CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 23, 2007

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, January 23, 2007.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from Oak Crest Church of God 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 Lawrence Spataro, Sue Wierengo, Chris Carter, Kevin Davis, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

2007-08 CONSENT AGENDA:

A. __Approval of Minutes.__ CITY CLERK

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

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. __Liquor License Transfer – 435-441 W. Western.__ CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from D & L of Michigan, LLC, to transfer ownership of the 2006 Class C Licensed Business with Dance Permit located in escrow at 3621 Getty, Norton Shores, from North-Saylor, Inc.; transfer location to 435-441 W. Western; cancel existing Outdoor Service; request a New SDM License to be held in conjunction; and request a New Entertainment Permit and New Outdoor Service.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval, contingent upon final inspection.

C. <u>Liquor License Transfer - 555 W. Western.</u> CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Ingalls Business Acquisition, Inc., to transfer ownership of the 2006 Class C-SDM Licensed Business with Dance Permit and Outdoor Service located at 555 W. Western from James Adolph Dinger.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

D. <u>Traffic Department Materials and Services 2007.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Annual contract with the Muskegon County Road Commission (MCRC) for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the past 17 years. By bidding together with MCRC and other municipalities, we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT: Sign materials and services to be jointly bid:

Sign blanks - $1,200 est.
Sign posts - $1,600 est.
Sign sheeting - $2,000 est.
Ready Made Signs - $5,000 est.
Centerline painting - $15,000 est.

BUDGET ACTION REQUIRED: None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION: Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

F. <u>Acceptance of Lakefront Drive and Extension of Terrace Street into the City's Street System.</u> ENGINEERING

SUMMARY OF REQUEST: Adopt the resolution, including exhibits A & B (drawing and descriptions respectively), accepting Lakefront Drive and the extension of Terrace Street between Shoreline Drive and Lakefront Drive into the City's street system. Furthermore, it is requested that the street name of Lakefront Drive be changed to Viridian Drive as has been used since the road opened to traffic.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the resolution.

G. Grant Applications for Transportation Economic Development Fund Category F and Congestion Mitigation Air Quality. ENGINEERING

SUMMARY OF REQUEST: Authorize staff, by adopting the resolutions, to submit the following:

1. A Transportation Economic Development Fund Category – F Grant application requesting funds for the milling and resurfacing of Quarterline from the City limits northerly to Marquette in 2008 and the reconstruction of Getty Street from Laketon to Evanston in 2009.
2. A 2007 CMAQ application for a signal installation at Marquette and Harvey/Broadmoor, traffic signals timing upgrades along the Laketon Avenue corridor (5-signals). And a similar application for signals upgrade along Sherman and various other locations in 2008. The signal upgrade will include LED lights.

FINANCIAL IMPACT: A local share of 20% will be required for all projects.

BUDGET ACTION REQUIRED: Amend the 2007 capital improvement budget to include the signal installation at Marquette & Harvey/Broadmoor for a $75,000 cost and signals upgrade along Laketon for an estimated cost of $250,000 for construction of which only the engineering cost will use City funds. The engineering cost is estimated at $30,000 and would come out of both major and local street funds. The signal upgrade project will have a maximum of three years payback due to the energy saving.

STAFF RECOMMENDATION: Adopt the resolutions and authorize staff to submit the grant applications.

H. Agreement for Engineering Services. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Albert R. Posthuma, a retired professional engineer, to provide assistance to the Engineering Department in the analysis and design for the Clay Hill Area. This short-term contract, if approved, will provide the City with the best of both worlds, having an experienced local engineer without having to pay for the overhead of an engineering firm. Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the City.

FINANCIAL IMPACT: Approximately $10,500 based on an estimated 140-hours of work.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Mr. Posthuma.

I. Zoning Ordinance Amendment – Zoning Board of Appeals Newspaper Public Notice. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding newspaper notice of Zoning Board of Appeals public hearings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read minus item E.

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

Nays: None

MOTION PASSES

2007-09 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Budgeted Vehicle Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase six 2007 Crown Victoria's through the Macomb County Purchasing Contract since it was the lowest responsible bid received for a total bid of $123,582.

FINANCIAL IMPACT: $123,582

BUDGET ACTION REQUIRED: None, $150,000 was budgeted for this purchase.

STAFF RECOMMENDATION: Authorize staff to purchase the vehicles using the Macomb County Purchasing Contract.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the vehicle replacement using the local preference and award to Tony Betten & Sons.

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

Nays: None

MOTION PASSES

2007-10 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – Sen Peevo, LLC.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Sen Peevo, LLC, PO Box 1681, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 902 Pine Street, Muskegon, MI, the former Pine Street Antique Mall. Total capital investment for this project is $1.3 million. The project will result in the creation of several new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 902 Pine Street, Muskegon, MI.

The Public Hearing opened at 5:42 p.m. to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:44 p.m. and approve the request to establish an Obsolete Property District for Sen Peevo, LLC.

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

Nays: None

MOTION PASSES

B. <u>Request to Issue an Obsolete Property Certificate – Sen Peevo, LLC.</u>
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Sen Peevo, LLC, PO Box 1681, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 902 Pine Street (former Pine Street Antique Mall), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for use as the Muskegon Brewing Company & Distilling Company, a restaurant/brew pub on the first floor of the building and residential on the second floor of the building. Total capital investment for this project is $1.3 million. The project will result in bringing several new jobs to the City of Muskegon. Because of the amount of investment, the applicant is eligible for a 12-year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 902 Pine Street, Muskegon, MI for a term of 12 years.

The Public Hearing opened at 5:45 p.m. to hear and consider any comments from the public. Ed Simmons, 973 W. Forest, asked what an Obsolete Property Certificate is. City Manager Bryon Mazade explained.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to Close the Public Hearing at 5:47 p.m. and approve the request to issue an Obsolete Property Certificate to Sen Peevo, LLC.

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

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Lakeshore Drive, McCracken to 145' Northeasterly of Vanderlinde Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Lakeshore Drive from McCracken Street to 145' northeasterly of Vanderlinde Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $104,120.38 would be spread against the 66 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. No public comments were made. Mayor Warmington excused himself due to a conflict of interest.

Motion by Commissioner Carter, second by Commissioner Spataro to Close the Public Hearing at 5:50 p.m. and approve the spreading of the special assessment roll for Lakeshore Drive, McCracken to 145' northeasterly of Vanderlinde.

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

Nays: None

Abstain: Warmington

MOTION PASSES

D. Spreading of the Special Assessment Roll for Montgomery Street, Laketon to Southern. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Montgomery Street from Laketon Avenue to Southern Avenue and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $90,964.99 would be spread against the 50 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:51 to hear and consider any comments from the public. Hillary Joslin, 1337 Montgomery, asked about the cost.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing at 5:54 p.m. and spread the special assessment roll for Montgomery Street, Laketon to Southern.

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

Nays: None

MOTION PASSES

2007-11 CITY MANAGER'S REPORT:

City Manager Bryon Mazade introduced Dwana Thompson, the new Affirmative Action/Risk Manager Director.

2007-12 NEW BUSINESS:

A. <u>Special Assessment District for Knollwood Ct.</u> ENGINEERING

SUMMARY OF REQUEST: Assign two City Commissioners to evaluate the creation of a benefit based special assessment district on Knollwood Ct. from Beach Street to the southerly end rather than a frontage one.

Due to the unusual circumstances prompted by the lots configuration along Knollwood, the County's Equalization Office feels that the benefits gained by the abutting lots is equal among all 13 parcels and therefore should not be frontage based as called for in the special assessment policy. A benefit based assessment district, if approved, will result in an assessment amount exceeding that of a frontage based one against some of the 13 lots within the proposed district.

The two assigned Commissioners would form a board along with the City's Assessor as called for in Chapter XIII, Sec. 7 of the City's Charter.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Appoint two City Commissioners to the board.

Motion by Commissioner Carter, second by Commissioner Davis to approve the appointment of two City Commissioners to the board.

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

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Davis and Commissioner Wierengo to the board

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

1145 Aurora (garage)

1614 Elwood (garage) – Area 13

244 Monroe – Area 10

758 Orchard – 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 above 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 Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 1614 Elwood (garage only) and 244 Monroe.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the Housing Board of Appeals notice and order to demolish 1145 Aurora (garage only).

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

Nays: Wierengo and Davis

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 758 Orchard.

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

Nays: None

MOTION PASSES

C. Special Event Request – Jaycee's Snowfest. LEISURE SERVICES

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Special Event Request for Jaycee's Snowfest.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk