CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 23, 2006

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, May 23, 2006.

Mayor Warmington opened the meeting with a prayer from Reverend Phillips from the Love Fellowship 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, Commissioner Kevin Davis, Lawrence Spataro, Sue Wierengo, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and Deputy City Clerk Linda Potter.

Commissioner Clara Shepherd arrived at 6:07 p.m. (excused)

2006-45 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the May 8th Commission Worksession, and the May 9th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Donation of Four Abandoned Bicycles to the Drug Court. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director to provide four abandoned/recovered bicycles to the Muskegon County Drug Court. This request comes from staff at the Drug Court. The bicycles will be used to provide an alternate means of transportation for clients in the program. This action is provided for in Section 46-

153 of the City Ordinance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of this request.

C. <u>FIRST READING: Rezoning Request for Properties Located at 1561, 1567, 1575, 1587, 1593 and 1597 Peck Street, and 28 W. Forest Avenue.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties located at 1561, 1567, 1575, 1587, 1593, and 1597 Peck Street and 28 W. Forest Avenue from RM-1, Low Density Multiple-Family Residential District to R-1, One Family Residential District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 11th meeting. The vote was unanimous, with J. Aslakson absent.

REQUIRES SECOND READING

D. <u>FIRST READING: Zoning Ordinance Amendment – Wireless Communication Service Facilities.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Sections 2321 (Wireless Communication Service Facilities) of Article XXIII (General Provisions) of the Zoning Ordinance to amend the "Overlay District Established for Wireless Communication Support Facilities" and substitute 2301 Harvey Street for 1350 E. Keating Avenue (City DPW) as one of the four overlay districts for location of wireless communication equipment.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of Section 2321, Article XXIII of the Zoning Ordinance.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their May 11th meeting. The vote was unanimous in favor of the amendment, with J. Aslakson absent.

REQUIRES SECOND READING

E. <u>Request for an Encroachment Agreement.</u> ENGINEERING

SUMMARY OF REQUEST: BLDI Environmental who is working with Ken's Super

Service Station and the Marathon Petroleum Co. at the north west corner of Laketon and Henry has submitted a permit form/encroachment agreement requesting your permission to install eight additional monitoring wells in the area surrounding the aforementioned property. The wells would be installed in the public right of ways of Laketon Avenue, Henry Street, Division Street, Larch Avenue and Kinsey Street.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the consent agenda as read minus item F.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

2006-46 ITEM REMOVED FROM THE CONSENT AGENDA:

F. <u>Consideration of Bids - Decorative Concrete/Street Light for Western Avenue, Third to Terrace.</u> ENGINEERING

SUMMARY OF REQUEST: Award the decorative concrete/street light contract on Western Avenue between Third and Terrace to Kamminga & Roodvoets, Inc. since they were the only bidder with a reasonable bid price of $888,532.32 which was below the engineer's estimate of $905,467.50. If awarded to Kamminga & Roodvoets, the award must be contingent upon the Michigan Department of Transportation's approval.

FINANCIAL IMPACT: The construction cost $888,532.32 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None. 80% of the cost (construction and engineering) will be funded by the HPP (high priority projects) funds and the remainder from the city via the ULA/CDBG funds for that project.

STAFF RECOMMENDATION: Award the contract to Kamminga & Roodvoets contingent upon the Michigan Department of Transportation's approval.

Motion by Commissioner Carter, second by Commissioner Spataro to award the decorative concrete/street light contract for Western Avenue between Third and Terrace to Kamminga & Roodvoets, Inc.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2006-47 NEW BUSINESS:

A. <u>Request to Allow More Than One Alcohol License Within the City of Muskegon Over the Period July 14 to 16, 2006.</u> ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To allow more than one liquor license within the City over the period July 14 to 16, 2006.

July 14th - <u>Party in the Park:</u> event and liquor license have been **approved.**

- <u>Pop-A-Top:</u> event was approved by the Leisure Services Board. Liquor License is **not** yet approved.
- <u>Muskegon Sportsfishing Association:</u> event and liquor license are **not** yet approved. (They would like to host a Salmon shoot-out with beverage tent July 14 – 16.)

July 15th - <u>BBQ Fest:</u> event and liquor license are **approved.**

- <u>Pop-A-Top:</u> event was approved by the Leisure Services Board. Liquor License is **not** yet approved.
- <u>Muskegon Sportsfishing Association:</u> event and liquor license are **not** yet approved.

July 16th - <u>Muskegon Sportsfishing Association:</u> event and liquor license are **not** yet approved.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: No recommendation. Commission action required. The Commission might want to reconsider the effectiveness of the existing ordinance requiring one liquor license per weekend giving the significant increase in the number of Special Events held in recent years.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the request to allow more than one alcohol license within the City of Muskegon over the period July 14 to 16, 2006.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, and Spataro

Nays: None

MOTION PASSES

B. <u>FIRST READING: Vegetation Ordinance Amendment for Raking Leaves.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 98 VEGETATION for the purpose of requiring leaves to be removed from properties after the conclusion of leaf season. Leaf season is defined as beginning September 1st and ending April 30th of each year.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 98 Vegetation, specifically to amend Section 98-31 Definitions, and Section 98-35 Notice to Destroy and Remove; publication, as proposed to require residents to rake leaves on their property. Actual enforcement will begin in 2007.

Motion by Vice Mayor Gawron, second by Commissioner Davis to approve the first reading of the vegetation ordinance amendment for raking leaves.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Spataro, and Warmington

Nays: None

REQUIRES SECOND READING

C. <u>Development of Terrace Street Lots.</u> CITY MANAGER

SUMMARY OF REQUEST: To authorize staff to enter into negotiations of a development agreement with Hot Rod Harley Davidson to develop the Terrace Street lots pursuant to their proposal.

FINANCIAL IMPACT: $300,000 purchase price for the property plus the property will go back on the tax rolls.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the request to allow staff to negotiate with Hot Rod Harley Davidson to develop the Terrace Street lots.

Motion and second amended to authorize staff to enter into negotiations of a development agreement with Hot Rod Harley Davidson to develop the Terrace Street lots pursuant to their proposal based on the approval of the City Attorney and City Manager and to be signed by the Mayor and Clerk based on the parameters that have been discussed.

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

Nays: None

MOTION PASSES

D. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u> PUBLIC SAFETY

1. 375 Jackson

2. 585 Catherine (Area 11)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the mentioned structures are unsafe, substandard, public nuisances and that they be demolished within 30 days. 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 a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 375 Jackson and 585 Catherine.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission commented on various items.

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

Respectfully submitted,

Linda Potter, CMC
Deputy City Clerk