

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 8, 2010

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, June 8, 2010.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from Evanston Avenue Baptist Church 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, Commissioners Clara Shepherd, Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-49 INTRODUCTIONS/PRESENTATION:

A. USHL Junior Hockey Team.

Mayor Warmington stated that next week over 180 young men and their families will come to Muskegon for tryout camp. These families will be staying, eating, and visiting our local attractions.

2010-50 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the City Commission Meeting that was held on Tuesday, May 25, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: American Fireworks is requesting approval of a fireworks display permit for July 4th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on

inspection of the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

C. Fireworks Display Permit for Muskegon Country Club. CITY CLERK

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 4, 2010, at the Muskegon Country Club, 2801 Lakeshore Drive. Fire Marshall Metcalf will inspect the fireworks on the day of the event. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

D. Special Event Request – Catamaran Racing Association of Michigan Request to hold a Catamaran Sailing Event with Overnight Camping at Pere Marquette Park. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: CRAM is requesting permission to hold a Catamaran sailing event at Pere Marquette Park August 27 through 29, 2010. They would like to use the City-owned lot that is currently being leased by Captain Jack's for overnight camping on August 27 and 28, 2010.

The owner of Captain Jack's (CJ's on the Beach) submitted a letter indicating their support of the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution allowing for overnight camping at Pere Marquette for this event on August 27 and 28, 2010.

COMMITTEE RECOMMENDATION: This request was recommended for approval by the Leisure Services Board at their April 19, 2010, meeting.

F. Agreement for School Resource Officer – Muskegon Public Schools. PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for the continuance of a full-time School Resource Officer who is assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of the police officer position for a nine-month period. This agreement covers the period of September 7, 2010 through June 10, 2011.

FINANCIAL IMPACT: This agreement will produce revenue in the amount of \$18,540 for the period of the agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

G. Special Event Request – Muskegon Area Amateur Radio Council Field Day and Demo with Overnight Camping at Pere Marquette Park.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Muskegon Area Amateur Radio Council is requesting permission to hold a “Field Day” amateur radio emergency communication demo event at Margaret Drake Elliott Park June 25 through 27, 2010.

They would like to allow council members to camp overnight at the park. There will be less than 10 people at the park overnight, in RV’s, campers, and/or tents.

There is someone using Margaret Drake Elliott Park on June 26; however, Mr. Fries, organizer of this event, had spoken with Teresa Ackerberg earlier, and she had informed him that there was plenty of space in the park, as long as Mr. Fries’ group provided their own tents.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution allowing overnight camping at the park for this event on June 25 and 26, 2010.

COMMITTEE RECOMMENDATION: None, this request was received after the May Leisure Services Board meeting. This is a first-time event.

H. Request for Encroachment Agreement – Frauenthal Theater “Cameraman” Bronze Sculpture. **ENGINEERING**

SUMMARY OF REQUEST: The Community Foundation for Muskegon County has submitted the encroachment agreement form requesting your permission to place “The Cameraman” bronze sculpture of Buster Keaton with a movie camera on the Western Avenue side of the Frauenthal Theater.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

I. Liquor License Request for 2021 Marquette Avenue. **CITY CLERK**

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Indu Gupta for a new SDD License to be held in conjunction with proposed new SDM License to be located at 2021

Marquette, Muskegon, MI 49442.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

J. Dissolution of the Leisure Services Board. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Leisure Services Board has served the City of Muskegon long and well. However, given that many of the functions have been either distributed to other departments, or cancelled altogether, there is little purpose in continuing the Leisure Services Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: That the Leisure Services Board be disbanded at this time.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended approval at their June 7th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to accept the Consent Agenda as presented minus Item E.

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

Nays: None

MOTION PASSES

2010-51 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Consideration of Bids for Viridian Drive Extension to Terrace Point Drive. ENGINEERING

SUMMARY OF REQUEST: Award the construction contract to extend Viridian Drive and utilities to Terrace Point Drive (H-1662) to Thompson Brothers, Inc. out of Twin Lake, MI since they were the lowest responsible bidder with a total bid price of \$92,874.65.

Furthermore, it is respectfully requested that should you concur with staff's recommendation, the award be contingent upon:

1. Acceptance of the proposed Development Agreement with GVSU.
2. Approval of the bids by GVSU as outlined in the Development Agreement.

FINANCIAL IMPACT: The construction cost of \$92,874.65 plus engineering cost

which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None at this time as this project appears on the 2010-2011 budget.

STAFF RECOMMENDATION: Award the contract to Thompson Brothers, Inc.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to accept the bid from Thompson Brothers, Inc., out of Twin Lake for the contract to extend Viridian Drive and utilities to Terrace Point Drive.

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

Nays: None

MOTION PASSES

2010-52 PUBLIC HEARINGS:

A. 2010-11 Budget. FINANCE

SUMMARY OF REQUEST: The City Commission may take action to adopt the 2010-11 budget with whatever changes or adjustments it deems necessary.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2010-11.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2010-11.

STAFF RECOMMENDATION: Approve the proposed 2010-11 City of Muskegon Budget resolution.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and approve the 2010-2011 budget as presented.

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

Nays: Wisneski and Warmington

MOTION PASSES

2010-53 UNFINISHED BUSINESS:

A. SECOND READING: Amendments to the Zoning Ordinance – Community Gardens. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2313 of Article XXIII to add provisions for Community Gardens.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 13th meeting.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to adopt the amendments to the Zoning Ordinance regarding Community Gardens as described.

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

Nays: None

MOTION PASSES

B. SECOND READING: Rezoning Request for a Portion of the Property Located at 1700 Messler Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone a portion of the property located at 1700 Messler Street from I-2, General Industrial District to B-4, General Business District. The Credit Union, which is currently operating as a legal non-conforming use, would like to purchase the lot from Brunswick, but it would create an illegal lot split due to the minimum lot size requirements. Rezoning the property to B-4 would bring the use to conformity and would allow the property to meet the minimum lot requirements for a B-4 lot. The properties would be split after the rezoning is approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 13th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the rezoning request for a portion of the property located at 1700 Messler Street.

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

Nays: None

MOTION PASSES

2010-54 NEW BUSINESS:

A. Public Works Services Agreement with Kuhnections. CITY MANAGER

SUMMARY OF REQUEST: To enter into a contractual agreement with

Kuhnnections, LLC (Bob Kuhn) for public works services.

FINANCIAL IMPACT: \$2,000/month.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the public works services agreement with Kuhnnections, LLC.

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

Nays: None

MOTION PASSES

B. Fire Union Agreement. CITY MANAGER

SUMMARY OF REQUEST: To ratify a tentative agreement with Muskegon Fire Fighters Union IAFF Local #370 for 2011-2013.

FINANCIAL IMPACT: Previously provided.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To ratify the agreement.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the tentative agreement with the Muskegon Fire Fighters Union IAFF Local #370.

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

Nays: None

MOTION PASSES

C. Fireworks Display Permit for Muskegon Summer Celebration, Toby Keith Concert. CITY CLERK

SUMMARY OF REQUEST: Strictly FX is requesting permission to use close proximity pyrotechnics June 27, 2010, for Toby Keith's performance at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the fireworks display permit for Muskegon Summer Celebration, Toby Keith Concert

contingent on inspection of the fireworks.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Spataro commented on the shootings in Muskegon.

PUBLIC PARTICIPATION: Various comments were heard from the public.

2010-55 CLOSED SESSION: City Manager's Evaluation.

Motion by Commissioner Carter, second by Commissioner Spataro to go into Closed Session to discuss the City Manager's evaluation.

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

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Spataro to come out of Closed Session.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:23 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk