

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 26, 2020 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440
REMOTE MEETING**

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, May 26, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Dan Rinsema-Sybenga, Willie German, Jr., Teresa Emory, and Michael Ramsey, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2020-30 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the May 11, 2020 Worksession and May 12, 2020 Regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Polling Place Change City Clerk

SUMMARY OF REQUEST: Staff is requesting City Commission approval to move the polling location for Precinct 10 from the Lakeshore Fitness Center, 900 W. Western, to the Muskegon Farmer's Market, 242 W. Western.

The Lakeshore Fitness Center has closed and the building is no longer available to be used as a polling place. All affected voters will be sent a letter to notify them of the change as well as a new Voter ID Card. Signs will be placed at the Lakeshore Fitness Center to redirect voters to the new polling place for the next several elections.

STAFF RECOMMENDATION: To approve the resolution to change the polling location for Precinct 10 from the Lakeshore Fitness Center to Muskegon Farmer's

Market.

C. 2020-2021 MML Membership Dues City Clerk

SUMMARY OF REQUEST: Approval to pay the 2020-2021 MML dues in the amount of \$10,399.00. This is an increase of \$193.

FINANCIAL IMPACT: MML Dues: \$9,454.00
Legal Defense Fund: \$945.00
Total: \$10,399.00

STAFF RECOMMENDATION: To approve the payment of dues to the Michigan Municipal League in the amount of \$10,399.00.

F. Ordinance Amendment – Marina and Launch Ramp Parking Public Safety

SUMMARY OF REQUEST: Request for commission to consider Ordinance amendments in regards to marina and launch ramp parking restrictions – 92.74 (1, 2, & 3).

Five (5) violations will be updates with appropriate verbiage to reflect the current violations (2) and fines that will help ensure permit and parking compliance at our ramps.

STAFF RECOMMENDATION: Approve the proposed changes to Ordinance 92-74 (1, 2, & 3).

G. Setting Harbor West LLC Brownfield Public Hearing Economic Development

SUMMARY OF REQUEST: The Brownfield Redevelopment Authority on May 12 recommended approval of Brownfield Plan Amendment for Harbor West LLC (Hartshorn Village) at 1000 West Western Avenue and not the City Commission needs to schedule a public hearing on that plan for June 9, 2020.

Harbor West LLC has submitted a brownfield plan for the first phase of a residential development along Lakeshore Trail and adjacent to Hartshorn Marina. The City Commission needs to set a public hearing on the plan for June 9, 2020. The resolution of approval by the Brownfield Redevelopment Authority and a resolution setting the June 9 public hearing are attached.

STAFF RECOMMENDATION: To approve the resolution setting a public hearing for June 9, 2020 on the Harbor West Brownfield Plan Amendment and notify the appropriate taxing units.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to approve the consent agenda as presented, except item D and E.

ROLL VOTE: Ayes: Emory, Johnson, Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2020-31 CONSENT AGENDA:

D. LGBTQIA Pride Month Resolution City Clerk

SUMMARY OF REQUEST: To adopt a resolution declaring June as LGBTQIA Pride Month in the City of Muskegon.

STAFF RECOMMENDATION: To adopt the resolution.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to adopt the resolution.

ROLL VOTE: Ayes: Johnson, Gawron, Ramsey, Rinsema-Sybenga, and Emory

Nays: Hood and German

MOTION PASSES

E. Parking Enforcement Ordinance – 2nd Reading Public Safety

SUMMARY OF REQUEST: Amending current parking ordinances 92-71 and 73; Chapter 92, Article V of the Code of Ordinances of the City of Muskegon to include parking restrictions and enforcements for public beach parking.

In addition, abandoned vehicle language (L05) was added to restrict vehicles parked longer than 48 hours on city streets.

STAFF RECOMMENDATION: Approval to amend Parking Ordinance 92-71 and 92-73.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve the Parking Ordinance Amendment for 92-71 and 92-73.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, Rinsema-Sybenga, Emory, and Johnson

Nays: German

MOTION PASSES

2020-32 NEW BUSINESS:

A. Lease – 292 W. Western City Manager

REMOVED PER STAFF REQUEST

B. Expanded Use of Public Property During COVID-19 Emergency City Clerk

SUMMARY OF REQUEST: Due to the COVID-19 pandemic and limited occupancy business are facing, staff is requesting approval to administratively review and approve requests for City businesses to expand seating and retail areas onto portions of public property.

The COVID-19 pandemic has affected businesses across the City in unprecedented ways. It is anticipated that businesses will be allowed to re-open in our region soon. Current guidance and executive orders are indicating that when businesses re-open they will be faced with reduced occupancy limits. Many businesses, especially restaurants and bars, operate on slim profit margins and depend on their normal occupancy levels to remain profitable.

Communities across the country are pursuing various ways to allow businesses to gain additional occupancy by expanding outdoors. While businesses would still be required to maintain proper social distancing standards outdoors, this can allow customers to be in an open-air setting which is believed to carry less risk while also allowing the business to make up some of their lost indoor seating or retail space.

Many businesses across the City are contiguous to public property and the City has a unique opportunity to allow businesses to expand their footprint onto public property, including sidewalks, parking spaces, and streets.

The Michigan Liquor Control Commission (MLCC) has changed their rules to allow for a "Limited Permanent Outdoor Service Area". Recently, 18th Amendment has approached the City and asked for approval to use public property to expand their seating area, including the use of the street. The MLCC's application requires local governmental authorization to use the public property as part of the application review. These applications are only approved through the fall season and expire October 31, 2020.

It is anticipated that other liquor license holders will also wish to use public property to expand. It is also anticipated that additional restaurants or retail businesses will also wish to do the same.

Staff is recommending that we allow interested businesses to request approval to expand onto public property in order to help them get closer to or reach their normal occupancy level. This could include city streets in some areas. Due to every day being critical to business success this summer and fall, staff is requesting your approval for staff review and approval of these requests.

Each business owner would be required to list the City as an additional insured and submit a site plan showing their requested use of public space. The site plan would need to include how pedestrian traffic and ADA accessibility will be maintained. Those requesting approval of public space for liquor purposes will be required to follow all MLCC rules related to securing the approved area with barriers, monitoring exits, and intoxicated persons.

The Directors of Public Safety, Development Services, Public Works, and City Manager will review each request for approval.

Attached is a proposed plan to use public space along Western Ave between 2

and 3rd as well as 4th and 5th. Other areas of the Downtown and City are also open to review. Staff recognizes that not all businesses may be able to be accommodated or expand onto public property but staff's goal is to be as flexible as possible to support as many businesses that wish to make a request.

STAFF RECOMMENDATION: To authorize City staff to approve reasonable use of public property to allow business owners to expand their seating or retail footprint during the COVID-19 virus protection period in the summer and fall of 2020, provided the Directors of Public Safety, Municipal Services, Public Works, and City Manager concur on the approval, and the approvals expire October 31, 2020.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to authorize City staff to approve reasonable use of public property to allow business owners to expand their seating or retail footprint during COVID-19 virus protection period in the summer and fall of 2020, provided the Directors of Public Safety, Municipal Services, Public Works, and City Manager concur on the approval, and the approvals expire October 31, 2020.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: None

MOTION PASSES

C. Purchase Agreement – 188 4th Street City Manager

SUMMARY OF REQUEST: City Staff is seeking authorization to enter into a purchase agreement for 1188 4th Street.

1188 4th Street was a regular area of concern among neighbors. In an attempt to help mitigate the concerns, the City purchased the property and completed a renovation. The property was listed on the MLS for \$229,900; an offer was accepted for \$225,000. Staff is seeking permission to approve the purchase agreement and complete the sale. Note that this property is part of the scattered site brownfield project. Any difference in sales price and renovation will be recovered via tax capture.

STAFF RECOMMENDATION: Authorize the City Manager to sign the purchase agreement and complete the sale.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to authorize the City Manager to sign the purchase agreement and complete the sale.

ROLL VOTE: Ayes: Ramsey, German, Rinsema-Sybenga, Emory, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

PUBLIC COMMENT: Public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 6:44 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk