

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 22, 2014

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, April 22, 2014.

Mayor Gawron opened the meeting with a prayer from Mr. George Monroe after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Ken Johnson, Eric Hood, Willie German, Dan Rinsema-Sybenga, and Byron Turnquist, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2014-29 HONORS AND AWARDS:

A. 2013 Outstanding Citizenship Awards.

Mayor Gawron congratulated Shirley Green, Greg Borgman, and Debra Griffin as recipients of the 2013 Outstanding Citizenship Award.

B. Jazz Appreciation Month.

April, 2014, was proclaimed as Jazz Appreciation Month.

2014-30 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

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

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Fly the Norwegian Flag. CITY CLERK

SUMMARY OF REQUEST: Sons of Norway are requesting permission to fly the Norwegian Flag at City Hall on Saturday, May 17th in honor of Norway's

Constitution Day (Independence Day).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

D. Amendment to Chapter 30 "Fire Prevention & Protection", Article IV "Recreational Fires". PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the proposed amendments to *Chapter 30, Article IV of the Recreational Fire Ordinance, Section(s) 30-220, 221, 222, 223*, of the City of Muskegon "Fire Prevention and Protection" Ordinance.

The Muskegon Fire Department has reviewed and proposed changes in our *recreational fire ordinance* to better serve the community at large and address illegal burning issues in our City in which fire/police must respond to in order to maintain general public safety.

The amendments are to address: size of the fire pit, materials that are allowed in the fire pit, use manufactured portable burning stand. The prohibition of steel "burn barrels", commonly used for burning trash and yard waste, and examples of items that cannot be burned without violating the amended ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approving amendments to said existing ordinance.

F. Fireworks Display Permit for Muskegon Country Club. CITY CLERK

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 4, 2014, at the Muskegon Country Club, 2801 Lakeshore Drive. Fire Marshall Metcalf will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance.

G. Fireworks Display Permit for 4th of July Celebration at Heritage Landing.
CITY CLERK

SUMMARY OF REQUEST: Night Magic is requesting approval of a fireworks display permit for July 4th at Heritage Landing. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance.

Motion by Vice Mayor Spataro, second by Commissioner Johnson to approve the Consent Agenda as read with the exception of items C and E.

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

Nays: None

MOTION PASSES

2014-31 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. City – MDOT Agreement for Veteran Park Improvements. ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the pedestrian mobility improvements at the Veteran’s Memorial Park at the Causeway between northbound and southbound M-120 and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: The estimated total cost of this project is \$978,500 of which \$39,100 is the local share. As of April 2012, the three local agencies; Muskegon, N. Muskegon and Muskegon County had committed a total of \$36,000 with the Veteran Group committing to make up any shortfall.

BUDGET ACTION REQUIRED: None at this time as this project was budgeted for.

STAFF RECOMMENDATION: Approve the contract and resolution authorizing the Mayor and Clerk to sign both.

Motion by Mayor Gawron, second by Commissioner German to approve the contract and resolution authorizing the Mayor and Clerk to sign both regarding the City-MDOT Agreement for Veteran Park improvements.

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

Nays: None

MOTION PASSES

E. DBE/MBE/WBE Procurement Policy for Federally Contracted Programs and Collaborations. AFFIRMATIVE ACTION & RISK MANAGEMENT

SUMMARY OF REQUEST: The Contract and Procurement Policy for Federally Contracted Programs and Collaborations has been developed to include the “Fair Share Goals” language to meet the “Good Faith Effort” requirements of our federally contracted funds. The “Fair Share Goals” are specific to the

Environmental Protection Agency (EPA) contracts, and “Good Faith Efforts” are standard to our other federally contracted funds.

The steps for “Good Faith Efforts” will allow the City to achieve compliance in all of our federal contracts and ensure that Disadvantaged Business Enterprises (DBE), Minority Business Enterprises (MBE), and Women-owned Business Enterprises (WBEs) are actively solicited for participation in the bid process for contracting and procurement of supplies, construction, equipment and services under all federal contracts and collaborations.

The Policy will be placed in all contracts and collaborations that include federal funds.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the City of Muskegon DBE/MBE/WBE Procurement Policy for Federally Contracted Programs and Collaborations, and authorize the Mayor and Clerk to sign.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga to approve the City of Muskegon DBE/MBE/WBE Procurement Policy for Federally Contracted Programs and Collaborations, and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

2014-32 PUBLIC HEARINGS:

A. 2014-2015 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing of the 2014 – 2015 Action Plan for public comments.

FINANCIAL IMPACT: Action Plan establishes the 2014-2015 Community Development Block Grant and HOME budgets.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To receive comments about the proposed 2014 – 2015 Action Plan at the public Commission Meeting.

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

Motion by Commissioner Hood, second by Commissioner German to close the Public Hearing and receive comments about the proposed 2014-2015 Action

Plan.

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

Nays: None

MOTION PASSES

2014-33 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1974 Dowd Street

1522 Clinton Street (Garage Only)

1265 Holt Street

912 E. Isabella Avenue

1141 Jefferson Street

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance 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: CDBG Funds for 1974 Dowd and 1265 Holt. General Funds for 1522 Clinton (garage only), 912 E. Isabella, and 1141 Jefferson.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Vice Mayor Spataro, second by Commissioner Johnson to concur with the Housing Board of Appeals notice and order to demolish 1974 Dowd Street, 1522 Clinton Street (garage only), 1265 Holt Street, 912 E. Isabella Avenue, and 1141 Jefferson Street.

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

Nays: None

MOTION PASSES

B. Special Event Request – Muskegon Bike Time 2014. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Muskegon Bike Time has filed a special event application for the annual Bike Time festival in downtown Muskegon to be held on July 17, 18, 19, and 20, 2014. Portions of their request require City Commission approval.

FINANCIAL IMPACT: Request that equipment rental fees be waived.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: As in past years, it is recommended that staff be allowed to make the final decision regarding rental fees and actual costs to be coordinated through the City Manager. In addition, staff recommends that if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Bike Time. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event.

Regarding street closures, staff recommends approval with the condition that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

Motion by Commissioner Hood, second by Commissioner Turnquist to accept the recommendation approving conditions and that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

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

MOTION PASSES

C. Mobile Food Vending Ordinance. CITY CLERK

SUMMARY OF REQUEST: In consultation with Downtown Muskegon Now, staff has developed a Mobile Food Vending Ordinance for consideration. The proposed monthly fee is \$300. Those established brick and mortar businesses located in the City of Muskegon selling their own goods through the Mobile Food Vending Ordinance may pay a monthly fee of \$150. Brick and mortar restaurants located in the targeted DDA area will be charged a monthly fee of \$50.

Mobile food vehicles shall not be left unattended and cannot be parked between the hours of 3 a.m. and 6 a.m. They shall not operate within 1,000 feet of any City approved special event or leased park. Vendors wishing to sell at the Farmer's Market must obtain permission through management of the Farmer's Market.

Mobile food vehicles shall not be parked within 150 feet of an existing brick and

mortar restaurant during the hours when such restaurant is open to the public for business unless permission has been obtained from the restaurant.

Applications will be considered for the following areas: Sherman Blvd., Henry Street, Apple Avenue, Laketon Avenue, Getty Street as well as within the area of the Downtown District Authority, and industrial parks.

Comments from the downtown businesses are attached as well as mapping indicating the distance of 150 feet, 200 feet, 250 feet, and 300 feet parameters around existing brick and mortar businesses.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the ordinance as presented as well as the resolution stating the areas that a Mobile Food Vending vehicle/trailer/cart may operate.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson to adopt the Mobile Food Vending Ordinance as presented as well as the resolution stating the areas that a Mobile Food Vending vehicle/trailer/cart may operate.

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

Nays: None

MOTION PASSES

D. Amendment to the Transient Merchant Ordinance. CITY CLERK

SUMMARY OF REQUEST: Staff compared the current Transient Merchant Ordinance with several other communities and reviewed comments received by customers and is making recommendations.

Some proposed changes include:

Offering the license as an annual license instead of a daily license currently allowed a maximum of 60 days per calendar year. The current fee is \$30 per day. The proposed fee is \$150 annual fee renewed on May 1st of each year.

The bond amount is proposed to increase from \$500 to \$1,000.

School sponsored events should not require a permit.

Merchants may stay in one location no longer than 45 days (current ordinance states 90 days).

Hours shall be set between 9 a.m. and 8 p.m. or sunset (whichever is earlier).

Merchants may not operate within 1,000 feet of any approved special event or leased park unless they have obtained permission from the event sponsor or

lessee. The license does not allow for the sale of goods or services at any City-owned park/facility or Farmer's Market without a permit from the City.

Residents and businesses selling parking spaces on their property during a City approved special event in the downtown district are required to obtain a license. At least one ADA compliant restroom facility with a hand washing unit must be made available to the public for the first 50 parking spaces being offered on a parcel and two restroom facilities be available on parcels selling 100 or more parking spaces. The license must be prominently displayed at the entrance to the parking facility and if the number of parking spaces meets or exceeds 50, a sign must be prominently displayed indicating to the public that a public restroom is available.

The fee for a license is proposed to be \$25 for the first 50 parking spaces and \$50 for more than 50 parking spots on one parcel.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the ordinance as presented.

Motion by Commissioner Johnson, second by Commissioner German to adopt the ordinance as presented.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:45 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk