

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 26, 2015

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK**
 - B. Muskegon High School Community Officer Agreement. PUBLIC SAFETY**
 - C. Memorandum of Understanding – Justice Assistance Grant. PUBLIC SAFETY**
- ☐ **PUBLIC HEARINGS:**
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
 - A. Amendments to the Zoning Ordinance to Implement Form Based Code. PLANNING & ECONOMIC DEVELOPMENT**
- ☐ **ANY OTHER BUSINESS:**
- ☐ **PUBLIC PARTICIPATION:**
 - ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
 - ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
 - ▶ Submit the form to the City Clerk.
 - ▶ Be recognized by the Chair.
 - ▶ Step forward to the microphone.
 - ▶ State name and address.
 - ▶ Limit of 3 minutes to address the Commission.
 - ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

- **CLOSED SESSION:** **Attorney-Client Privileged Communications and Property Acquisition.**

- **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: May 21, 2015

We have a number of items on the agenda, and I thought you could use a little background on some of them as you prepare for our meeting next week.

1. Under the consent agenda, we are asking the Commission to approve:
 - a. Last meeting's minutes.
 - b. Approval of an agreement to provide a community officer at Muskegon High School. Although, this agreement is for approximately \$5,000 less than the previous year, we do feel that it is important to have a dedicated presence in the school.
 - c. Approval of an MOU to receive a Justice Assistance Grant to be applied toward our costs associated with prosecuting local ordinance violations. This is a continuation of previous years' JAG usage.
2. New Business
 - a. Formal adoption of the new Form Based Code. This adoption is recommended by staff and the Planning Commission. Our consultant will be in attendance to offer an explanation of FBC and to answer any questions. Here are my thoughts on the FBC vs. our current conventional zoning:

Convention zoning focuses greatly on separating uses and regulating items like setbacks, building heights, and parking. Form Based Codes focus greatly on things like building types/designs, the number of floors/stories, and specific public standards. So, while our conventional zoning would be focused on separating types of uses, the new FBC will focus on the physical form of the building (and how they work with Right-of-Way amenities like sidewalks, roads, benches, trees, etc.) as the principal guide to decision-making. The new FBC will use drawings as well as written regulations to more clearly articulate our design/development standards. The goal of the FBC is to have a more-predictable building design that is easily understood/interpreted – with the assumption that regulating the building design will naturally bring compatible uses together.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

Date: May 26, 2015
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the May 11th Commission Worksession Meeting, and the May 12th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
May 11, 2015
City Commission Chambers
5:30 PM

MINUTES

2015-33 (2)

Present: Commissioners Spataro, German, Johnson, Gawron, Rinsema-Sybenga, Hood, and Turnquist.
Absent: None

Acceptance of Terrace Point Circle & the extension of Terrace Point Dr within the Terrace Point Landing Site Condominium plat

Frank Peterson, City Manager, shared concerns from staff regarding a reverse curb which doesn't quite meet our ordinance for subdivisions but the low volume of traffic pretty much makes it a non-issue. This type of curb has also been referred to as a "calming curb". A City fire truck did make a pass through and had the same experience as with any other narrow street. There currently is no standard that anyone is aware of defining what constitutes a "Low-volume" road. There was also discussion regarding this being another version of "Terrace" and whether or not callers would effectively communicate their location to emergency dispatch. There are now 6 different "Terrace"s.

Any Other Business

Discussion took place about recent police shootings and the question regarding diversity training and racial healing were raised with respect to what training city officers receive and how often. Chief Lewis suggested all city employees may benefit from some form of diversity training. Chief Lewis also discussed his involvement in a diversity inclusion group, the group held their 9th forum since last year.

Discussion took place regarding an item on the agenda for the upcoming City Commission meeting regarding commercial rehabilitation. The discussion involved plans for downtown sites, tax exemptions, the effect of exemptions, and the effect of putting people to work downtown.

Some discussion also took place regarding a Capital Improvement Plan and whether or not it included turning Peck & Sanford back into 2-way streets. There was discussion about fixing roads and about building houses. We need to work on making people aware of programs that will help people spruce up their homes. There is a need for having more turn-key homes available and for having options available for all family types. The image improvement all ties in with housing, education, businesses, etc.

Adjournment.

Motion by Commissioner Hood, seconded by Commissioner Rinsema-Sybenga, to adjourn at 6:40 p.m.

MOTION PASSES

**Ann Marie Cummings, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 12, 2015

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, May 12, 2015.

Mayor Gawron opened the meeting with prayer from Reverend Mark Miller from Central United Methodist Church of Muskegon 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 Rinsema-Sybenga, Turnquist, Johnson, Hood, and German and Deputy City Clerk, Kimberly Grimm.

2015-34 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the April 28, 2015 City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. McGraft Community Building Replacement Tables and Chairs DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase tables and chairs for the McGraft Park Community Building for a total price of \$9,918 from Kendrick Stationers who submitted the lowest responsible bid.

The tables are called Indestructible Too 1200 Commercial Series. The request is for 12 eight foot tables, 96 Rough and Ready folding chairs along with a table and chair cart. Kendrick Stationers out of Sturgis MI is the company offering the entire requested package. They are also specifying date of delivery with 2 hour window period and will deliver direct to the community building.

FINANCIAL IMPACT: \$9,918 from the McGraft Park Trust Fund

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to purchase 12 tables, 96 chairs, table and chair cart from Kendrick Stationers.

C. New Special Event Request – “Burning Foot Beer Festival” at Pere Marquette Park, 8/29/15 COMMUNITY AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Michael Brower and the Lakeshore Brewers Guild, Inc. have submitted a special event application for a new event to be held at Pere Marquette Park on Saturday, August 29, 2015. The festival will highlight craft breweries and local artists with beer tasting, food vendors, art and live music from 3:00 to 9:00 p.m.

They are seeing City Commission approval to serve alcohol at Pere Marquette Park for the event. The beer vendor tables will be arranged in a circle on the beach just south of the boardwalk and concession stand, with festivities taking place within the circle – see attached map for location. Beer will be served in 5-ounce sample cups. They will have security personnel checking ID's.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request

D. Application for Permit for Fireworks CITY CLERK

SUMMARY OF REQUEST: Muskegon Lakeshore Chamber of Commerce Foundation is requesting approval of a pyrotechnics display permit for July 4, 2015 at Heritage Landing. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of this insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

E. Business Improvement District – Resolution to Increase Number of Board Members PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Business Improvement District (BID) was established by the City Commission on March 10, 2015. The initial Board members meet and a recommendation was made to add two new Board members. Also, one of the members was unable to serve. This is a request to add Mike Hennessey from Hennessey's Pub & Boar's Belly, and John Riegler from The Cheese Lady and to replace Amanda Garabedian from First General Credit Union with Connie Taylor.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk's signatures.

COMMITTEE RECOMMENDATION: The BID Board recommended approval.

F. Request to revoke the Obsolete Property Rehabilitation Exemption Certificate at 441 W Western Ave PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: PCJ Enterprise, LLC was approved for an Obsolete Property Rehabilitation Certificate (OPRA) on May 11, 2004 for their property at 441 W Western Ave. The certificate was approved for twelve years, expiring December 30, 2016. The new owners of the building would like to apply for a Commercial Facilities Exemption Certificate as part of their planned renovations, but need to revoke the OPRA certificate before they can be granted the new abatement. The OPRA may be revoked because the original applicants did not proceed in good faith with the operation of the facility.

FINANCIAL IMPACT: The building would be taxed at the normal rate unless another abatement is approved

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To revoke the Obsolete Property Rehabilitation Certificate.

Motion by Commissioner Johnson, second by Vice Mayor Spataro to approve the Consent Agenda as read with the exception of items G and H.

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

Nays: None

MOTION PASSES

2015-35 ITEMS REMOVED FROM THE CONSENT AGENDA:

G. Third Quarter 2014-15 Budget Reforecast FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the ***Third Quarter 2014-15 Budget Reforecast*** which outlines proposed changes to the budget that have come about as a result of changes in revenue projections, policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: Significant third quarter proposed adjustments to the budget are as follows:

- General Fund revenues are reforecast to be \$83,220 higher than the second quarter reforecast. The significant changes included; 1) property taxes increased by \$102,000, 2) income taxes increased by \$180,000, 3) building permits decreased by \$55,000, 4) police department income increased by \$25,000, 5) income tax penalty & interest increased by \$20,000, 6) civil infractions decreased by

\$15,000, 7) traffic fines and fees increased by \$13,000, 8) court fees decreased by \$10,000, and 9) operating transfer of \$176,000 from the public improvement fund has been eliminated.

- General Fund expenditures are estimated to be \$46,224 lower than the second quarter reforecast. The significant changes include; 1) police department projected decrease of \$107,000, 2) fire department projected increase of \$108,448, 3) central fire station projected increase in expenses by \$15,000, 4) fire safety inspections contractual services expense revised down by \$149,000, 5) parks maintenance decreased by \$25,463, 6) McGraft Park maintenance increased by \$10,000, 7) farmer's market adjusted up by \$14,500, 8) city promotions & public relations increased by \$40,000, 9) city manager department projected decrease of \$35,000, 10) contingency and bad debt expense projected increase of \$50,000. And 11) net reductions in planning, zoning and economic development budgeted costs by \$22,285.

BUDGET ACTION REQUIRED: City Commission approval of this reforecast will formally amend the City's 2014-15 budget.

STAFF RECOMMENDATION: Approval

Motion by Commissioner German, second by Commissioner Johnson to approve the Third Quarter 2014-15 Budget Reforecast

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

Nays: None

MOTION PASSES

H. Acceptance of Terrace Point Circle & the extension of Terrace Point Dr. within the Terrace Point Landing Site Condominium plat ENGINEERING

SUMMARY OF REQUEST: Adopt the resolution accepting the referenced streets into the City's street system even though they are not in complete compliance with the City's subdivision ordinance regarding radii and tangents requirements.

Staff is relying heavily on the recommendations by design engineer and traffic engineer both of whom recommended acceptance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the resolution.

Motion by Commissioner German, second by Vice Mayor Spataro to accept the resolution and approve the acceptance of Terrace Point Circle & the extension of Terrace Point Drive within the Terrace Point Landing Site Condominium plat.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to amend original motion to include approval contingent upon installation of all signs recommended by traffic engineer and contingent upon there being a 3-year warrant for underground utilities

ROLL VOTE ON AMENDMENT: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

ROLL VOTE ON ORIGINAL MOTION: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2015-36 PUBLIC HEARINGS:

A. Establishment of a Commercial Rehabilitation District – 435 & 441 W Western Ave. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, Pigeon Hill Brewing Company has requested the establishment of a Commercial Redevelopment District. The creation of the district will allow the building owner to apply for a Commercial Facilities Exemption Certificate, which will freeze the taxable value of the building and exempt the new real property investment from local taxes.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Establishment of the Commercial Redevelopment District.

Public Hearing was opened to receive comments from public.

No comments received.

Motion by Vice-Mayor Spataro, second by Commissioner German to close the public hearing and establish a Commercial Rehabilitation District for 435 & 441 W Western Avenue

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

Nays: None

MOTION PASSES

B. Issuance of a Commercial Facilities Exemption Certificate – Pigeon Hill Brewing Company, LLC PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, Pigeon

Hill Brewing Company, LLC has requested the issuance of a Commercial Facilities Exemption Certificate. The Certificate will freeze the taxable value of the building and exempt the new real property investment from local taxes. The company will be investing \$500,000 in the building and will create 10 new jobs, which qualifies them for an abatement of 12 years.

FINANCIAL IMPACT: The real property taxes would be frozen at their pre-rehabilitated rate for the duration of the certificate

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Issuance of the Commercial Facilities Exemption Certificate

Public Hearing was opened to receive comments from public.

Joel Kamp of 3823 Harbor Breeze answered questions of commissioners.

Motion by Commissioner Johnson, second by Vice Mayor Spataro to close the public hearing and issue a Commercial Facilities Exemption Certificate to Pigeon Hill Brewing Company, LLC

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

Nays: None

MOTION PASSES

C. Establishment of a Commercial Rehabilitation District – 896 Jefferson St.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, 896 Jefferson, LLC has requested the establishment of a Commercial Redevelopment District. The creation of the district will allow the building owner to apply for a Commercial Facilities Exemption Certificate, which will freeze the taxable value of the building and exempt the new real property investment from local taxes.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Establishment of the Commercial Redevelopment District.

Public Hearing was opened to receive comments from public.

No comments received.

Motion by Commissioner Turnquist, second by Commissioner Hood to close the public hearing and establish a Commercial Rehabilitation District for 896 Jefferson St.

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

Nays: None

MOTION PASSES

D. Issuance of a Commercial Facilities Exemption Certificate – 896 Jefferson, LLC PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, 896 Jefferson, LLC has requested the issuance of a Commercial Facilities Exemption Certificate. The certificate will freeze the taxable value of the building and exempt the new real property investment from local taxes. The company will be investing over \$359,000 in the building and will create 60 new jobs, which qualifies them for an abatement of 12 years.

FINANCIAL IMPACT: The real property taxes would be frozen at their pre-rehabilitated rate for the duration of the certificate

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Issuance of the Commercial Facilities Exemption Certificate.

Public Hearing was opened to receive comments from public.

Chris Nass, 2411 Lake Avenue answered questions of commissioners.

Cindy Ackerman, 1408 Lakeshore Court asked questions about the investment

Anthony Hall, Greater Believer Apostolic Faith Church asked about including minorities in opportunity to lease a hair salon suite.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to close the public hearing and issue a Commercial Facilities Exemption Certificate to 896 Jefferson, LLC

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

Nays: None

MOTION PASSES

E. Establishment of a Commercial Rehabilitation District –165 W Clay PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, 165 Clay LLC has requested the establishment of a Commercial Redevelopment District. The creation of the district will allow the building owner to apply for a Commercial Facilities Exemption Certificate, which will freeze the taxable value of the building and exempt the new real property investment from local taxes.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Establishment of the Commercial Redevelopment District.

Public Hearing was opened to receive comments from public.

No comments received.

Motion by Rinsema-Sybenga, second by Commissioner Hood to close the public hearing and establish a Commercial Rehabilitation District for 165 W. Clay Ave

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

Nays: None

MOTION PASSES

F. Issuance of a Commercial Facilities Exemption Certificate – 165 W Clay Avenue PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, 165 Clay, LLC has requested the issuance of a Commercial Facilities Exemption Certificate. The certificate will freeze the taxable value of the building and exempt the new real property investment from local taxes. The company will be investing over \$336,000 in the building and will create 26 new jobs, which qualifies them from an abatement of 12 years.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Issuance of the Commercial Facilities Exemption Certificate.

Public Hearing was opened to receive comments from public.

Chris Nass, 2411 Lake Avenue answered questions of commissioners.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to close the public hearing and issue a Commercial Facilities Exemption Certificate to 165 Clay, LLC

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

Nays: None

MOTION PASSES

2015-37 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

318 W. LARCH AVENUE

1328 SPRING STREET

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 (30) days or infraction tickets may be issued. 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 contracts for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Vice Mayor Spataro, second by Commissioner German to Concur with the Housing Board of Appeals Notice and Order to Demolish

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:32 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: May 13, 2015
To: Honorable Mayor and City Commissioners
From: Director of Public Safety Jeffrey Lewis
RE: MHS Community Officer Agreement

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and approve the agreement between the City of Muskegon Police Department and the Muskegon Public Schools.

The agreement is for a Community Officer at the High School during the 2015 – 2016 school year.

FINANCIAL IMPACT:

This agreement is a three percent increase from last year's (2014–2015) agreement.

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff recommends approving the agreement between the City of Muskegon Police Department and the Muskegon Public Schools for a Community Officer for the school year 2015 – 2016.

COMMUNITY OFFICER & MUSKEGON PUBLIC SCHOOLS

AGREEMENT 2015 – 2016

This Agreement is effective **August 31, 2015** through **June 10, 2016**, between the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and Muskegon Public Schools, of 349 West Webster, Muskegon, Michigan, 49440 ("MPS"), with reference to the following facts:

Background

A. City and MPS have determined that it is in each of their best interests to continue police services at the Muskegon High School ("MHS").

B. City has agreed to provide a police officer to be on patrol at MHS. At all times the officer assigned to work at MHS shall be a City police officer and, as such an employee of the City. Duties will be decided between mutual parties. However, it is agreed that a component of the role is to help establish a positive, safe learning environment at MHS and develop positive relationships with the student body.

C. MPS has agreed to pay the City a flat rate according to nine (9) months of service. The community officer will report to the MHS principal.

It is therefore agreed:

1. **Officer.** City shall provide a police officer to be on patrol at MHS during MHS's published academic calendar year, commencing **September 8, 2015** (which shall not include any published vacation days or summer school sessions. i.e. Christmas break, mid-winter break, Thanksgiving break, Professional Development days, Good Friday, Hackley Day or Memorial Day). The officer shall be present at MHS during hours which are mutually agreeable between the City and MPS.

2. **Payment.** MPS shall pay **\$2,318.54** on the first of **EACH MONTH**, as invoiced, commencing **September 8, 2015** through **June 10, 2016**. Total payment will not exceed **\$20,866.86**.

3. **Term: Termination.** The term of this Agreement shall be for one year from **August 31, 2015** through **June 10, 2016**, and may be renewed annually by mutual agreement. This Agreement may be terminated before the end of its term by subsequent written agreement, which shall be signed by both parties.

4. **Venue.** The parties agree that for purposes of any dispute in connection with this agreement, the Muskegon County Court shall have exclusive jurisdiction and venue.

MUSKEGON PUBLIC SCHOOLS

By: *Jon A. Felske*

Name: Jon A. Felske

Title: Superintendent

Date: 5-12-15

CITY OF MUSKEGON

By: _____

Name: Stephen J. Gawron

Title: Mayor

Date: _____

Date: May 26, 2015
To: Honorable Mayor and City Commissioners
From: Jeffrey A. Lewis
Director of Public Safety
RE: Memorandum of Understanding – Justice Assistance Grant

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 2015 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 before the grant submission and the grant deadline is June 26.

Although the Bureau of Justice Assistance 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 \$ 26,168 and City of Muskegon Heights \$ 17,363. 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. A prosecutor was hired specifically for this under a previous fiscal year JAG Grant.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends approval of this request.

**MEMORANDUM OF UNDERSTANDING
THE CITY OF MUSKEGON
THE COUNTY OF MUSKEGON
THE CITY OF MUSKEGON HEIGHTS**

**FY 2015 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
Regular Funding / Local Solicitation**

This Agreement is made and entered into on the _____ day of _____, 2015, by and between the County of Muskegon, acting by and through its governing body, the Board of County Commissioners, located at 990 Terrace Street, Muskegon, Michigan 49442 and the City of Muskegon, acting by and through its governing body, the City Commission, located at 933 Terrace Street, Muskegon, Michigan 49443-0536, and the City of Muskegon Heights, acting by and through its governing body, the City Council, located at 2724 Peck Street, Muskegon Hts., MI 49444, all of Muskegon County, State of Michigan, witnesseth:

WHEREAS, the CITY OF MUSKEGON has agreed to serve as the applicant/fiscal agent for the joint funds under the: Justice Assistance Grant(Local Solicitation) as the Bureau of Justice Assistance has designated the allocation to the law enforcement communities in Muskegon County as a disparate allocation; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions, hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body find that the performance of this Agreement is in the best interest of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the breakdown of allocated funding agreed upon by those entities involved in the disparate funding is \$ 26,168 to the CITY OF MUSKEGON and \$ 17,363 to the CITY OF MUSKEGON HEIGHTS; and

WHEREAS, the CITY OF MUSKEGON, CITY OF MUSKEGON HEIGHTS and COUNTY OF MUSKEGON believe it to be in their best interests to allocate the JAG funds as specified in this Agreement.

NOW THEREFORE, THE COUNTY OF MUSKEGON, CITY OF MUSKEGON AND CITY OF MUSKEGON HEIGHTS agree as follows:

AGREEMENT

1. THE CITY OF MUSKEGON will act as the fiscal agent/applicant agency.
2. The total eligible joint allocation for the disparate jurisdictions of \$ 50,612 will be allocated as follows: COUNTY OF MUSKEGON - \$ 0; CITY OF MUSKEGON - \$26,168
CITY OF MUSKEGON HEIGHTS - \$ 17,363
3. Each municipality will be responsible for its actions in the use of any equipment purchased under this Agreement and the fiscal agent shall not be liable for any civil liability that may arise from the purchase of the use of the equipment.
4. The CITY OF MUSKEGON HEIGHTS will be responsible for submitting quarterly reports to the CITY OF MUSKEGON by the third day of the month following the quarter in the reporting fashion required by the CITY OF MUSKEGON and for any month in which an expenditure under the grant has occurred the CITY OF MUSKEGON HEIGHTS will submit a reimbursement request to the CITY OF MUSKEGON by the third day of the following month along with backup documentation such as invoices.
5. The CITY OF MUSKEGON HEIGHTS will be responsible for the accuracy of all data submitted to the CITY OF MUSKEGON for submission to the Bureau of Justice

Programs and will be liable for penalties as a result of submitting the data late and for any inaccurate data.

6. Nothing in the performance of this Agreement shall impose any liability for claims against the CITY OF MUSKEGON passing from this program or from the CITY OF MUSKEGON HEIGHT's expenditure of the JAG funds.
7. By entering into this Agreement, the parties do not intent to create any obligations, express or implied, other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

COUNTY OF MUSKEGON

Dated: _____, 2015

By: _____
Kenneth Mahoney, Chairman
County Board of Commissioners

CITY OF MUSKEGON

Dated: _____, 2015

By: _____
Stephen Gawron, Mayor

CITY OF MUSKEGON HEIGHTS

Dated: _____, 2015

By: _____
Darrell Paige, Mayor

Commission Meeting Date: May 26, 2015

Date: May 21, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendments to the Zoning Ordinance

SUMMARY OF REQUEST:

Staff-initiated request to make the following amendments to the zoning ordinance as part of adopting form based codes for downtown:

- a. Amend Article XX and create a Form Based Code overlay district.
- b. Remove Article XII, B-3 Central Business district.
- c. Amend Article III, Section 300 and remove B-3, Central Business district.
- d. Amend Article III and add a new section, 305, to direct people to the Article XX, the new Form Based Code section.
- e. Amend the zoning map and add a new Form Based Code district. Please see the map below that shows the parcels to be included in the zone change.
- f. Amend the zoning districts table of heights and yards to remove all references to B-3; remove minimum heights in note #4, remove reference to B-3 in note #6; add a row called Form Based Code and an asterisk that indicates that all dimensional standards shall be per the Form Based Code, Article XX.
- g. Amend Article XXIII to add item 5 to Section 2301 to state that the scope and applicability of the Form Based Code is contained in Sections 2001.02 and 2002.00.
- h. Amend Section 2326 and remove item 12, Downtown Parking Overlay and remove reference to overlay in item 13 and remove Figure 23-2.
- i. Amend Section 2334 and remove reference to B-3 in item 7.

Following is the link to the Form Based Code:

<http://www.muskegon-mi.gov/cresources/Final-Draft-Muskegon-FBC-4-28-15lowres.pdf>

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendments.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval at their regular meeting in May.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning ordinance to incorporate form based codes downtown.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The following sections of the zoning ordinance shall be amended:

- A. Amend Article XX and create a Form Based Code overlay district
- B. Remove Article XII, B-3 Central Business district.
- C. Amend Article III, Section 300 and remove B-3, Central Business district.
- D. Amend Article III and add a new section, 305, to direct people to the Article XX, the new Form Based Code section.
- E. Amend the zoning map and add a new Form Based Code district. Please see the map below that shows the parcels to be included in the zone change.
- F. Amend the zoning districts table of heights and yards to remove all references to B-3; remove minimum heights in note #4, remove reference to B-3 in note #6; add a row called Form Based Code and an asterisk that indicates that all dimensional standards shall be per the Form Based Code, Article XX.
- G. Amend Article XXIII to add item 5 to Section 2301 to state that the scope and applicability of the Form Based Code is contained in Sections 2001.02 and 2002.00.
- H. Amend Section 2326 and remove item 12, Downtown Parking Overlay and remove reference to overlay in item 13 and remove Figure 23-2.
- I. Amend Section 2334 and remove reference to B-3 in item 7.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Cummings, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of May, 2015, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Planning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2015.

Ann Cummings, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 26, 2015, the City Commission of the City of Muskegon adopted an ordinance to amend the following sections of the zoning ordinance:

- a. Amend Article XX and create a Form Based Code overlay district
- b. Remove Article XII, B-3 Central Business district.
- c. Amend Article III, Section 300 and remove B-3, Central Business district.
- d. Amend Article III and add a new section, 305, to direct people to the Article XX, the new Form Based Code section.
- e. Amend the zoning map and add a new Form Based Code district. Please see the map below that shows the parcels to be included in the zone change.
- f. Amend the zoning districts table of heights and yards to remove all references to B-3; remove minimum heights in note #4, remove reference to B-3 in note #6; add a row called Form Based Code and an asterisk that indicates that all dimensional standards shall be per the Form Based Code, Article XX.
- g. Amend Article XXIII to add item 5 to Section 2301 to state that the scope and applicability of the Form Based Code is contained in Sections 2001.02 and 2002.00.
- h. Amend Section 2326 and remove item 12, Downtown Parking Overlay and remove reference to overlay in item 13 and remove Figure 23-2.
- i. Amend Section 2334 and remove reference to B-3 in item 7.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2015.

CITY OF MUSKEGON

By _____
Ann Cummings, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354