CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 25, 2006

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 25, 2006.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from the Oak Crest 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: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and Deputy City Clerk Linda Potter.

2006-62 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the July 10th Commission Worksession, and the July 11th Regular Commission Meeting.

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request – Clay Avenue Cellars, Inc., 611 W. Clay. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Clay Avenue Cellars, Inc., for a new Outdoor Service Permit.

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

C. SECOND READING: Defined Contribution Retirement Plan for New Hires

(DPW 517M). FINANCE DIRECTOR

SUMMARY OF REQUEST: Second reading of the General Employee Retirement System ordinance change.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the City's annual pension costs. We are negotiating similar arrangements for other employee groups. At this time, new employees in the Fire, Non-Union, Clerical and 517M groups are covered by a defined contribution arrangement. The status of this issue with the other employee groups is as follows: Police Patrol (in arbitration); Police Command (to be negotiated).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

F. **Rezoning Request for Properties Located in the City of Muskegon, Block 304.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located in Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue and Hoyt Street from R-1, One Family Residential District to MC, Medical Care District.

FINIANCIAL IMPACT: None.

BUDGE T ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their July 13, 2006, meeting. The vote was unanimous.

G. **Zoning Ordinance Amendment to the Sign Ordinance.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs, #6,b) of Article XXIII (General Provisions) to add wall signage for lawful institutional uses such as churches and schools.

FINIANCIAL IMPACT: None.

BUDGE T ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language to add wall signage for lawful institutional uses.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their July 13, 2006, meeting. The vote was unanimous.

Motion by Commissioner Carter, second by Commissioner Davis to approve the Consent Agenda as read with the exception of item D, E, H, and I.

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

Nays: None

MOTION PASSES

2006-63 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. <u>Vacation of the Alley in the City of Muskegon, Block 304.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the alley in the City of Muskegon Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street.

FINIANCIAL IMPACT: None.

BUDGE T ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the alley in Block 304 of the City of Muskegon.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley at their July 13, 2006, meeting, with the condition that all utility easement rights be retained. The vote was unanimous with L. Spataro absent.

(Voted with item E).

E. <u>Vacation of Leahy Street from Laketon to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Leahy Street from Laketon to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street.

FINIANCIAL IMPACT: None.

BUDGE T ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the vacation of Leahy Street from Laketon to Larch Avenue and Larch Avenue from Hoyt Street to Leahy Street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the vacation at their July 13, 2006, meeting, with the condition that all utility easements rights be retained. T. Harryman opposed the request.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the vacation of the alley in Block 304 and the vacation of Leahy Street from Laketon to Larch, and Larch Avenue from Hoyt to Leahy.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, and

Carter

Nays: Davis

MOTION PASSES

H. <u>Selection of Vinyl Siding Supplier for Fiscal Year 2006-2007.</u>
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services Department's selection of the vinyl siding supplier for the 2006 – 2007 fiscal year. After reviewing all bids, the department selected the lowest bid by ABC Supply located at 123 West Sherman Boulevard, Muskegon, for the price of $35 per building square for white and $36 per square for color.

The Community and Neighborhood Services Department received two additional bids from:

- Premier Building Products, Inc., located at 2151 South Harvey Street, Muskegon, $46.56 per building square, and
- Keene Lumber Co., located at 346 West Laketon Avenue, Muskegon, $46.50 per building square.

FINIANCIAL IMPACT: Funding will be disbursed from the 2006 – 2007 Community Development Block Grant Vinyl Siding fund.

BUDGE T ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Commission during the 2006 – 2007 allocation period last April.

Motion by Commissioner Carter, second by Commissioner Davis to approve the selection of ABC Supply as the vinyl siding supplier for the 2006 – 2007 fiscal year.

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

Nays: None

MOTION PASSES

I. <u>Selection of Siding Contractors for Fiscal Year 2006-2007.</u>
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Top Notch Design, 4740 Jensen, Fruitport, and Gawlik Construction, 2084 Mary, Muskegon, to install vinyl siding at an agreed price of $67 per building square for the Vinyl Siding Program's 2006 – 2007 fiscal year.

The Community and Neighborhood Services office received six bids total from vinyl siding installers. The four additional bids were from:

- K & O Construction, 2122 Vindale, Muskegon
- Cutting Edge Construction, 766 Chatterson, Muskegon
- Fredrick's Construction Inc., 1950 Commerce, Muskegon
- Obenauf DePender Construction, 4471 Tompkins Trail, Muskegon

FINIANCIAL IMPACT: Funding will be disbursed from the 2006 – 2007 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding program was approved by the Commission during the 2006 – 2007 allocation period last April.

Motion by Commissioner Shepherd, second by Commissioner Carter to accept Community and Neighborhood Services selection of siding contractors for fiscal year 2006 – 2007 with Top Notch Design and Gawlik Construction.

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

Nays: None

MOTION PASSES

2006-64 NEW BUSINESS:

A. <u>Transfer of Clerical Unit Employees to MERS.</u> FINANCE

SUMMARY OF REQUEST: The Clerical union (approximately 30 members) has voted in favor of moving pension administration for their members to MERS – the Municipal Employees Retirement System of Michigan. The change will affect employees hired prior to January 1, 2006; employees hired after this date are in a Defined Contribution plan. This is the fourth city employee group to opt to move to MERS (non-union, police patrol and police command being the others).

FINIANCIAL IMPACT: MERS provides a cost-effective solution for retirement system administration. As the City faces tight budgets, it is essential that we seek out opportunities to maintain or improve service levels while lowering costs. MERS provides such an opportunity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the resolutions moving Clerical unit employees to MERS and authorize the Mayor, Clerk and other required city officials to sign the documents necessary to implement this move. Also, approval of the amendment to the General Employees' Retirement System ordinance.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the transfer of the Clerical Union to Municipal Employees Retirement System of Michigan.

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

Nays: None

MOTION PASSES

B. **<u>Multiple Special Event Alcohol License within the City of Muskegon on August 18th, 2006 - Serra Club of Greater Muskegon.</u>** ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Leisure Services has received a Special Event request from Serra Club of Greater Muskegon. They are requesting a special liquor license to be able to serve alcohol at their annual fundraiser to be held at Muskegon Catholic School. The Leisure Services Board has already approved a license for a Party in the Park to be held on the same date. Commission action required.

FINIANCIAL IMPACT: None.

BUDGE T ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: Commission action required.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the Special Event request from Serra Club of Greater Muskegon for a special liquor license for August 18th.

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

Nays: None

MOTION PASSES

C. **<u>Approval of Revised Special Events Policy.</u>** ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The City Commission referred the following sections of the Special Events Policy to the Leisure Services Board for their review and action:

1. Second paragraph of the Special Events Policy – change the second paragraph, first sentence, by adding "or this provision is waived by the City Commission".
2. Section III (g) – it was suggested that the language be revised to "have a person at each station during the serving of beverages that has had alcohol awareness training."
3. Section IV (a) – it was suggested that the language be revised to include .

. ." the Leisure Services Director, or City Commission".

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board recommends approval of the revised Special Events Policy.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the revised Special Events Policy.

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

Nays: None

MOTION PASSES

D. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u> PUBLIC SAFETY

1. 1608 Elwood (Area 13)

2. 1168 Ambrosia – Garage (Area 11)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINIANCIAL IMPACT: General Funds (1608 Elwood), CDBG (1168 Ambrosia – garage only).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals to demolish 1608 Elwood and 1168 Ambrosia (garage only).

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

Nays: None

MOTION PASSES

E. <u>Accept Resignation of City Clerk.</u> CITY MANAGER

SUMMARY OF REQUEST: To accept the resignation of Gail Kundinger, City Clerk, and to appoint Linda Potter as Acting City Clerk.

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Spataro, second by Commissioner Wierengo to accept the resignation of Gail Kundinger, City Clerk, and appoint Linda Potter as Acting City Clerk.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, and Carter

Nays: Davis and Shepherd

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:20 p.m.

Respectfully submitted,

Linda Potter, CMC
Acting City Clerk