

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 22, 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, MI at 5:30 p.m., Tuesday, February 22, 2011.

Mayor Warmington opened the meeting with a prayer from Pastor Josh Dear from the Lakeside 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 Sue Wierengo, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Steve Wisneski (excused)

2011-10 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the February 7th Commission Worksession Meeting and the February 8th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. 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.

C. 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.

D. Easement from Brunswick to Construct Sidewalks along the North Side of Laketon Avenue on Parts of Blocks 438, 458 and 459. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to execute the agreement with Brunswick accepting easements to construct sidewalks as part of the upcoming reconstruction of Laketon Avenue between Beidler and Park. Furthermore, if approved, direct staff to record said easements.

FINANCIAL IMPACT: One dollar.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to execute agreement and record easements.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2011-11 NEW BUSINESS:

A. ChargePoint Station – Muskegon: Master Services Subscription Agreement. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Federal Government has contracted with ChargePoint (Coulomb Technologies, Inc.) to install 297 electric vehicle charge stations in Michigan by October 1, 2011. Thus far, they have installed 70 stations. The West Michigan area will receive several stations, including over 20 in Muskegon County. Currently, there is a ChargePoint station at MAREC. Other municipalities are also having them installed (as well as institutions and

businesses). The City has designated two parking spaces in the Western Avenue Parking Lot to be used for a station. We are in discussions with the Arena Management in this regard.

FINANCIAL IMPACT: The Federal Government will pay for the ChargePoint station equipment. The City will receive a grant in the amount of \$2,500 from the Lou Eklund Fund at the Community Foundation for Muskegon County for the station installation (estimated to be \$2,000; any funds remaining can be applied towards future maintenance fees). It is recommended to allow free access for the electrical charge for the first year. If it is determined that the station is being well used, the City can start charging for its use. If the City charges for the station use, there will also be a \$.50 per transaction fee and a 7.5% charge per total usage fee from ChargePoint for administration (they will not charge anything if the City does not charge anything).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "ChargePoint Master Services Subscription Agreement" between the City of Muskegon and ChargePoint/Coulomb Technologies, Inc. and authorize the Mayor's signature.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the "ChargePoint Master Services Subscription Agreement" between the City of Muskegon and ChargePoint/Coulomb Technologies, Inc.

Motion by Commissioner Spataro, second by Commissioner Carter to amend the motion to allow for authorization after concurrence of the City Attorney and the City Manager.

Vote on amendment:

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

AMENDED MOTION PASSES

Vote on original motion:

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

MOTION PASSES

B. Shoreline Spectacular Request – Labor Day Weekend 2011. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In accordance with our recently amended Special Events Policy, "applicants requesting a Special Events Liquor License for Labor Day events must go before the City Commission for approval". The Shoreline Spectacular is requesting approval for their event. The Police Department has not approved their request for a temporary liquor license.

FINANCIAL IMPACT: The Shoreline Foundation, which runs Shoreline Spectacular, has an outstanding invoice (#9845846) for their 2010 event. It is City policy that all current charges owed to the City must be paid prior to holding another event.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request for the Shoreline Spectacular event in 2011, due to the fact that their invoice from 2010 has not been paid and the Police Department has not approved their request for a temporary liquor license.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to deny the request for a permit for Labor Day Weekend 2011 by Shoreline Spectacular.

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

Nays: Shepherd

MOTION PASSES

C. Breakwater Festival Request – Labor Day Weekend 2011. PLANNING & ECONOMIC DEVELOPMENT

Removed per request of applicant.

2011-12 ANY OTHER BUSINESS:

Commissioner Spataro asked that a resolution in opposition to Senate Bill 34 which would eliminate personal property taxes be prepared and sent to the Governor and Muskegon County Legislative Delegation.

ADJOURNMENT: The City Commission Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk