

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 23, 2013

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 23, 2013.

Mayor Gawron opened the meeting with a prayer from Rev. Bill Freeman from the Harbor Unitarian Universalist Congregation after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Byron Turnquist, Lea Markowski, Eric Hood, and Willie German, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Sue Wierengo.

2013-61 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the July 8th Commission Worksession Meeting, and the July 9th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Human Resources Agreement. CITY MANAGER

SUMMARY OF REQUEST: To renew the agreement with County of Muskegon to provide human resources services to the City from July 1, 2013 through June 30, 2014.

FINANCIAL IMPACT: \$75,000 plus incidental costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign it.

C. Special Event Request – Michigan Beach Polo. PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The organizers of the Michigan Beach Polo event are requesting to serve beer and wine during their beach polo match at Pere Marquette Park on August 10, 2013. They are partnering with the Helen DeVos Children's Hospital Foundation. This is the event's 2nd year.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the sale of beer and wine at Pere Marquette Park on August 10, 2013 during the beach polo game.

D. Special Event Request – Catamaran Racing Association of Michigan.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: CRAM is requesting permission to hold a Catamaran sailing regatta at Pere Marquette Park, July 25 through 28, 2013. They would like to use the City-owned parking lot across from the former Captain Jack's restaurant for overnight camping on July 25, 26, and 27, 2013. They expect less than ten RV's in the lot overnight, and they will provide a portable toilet for the campers' use. This is the event's sixth year of operation and there have never been any problems with this group. They have provided proof of liability insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve overnight camping at Pere Marquette Park for this event on July 25, 26, and 27, 2013.

E. Vacation of Temple Street south of Delano Avenue.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is requesting to vacate the portion of Temple Street south of Delano Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the street at their July meeting, with the condition that all utility easement rights be retained.

F. Acceptance into the Redevelopment Ready Communities Program.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has been selected to participate

in the Michigan Economic Development Corporation's (MEDC) Redevelopment Ready Communities (RRC) program. The program measures and then certifies communities that integrate transparency, predictability and efficiency into their daily development practices. The RRC is a formal recognition that a community has a vision for the future and the fundamental practices on place to get there. Participation in the program could potentially lead to grant and marketing opportunities.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends acceptance into the RRC program and for the Mayor to sign the Memorandum of Understanding and resolution.

Motion by Commissioner German, second by Vice Mayor Spataro to accept the Consent Agenda as presented.

ROLL VOTE: Ayes: Markowski, Gawron, Hood, Spataro, German, and Turnquist

Nays: None

MOTION PASSES

2013-62 NEW BUSINESS:

A. Fireworks Ordinance Amendment. PUBLIC SAFETY

SUMMARY OF REQUEST: It is requested the City Commission approve the Ordinance Amendment which provides for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act.

The ordinance specifically limits the days and hours Consumer fireworks may be ignited, discharged or used in the City. The ordinance prohibits the use of fireworks while under the influence of alcohol or drugs. The Public Safety Office wants to ensure no person shall recklessly endanger the life, health, safety, or well-being of any person by the ignition, discharge, or use of consumer fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Ordinance as presented.

Motion by Vice Mayor Spataro, second by Commissioner Hood to adopt the ordinance as presented.

ROLL VOTE: Ayes: Hood, Spataro, German, Turnquist, Markowski, and Gawron

Nays: None

MOTION PASSES (Requires Second Reading)

B. Special Event Request – Bassmasters Tournament Request to Sell Liquor.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Muskegon County Convention & Visitors Bureau and the Muskegon Jaycees have filed a special event application for the 2013 Bassmasters Elite Series Toyota All Stars (fishing) Tournament to be held in Muskegon September 26 – 29. In conjunction with the tournament, there will be events taking place at Heritage Landing, including alcohol service.

The event applicants are requesting approval to sell liquor at the event and offer limited free samples. Evan Williams is a main sponsor of the Bassmaster Elite Series, and will have a tent on the grounds to promote their products. Part of their promotion is to provide free samples of their whiskeys to patrons. The Jaycees will provide volunteers to man this tent and control the sampling process. The Evan Williams samples will be poured using ½ ounce measured pourers, essentially giving one “shot” per sample. In order to keep track of how many samples a patron has, their wristband will be punched or otherwise marked, indicating to the volunteer servers that they are eligible for any samples.

State law dictates that free samples of liquor can be provided under a special event license, with the following requirements:

1. Sample size cannot exceed ½ ounce.
2. Patrons are allowed no more than two samples per day.

The Evan Williams booth would also like to offer mixed drinks for sale (liquor with cola or some other mixer), with stoppers on the bottle measuring out 1-ounce or 1 ¼-ounce shots. They would like patrons to be able to roam the entire liquor-controlled venue of Heritage Landing with the drinks, and not be restricted to just the Evan Williams booth.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Markowski, second by Vice Mayor Spataro to approve the special event request for Bassmasters Tournament to sell liquor.

ROLL VOTE: Ayes: Hood, Spataro, German, Turnquist, Markowski, and Gawron

Nays: None

MOTION PASSES

C. Agreements with Harris Hospitality for Pere Marquette Park. CITY
MANAGER

SUMMARY OF REQUEST: To approve a Development Agreement, Ground Lease and Option Agreement with Harris Hospitality for the development of a portion

of Pere Marquette Park.

FINANCIAL IMPACT: \$6,000 annual lease payments during initial term.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request and authorize the Mayor and Clerk to execute the documents, subject to City staff approval of each and every exhibit.

Motion by Vice Mayor Spataro, second by Commissioner German to adopt the agreements as presented.

ROLL VOTE: Ayes: Spataro, German, Turnquist, Markowski, Gawron, and Hood

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

2013-63 CLOSED SESSION: City Manager Search.

Motion by Commissioner Hood, second by Vice Mayor Spataro to go into Closed Session.

ROLL VOTE: Ayes: Turnquist, Markowski, Gawron, Hood, Spataro, and German

Nays: None

MOTION PASSES

Motion by Commissioner Hood, second by Vice Mayor Spataro to go into Open Session.

ROLL VOTE: Ayes: Spataro, German, Turnquist, Markowski, Gawron, and Hood

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:42 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk