

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 24, 2008

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, June 24, 2008.

Mayor Warmington opened the meeting with a prayer from Pastor Jim Thiele from the Central Assembly 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, Commissioners Clara Shepherd, Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2008-57 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 9th Commission Worksession, and the June 10th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display Permit for Muskegon Summer Celebration and Muskegon Bike Time. CITY CLERK

SUMMARY OF REQUEST: West Michigan Burners is requesting approval of a fireworks display permit for July 5th during the Muskegon Summer Celebration and July 18th during Muskegon Bike Time. The insurance coverage has been approved, and 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.

C. Rezoning Request for Property Located at 552 W. Southern Avenue.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 552 W. Southern Avenue, from B-2, Convenience and Comparison Business District to I-1, Light Industrial District.

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 June 12th meeting. The vote was unanimous, with B. Mazade, T. Harryman and B. Smith absent.

E. Smith Ryerson Community Center Contract. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Muskegon Recreational Center (MRC), Inc. has been managing the Smith Ryerson Community Center since July 2006. The management has been successful, with many area youth (as well as others in the community) being served. As the contract between MRC and the City concludes July 1, 2008, it is recommended that a new two-year contract be approved. The new contract also includes use of the facility by the Muskegon Summer Adventure Program.

FINANCIAL IMPACT: The contract specifies that the Manager will receive its management fee through the revenue generated at the Center.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the contract and authorize the Director of Community & Economic Development and the City Clerk to sign.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the consent agenda as read minus item D.

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

Nays: None

MOTION PASSES

2008-58 ITEM REMOVED FROM THE CONSENT AGENDA:

D. Vacation of a Portion of Emerald Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Emerald Street, between

Allen and Apple Avenues.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Emerald Street between Allen and Apple Avenues, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the vacation, with B. Mazade, T. Harryman, and B. Smith absent.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the vacation of Emerald Street between Allen and Apple Avenues.

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

Nays: None

Abstain: Spataro

MOTION PASSES

2008-59 PUBLIC HEARINGS:

A. Amendments to Brownfield Plan – Parkland Muskegon, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Parkland Muskegon, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a residential/commercial project will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing and approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for June 24, 2008 at their June 10, 2008 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on June 5, 2008 and further recommends that the Muskegon City Commission approve the Plan amendment.

The public hearing opened to hear and consider any comments from the

public. Comments were heard from the developer John Rooks, Parkland Properties of Michigan, 940 Monroe, Suite 155, Grand Rapids.

Motion by Commissioner Carter, second by Vice Mayor Gawron to close the public hearing and approve the amendments to the Brownfield Plan for Parkland Muskegon, LLC.

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

Nays: None

MOTION PASSES

B. Request for an Industrial Facilities Exemption Certificate – Sappi Fine Paper. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Sappi Fine Paper, 2400 Lakeshore Dr., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The company will be making \$3,822,200 in personal property improvements. This qualifies them for a tax abatement of seven years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of seven years for personal property.

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

Motion by Commissioner Carter, second by Commissioner Wisneski to close the public hearing and approve the Industrial Facilities Exemption Certificate for Sappi Fine Paper.

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

Nays: None

MOTION PASSES

2008-60 NEW BUSINESS:

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

2241 Sherin Street

1174 Jefferson Street – Area 10

553 Allen Avenue – Area 11

724 Oak Avenue (House and Garage)

922 S. Getty 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 553 Allen, 724 Oak, 1174 Jefferson, and 922 S. Getty. General Funds for 2241 Sherin.

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 553 Allen Avenue and 724 Oak Avenue – house and garage.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 2241 Sherin Street.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1174 Jefferson.

Motion by Commissioner Carter, second by Commissioner Wisneski to table 1174 Jefferson Street to the 2nd meeting in July.

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

Nays: None

MOTION TO TABLE PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with

the Housing Board of Appeals notice and order to demolish 922 S. Getty Street.

Motion by Commissioner Spataro, second by Commissioner Shepherd to refer the item back to staff.

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

Nays: None

MOTION TO REFER BACK TO STAFF PASSES

B. Findings of Fact and Recommendation Re: Spotlight Lounge. CITY
MANAGER

SUMMARY OF REQUEST: To consider the Findings of Fact and Recommendation for the Spotlight, submitted by Hearing Officer Robert O. Chessman, for potential revocation of the liquor license for Spotlight.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to recommend to the Michigan Liquor Control Commission that the liquor license be revoked.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, and Wisneski

Nays: Carter, Shepherd, and Wierengo

MOTION PASSES

2008-61 CLOSED SESSION: To Discuss Pending Litigation.

Motion by Commissioner Carter, second by Commissioner Wierengo to go into closed session to discuss pending litigation.

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

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Shepherd to come out of closed session.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to authorize the Attorney to execute the consent judgment as discussed.

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

Nays: Wisneski

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk