CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 24, 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, March 24, 2015.

Mayor Gawron opened the meeting with prayer 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 Byron Turnquist, Ken Johnson, Eric Hood, Willie German, and Dan Rinsema-Sybenga, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2015-19 INTRODUCTIONS/PRESENTATION:

A. **Presentation by Lake Hawks.** Congratulations to the Lake Hawks on a great season!

2015-20 CONSENT AGENDA:

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

SUMMARY OF REQUEST: To approve minutes of the March 9th Commission Worksession Meeting, and the March 10th City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. **SECOND READING: Amendment to the Mobile Food Vending Ordinance.** CITY CLERK

SUMMARY OF REQUEST: In 2014 the City adopted a Mobile Food Vending Ordinance. Staff encountered no issues and received no complaints. Staff believes mobile food vending units are a benefit to our City and downtown and would like to encourage more participation.

We are requesting to amend the ordinance to (1) change the amount of time a mobile food vending truck may stay in one place from 15 minutes to 30 minutes without a permit; and (2) change the distance a mobile food vending service may be parked within an existing brick and mortar restaurant from 150 feet to 50 feet.

Further, to encourage more participation, we are asking to lower the permit fees from $300 a unit, $150 for existing restaurants in the City of Muskegon, and $50 for restaurants in the Downtown Development area to be changed from a monthly fee to an annual fee.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance amendment and update the fee schedule as indicated.

C. **SECOND READING: Amendment to the Special Event Parking Downtown Ordinance.** CITY CLERK

SUMMARY OF REQUEST: In 2014 the City adopted a Special Event Parking Downtown Ordinance to require businesses to offer public restrooms during special events. Once it was implemented for a season, we were able to ask for input from those businesses it impacted.

Based on the feedback, staff is requesting to modify the ordinance to remove the requirement the first port-a-jon be an ADA accessible facility and include a hand washing unit. Staff is also requesting to change the language to indicate public restrooms be available within 100 feet of the parcel.

Staff is also requesting the fee schedule be changed to indicate no permit is needed for those parking under 50 vehicles and offering an annual permit of $125. A $50 per event fee will still be offered to those businesses who wish to pay a per event fee.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance amendment and update the fee schedule as indicated.

D. **SECOND READING: Amendment to the Licensing Ordinance.** CITY CLERK

SUMMARY OF REQUEST: This is a request to amend ordinance 50-2, Licensing, Penalties and Remedies. Staff is asking to revise the ordinance to state property owners are also subject to a municipal civil infraction if any of the provisions of the ordinance are violated.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance amendment.

E. **SECOND READING: Amendment to the Zoning Ordinance.** PLANNING

& ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend the zoning ordinance to allow amusement and recreational facilities, including indoor and outdoor sports fields in B-2, Convenience and Comparison Business districts.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their special meeting in February.

F. **SECOND READING: Lakeshore Smartzone LDFA – Plan Amendment.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon Local Development Finance Authority (LDFA) and City Commission approved The Lakeshore Smartzone Local Development Finance Authority and Tax Increment Financing Plan ("Plan") in 2002. The State of Michigan recently provided the opportunity to extend the Tax Increment Finance (TIF) capture for an additional five years, if the Smartzone LDFA Plans are amended to include additional projects, job creation, cooperation with other regional entities, and/or additional reporting. As this additional five years of TIF capture will assist the City in paying back the bonds that were issued for development of the MAREC facility, an amendment to the Plan was prepared. The amendment was approved by the LDFA and the Plan has been forwarded to the City Commission.

FINANCIAL IMPACT: The additional five years of tax capture will allow for the generation of approximately $175,330 in revenues from school taxes (in addition to the $331,035 generated from local taxes).

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: That the City Commission approve the resolution amending the Plan.

G. **New Special Event Request – "Standup for the Cure" Stand-up Paddleboard Event & Expo – July 11, 2015.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: "Standup for the Cure" is a 501c3 organization dedicated to raising awareness of breast cancer and funds for the Susan G. Komen foundation. They would like to add Muskegon's Harbour Towne beach as their third event site this year, in addition to Newport Beach, CA and Miami FL. In addition to stand-up paddle boarding, they would like to have an expo-style event with vendors, music and information booths. One of their sponsors is a craft beer brewing company, and they are requesting to serve beer and possibly wine to their patrons. The alcohol would be served in 8-ounce plastic cups to event participants who have been wrist-banded after having their age verified by security staff checking identification. No spirits will be served. They expect to end the event by 3:00 p.m.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None.

H. **<u>Contract for Demolition at 1716 Sanford.</u>** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to execute a contract with Courtade Wrecking, 1750 Alpine Ave., NW, Grand Rapids, for the demolition of the structure located at 1716 Sanford Street. This activity is under the Target neighborhood Blight Fight Program. The following bids were received:

Courtade Wrecking	$8,180.00
Press's LLC	$5,220.00 (Bid was inconclusive)

FINANCIAL IMPACT: The funding will be allocated from the City's HOME Funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

Motion by Vice Mayor Spataro, second by Commissioner German to approve the Consent Agenda as read with the exception of Item I.

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

Nays: None

MOTION PASSES

2015-21 ITEM REMOVED FROM CONSENT AGENDA

I. **<u>Resolution in Support of Proposal 1 for Safer Roads.</u>** CITY MANAGER

SUMMARY OF REQUEST: The City of Muskegon has recently identified street repair needs in excess of $72,000,000 and supports Proposal 1 on the May 5, 2015, ballot to provide the funding needed to address our long-term street infrastructure needs. For more information please go to www.Michigan.gov/roadfunding or www.Michigan.gov/realitycheck

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Turnquist, Second by Commissioner Rinsema-Sybenga to approve Resolution in Support of Proposal 1 for Safer Roads.

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

Nays: None

MOTION PASSES

2015-22 NEW BUSINESS:

A. **Bella Dawg Concession Contract for City of Muskegon Parks.** PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into another one-year contractual agreement with Steve Hamstra of Bella Dawg, at various City of Muskegon Parks/Facilities, located within the City of Muskegon, as determined by staff, to sell hot dogs and other minor snacks from a mobile cart. Concessionaire is also requesting that a 50' allowance between vendors be considered.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize DPW staff to enter into concession agreement with Steve Hamstra of Bella Dawg.

Motion by Commissioner Johnson, Second by Commissioner Hood to Authorized DPW staff to enter into concession agreement with Steve Hamstra of Bella Dawg.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 5:48 p.m.