CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 9, 2018 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

933 TERRACE STREET, MUSKEGON, MI 49440

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, January 9, 2018. Reverend Robert Henderson, First Wesleyan Church, 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 J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Byron Turnquist, Debra Warren, Willie German, Jr., and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

HONORS AND AWARDS:

A. **Recognition of the Muskegon Big Reds Football team as the 2017 Division 3 State Champions** Mayor Gawron presented representatives of the Muskegon High School Big Red Football Team and their coach, Shane Fairfield, with a Certificate of Recognition and a street sign that will be put up naming the Big Reds as the 2017 Division 3 State Champions.

B. **Recognition of La'Darius Jefferson as the 2017 MHSAA High School Football Player of the Year** Mayor Gawron presented La'Darius Jefferson with a Certificate of Recognition and a street sign identifying him as the 2017 MHSAA High School Player of the Year.

INTRODUCTIONS/PRESENTATION:

A. **Dr. Arbulu – Racial Equity Presentation** Commissioner German introduced Dr. Augustin Arbulu, Director of the Michigan Civil Rights Commission and Dr. Arbulu gave a presentation regard racial equity and also advised of programs available to the city to assist in this effort.

2018-02 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the December 11, 2017 Worksession and the December 12, 2017 Regular meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Bicycle Ordinance – SECOND READING City Manager

SUMMARY OF REQUEST: To adopt the proposed ordinance containing rules to govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance as presented.

D. Adopt a Resolution Approving the Liquor License Application for EAT1635, LLC for a Class C Liquor License at 1635 Beidler City Clerk

SUMMARY OF REQUEST: To adopt a resolution approving a Class C Liquor License for Eat1635, LLC at 1635 Beidler.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt a resolution approving the request for a Class C Liquor License for EAT1635, LLC at 1635 Beidler.

E. Approval of Neighborhood Enterprise Zone Certificate – 1173 4th Street Planning & Economic Development

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Community enCompass for the rehabilitation of the home at 1173 4th Street. The rehab will include upgrades to the roof, bathroom, paint, flooring and windows and will cost about $25,000. Community enCompass will hold the NEZ certificate in abeyance until it is transferred to a new owner within two years. The applicant has met local and state requirements for the issuance of the NEZ certificate.

FINANCIAL IMPACT: The property taxes will be frozen at the pre-rehabilitated rate for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the NEZ certificate.

F. <u>Ryerson Creek – Clean-up Efforts and Resolution in Support</u> Department of Public Works

SUMMARY OF REQUEST: The West Michigan Shoreline Regional Development Commission and ATY Metals (Teledyne Continental Motors) are seeking funding from the Environmental Protection Agency and Michigan Department of Environmental Quality to continue cleanup efforts related to contaminated soils in watersheds affecting the Great Lakes with the eventual goal of delisting Muskegon Lake. WMSRDC is gathering support and contributions as match for the federal funding. In an effort to provide in-kind contribution, staff have reviewed sanitary sewer capacity and recommend allowing up to 100,000 gallons of wastewater into our system at no cost to the project. Lost revenue associated with this request amounts to approximately $200. The project will not restrict future development or dredging. Staff is requesting that a resolution of support for the project be approved.

FINANCIAL IMPACT: $200

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve resolution of support for the Ryerson Creek Great Lakes Legacy Act contaminated sediment cleanup project.

G. <u>City Hall East Entrance Roof Replacement</u> Department of Public Works

SUMMARY OF REQUEST: The roof over the east entrance to City Hall needs to be replaced due to age and improper drainage. Last spring, the project was advertised and bids were taken with the low bid amount being $42,000. In order to capitalize on that bid amount, commitment for the work had to be given and materials ordered prior to the end of the calendar year. If delayed, the increased cost of materials and labor would be $4,200. The Finance Director confirmed that there is available funding for the work, and the City Manager gave approval to move forward with the bid and seek Commission approval at the January 9 meeting since there was no meeting planned for the fourth Tuesday in December.

Staff is requesting that the budget increase be approved to fund the replacement of the roof.

FINANCIAL IMPACT: $45,000

BUDGET ACTION REQUIRED: Increase City Hall Maintenance budget by $45,000 in next forecast.

STAFF RECOMMENDATION: Approve budget increase for the roof replacement for the east entrance to City Hall.

H. <u>Community Relations Committee Resignations and Removals</u> City Clerk

SUMMARY OF REQUEST: To accept the following resignations and removals:

Board of Review – Resignation of Sandra Boone-Thomas

Election Commission – Resignation of Louis Spyke

Equal Opportunity Committee – Removal of Steven Santo for lack of attendance

Housing Commission – Resignation of Jerry Lottie

Income Tax Board of Review – Removal of Jason Meekhof – moved from jurisdiction

Local Development Finance Authority – Removal of Jason Meekhof – moved from jurisdiction

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resignations and removals.

I. __Community Relations Committee Appointment Recommendations__ City Clerk

SUMMARY OF REQUEST: To accept reappointments and appointments for various community relations committees, boards, authorities, and commissions, as follows:

Board of Review

Reappoint: Mary Jamieson (Citizen), Don Correll (Citizen), Clinton Todd (Citizen), and Steve Warmington (Alternate)

Appoint: Jane Clingman-Scott (Citizen) and Martha Bottomley (Alternate)

Citizen Police Review Board

Reappoint: David Bukala (Law Enforcement Professional) and Ruby Clark (Neighborhood Association Rep.)

CDBG/CDC

Reappoint: Kim Burr (Citizen from Ward 3) and Jeremy Lenertz (Citizen at Large)

Appoint: Carrie Johnson (Citizen from Ward 1), Scott Banninga (Citizen from Ward 2), and Poppy Sias-Hernandez (Citizen from Ward 4)

Construction Code Board of Appeals

Reappoint: Chad Grinwis (Architect), James Fox (Electrical), Harold Callendar (Plumbing), and Michael McPhall (Fire)

Downtown Development Authority

Reappoint: Heidi Sytsema (Interest in the District), Jeanette Moore (Citizen), and John Riegler (Resident of the District)

Election Commission

Appoint: Betty Roberts (Citizen) and Casey Allard (Citizen)

Equal Opportunity Committee

Reappoint: Rosie Buchanan (Citizen from Ward 3) and Diane Murray-McKinley (Citizen from Ward 1)

Appoint: Alfredo Hernandez-Corsen (Citizen from Ward 4)

Historic District Commission

Reappoint: Jackie Hilt (Member Local Preservation Society) and Linda Wood (Member Local Preservation Society)

Housing Code Board of Appeals

Reappoint: Kirk Kolberg (Citizen) and Randy Mackie (Citizen)

Housing Commission

Reappoint: Maxine Lenear (Citizen)

Appoint: Kimi George (Citizen)

Income Tax Board of Review

Reappoint: Dona Bonette (Resident)

Appoint: Demario Phillips (Resident)

Local Development Finance Authority

Reappoint: Jeffery Burr (Citizen) and Rosie Buchanan (Citizen)

Appoint: Chris Byrnes (Citizen)

Local Officers Compensation Commission

Appoint: Andrew Cirner (Citizen)

Planning Commission

Reappoint: Joe Doyle (Citizen), Timothy Michalski (Citizen), and Bill Larson (Citizen)

Zoning Board of Appeals

Appoint: William Bowman (Resident) and Bryon Mazade (Planning Commission Member)

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the recommendations of the Community Relations Committee and approve the reappointments and appointments.

Motion by Commissioner Johnson, second by Commissioner German, to approve the consent agenda as presented, except Item C.

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

Nays: None

MOTION PASSES

2018-04 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. <u>Amendment to the Zoning Ordinance – Critical Dunes</u> – SECOND READING

Planning & Economic Development

SUMMARY OF REQUEST: Staff-initiated request to amend Section 2310 of the zoning ordinance to adopt a local critical dune ordinance. Act 451 of 1994, the Natural Resources and Environmental Protection Act, allows municipalities to enact their own critical dune ordinance and enforce it themselves, rather than relying on the Michigan Department of Environmental Quality to do so. Staff anticipates that this will speed up the approval process for projects located in critical dune areas.

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 ordinance amendment at their November 16 meeting.

Motion by Commissioner Warren, second by Commissioner Johnson, to approve the zoning ordinance amendment.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS:

Commissioner German received some complaints about the snow that ends up at the end of driveways. Commission German also raised the issue of guns being fired in the city on New Year's Eve and everyone was reminded that this is not okay. Fireworks are okay 24 hours before and after a holiday. Commissioner Johnson raised the issue of discretion being exercised by the police department in issuing citations for winter parking ordinance violations. It has been difficult for some to find anywhere to park, off of the street, due to the amount of snow the city was hit with recently.

PUBLIC PARTICIPATION: No comments were received from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:43 p.m.

Respectfully Submitted,

Kimberly Young, Deputy City Clerk