CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 27, 2004

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, July 27, 2004.

Mayor Warmington opened the meeting with a prayer from City Treasurer Derrick Smith after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2004-65 HONORS AND AWARDS: Michigan Section America Water Works Association: Regional Taste off Winner

2004-66 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, July 12, 2004; and the Regular Commission Meeting that was held on Tuesday, July 13, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. FIRST READING: Rezoning Request for Properties Located at 692 and 706 W. Hackley. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone properties located at 692 and 706 W. Hackley, from R-1, Single Family Residential to either B-2, Convenience and Comparison Business or B-4 General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request to rezone the properties to B-2, Convenience and Comparison Business at the 7/15 meeting. The vote was unanimous with S. Warmington and J Aslakson absent.

C. **Selection of Siding Contractors for Fiscal Year 2004 – 2005.** COMMUNITY & NEIGHBORHOOD SERVICE

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Lewis E. Johnson, 16076 Bonita Ct, Grand Haven, Cutting Edge Construction, 975 Washington, Muskegon and Gawlik Construction, 2084 Mary, Muskegon to install vinyl siding at an agreed price of $70.00 (Seventy dollars) per building square for the siding program, 2004 - 2005 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2004-2005 CDBG Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the Consent Agenda with the exception of item d.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

2004-67 ITEM REMOVED FROM THE CONSENT AGENDA:

D. **Selection of Siding Supplier for Fiscal Year 2004 - 2005.** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services Department selection of the vinyl siding supplier for fiscal year 2004 - 2005. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey, Muskegon for the price of $38.94 (Thirty-eight dollars and ninety-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2004-2005 Siding Fund.

BUDGET ACTION REQUIRED: None required at this time.

STAFF RECOMMENDATION: To approve the request

Motion by Commissioner Spataro, second by Commissioner Carter to approve Premier Building Supplies as the supplier for vinyl siding for fiscal year 2004 – 2005.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington,

Carter

Nays: None

MOTION PASSES

2004-68 PUBLIC HEARINGS:

A. <u>Spreading of the Special Assessment Roll for Walnut Street, Wilcox to Thompson.</u> EGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Walnut St., Wilcox to Thompson, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $12,641.10 would be spread against the thirteen (13) 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 at 5:39 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:40 p.m. and approve the special assessment roll for Walnut Street, Wilcox to Thompson, and adopt the resolution.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

MOTION PASSES

B. <u>Spreading of the Special Assessment Roll for Sherman Blvd., Lincoln to Beach.</u> ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Sherman Blvd., Lincoln to Beach and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $38,155.33 would be spread against the eighteen (18) 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 at 5:40 p.m. to hear and consider any comments from the public. Comments were heard from Ann Harker, 2432 Sherman; Dottie Kamp, 2494 W. Sherman; and a letter was received from Melvin Omstott, 2442

Sherman.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:47 p.m. and approve the special assessment roll for Sherman Blvd., Lincoln to Beach and adopt the resolution.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

C. <u>Spreading of the Special Assessment Roll for Torrent Street, Sherman to Letart.</u> ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Torrent St., Letart Ave. To Sherman Blvd, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $11,572.54 would be spread against the four (4) 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 at 5:48 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:49 p.m. and approve the special assessment roll for Torrent Street, Sherman to Letart and adopt the resolution.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

D. <u>Spreading of the Special Assessment Roll for Austin, Barney to Delano.</u> ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Austin, Barney to Delano, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $54,002.10 would be spread against the forty-seven (47) 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 at 5:50 p.m. to hear and consider any comments from the public. Comments were heard from Dan Mangione, representative from Westwood LLC, at 2174 Austin.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:53 and approve the special assessment roll for Austin, Barney to Delano and adopt the resolution.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

MOTION PASSES

2004-69 UNFINISHED BUSINESS:

A. <u>Amendment to Brownfield Plan – Art Works Apartments.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a Public Hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Boiler Works, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into an Art Works space (with residential and gallery space) will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold the Public Hearing and approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the Public Hearing for July 13, 2004, at their June 22, 2004 meeting. Since that time, a notice of the Public Hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on June 21, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to amend the Brownfield Plan to include the property owned by Boiler Works, LLC.

ROLL VOTE: Ayes: Warmington, Carter, Larson, Shepherd

Nays: Davis, Gawron, Spataro

MOTION PASSES

2004-70 NEW BUSINESS:

A. <u>Steps to Reduce Outstanding Accounts Receivable.</u> FINANCE

SUMMARY OF REQUEST: Staff is proposing several steps to deal with unpaid account receivable balances including: 1) an amnesty program to run from July 28th through September 17th during which time persons having delinquent accounts will have a one-time opportunity to bring them current without penalty or interest, 2) outsource billing for the environmental program to Paramount Collections, 3) set a standard 30-day A/R appeal period and, 4) amend the fee schedule for newly issued environmental invoices and building demolition invoices to allow a 30% discount if paid within 30 days.

FINANCIAL IMPACT: These steps are intended to bring down outstanding A/R balances prior to year-end. Tighter accounting standards allow us to recognize only a portion of our total A/R balance at year-end. This will negatively impact the general fund fund balance and we are attempting to minimize the effect.

BUDGET ACTION REQUIRED: None at this time. Depending on the success of these steps, the budget at year-end will need to be adjusted to some degree due to the tighter standards.

STAFF RECOMMENDATION: Staff recommends the commission adopt a motion/resolution approving the above A/R initiatives.

COMMITTEE RECOMMENDATION: There is no committee recommendation.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the accounts receivable initiatives.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

B. <u>Designation of Voting Delegate and Alternate Voting Delegate for MML Annual Meeting.</u> CITY CLERK

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 alternate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Carter to designate Commissioner Shepherd as the voting delegate and City Clerk Gail Kundinger

as the alternate for the MML Annual Meeting.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

MOTION PASSES

C. <u>FIRST READING: Zoning Ordinance Amendment for Alcohol Sales.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding alcohol sales.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 7/15 meeting. T. Harryman, B. Mazade, P. Sartorius, T. Johnson, T. Michalski, and L. Spataro voted in favor of the change. B. Smith voted against. S. Warmington and J. Aslakson were absent.

Motion by Commissioner Spataro, second by Vice Mayor Larson to amend the zoning ordinance language regarding alcohol sales.

ROLL VOTE: Ayes: Gawron, Larson, Spataro, Warmington, Carter, Davis

Nays: Shepherd

MOTION PASSES – <u>REQUIRES SECOND READING</u>

D. <u>Rezoning Request for Property Located at 407 Marquette Avenue (SE corner of Marquette Ave. and Wood St.).</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1 Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 6/10 meeting. Commissioners S. Warmington and B. Smith voted against denial. Commissioner B. Mazade was absent.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with staff recommendation to deny the request to rezone property located at 407 Marquette.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: Larson

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Larson to waive the fee for the Public Hearing for special use permit for 407 Marquette.

ROLL VOTE: Ayes: Spataro Warmington, Carter, Davis, Gawron, Larson

Nays: Shepherd

MOTION PASSES

2004-71 ANY OTHER BUSINESS:

Motion by Commissioner Carter, second by Vice Mayor Larson to approve $285 coming out of Mayor Warmington's travel to pay Commissioner Shepherd's MML registration.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Gail A. Kundinger, MMC
City Clerk