

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 8, 2011

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, March 8, 2011.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue 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, Commissioners Chris Carter, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2011-14 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the City Commission Meeting that was held on Tuesday, February 22, 2011.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Purchasing Cards. FINANCE

SUMMARY OF REQUEST: The City has used purchasing cards since 1994 as a means to streamline purchasing and vendor payment processes. The State of Michigan recently negotiated its P-card program with Bank of America and is extending the contract to other units of government through the MiDeal joint purchasing program. The state program offers substantial benefits over our current arrangement with 5/3 Bank:

- Higher rebates – Currently we receive a fixed 1% rebate on P-card purchases. This rebate generates about \$35,000 annually. Under the state program, our purchasing volume is pooled with the state and other

members of the program. Currently, rebates would be about 1.38% and would grow as additional members join the program.

- User interface – The current card management user interface is not user friendly and has caused some staff dissatisfaction. Staff has worked through a demonstration of the interface for the state P-card and found it to be superior in terms of usability and functionality.

FINANCIAL IMPACT: The change will generate an estimated \$13,000 in additional rebates that will grow further as program membership increases. Staff efficiencies will be realized from the more user-friendly P-card management user interface. Finally, the City benefits because the state has borne the costs of the RFP and due diligence process.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to execute documents needed to join the state P-card program.

F. Liquor License Request for Watermark Banquet and Conference Center, 920 Washington. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Watermark Banquet and Conference Center, LLC, 920 Washington Street to amend initial forms to Enlarge Outdoor Service Area and Drop One Additional Bar Permit for a total of 3 bars.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Departments are recommending approval with zoning issues to be worked out.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as read minus items C, D, and E.

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

Nays: None

MOTION PASSES

2011-15 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Amendment to the Zoning Ordinance – Medical Marihuana Facilities. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 1500 (Principle Uses Permitted) of Article XV (I-2, General Industrial Districts) of the zoning ordinance to allow medical marihuana caregiver facilities as a principal use permitted in I-2, General Industrial 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 February 10th meeting.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the amendment to the zoning ordinance as presented regarding medical marihuana facilities.

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

Nays: Shepherd

MOTION PASSES – REQUIRES SECOND READING

D. Application for Special License (Liquor Control Commission). PUBLIC SAFETY

SUMMARY OF REQUEST: The Muskegon Museum of Art has submitted an application for a Special License for Beer, Wine and Spirits for Consumption on the Premises for the following events:

- Reception April 29, 2011
- Gala Dinner June 11, 2011
- Reception November 18, 2011

The Museum meets all of the requirements for the special license with the exception of the request for “spirits”. Commission policy dictates that any special license request which includes spirits must be considered and approved by the body.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff has no recommendation.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the application for special liquor license for the Muskegon Museum of Art but not include the request for spirits for consumption so that we are consistent with our other special liquor license requests.

ROLL VOTE: Ayes: Spataro

Nays: Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

MOTION FAILS

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the application for a special liquor license for the Muskegon Museum of Art which includes beer, wine and spirits.

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

Nays: None

MOTION PASSES

E. Request from Consumers Energy for Easements. ENGINEERING

SUMMARY OF REQUEST: Consumers Energy Company is seeking four easements from the City of Muskegon for its Muskegon-Cobb #1 and #2 line relocation projects. The project objective is to relocate five High Voltage Distribution lines that currently exist in the wetlands area East of Consumers Energy's Cobb Generation Plant, to a location out of a wetlands area. This is being done to facilitate access, which could reduce the size and duration of the outages, should an event in the area damage these lines. Access is currently limited, due to changing environmental restrictions.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the request from Consumers Energy for the Easements as described.

Motion by Commissioner Spataro, second by Commissioner Wierengo to amend motion to include the requirement for staff and attorney review before the Mayor and City Clerk sign the easements.

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

Nays: None

MOTION PASSES

2011-16 PUBLIC HEARINGS:

A. Request to Repeal Existing Historic Preservation Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to repeal Chapter 38, Article II of the Code of Ordinances of the City of Muskegon. The ordinance will be replaced with an updated version.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To repeal the existing ordinance.

COMMITTEE RECOMMENDATION: The Historic District Commission recommended to repeal the current ordinance at their February 1st meeting.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve the request to repeal the existing historic preservation ordinance.

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

Nays: None

MOTION PASSES

B. Request to Amend Chapter 38, Article III of the Code of Ordinances, Historic District Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Chapter 38, Article III of the City Code of Ordinances to approve a new historic preservation ordinance. The new ordinance will meet the State of Michigan Historic Preservation Office standards and make Muskegon historic district residents eligible for historic building restoration tax credits.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposed ordinance.

COMMITTEE RECOMMENDATION: The Historic District Commission recommended to approve the new historic district ordinance at their February 1st meeting.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Spataro, second by Commissioner Wierengo to close the Public Hearing and approve the request to amend Chapter 38, Article III of the Code of Ordinances, Historic District Ordinance.

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

Nays: None

MOTION PASSES

C. Amendment to the City Code of Ordinances – Medical Marihuana Regulation and Licensing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Chapter 34, Article IV of the Code of Ordinances to regulate and license certain aspects of medical marihuana cultivation, use and distribution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance amendment.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from David Keenan, 4255 Squaw Creek Trail, Muskegon; Jarred Foster, 10954 Mt. Ash Avenue, Grand Rapids; and Attorney Kevin Wester and Derek Antol, Greater Michigan Compassion Club, 1504 Montgomery.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing and approve the amendment to the City Code of Ordinances regarding medical marihuana regulation and licensing.

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

Nays: Shepherd

MOTION PASSES – REQUIRES SECOND READING

D. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 22, 2011, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Jennifer Osborn, 3125 Tule Street NW, Grand Rapids from CJ's on the Beach.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve the recommendation as presented for annual renewal of liquor licenses.

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

and Gawron

Nays: None

MOTION PASSES

2011-17 UNFINISHED BUSINESS:

A. SECOND READING: Amendment to the Zoning Ordinance – Outdoor Lighting. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the zoning ordinance to modify the guidelines on outdoor lighting.

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 February 10th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the amendment to the Zoning Ordinance affecting outdoor lighting.

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

Nays: None

MOTION PASSES

B. SECOND READING: Rezoning Request for the Property Located at 1221 W. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to rezone the property at 1221 W. Laketon Avenue from RM-2, Medium Density Multiple Family Residential District to R-1, Single Family Residential District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their February 10th meeting.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the rezoning request for the property located at 1221 W. Laketon Avenue from RM-2 to R-1.

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

Nays: Wisneski

MOTION PASSES

2011-18 NEW BUSINESS

A. Five-Year Consolidated Plan. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To allow CNS staff to publish a summary of the 2011–2016 City of Muskegon Five-year Consolidated Plan for citizen review for not less than 30 days. A public notice will solicit comments on our proposed plan.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: We are requesting to direct the CNS office to publish a summary of the 2011-2016 City of Muskegon Five-year Consolidated Plan.

Motion by Vice Mayor Gawron, second by Commissioner Carter to direct the CNS office to publish a summary of the 2011-2016 City of Muskegon Five-year Consolidated Plan.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:31 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk