffee with Craig – showing others how to start investing in urban redevelopment and plans to eventually release a full documentary regarding Muskegon's resurgence, saying he is proud to call Muskegon his new home. "My motto is dream big, think big and make a difference," Person said of now seeking investment opportunities in the redevelopment of Downtown Muskegon, "I am all in on Muskegon."

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2021-74 CONSENT AGENDA:

A. <u>Approval of Minutes</u> City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 27, 2021 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

C. <u>AutoPulse Resuscitation Purchase Using Grant Funds</u> Public Safety

SUMMARY OF REQUEST: The Fire Department has received a grant from the Firehouse Subs Public Safety Foundation to purchase an AutoPulse Resuscitation device.

The Firehouse Subs Public Safety Foundation has awarded a grant for $17,520.30 to purchase a Zoll AutoPulse Resuscitation System. The AutoPulse® Resuscitation System is a CPR machine that provides high-quality automated CPR to victims of sudden cardiac arrest. This is a no-match grant covering the total purchase price of one (1) Zoll AutoPulse and necessary accessories.

STAFF RECOMMENDATION: To authorize the fire department to accept the grant of $17,520.30 from the Firehouse Subs Public Safety Foundation to purchase the Zoll AutoPulse device.

E. <u>Lumberjacks Lease</u> City Manager

SUMMARY OF REQUEST: Staff is seeking approval of the fifth amendment to the lease agreement with WC Hockey. This amendment will add three additional five-year options for the team.

STAFF RECOMMENDATION: Approve the Agreement and authorize the City Manager and Clerk to sign.

I. <u>Designation of Voting Delegates for the Michigan Municipal League Annual Meeting</u> City Commission

SUMMARY OF REQUEST: To designate, by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the Annual Meeting; and, if possible, to designate one other official to serve as an alternate.

STAFF RECOMMENDATION: To appoint an official representative, Mayor Stephen J. Gawron, and alternate representative, City Clerk Ann Marie Meisch, to be in attendance and to cast the vote of the municipality at the Annual Business Meeting of the Michigan Municipal League Convention.

J. <u>Community Relations Committee Recommendations</u> City Clerk

SUMMARY OF REQUEST: To concur with the Community Relations Committee and appoint Virginia Taylor to the Zoning Board of Appeals and to concur with the District Library board on the reappointment of three members.

The CRC recommends appointing Virginia Taylor to the vacant position on the Zoning Board of Appeals – Term expiring 1/31/2023. Oneata Bailey, Kevin Huss, and Greg Borgman – Terms expiring 6/30/2025, will be reappointed to the District Library board as recommended by the Library Board.

STAFF RECOMMENDATION: To concur with the recommendation of the CRC and District Library Board on the appointment and reappointments.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to accept the consent agenda as presented, except items B, D, F, G, and H.

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

Nays: None

MOTION PASSES

2021-75 REMOVED FROM CONSENT AGENDA:

B. <u>Request to Fly Christian Flag</u> City Clerk

SUMMARY OF REQUEST: Michael Hansen is seeking approval to fly the Christian Flag at Muskegon City Hall the first week of May 2022, during the week of the National Day of Prayer.

STAFF RECOMMENDATION: To approve the request by Mr. Hansen to fly the Christian Flag the week of the National Day of Prayer, the first week of May, 2022.

Motion by Commissioner Ramsey, second by Commissioner Johnson, to <u>deny</u> the request by Mr. Hansen to fly the Christian Flag the week of the National Day of Prayer, the first week of May 2022.

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

Nays: None

MOTION PASSES

D. <u>Purchase Request for Two Fire Apparatuses</u> Public Safety

SUMMARY OF REQUEST: Purchase agreement with Halt Fire of Wixom to purchase two fire apparatuses to replace E23 – a 2006 pumper and L41 – a 2006 aerial device.

Staff is requesting the Fire Department to enter into a purchase contract with Halt Fire of Wixom. E23 is a 2006 pumper with 128,758 miles and L41 is a 2006 75 foot aerial device with 100,074 miles. Buying two badly needed units gives us the ability to save the City $45,000 with a dual apparatus purchase. Using the pre-payment option provided by the manufacturer, Pierce Manufacturing of Wisconsin, the City will save an additional $22,583. E23 and L41 will still be used as back up Fire Trucks when needed.

AMOUNT REQUESTED: $2,063,361.00

FUND OR ACCOUNT: TBD

STAFF RECOMMENDATION: To approve staff to enter into a two-apparatus purchase agreement with Halt Fire of Wixom Michigan.

Motion by Commissioner Ramsey, second by Commissioner Emory, to approve staff to enter into a two-apparatus purchase agreement with Halt Fire of Wixom Michigan.

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

Nays: None

MOTION PASSES

F. <u>Sanitation Policy</u> Development Services

SUMMARY OF REQUEST: Staff is seeking approval of the policy for establishing and reinforcing rules and regulations related to sanitation.

Staff has developed a policy to govern the collection and disposal of residential refuse and ensure all neighborhoods within the city are maintained in a clean, orderly condition at all times for the health, safety, and welfare of the community.

STAFF RECOMMENDATION: To approve the policy establishing rules and regulations related to sanitation.

Motion by Commissioner Ramsey, second by Commissioner Rinsmea-Sybenga, to approve the policy establishing rules and regulations related to sanitation.

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

Nays: None

MOTION PASSES

G. <u>ARP Infill Housing Program</u> City Manager

SUMMARY OF REQUEST: City staff has developed a Request for Qualifications and a draft Development Agreement for the ARP-funded portion of the in-fill housing program. Staff is seeking approval to release the RFQ broadly and begin discussions with respondents, with a goal of bringing development agreements to the City Commission for approval in September.

Staff is recommending that the City Commission allocate $5Milion from ARP stimulus revenue to accelerate the city's current infill housing program. Staff intends to use these dollars to leverage an additional $5Million in private investment by requiring each qualified developer to invest half the cost of construction. The proposed development agreement would include provisions to ensure affordability to buyers below 120% of the AMI by providing a more-robust down payment assistance program to income-qualified buyers. Note that the agreements specifically call out owner-occupied homes because we have the PILOT Infill Program currently focusing on rentals. Additionally, the agreements call out "single family" homes; this should be clarified to Commissioners that single-family homes can be either detached from other single family homes or attached to other single family homes (townhouses are an example of this).

AMOUNT REQUESTED: $5 Million

FUND OR ACCOUNT: State/Federal Grants

STAFF RECOMMENDATION: Allocate $5 Million in ARP stimulus funds to the infill housing program and authorize the City Manager to broadly release the RFQ and identify qualified developers for the program.

Motion by Commissioner Ramsey, second by Commissioner Johnson, to allocate $5 Million in ARP stimulus finds to the infill housing program and authorize the City Manager to broadly release the RFQ and identify qualified developers for the program.

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

Nays: None

MOTION PASSES

H. <u>1095 Third Street Redevelopment RFP</u> Economic Development

SUMMARY OF REQUEST: Catholic Charities is in the final stages of relocating from their former offices at 1095 Third Street to their new location. The department has prepared a request for proposals for qualified developers to submit redevelopment plans for the Commission's consideration.

Over the past eighteen months, the Economic Development department has worked with Catholic Charities during their efforts to construct their new offices and relocate. During that time, several interested parties, both local and

regional, have expressed interest in the building for mixed use, federal office lease space, pure residential, nonprofit, and a variety of other uses. The document reflects a request for proposals for the future of the site. Staff have recommended a focus on mixed use, with additional requested emphasis on residential in multiple modes and price points, activation of the additional lots adjacent to the building, and an active commercial street front on Third. The document is presented tonight for review and endorsement to ensure it aligns with commission's goals for the site.

STAFF RECOMMENDATION: To endorse the Request for Proposals for the 1095 Third Street Redevelopment RFP as presented.

Motion by Commissioner Ramsey, second by Commissioner Rinsema-Sybenga, to endorse the Request for Proposals for the 1095 Third Street Redevelopment RFP as presented.

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

Nays: None

MOTION PASSES

2021-76 NEW BUSINESS:

A. <u>Pedicab Ordinance</u> City Clerk

SUMMARY OF REQUEST: City Commission is being asked to consider an ordinance to allow and regulate Pedicabs. City Commission is also being asked to consider an amendment to allow consumption or possession of alcoholic liquors in parks and playgrounds while participating in a pedicab.

The city has been approached by a person wishing to operate a party bike. Staff has worked with the city attorney and is proposing the Pedicab ordinance presented as well as an amendment to Chapter 58 Article I to allow consumption or possession of alcoholic liquors in parks and playgrounds while participating in a pedicab.

STAFF RECOMMENDATION: To adopt a new ordinance allowing and regulating Pedicabs and to amend Chapter 58 Article I of the City Code of Ordinances to allow consumption or possession of alcoholic liquors in parks and playgrounds while participating in a pedicab.

Motion by Commissioner Ramsey, second by Vice Mayor Hood, to table this item until the August 24, 2021 meeting.

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

Nays: None

MOTION PASSES

B. <u>Representation – Opioid Litigation</u> City Manager

SUMMARY OF REQUEST: City staff is seeking authorization to enter into an agreement with Grabhorn Law Office and Haney Law Office to represent the city's interest in opioid litigation in the State of Michigan.

There have been a series of litigation events related to the dispensing of opioids across the county. The result has been a number of class-action lawsuits and related settlements, with additional action likely to come in the near future. Staff is seeking permission to engage Grabhorn Law Office and Haney Law Office to represent our interests in the litigation as well as the settlement disbursements. There will be no direct cost to the city, as the fees will come from the settlements. Additionally, our actual settlements will not be reduced by the legal fees because a separate fund has already been established to cover all related attorney fees for all interested parties.

STAFF RECOMMENDATION: Authorize the City Manager to enter into the representation agreement as presented.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to authorize the City Manager to enter into the representation agreement as presented.

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

Nays: None

MOTION PASSES

2021-77 ANY OTHER BUSINESS: Mayor Gawron was contacted by the Muskegon Boxing Club operating out of Smith Ryerson with a request for help with funding the program. The funding would help with equipment purchases such as uniforms, headgear, gloves, rings, ropes, etc.

Motion by Commissioner Ramsey, second by Commissioner Emory, to add $25,000 to contractual services in the Parks Budget for the purpose of supplementing the boxing program at Smith Ryerson.

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

Nays: None

MOTION PASSES

Commissioner Ramsey asked the clerk to provide an explanation in writing about the discrepancies between what was posted by the City Clerk and County Clerk in vote totals posted on election night. Commissioner Ramsey requested an update from the Gift Card Committee.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Public Comments were

received.

ADJOURNMENT: **The City Commission meeting adjourned at 8:00 p.m.**

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk