

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 14, 2016

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, MI at 5:30 p.m., Tuesday, June 14, 2016.

Pastor Marcy Miller, Crestwood United Methodist Church, opened the meeting with 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 Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Debra Warren, Willie German, Jr., Dan Rinsema-Sybenga, and Byron Turnquist, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2016-48 INTRODUCTIONS/PRESENTATIONS:

A. Recognition of Spring 2016 Citizen's Academy Graduates Public Safety

Mayor, Stephen J. Gawron, read the resolution and thanked the 2016 Citizen's Police Academy for their faithful attendance, completion, and graduation from the ten week academy.

2016-49 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the May 24, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Gaming License Request from Lakeshore Museum Center City Clerk

SUMMARY OF REQUEST: The Lakeshore Museum Center is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. Special Event Liquor License – Farmer’s Market City Clerk

SUMMARY OF REQUEST: At the May 9, 2016 Commission meeting, staff requested approval for a special liquor license on June 30, July 7, July 28, August 11, and September 24.

After further review, staff has decided not to utilize a liquor license for Thursday events this year. We are requesting to modify the request for a special liquor license on July 30th, September 10th, and September 24th (this date was previously approved by Commission). The two added dates are fundraisers at the market.

FINANCIAL IMPACT: \$50 permit from the State for every date requested.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve a special liquor license for the dates of July 30, September 10, and September 24, 2016.

D. Special Event Request – Burning Foot Beer Festival Request to Allow Overnight Camping at Pere Marquette Park – Planning & Economic Development

SUMMARY OF REQUEST: The Lakeshore Brewer's Guild is holding their 2nd annual Burning Foot Beer Festival at Pere Marquette Park on Saturday, August 27, 2016. This year, they are requesting permission to allow tent camping overnight on the beach on Saturday night. They plan to limit the number of tents to 75 for the first year. The designated camping area is 150 feet by 250 feet and will be defined by a fence as shown on the site plan. They will have security present overnight and portajons available in the camping area. Event volunteers will be there to check people in. There will be no alcohol in the camping area.

In addition, they would like to allow an estimated 24 RVs to park across the street in the large Ovals parking lot on Friday night and Saturday night. The RVs will be for brewers and festival organizers, who will start setting up on Friday night and Saturday morning.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

E. Love Bites Treatery Concession Contract for City of Muskegon Parks
Department of Public Works

SUMMARY OF REQUEST: Staff is asking permission to enter into a 1-year contractual agreement with Devin “Josie” Richardson of Love Bites Treatery LLC,

at Kruse Park, located within the City of Muskegon, to sell organic dog treats from a concession stand/informational booth.

FINANCIAL IMPACT: Concession revenue is 10% of gross receipts.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into concession agreement with Devin "Josie" Richardson of Love Bites Treatery, LLC.

G. Memorandum of Understanding – Justice Assistance Grant Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the FY 2016 Justice Assistance Grant. It is further requested that the Mayor be authorized to sign the Memorandum of Understanding. Note that time is of the essence as this grant requires a 30-day governing body review period and the grant submission and the grant deadline is June 30.

Although the Bureau of Justice Assistance (BJA) has designated us as being in a disparate funding situation due to the County providing more than 50% of the jail facilities, our proposal is to keep the allocations exactly as they initially came down from the BJA which is as follows: County of Muskegon \$ 0; City of Muskegon \$26,703 and City of Muskegon Heights \$19,085. Note that BJA uses crime data versus population in making these allocation decisions.

The City of Muskegon portion is planned to be used in continuation of the manner in which the previous year's JAG funding was used, which is for the prosecution of City ordinance cases dealing primarily with neighborhood issues.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of this request.

I. Sale of Buildable Vacant Lot at 88 Monroe Planning & Economic Development

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 88 Monroe to William Galy, to combine with his property at 1140 Jefferson St., Muskegon, MI. The lot is 66 x 132 ft. and is being offered to Mr. Galy for \$2,500 plus the fee to register the deed. The City has owned the property since December 2013 with no inquiries for potential construction. By combining this with Mr. Galy's property; this will give him a back yard. The City has spent an average of \$202.00 per year in maintenance of the vacant lot since 2013.

FINANCIAL IMPACT: The sale of this lot will generate additional tax revenue

for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and to authorize the Mayor and the Clerk to sign said resolution and deed.

J. MDOT-City 2nd Amendment of the Agreement for Muskegon & Webster Engineering

SUMMARY OF REQUEST: Authorize staff to sign the amendment to the agreement with Michigan Department of Transportation extending the completion date of the project to June 30, 2016 instead of the May 27, 2016 date in the previous amendment and to adopt a resolution authorizing Mohammed Al-Shatel to execute said agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize Mohammed Al-Shatel to sign the agreement/contract amendment.

Motion by Commissioner Johnson, second by Commissioner German, to approve the Consent Agenda as presented with the exception of Items F and H.

ROLL VOTE: Ayes: Gawron, Hood, Warren, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

2016-50 ITEMS REMOVED FROM THE CONSENT AGENDA:

F. Keep in Touch Massage Concession/Business Contract for City of Muskegon Parks Department of Public Works

SUMMARY OF REQUEST: Staff is asking permission to enter into a 1-year contractual agreement with Laura Crawford of Keep in Touch Massage, at various parks as outlined in the proposal, located within the City of Muskegon, to provide chair massages.

FINANCIAL IMPACT: Concession revenue is 10% of gross receipts.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into concession/business agreement with Laura Crawford of Keep in Touch Massage.

Motion by Commissioner Turnquist, second by Commissioner German, to authorize DPW staff to enter into concession/business agreement with Laura

Crawford of Keep in Touch Massage.

ROLL VOTE: Ayes: Hood, Warren, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

H. Special Liquor Licenses – Rebel Road Public Safety

SUMMARY OF REQUEST: To approve a Special Liquor License for the Child Abuse Council to serve spirits at the following locations, dates, and times:

LC Walker Arena Parking Lot, 477 W. Western Avenue

July 14, 2016 from 6:00 PM until 12 midnight

July 15 and 16, 2016 from 11:00 AM until 12 midnight

July 17, 2016 from 10:00 AM until 6:00 PM

LC Walker Arena Terrace, 470 W. Western Avenue

July 15 and 16, 2016 from 11:00 AM until 12 midnight

Sand Lot, 351 W. Western Avenue

July 15 and 16, 2016 from 11:00 AM until 12 midnight

Muskegon County Convention and Visitor's Bureau, 610 W. Western Avenue

July 15 and 16, 2016 from 11:00 AM until 12 midnight

They have already submitted a Special Event Application. Each serving of spirits must be in a pre-measured format. This event is a four-day music and motorcycle festival with food, merchandise vendors, music stages, and spirits tents.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of this request.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga, to approve a Special Liquor License for the Child Abuse Council.

ROLL VOTE: Ayes: Warren, German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

2016-51 PUBLIC HEARINGS:

A. Transmittal of 2016-17 Proposed Budget City Manager

SUMMARY OF REQUEST: At this time staff is transmitting to the City Commission the proposed budget for fiscal year 2016-17 which starts July 1, 2016. An electronic version of the budget has been distributed to Commissioners. Additionally, the budget is available for public inspection on the City's website and at the City Clerk's office or Hackley Public Library.

The proposed budget will be reviewed in detail with staff at the June 13 work session. A public hearing on the budget will be held at the regular Commission meeting the following evening on June 14th. City ordinance requires that the budget be adopted by the Commission on or before the second Commission meeting in June.

FINANCIAL IMPACT: The budget is the City's financial plan for the coming fiscal year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the proposed budget for fiscal year 2016-17.

PUBLIC HEARING COMMENCED: NO PUBLIC COMMENTS WERE RECEIVED

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to close the public hearing and approve the proposed budget for fiscal year 2016-17.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Warren

Nays: None

MOTION PASSES

B. Public Hearing – Request to Establish an Obsolete Property District – 1129 3rd Street Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Hamburger Mikey, LLC, has requested the establishment of an Obsolete Property District for their property at 1129 3rd Street. The establishment of the Obsolete Property District would allow them to apply for an Obsolete Property Rehabilitation Exemption Certificate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the Obsolete Property District.

PUBLIC HEARING COMMENCED: PUBLIC COMMENTS WERE RECEIVED

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to close the public hearing and approve the obsolete property district.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Warren, and German

Nays: None

MOTION PASSES

C. Public Hearing – Request to issue an Obsolete Property Certificate – Hamburger Mikey, LLC – 1129 3rd Street Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Hamburger Mikey, LLC, has requested the issuance of an Obsolete Property Certificate for their property located at 1129 3rd Street. Total capital investment for this project is \$134,000. The applicant is eligible for a nine-year abatement because of the amount of investment.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen at the pre-rehabilitated rate for the duration of the certificated.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the Obsolete Property Rehabilitation Exemption Certificate.

PUBLIC HEARING COMMENCED: NO PUBLIC COMMENTS WERE RECEIVED

Motion by Vice Mayor Hood, second by Commissioner Warren, to close the public hearing and approve the obsolete property rehabilitation certificate.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, German and Rinsema-Sybenga

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public Comments were received.

2016-52 CLOSED SESSION:

A. Discuss City Manager Evaluation

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to go into closed session to discuss the City Manager's evaluation.

ROLL VOTE: Ayes: Gawron, Hood, Warren, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

Motion by Commissioner Johnson, second by Commissioner Warren, to come out of closed session.

ROLL VOTE: Ayes: Hood, Warren, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission adjourned at 7:37 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk