CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 10, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 10, 2006.

Mayor Warmington opened the meeting with a prayer from Pastor David Rogers from the Zion Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Chris Carter, Kevin Davis, Clara Shepherd, Lawrence Spataro, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2006-02 HONORS AND AWARDS:

A. 22nd Annual National Night Out. PUBLIC SAFETY

Denny Powers presented certificates to the Neighborhood Associations, Plumbs, Lowe's, Consumers Energy, and Target thanking them for their work and for bringing this recognition to Muskegon.

2006-03 INTRODUCTIONS/PRESENTATION:

Commissioner Shepherd introduced Mrs. Donna Littlejohn, Executive Director and CEO, of the Muskegon Family Care Center.

2006-04 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

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

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Appointment to Muskegon Housing Commission. CITY MANAGER

SUMMARY OF REQUEST: To confirm the re-appointment of Mary Jo McCann to the Muskegon Housing Commission for a 5-year term, from 2-1-06 to 1-31-11.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the City Commission confirms the appointment.

C. **<u>FIRST READING: Rezoning Request for Property Located at 65 W. Laketon Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 65 W. Laketon Avenue, from R-1, One Family Residential to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 12-15-05 meeting. The vote was unanimous.

D. **<u>Vacation of the East/West Alley in Block 203 of the City of Muskegon Revised Plat of 1903.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the east/west alley in City of Muskegon Revised Plat of 1903, Block 203, bounded by Wood Street, Amity Avenue, Emerald Street and Orchard Avenue.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the alley, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley at their 12-15-05 meeting, with the condition that all utility easement rights be retained. The vote was unanimous.

E. **<u>Vacation of a Portion of East Western Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of E. Western Avenue, between Ottawa and Hall Streets.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of E. Western Avenue, with the condition that all utility easement rights be retained, including the new Muskegon County sewer line easement.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the vacation, with the condition as listed above.

Motion by Commissioner Davis, second by Commissioner Carter to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2006-05 NEW BUSINESS:

A. <u>Clerical/Technical Union Tentative Agreements.</u> ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To approve the set of tentative agreements reached with the Clerical/Technical Union and amend the Clerical Pension Ordinance accordingly, and to authorize the Mayor to sign a three-year bargaining agreement for the period 1/1/06 to 12/31/08.

FINANCIAL IMPACT:

Union Issues:

<u>Pension</u>

1. Provide a deferred compensation program with a match from $500 per employee per year.

<u>Wages</u>

1. An across the board 2% pay increase in each of three years and a one time payment of $100 for all full-time employees covered by the collective bargaining agreement upon signing of the contract.
2. Annual payment of $150 to bi-lingual Union employees fluent in Spanish.

City Issues:

<u>Insurance</u>

1. Increase co-pays for generic drugs to $20 and brand name drugs to $40 for individuals in the traditional plan. If there is no generic brand, then the generic brand co-pay applies.
2. Increase employee premium co-pay to $20 bi-weekly.
3. Investigate the establishment of an employee health insurance savings account in order to allow employees to contribute pre-tax monies to be used for health and prescription costs after retirement.

<u>Pension</u>

1. Employees hired after January 1, 2006, will participate in a defined contribution retirement plan instead of the defined benefit plan. City shall contribute 3% of pay. If the employee contributes 3% of pay,

the City will match that amount. Employee's contribution shall be fully vested. The City's contribution shall be 20% vested after the first year, 40% vested after the second year, 60% vested after the third year, 80% vested after the fourth year and 100% vested after the fifth year. Current employees will be provided a one time option of rolling over from the defined benefit retirement plan to the defined contribution retirement plan.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Clerical/Technical Union contract agreement and authorize the Mayor and Clerk to sign the necessary documents.

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

Nays: None

MOTION PASSES

B. <u>FIRST READING: Zoning Ordinance Amendment for Outdoor Solid Fuel Heating Appliances.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2311 of Article XXIII (General Provisions) to prohibit outdoor solid fuel heating appliances in all zoning districts.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding outdoor solid fuel heating appliances.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 12/15/05 meeting. The vote was unanimous.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the amendment of Section 2311 of Article XXIII to prohibit outdoor solid fuel heating appliances in all zoning districts.

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

Nays: None

MOTION PASSES

C. <u>FIRST READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add a definition for "Solid Fuel Heating Appliance".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add a definition for “Solid Fuel Heating Appliance”.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 12/15/05 meeting. The vote was unanimous in favor of the amendment.

Motion by Commissioner Carter, second by Commissioner Davis to approve the amendment of Article II of the Zoning Ordinance to add a definition for “Solid Fuel Heating Appliance”.

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

Nays: None

MOTION PASSES

D. <u>Extending the Deadline for Taking Action on Proposed Mall Historic District.</u> PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

SUMMARY OF REQUEST: To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004, but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. City Commission extended this deadline for one year in January of 2005. Because that deadline will expire shortly, Staff is requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the extending of the deadline for taking action on the proposed Mall Historic District.

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

Nays: None

MOTION PASSES

E. <u>Release of Funds and Certification for U.S. Department of Housing and Urban Development.</u> CITY MANAGER

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the release of funds and certification for the U.S. Department of

Housing and Urban Development.

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

Nays: None

MOTION PASSES

2006-06 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Davis, second by Commissioner Spataro to go into Closed Session to discuss pending litigation at 6:10 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Vice Mayor Gawron to go back into Open Session at 6:33 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the City Attorney's recommendation and accept the settlement offer and authorize the Mayor and City Clerk to sign the necessary documents.

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

Nays: None

MOTION PASSES

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

Respectfully submitted,

Gail A. Kundinger, MMC
City Clerk