CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 11, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
- **INTRODUCTIONS/PRESENTATION:**
- **CONSENT AGENDA:**

  A. **Approval of Minutes.** CITY CLERK

  B. **Ordinance Setting Fiscal Year and Budget Calendar.** FINANCE

  C. **Memorandum of Understanding-Justice Assistance Grant.** PUBLIC SAFETY

  D. **Resolution of Support for the Michigan Port Collaborative.** PLANNING & ECONOMIC DEVELOPMENT

- **PUBLIC HEARINGS:**
- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**

  A. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish 439 Houston Avenue.** PUBLIC SAFETY

  B. **Machine Vending Contract for Pere Marquette Park.** PUBLIC WORKS (Item withdrawn by applicant)

- **NEW BUSINESS:**

  A. **Approval of Sale of City-Owned Home at 214 Myrtle.** COMMUNITY & NEIGHBORHOOD SERVICES

  B. **Medical Marijuana Facilities Moratorium.** 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:
- ## 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 Becker, City Clerk, 933 Terrace Street, Muskegon, MI 49440 or by calling (231) 724-6705 or TDD: (231) 724-4172.

Date: May 11, 2010

To: Honorable Mayor and City Commissioners

From: Ann Marie Becker, City Clerk

RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 27, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 27, 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, April 27, 2010.

Mayor Warmington opened the meeting with a prayer from Pastor Marcy Miller from the Samuel Lutheran 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 Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-35 HONORS AND AWARDS:

A. Retirement of Bob Kuhn.

Mayor Warmington recognized and thanked Bob Kuhn for his 35 years of working for the community.

2010-36 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the April 12th Commission Worksession, and the April 13th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. SECOND READING: Amend Chapter 54, Article IV Offenses Involving Public Peace and Order. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting that the City Commission amend Chapter 54, Article IV Offenses Involving Public Peace and Order, of the Code of Ordinances of the City of Muskegon. This is being requested in order to update language in this ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

D. **SECOND READING: Amendments to the Zoning Ordinance – On-site Sustainability and Conservation Efforts.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 #5, Exempt Signs, to allow signage related to on-site sustainability and conservation efforts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their March 11th meeting.

E. **SECOND READING: Amendments to the Zoning Ordinance – Sporting Venues.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 #5, Exempt Signs, to allow sporting venues to display signage to those in attendance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their March 11th meeting.

F. **2010 Water Treatment Chemical Bids.** WATER FILTRATION

SUMMARY OF REQUEST: Recommend endorsement of the lowest responsible bidder to supply sodium hypochlorite for the Water Filtration Plant and authorize staff to issue an annual purchase order to Alexander Chemical Corp.

FINANCIAL IMPACT: Annual cost of $44,132 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED: None at this time. These chemicals are budgeted annually.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission endorse the low bid received and enter into contract with Alexander Chemical Corp. for sodium hypochlorite.

G. **Acquisition of Property for a Right Turn Radius – Portion of 1813 S. Getty Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In a previous action, City Commission authorized proceeding with eminent domain for this property, which is needed for street improvements. Staff has since been able to negotiate a purchase price with the owner, Samei Betak. The value of the property (per the County Equalization Department) is $758.44. The agreed upon purchase price is $3,000.

FINANCIAL IMPACT: The purchase price will be paid for from the Public Improvement Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Purchase Agreement and authorize the Mayor and Clerk to sign the Purchase Agreement and other documents necessary to purchase the property.

J. Concession Contract for Pere Marquette Park. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a three-year contractual agreement with two additional one-year options with Ken Huston of Amazing Gift Direct, LLC for operating a Concession (The Island Concession) at Pere Marquette Park.

FINANCIAL IMPACT: Contract revenue was $2,118 for the 2009 operating season. Approximately $325-$1,200 per year in revenue was received from previous vendor (Dan Etterman of Sandy Bottoms Concession) during the 2003-2008 contracts.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve request.

COMMITTEE RECOMMENDATION: The Leisure Services Board has approved the intended contractual agreement on April 19, 2010.

K. Maintenance Agreement for Aamodt Park – Jackson Hill Neighborhood Association and City. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An Achieve Grant has been received by the County of Muskegon for the Jackson Hill Neighborhood. The County has partnered with the City to oversee this grant. The Achieve group from Jackson Hill has chosen to use some of the funds for a community garden at Aamodt Park.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Maintenance Agreement between the City of Muskegon and Jackson Hill Neighborhood Association and authorize the Mayor and Clerk to sign.

L. Deficit Elimination Plan for Home Rehabilitation Fund, Brownfield Redevelopment Authority Fund and Engineering Fund. FINANCE

SUMMARY OF REQUEST: At December 31, 2009, the City of Muskegon Home Rehabilitation Fund had a deficit balance of $316,838; the Brownfield Redevelopment Authority Fund had a deficit balance of $10,214; and the

Engineering Fund had a deficit balance of $61,951. Act 275 of the Public Acts of 1980 requires that the City file a Deficit Elimination Plan with the Michigan Department of Treasury. Staff is requesting adoption of the Home Rehabilitation Fund, Brownfield Redevelopment Authority Fund and Engineering Funds Deficit Elimination Plan Resolutions.

FINANCIAL IMPACT: As presented by the Deficit Elimination Plan the Home Rehabilitation Fund, Brownfield Redevelopment Authority and Engineering funds will no longer have a deficit by December 31, 2010.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the Deficit Elimination Plan Resolutions.

M. <u>Reclassification of Maintenance Worker Position.</u> ENGINEERING

SUMMARY OF REQUEST: Change the classification of the Maintenance Worker Position from Range XI to Range X. The reclassification is necessary to compensate for combining the duties' of the maintenance worker position with most of those in the Maintenance Supervisor position which is not being filled upon the retirement of the current supervisor. This proposal will result in a net annual SALARY saving of $40,285 and if we were to consider the other benefits could be in excess of $60,000.

FINANCIAL IMPACT: The difference between the upper limits of the two ranges which is $3,642 (based on the adopted 2009 salary schedule).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the reclassification of the Maintenance Worker position from Range XI (11) to Range X (10).

N. <u>Consideration of Bids for H-1660 White Street and Scott Street from Wood Street to Oak Avenue.</u> ENGINEERING

SUMMARY OF REQUEST: Award the White Street/Scott Street project to McCormick Sand, Inc. out of Twin Lake since they were the lowest responsible bidder with a total bid price of $195,446.15.

FINANCIAL IMPACT: The construction cost of $195,446.15 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the construction project to McCormick Sand, Inc.

O. <u>City – MDOT Agreement for the Reconstruction of Getty Street from Apple to Marquette.</u> ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Getty Street from Apple to Marquette and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of $310,500. The estimated total construction cost is $443,900.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the contract and resolution authorizing the Mayor and Clerk to sign both.

P. Approval of Contractor for Rehabilitation of House at 134 Isabella.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Statewide Abatement, 1720 Creston, Muskegon, MI for the completion of the rehabilitation to be located at 134 Isabella within 90 days of signing the contract, for the bided amount of $37,597. This property's rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the home will be marketed to any eligible owner occupied homebuyer with a household income less than 121 percent of the area median income.

The City received five additional bids:

Grayspace Construction of 601 Amity, Muskegon, MI for $65,509

Depender Construction of 4471 Tomkins Trail, Muskegon, MI for $66,325

Tim Weberg of 6263 Dakson Rd., Twin Lake, MI for $61,800

Murphy and Son of 84 N. Bock, Muskegon, MI for $58,350

Mossy Oak Builders of 3101 Hall Rd., Muskegon, MI for $49,630

Specialty Builders of 4392 Hall Rd., Muskegon, MI for $43,910

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services office to develop a contract with Statewide Abatement and direct the Mayor and Clerk to sign the contract.

Q. Approval of Contractor for Rehabilitation of House at 468 W. Forest.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Specialty Builders, 4392 Hall Rd., Muskegon, MI for the completion of the rehabilitation to be located at 468 W. Forest within 120 days of signing the contract, for the bided amount of $63,760. This property's rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the home will be marketed to any eligible owner occupied homebuyer with a household income less than 121 percent of the area median income.

The City received five additional bids:

Grayspace Construction of 601 Amity, Muskegon, MI for $76,162

Mossy Oak Builders of 3101 Hall Rd., Muskegon, MI for $68,980

Tim Weberg of 6263 Dakson Rd., Twin Lake, MI for $66,750

Murphy and Son of 84 N. Bock, Muskegon, MI for $65,850

Statewide of 1720 Creston, Muskegon, MI for $69,455

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services office to develop a contract with Specialty Builders and direct the Mayor and Clerk to sign the contract.

R. <u>Approval of Contractor for Rehabilitation of House at 1201 Ransom.</u>
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Specialty Builders, 4392 Hall Rd., Muskegon, MI for the completion of the rehabilitation to be located at 1201 Ransom within 180 days of signing the contract, for the bided cost of $77,135. This property's rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the home will be marketed to any eligible owner occupied homebuyer with a household income less than 121 percent of the area median income.

The City received four additional bids:

Grayspace Construction of 601 Amity, Muskegon, MI for $122,835

Mossy Oak Builders of 3101 Hall Rd., Muskegon, MI for $96,860

Tim Weberg of 6263 Dakson Rd., Twin Lake, MI for $82,150

Murphy and Son of 84 N. Bock, Muskegon, MI for $78,700

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services office to develop a contract with Specialty Builders and direct the Mayor and Clerk to sign the contract.

S. **Approval of Contractor for Rehabilitation of House at 627 Apple.**
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Specialty Builders, 4392 Hall Rd., Muskegon, MI for the completion of the rehabilitation to be located at 627 Apple within 90 days of signing the contract, for the bided amount of $46,800. This property's rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the home will be marketed to any eligible owner occupied homebuyer with a household income less than 121 percent of the area median income.

The City received five additional bids:

Grayspace Construction of 601 Amity, Muskegon, MI for $74,200

Depender Construction of 4471 Tomkins Trail, Muskegon, MI for $59,603

Mossy Oak Builders of 3101 Hall Rd., Muskegon, MI for $57,940

Tim Weberg of 6263 Dakson Rd., Twin Lake, MI for $52,200

Murphy and Son of 84 N. Bock, Muskegon, MI for $49,300

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services office to develop a contract with Specialty Builders and direct the Mayor and Clerk to sign the contract.

T. **Approval of Contractor for Rehabilitation of House at 1331 Amity.**
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Mossy Oak Builders, 3101 Hall Rd., Muskegon, MI for the completion of the rehabilitation to be located at 1331 Amity within 120 days of signing the contract, for the agreed upon amount of $63,635. This property's rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the home will be marketed to any eligible owner occupied homebuyer with a household income less than 121 percent of the area median income.

The City received six additional bids:

Depender Construction of 4471 Tomkins Trail, Muskegon, MI for $97,145

Grayspace Construction of 601 Amity, Muskegon, MI for $79,974

Statewide Abatement of 1720 Creston, Muskegon, MI for $74,184

Tim Weberg of 6263 Dakson Rd., Twin Lake, MI for $74,000

Murphy and Son of 84 N. Bock, Muskegon, MI for $70,500

Specialty Builders of 4392 Hall, Muskegon, MI for $58,780

Obviously Specialty Builders was the lowest bidder on this project but they also were the lowest bidder on three other projects in this round of NSP projects. It was the opinion of both the CNS office as well as Specialty Builders that they did not have the capacity to complete four rehabilitation projects in a quality manner in the time frame that the CNS office is requesting.

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services office to develop a contract with Mossy Oak Builders and direct the Mayor and Clerk to sign the contract.

U. <u>Liquor License Request for Shoreline Inn, 750 Terrace Point.</u> CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Shoreline Inn, LLC for a new SDM License and a new Direct-Connection located at 750 Terrace Point.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

V. <u>Amendments to the Zoning Ordinance – Assisted Living Facilities.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 700, #9 of Article VII (RM-1, Low Density Multiple-Family Residential) to allow assisted living facilities as a principal use permitted in RM-1, Low Density Multiple-Family Residential Districts.

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 April 15th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as presented minus items B, H, and I.

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

Nays: None

MOTION PASSES

2010-37 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. <u>SECOND READING: Vacant Building Registration Ordinance Amendments.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purposes of exempting seasonal residences and vacation homes from the fee requirements and occupancy notification requirements of this ordinance, removing the requirement to notarize the registration forms, clarify the language regarding the billing process and add a requirement that all fees owed the City must be paid in full before a waiver of registration fee can be considered.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees for the purposes stated.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Vacant Building Registration Ordinance amendments as presented.

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

Nays: None

MOTION PASSES

H. <u>Machine Vending Contract for Pere Marquette Park.</u> PUBLIC WORKS

SUMMARY OF REQUEST: To enter into a one-year contractual agreement with Spark Paul John, 3070 Maple Grove Rd., Apt #350, Muskegon, MI for a Knockout Vending Machine to be located at Pere Marquette Park.

FINANCIAL IMPACT: Contract revenue is unknown at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve request.

COMMITTEE RECOMMENDATION: The Leisure Services Board has previously approved the request to enter into a contractual agreement with Spark Paul John for a Knockout Vending Machine at the April 19th meeting.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the machine vending contract for Pere Marquette Park with Spark Paul John.

Motion by Commissioner Spataro, second by Commissioner Wisneski to table this item and refer it back to staff for their recommendation at the first meeting in May.

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

Nays: None

MOTION TO TABLE PASSES

I. <u>Beverage Vending Contract for Parks/Marina Facilities.</u> PUBLIC WORKS

SUMMARY OF REQUEST: To enter into a three-year contractual agreement with Dr. Pepper/Snapple to provide vending service throughout City Parks and Marina Facilities.

FINANCIAL IMPACT: Contract revenue has averaged $2,090 per year over the last three-year contract.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve request.

COMMITTEE RECOMMENDATION: The Leisure Services Board has previously approved the request to enter into a contractual agreement with Dr. Pepper/Snapple at their April 19th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the three-year contractual agreement with Dr. Pepper/Snapple to provide vending service throughout City Parks and Marina Facilities.

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

Nays: None

MOTION PASSES

2010-38 UNFINISHED BUSINESS:

A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish 439 Houston Avenue.</u> PUBLIC SAFETY (Tabled from 3-23-10)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 439 Houston Avenue, Area 10, is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

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

This item was tabled at the March 23, 2010, City Commission Meeting.

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

Nays: None

MOTION PASSES

2010-39 NEW BUSINESS:

A. <u>2010 Budget Adjustments.</u> CITY MANAGER

SUMMARY OF REQUEST: To make changes to the 2010 budget based on the current economic conditions. The proposed changes will reduce the budget expenditures and put them more in line with anticipated revenues.

FINANCIAL IMPACT: Over $700,000 to the City's General Fund.

BUDGET ACTION REQUIRED: Approve an amendment to the 2010 budget and authorize implementation of the changes.

STAFF RECOMMENDATION: To approve the proposed adjustments.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the proposed budget adjustments for 2010.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Date: May 11, 2010

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Ordinance Setting Fiscal Year and Budget Calendar

SUMMARY OF REQUEST: Last November, voters approved charter amendments that gave the City Commission authority to set the City's fiscal year and change the budget adoption process. The attached ordinance is intended to implement these changes. The proposed ordinance sets the City's fiscal year as of July 1 (starting in 2010) and also lays out a budget adoption process that eliminates the requirement we have had in the past of adopting a budget months in advance of the start of the fiscal year.

FINANCIAL IMPACT: The change in fiscal years will help stabilize city finances and make the City's fiscal period consistent with the majority of Michigan's city governments. The change in budget process will help ensure the City's budget is prepared with the most current information available and does not become outdated before the fiscal year begins.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Adoption of the attached ordinance.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. ____

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 2, Article VI of the Code of Ordinances of the City of Muskegon, Michigan is amended by adding sections to read as follows:

Division 3. Budget Procedure

Sec. 2-290. Fiscal Year. The fiscal year of the city shall begin on July 1.

Sec. 2-291. Budget Procedures. The city manager shall submit to the commission, on or before the second regular meeting in May, a recommended budget covering the next fiscal year. The recommended budget shall include the following:

(a) Detailed estimates, with supporting explanations, of all proposed expenditures, including the corresponding expenditures for the last preceding fiscal year and estimated expenditures for the balance of the current fiscal year.

(b) Statements of the bonded and other indebtedness of the city, showing debt redemption and interest requirements.

(c) Detailed estimates of all anticipated revenues of the city from sources other than taxes, with a comparative statement of revenues received by the city from each of the same or similar sources for the last preceding fiscal year and estimated revenues for the balance of the current fiscal year.

(d) An estimate of the fund equity or deficit for the current fiscal year.

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be available to meet proposed expenditures.

(f) Such additional information as the commission may request or as required by law.

Sec. 2-292. Hearing. A public hearing on the budget shall be held before its final adoption at the time and place established by the commission. Notice of the public hearing and that the proposed budget is on file with the city shall be published at least ten days in advance of the hearing. The proposed budget shall be kept on file for public inspection during regular business hours at the city clerk's office for a period of not less than ten days prior to the hearing.

Sec. 2-293. Adoption of Budget. After the public hearing, and not later than the last regular meeting in June, the commission shall, by resolution, adopt a budget for the next fiscal year and provide for a levy of the amount necessary to be raised by taxes, as required by law.

2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

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 ____ day of May, 2010, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date:________________________, 2010

____
Ann Marie Becker, MMC
City Clerk

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

CITY COMMISSION MEETING
Tuesday May 11, 2010

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: May 3, 2010

SUBJECT: 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 2010 Justice Assistance Grant. The money in this grant is shared by the three entities. The $46,759 in this grant will be utilized for the prosecution of city ordinance cases primarily dealing with neighborhood issues.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of this request.

Edward Byrne Memorial Justice Assistance Grant Program CFDA #16.738

Overview of the JAG Program

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadline: Registration

Applicants must register with the Office of Justice Programs' (OJP) Grants Management System (GMS) prior to applying.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. e.t. on July 9, 2009.

Eligibility

Applicants are limited to units of local government appearing on the FY 2009 JAG Allocations List. To view this list, go to www.ojp.usdoj.gov/BJA/grant/09jagallocations.html. For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or Federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States. For a listing of eligible units of local government, go to www.ojp.usdoj.gov/BJA/grant/09jagallocations.html.

JAG Program—Specific Information

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne

Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

Formula
The Bureau of Justice Statistics (BJS) calculates, for each *state and territory, a* minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government.

States also have a variable percentage of the allocation that is required *to* "pass through" to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. In addition, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least $10,000 awards may apply directly to BJA for local JAG funds.

Purpose Areas
JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice related research and evaluation activities that will improve or enhance:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Responsibilities
The Chief Executive Officer (CEO) of an eligible unit of local government or a local agency designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting reports including performance measures and program assessment data; and providing ongoing oversight and assistance to any subrecipients of the funds.

Administrative Funds
A unit of local government may use up to 10 percent of the award, plus any interest accrued, for costs associated with administering JAG funds.

Disparate Certification
A disparate allocation occurs when a city or municipality is scheduled to receive one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. Multiple disparate allocations occur when multiple cities or municipalities are collectively eligible to receive four times (400 percent) more than the county.

Commission Meeting Date: May 11, 2010

Date: May 4, 2010

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department

RE: Resolution of Support for the Michigan Port Collaborative

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SUMMARY OF REQUEST: The Michigan Port Collaborative is a coalition of Michigan waterfront communities. They are holding a Summit in Muskegon May 20-21, 2010. The intention of the Collaborative is to speak as one voice on issues affecting Michigan's ports, such as commercial shipping, tourism, recreation, alternative energy and environmental restoration. The attached resolution serves as "the membership application for the City of Muskegon". At this time, the only direct requirements of the Community are to provide an inventory of local resources and assets (which the Port of Muskegon volunteer committee is currently completing) and name a community individual as its liaison to the Collaborative.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

Resolution No. ______

Muskegon City Commission

RESOLUTION OF
COMMUNITY COMMITMENT FOR THE MICHIGAN PORT COLLABORATIVE

WHEREAS, the mission of the Michigan Port Collaborative is to elevate the recognition and economic vitality of our State's Great Lakes port communities by protecting and promoting our Great Lakes and developing our coastal communities as the "Michigan's Front Door"; and

WHEREAS, the Michigan Port Collaborative defines a Michigan Port Community as a Great Lakes coastal community that hosts a marine cargo shipping port, a marine commercial port (non-cargo), and / or a recreational harbor; and

WHEREAS **the City of Muskegon** is home to a marine cargo shipping port, a marine commercial port (non-cargo), and a recreational harbor and therefore clearly meets the Michigan Port Collaborative definition of a Port Community; and

WHEREAS **the City of Muskegon** recognizes that membership in the Michigan Port Collaborative will benefit and enable this and other Michigan port communities, our private and non-profit partners, as well as State and federal leaders to:

- Speak with a clear voice in Lansing and Washington, D.C. on Michigan port funding and policy priorities;
- Effectively market and promote each Great Lakes community and its region;
- Leverage and enhance port and regional assets and funding to maximum advantage;
- Access the growing information, experience, creativity, talent and knowledge of the Collaborative and its individual public, private and non-profit sector members; AND

WHEREAS, **the City of Muskegon** is committed to the long term goals of the Michigan Port Collaborative, which require that Collaborative Member Communities demonstrate that they are working to develop their Port and region in ways that protect and promote:

- Our Great Lakes, their unique coastal habitats, and citizen stewardship of them;
- Exceptional and diverse recreational and educational opportunities;
- Attractive, user-friendly public access to port activities, which must be effectively linked to local assets and the community business districts, with emphasis on walk-ability, integrated and effective transportation service, and signage;
- Universal, barrier free and remote access to Michigan Ports, their services and activities;
- Public awareness and respect for Michigan's rich maritime culture and history, from the pre-historic days of indigenous people, through Michigan's settlement era and through modern time;
- Environmentally sustainable practices, including reducing waste and pollution in the port community, including marinas, tourism businesses, commercial, cargo shipping and other operations in the port Community;
- Wise land use planning and redevelopment of contaminated properties along our Great Lakes waterfront and in our Port Communities; and

- Effective strategic and marketing planning; AND

WHEREAS, the Michigan Port Collaborative requires Michigan port communities seeking membership in the Collaborative to apply to the Collaborative and submit within six months of application both of the following:

1) An inventory of local and regional assets, resources and needs that will enable the port community to provide a maritime tourism and working water front experience for their port businesses, residents and
2) A resolution adopted by the community's governing body that demonstrates the port community's commitment to:
   - Build effective public / private / non-profit partnerships at the local and regional level;
   - Achieve the long term goals and meet the membership criteria of the Collaborative;
   - Actively participate in the Michigan Port Collaborative and its mission; and
   - Name a community individual as its liaison to the Collaborative.

WHEREAS the Michigan Port Collaborative is working to create a governing structure to further refine and develop member proposals and support for both short- and long-term membership criteria and the concept of a Michigan Port Collaborative designation process which may include incentives and rewards for Collaborative members, as well as ways to help the public readily identify Collaborative members and positively "brand" the Collaborative and its partners.

NOW, THEREFORE, BE IT RESOLVED, THAT this resolution serves as the membership application for **the City of Muskegon** to the Michigan Port Collaborative and conveys to the Collaborative this Port Community's commitment to prepare a community and regional asset inventory, in conjunction with Muskegon Area First and the Muskegon Chamber of Commerce, as well as meet the Collaborative's membership requirements within six months of the effective date of this resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT **the City of Muskegon** will make certain that this resolution shall be entered in the public record and a copy of this resolution shall be promptly conveyed to the Michigan Port Collaborative and the county, regional, state and federal officials who will benefit from this Port Community's membership in the Collaborative.

Adopted this _____ of _______________, 2010.

AYES:

NAYS:

ABSTAIN:

By:______________________________
Stephen J. Warmington, Mayor

Attest:____________________________
Ann Marie Becker, City Clerk

Contact: John K. Kerr
Detroit/Wayne County Port Authority
313.331.3842 ext. 311

FOR IMMEDIATE RELEASE

Michigan Port Collaborative Announces Spring Summit in Muskegon

4/6/10, Detroit, Michigan --- The Michigan Port Collaborative, a coalition of Michigan waterfront communities, today announced its Spring 2010 Summit will be taking place in Muskegon, Michigan at the Holiday Inn – Muskegon Harbor on Thursday May 20 and Friday May 21, 2010. The Collaborative is anticipating approximately 200 representatives of the more then 90 port communities throughout Michigan to attend, thanks to growing support and interest.

"The Muskegon community is honored to host this Spring's Summit," said Janessa Stroud, Vice President of Government Affairs for the Muskegon Chamber of Commerce. "Muskegon's economic vitality has always been tied to our working port. We are excited to showcase where we've been, where we're going and the role our port will play in creating jobs for the future," said Stroud.

At its Fall 2009 Summit, the Michigan Port Collaborative unanimously agreed to legally incorporate itself as a non-profit organization, an effort that is ongoing. In May, the Collaborative will continue to develop its state and federal policy agenda and identify funding opportunities and policy initiatives that support commercial shipping, tourism, recreation, alternative energy and environmental restoration.

"The opportunity to speak with one powerful voice on the myriad of issues affecting Michigan's ports is vital, especially so for Marquette with its strong combination of commercial bulk shipping, commercial and sport fishing and recreational boating" said Fred Stonehouse, City Commissioner from the City of Marquette.

Others, including Felicia Fairchild, Executive Director, of the Saugatuck-Douglas Convention & Visitors Bureau, feel the partnership among ports will, "add another dimension to the State's tourism mix by highlighting its most important assets which include its diverse port communities and harbor towns." She added, "The synergy of all these ports working together will most certainly strengthen us all and produce very positive results in Lansing and Washington, D.C."

Representatives of Michigan's two U.S. Senators Carl Levin and Debbie Stabenow will update attendees regarding federal policy and funding issues that are currently impacting port communities statewide. Also, the Muskegon Area Chamber of Commerce will host a joint breakfast with the Collaborative which will feature a keynote address by Ken Szallai, President of *Lake Express*, a company that provides high-speed ferry service between Muskegon and Milwaukee, Wisconsin.

"Although each of our member communities are unique in geography and composition, we all feel a sense of cohesiveness as we each work to obtain the resources that will improve the conditions of our respective ports," said John Kerr, who represents the Port of Detroit and serves as Chairman of the Interim Steering Committee. "We recognize that we represent our State's most identifiable asset, therefore together, we seek to educate and inform the public and private sectors of the opportunities presented by the 'blue water economy' we collectively form."

Registration information can be found at:
http://www.michigan.gov/deq/0,1607,7-135-3308_3333_4169-234270--,00.html

END

Michigan Ports - 2010

Port Name (MDOT / Federal)	Cargo	Ferry	Commercial	Recreation	Municipality	County	Twp	City	Attendee	Resolution	ISC	Inventory
Algonac	X	X	X		Algonac	St. Clair		X				
Algonac	X	X	X		Algonac	St. Clair		X				
Algonac		X			Clay Twp	St. Clair	X					
Alpena	X		X	X	Alpena	Alpena		X	X		X	
Arcadia			X	X	Arcadia Twp	Manistee	X					
Au Gres			X	X	Au Gres	Arenac		X				
Au Sable Harbor			X	X	Au Sable Twp	Iosco	X					
Baraga				X	Baraga Twp	Baraga	X					
Barbeau/Neebish Island		X			Bruce Twp	Chippewa	X					
Bay Port			X	X	Fair Haven Twp	Huron	X					
Big Bay			X	X	Powell Twp	Marquette	X					
Black River				X	Ironwood Twp	Gogebic	X					
Bois Blanc Island		X	X	X	Bois Blanc Twp	Mackinac	X					
Bolles Harbor			X	X	Monroe Twp	Monroe	X					
Brevort	X				Moran Twp	Mackinac	X					
Calcite	X				Rogers City	Presque Isle		X	X (RC)			
Caseville			X	X	Caseville Twp	Huron	X		X			
Cedar River			X	X	Cedarville Twp	Menominee	X					
Charlevoix	X	X	X	X	Charlevoix	Charlevoix		X				
Charlevoix				X	Boyne City	Charlevoix		X				
Charlevoix	X	X	X	X	Charlevoix	Charlevoix		X				
Charlevoix				X	East Jordan	Charlevoix		X				
Charlevoix		X			Ironton	Charlevoix		X				
Cheboygan	X	X	X	X	Cheboygan	Cheboygan		X	X			
Clinton River			X	X	Mount Clemens	Macomb		X				
Copper Harbor		X		X	Grant Twp	Keeweenaw	X					
DeTour		X	X	X	DeTour Twp	Chippewa	X					
Detroit	X	X	X	X	Detroit	Wayne						
Detroit	X	X	X	X	Detroit	Wayne		X	X		X	
Detroit	X				River Rouge	Wayne		X	X			
Eagle Harbor				X	Eagle Harbor Twp	Keeweenaw	X					
East Tawas			X	X	East Tawas	Iosco		X	X		X	
Elk Rapids			X	X	Elk Rapids Twp	Antrim	X					
Escanaba	X		X	X	Escanaba	Delta		X				
Fayette				X	Fairbanks Twp	Delta	X					
Frankfort			X	X	Gilmore Twp	Benzie	X		X			
Gladstone	X		X	X	Gladstone	Delta		X				
Grand Haven	X		X	X	Grand Haven	Ottawa						
Grand Haven	X				Ferrysburg	Ottawa		X				
Grand Haven	X				Grand Haven	Ottawa		X	X		X	
Grand Marais				X	Burt Twp	Alger	X					
Grand Traverse Bay			X	X	Schoolcraft Twp	Houghton	X					

Michigan Ports - 2010

Port Name (MDOT / Federal)	Cargo	Ferry	Commercial	Recreation	Municipality	County	Twp	City	Attendee	Resolution	ISC	Inventory
Hammond Bay			X	X	Bearinger Twp	Presque Isle	X					
Harbor Beach	X		X	X	Harbor Beach	Huron		X	X			
Harbor Springs				X	Harbor Springs	Emmet		X				
Harrisville			X	X	Harrisville	Alcona		X				
Hessel				X	Clark Twp	Chippewa	X					
Holland	X		X	X	Holland	Ottawa		X				
Keweenaw Waterway	X	X	X	X	Keeweenaw Waterway	Houghton						
Keweenaw Waterway	X				Hancock	Houghton		X				
Keweenaw Waterway	X	X			Houghton	Houghton		X				
Lac LaBelle				X	Grant Twp	Keeweenaw	X					
Leland		X	X	X	Leland Twp	Leelanau	X		X			
Lexington			X	X	Lexington Twp	Sanilac	X					
Little Lake				X	McMillan Twp	Luce	X					
Ludington	X	X	X	X	Ludington	Mason		X	X			
Mackinac Island	X	X	X	X	Mackinac Island	Mackinac		X				
Mackinaw City		X	X	X	Mackinac Twp	Cheboygan	X	X	X			
Manistee	X		X	X	Manistee	Manistee		X	X		X	
Manistique	X		X	X	Manistique	Schoolcraft		X				
Marine City	X	X		X	Marine City	St. Clair		X				
Marquette	X		X	X	Marquette	Marquette		X	X	X	X	X
Marysville	X				Marysville	Sanilac		X				
Menominee	X		X	X	Menominee	Menominee		X				
Monroe	X		X	X	Monroe	Monroe		X	X	X	X vacant	
Munising	X	X	X	X	Munising	Alger						
Munising		X			Grand Island Twp	Alger	X	X				
Munising	X		X	X	Munising	Alger	X	X	X			
Muskegon	X	X	X	X	Muskegon	Muskegon		X	X		X	
Naubinway			X	X	Garfield Twp	Mackinac	X					
New Buffalo			X	X	New Buffalo	Berrien		X				
North Manitou Island		X			Leland Twp	Leelanau	X					
Northport				X	Leelanau Twp	Leelanau	X					
Ontonagon	X		X	X	Ontonagon Twp	Ontonagon	X					
Pentwater			X	X	Pentwater Twp	Oceana	X		X			
Petoskey				X	Petoskey	Emmet		X	X			
Port Austin			X	X	Port Austin Twp	Huron	X					
Port Dolomite	X				Clark Twp	Chippewa	X					
Port Drummond	X	X			Drummond Twp	Chippewa	X					
Port Gypsum	X				Alabaster Twp	Iosco	X					
Port Huron			X	X	Port Huron	St. Clair		X	X		X	
Port Inland	X				Mueller Twp	Schoolcraft	X					
Port Sanilac			X	X	Sanilac Twp	Sanilac	X		X			
Portage Lake			X	X	Onekema Twp	Manistee	X		X	X	X	

Michigan Ports - 2010

Port Name (MDOT / Federal)	Cargo	Ferry	Commercial	Recreation	Municipality	County	Twp	City	Attendee	Resolution	ISC	Inventory
Presque Isle			X	X	Presque Isle Twp	Presque Isle	X		X			
Rock Harbor		X		X	Houghton Twp	Keeweenaw	X					
Rogers City			X	X	Rogers City	Presque Isle		X	X	X	X	
Saginaw River	X		X	X	Saginaw River	Bay & Saginaw			X (Co)			
Saginaw River	X				Bangor Twp	Bay	X					
Saginaw River	X				Bay City	Bay		X	X		X vacant	
Saginaw River	X				Buena Vista Twp	Saginaw	X					
Saginaw River	X				Carrollton Twp	Saginaw	X					
Saginaw River	X				Essexville	Bay		X				
Saginaw River	X				Hampton Twp	Bay	X					
Saginaw River	X				Saginaw	Saginaw		X				
Saginaw River	X				Zilwaukee	Saginaw		X				
Saginaw River	X				Zilwaukee Twp	Saginaw	X					
Saugatuck			X	X	Saugatuck	Allegan		X	X		X	
Sault Ste. Marie	X	X	X	X	Sault Ste. Marie	Chippewa		X			X	
Sebewaing			X	X	Sebewaing Twp	Huron	X					
South Haven			X	X	South Haven	Van Buren		X	X		X	
South Manitou Island		X		X	Glen Arbor Twp	Leelanau	X					
St. Clair	X			X	St. Clair	St. Clair		X	X			
St. Ignace	X	X	X	X	St. Ignace	Mackinac		X	X		X	
St. James	X	X		X	St. James Twp	Charlevoix	X					
St. Joseph	X		X	X	St. Joseph	Berrien						
St. Joseph	X				Benton Harbor	Berrien		X				
St. Joseph	X				St. Joseph	Berrien		X	X		X	
Stoneport	X				Presque Isle Twp	Presque Isle	X					
Suttons Bay			X	X	Suttons Bay Twp	Leelanau	X					
Traverse City	X		X	X	Elmwood Twp	Leelanau	X		X		X	
Washington Harbor		X		X	Eagle Harbor Twp	Keeweenaw	X					
White Lake			X	X	Whitehall	Muskegon		X				
Whitefish Point			X	X	Whitefish Twp	Chippewa	X					
Luna Pier	N/A	N/A	N/A	N/A	Luna Pier	Monroe	N/A	N/A	X	N/A	X	N/A
Small Harbors Coalition	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	X	N/A	X (PL)	N/A
103	**49**	**26**	**57**	**76**	**N/A**	**40**	**58**	**52**	**34**	**4**	**19**	**1**

NOTES
Port with multiple municipalities
Individual municipality within port
Multiple facilities in municipality
Coastal partner - no port facility
TOTALS

DATE: 03/12/2010

TO: Honorable Mayor and Commissioners

FROM: Anthony Kleibecker, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090232

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **439 HOUSTON AVE Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN090232 - 439 HOUSTON AVE

Location and ownership: This structure is located on Houston between Seventh and Sixth Streets and is owned by SZCZESNY JAMIN P.

Staff Correspondence: A dangerous building inspection was conducted on 09/21/09. The Notice and Order to Repair was issued on 09/24/09. On 11/05/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 11/05/09. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: $30,300 (Entire property)

Estimated cost to repair: $5,000 (Exterior only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

SUMMARY FOR: 439 HOUSTON AVE

This is a two story wood framed, single family dwelling. This structure is currently vacant and partially exposed to the weather. Permits were issued in 2006 to renovate this building, but were allowed to expire in 2007. Since that time it appears that the project has been abandoned. This building if allowed to remain in this condition will continue to deteriorate.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Monday, September 21, 2009

Enforcement # EN090232 **Property Address** 439 HOUSTON AVE
Parcel #24-205-370-0002-00 **Owner** SZCZESNY JAMIN P

Inspector: Henry Faltinowski

Date completed: 09/21/2009

DEFICENCIES:

Uncorrected

1. Exterior of home has incomplete window installation exposed osb is deteriorated.
2. Large area of exterior siding has peeling paint.
3. Bilco door is fall of debris; rotting wood.
4. Permits on home have expired.
5. Interior inspection by trade inspectors requested.

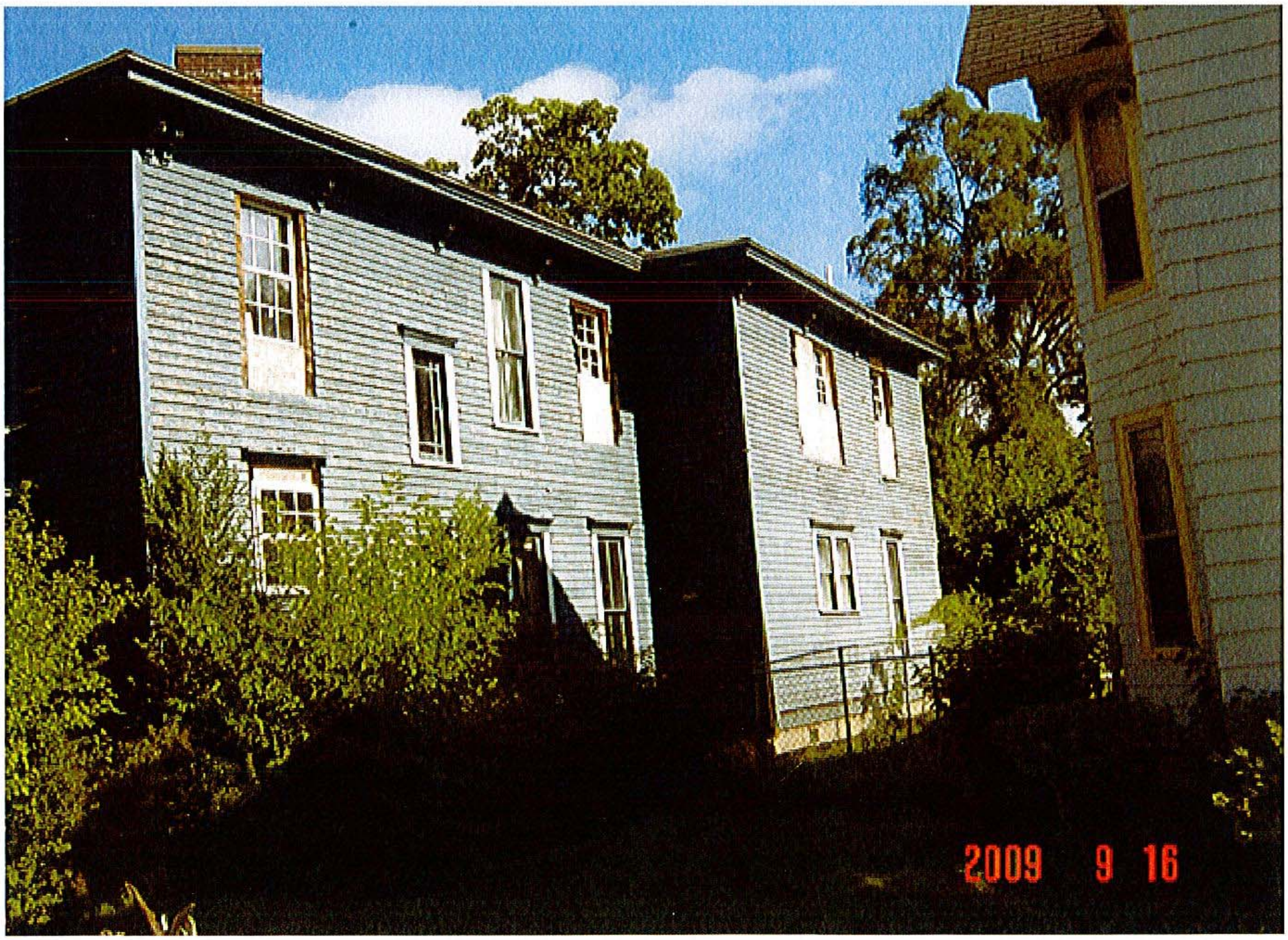
Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

______________________________ ________________

Henry Faltinowski, Building Inspector Date

P.B 439 HOUSTON



439 Houston

AGENDA ITEM NO.____________

CITY COMMISSION MEETING ________________

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: April 20, 2010

SUBJECT: Machine Vending Contract for Pere Marquette Park

SUMMARY OF REQUEST:
To enter into 1-year contractual agreement with Spark Paul John (3070 Maple Grove Rd. Apt #350, Muskegon, MI), for a Knockout Vending Machine, to be located at Pere Marquette Park.

FINANCIAL IMPACT:
Contract revenue is unknown at this time.

BUDGET ACTION REQUIRED:
None

STAFF RECOMMENDATION:
Approve request.

COMMITTEE RECOMMENDATION:
The Leisure Services Board has previously approved the request to enter into contractual agreement with Spark Paul John for a Knockout Vending Machine at the April 19th meeting.

LEISURE SERVICES BOARD MEETING DATE - April 19, 2010

To: Leisure Services Board

Date: 4/12/10

From: DPW

RE: Vending Contract

DPW staff has received a proposal from Spark Paul John to enter into a contractual agreement with the City of Muskegon for one Knockout Vending Machine to be located at Pere Marquette Park.

Concession activities consisting of:

1. See attached detail sheet.

FINANCIAL IMPACT: Contract revenue is unknown at this time. However, typically Concessionaire/Vendors shall pay the City of Muskegon ten percent (10%) of gross receipts, for the duration of operation.

Staff is recommending that we enter into a 1-year contractual agreement for the year 2010.

THE MACHINE

Product Details

Knockout Vending is proud to bring to you the very best in bill operated boxing amusement machines, one of the easiest ways to make cash. Perfect for bars, night clubs, gyms, amusement centers, pool halls and wherever fun and energetic crowds gather. In high traffic locations, these machines are sure-fire moneymakers!

Knockout Vending Machine Features:

- Game measures the strength of one hit to the sturdy boxer training pad.
- Bill acceptor is an easy-to-use mechanism. Punches cost $1.
- When placed in a high-traffic area, punching machine almost always gathers a crowd. Its bright attractive colors and lights catch attention immediately.
- Competitive scoring encourages more play and can help increase your revenue.
- Promotes health and fitness.
- Game is waterproof for indoor or outdoor use.
- A wide demo program includes music and lights to attract more guests.
- Scores are given based on strength and speed, encouraging replay.
- Bright LED lights use low voltage consumption and interactive MP3 stereo music excites users and promote use.
- High scores are saved, increasing competitive atmosphere.
- Difficulty level can be chosen.
- Voice advertisements can be programmed for when the game is in stand-by mode.
- USB connection.

Bill Acceptor

- Accepts $1, $5, $10 and $20 bills.
- Accept new currency.
- Quick validation time of 3 seconds or less.
- Both sides of bill are read with optic sensors for ultimate in security.
- No tools are required to reach bill path from the top hinged lid.
- Easy access dip switches.
- Ask about special order international models.
- 4-way bill insertion accepted.
- 90% or better bill acceptance rate.
- Recessed optic sensors are low maintenance.
- Great price and high quality.
- Easy insertion of bills with lighted bezel.
- Mounting plate, hardware, decals and power cord are all included.
- Installed at the factory for you!

Commission Meeting Date: May 11, 2010

Date: May 4, 2010

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City owned home at 214 Myrtle

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Mr. Forest McPherson and wife for the totally rehabilitated home at 214 Myrtle, which is part of the city's neighborhood redevelopment plan under Operation Market View. Mr. and Mrs. McPherson's purchase price is $105,000 with a subsidy of $32,500 dollars.

The beautiful four bedroom, three full-bath home, which overlooks our lovely Farmer's Market that the McPherson family is purchasing, was a previously blighted eyesore of a structure. As a part of the city's continuous neighborhood redevelopment efforts, the house was purchased by the CNS office on the open market and totally rehabilitated with HOME funds.

FINANCIAL IMPACT: The proceeds from the funding will be used to lower the current Home program deficit and to be added to the CNS office program income fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

COMMITTEE RECOMMENDATION: None

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE SALE OF
CITY- OWNED PROPERTY AT 214 MYRTLE

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of the totally rehabilitated home for $105,000, which is located at 214 Myrtle, to be used as a single family owner-occupied home by Mr. Forest McPherson with a subsidy of $32,500.

Adopted this 11th day of May, 2010.

Ayes:

Nays:

By ________________________________
Stephen J. Warmington, Mayor

By ________________________________
Ann Marie Becker, MMC City Clerk

Commission Meeting Date: May 11, 2010

Date: May 3, 2010

To: Honorable Mayor and City Commissioners

From: Planning & Economic Development CBC

RE: Medical Marijuana Facilities Moratorium

SUMMARY OF REQUEST:

For the City Commission to pass a six month moratorium on medical marijuana facilities so that staff can prepare an ordinance concerning the permitted location and regulation of these facilities.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends the six month moratorium.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON

RESOLUTION #________

RESOLUTION TO DECLARE AN EMERGENCY MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES

WHEREAS, the electorate has adopted the Michigan Medical Marijuana Act, being Initiated Law 1 of 2008, being MCL Section 333.26421, et. seq., to allow and regulate the medical use of marijuana;

WHEREAS, City staff is in the process of preparing local ordinances concerning the permitted location and regulation of medical marijuana facilities;

WHEREAS, City staff has been approached as to possible locations for medical marijuana facilities;

WHEREAS, allowing the establishment of medical marijuana facilities, which at this point are not permitted in any Zoning District, would cause irreparable harm;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission declares a six (6) month emergency moratorium on the establishment of any medical marijuana facilities, directs that staff shall not process any requests concerning medical marijuana facilities and directs staff to prepare appropriate ordinances regulating the location of medical marijuana facilities for consideration by the Planning Commission and City Commission.

Effective this _____ day of _____________, 2010.

By ________________________________
Stephen J. Warmington, Mayor

and ________________________________
Ann Marie Becker, MMC, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution authorized by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on ____________________, 2010.

____
Ann Marie Becker, MMC
Clerk, City of Muskegon

PREPARED BY:
John C. Schrier
Parmenter O'Toole
601 Terrace
P.O. Box 786
Muskegon, MI 49443-0786