

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**JULY 10, 2007**

**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, July 10, 2007.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue 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 Kevin Davis, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Chris Carter, Acting City Manager Tim Paul, City Attorney John Schrier, and City Clerk Ann Marie Becker.

#### **2007-57 CONSENT AGENDA:**

##### **A. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 26<sup>th</sup>.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of minutes.

##### **B. Liquor License Request – Pat’s Road House, 157 S. Getty. CITY CLERK**

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from TPWS, Inc. of 157 S. Getty Street to enlarge the existing outdoor service area to its existing 2007 Class C-SDM licensed business with Dance-Entertainment Permit, Outdoor Service (1Area) and 2 Bars.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

**E. Resignation and Appointments from Various Boards. CITY CLERK**

SUMMARY OF REQUEST: The Community Relations Committee recommends that the following resignations be accepted and appointments be made:

Land Reutilization Committee – Resignation of Michael Amrhein

DDA – Resignation of Jessica Elsey

Citizens Police Review Board – Resignation of Quintan Cooley, appoint Barbara Kuipers, resident

District Library Board – Death of Craig V. Brown

Equal Opportunity Committee – Vacancy for Citizen, appoint Willie German, Jr., resident

**Motion by Commissioner Carter, second by Commissioner Davis to approve the Consent Agenda minus items C and D.**

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

**Nays: None**

***MOTION PASSES***

**2007-58 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**C. FIRST READING: Animal Ordinance Amendment. CITY MANAGER**

SUMMARY OF REQUEST: To amend the City's Animal Control Ordinance to require dogs and cats to be under restraint, except for a service animal performing its duties or in training.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The City Commission requested this amendment at their Worksession on June 11, 2007.

**Motion by Commissioner Spataro, second by Commissioner Carter to approve the amendment to the City's Animal Control Ordinance.**

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

**Nays: None**

***MOTION PASSES***

**D. FIRST READING: Rescind Pension Ordinances. FINANCE**

SUMMARY OF REQUEST: The transfer of pension assets and retirement system administration to the Municipal Employees Retirement System of Michigan (MERS) makes it unnecessary to maintain local pension ordinances on the

books. The ordinance repeals the City's former pension ordinances.

FINANCIAL IMPACT: Some savings from reduced confusion and ordinance indexing.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the ordinance.

**Motion by Commissioner Spataro, second by Commissioner Carter to approve the rescinding of the pension ordinances.**

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

**Nays: None**

**MOTION PASSES**

**2007-59 NEW BUSINESS:**

**A. Proposed COLA for Retirees. FINANCE**

SUMMARY OF REQUEST: One of the considerations made when we moved to MERS was that we would mimic as closely as possible the pension COLA program in place since the mid-1990's within the structure of MERS. In a nutshell, the old COLA program provided permanent cost of living increases to pensioners retired five years or more that were capped at 75% of the CPI. COLA's were payable only in years when investment performance exceeded actuarial estimates (8%). Due to lagging investment performance, no COLA payments have been made for the last two years.

Investment performance has improved and, at this time, we are recommending approval of a 1.80% COLA increase payable to pensioners retired five years or more as of 1/1/07. Standard MERS practice is to implement COLA provisions each January, but they have agreed to implement this COLA for us as of July 1. We recommend the COLA be divided into two equal parts with 0.90% awarded 7/1/07 and 0.90% awarded 1/1/08. Future COLA increases would then be made in January, if warranted.

The 1.80% COLA is based on a MERS actuarial review of investment performance, change in the CPI for 2006 and staff discussions with actuaries concerning the financial condition of the account.

FINANCIAL IMPACT: The proposed COLA adjustment will increase the accrued liability of the retirees' account \$546,870 and leave the account just over 101% funded.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize MERS to pay a 1.80% COLA to retirees retired five years as of 1/1/07, payable in two equal parts July 1, 2007 and

January 1, 2008. Authorize future COLA adjustments to be made effective each January 1 with the next COLA review being January 1, 2009.

**Motion by Commissioner Spataro, second by Commissioner Davis to approve the proposed COLA for retirees.**

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

**Nays: None**

***MOTION PASSES***

**B. FIRST READING: Smoking at Pere Marquette Beach. CITY MANAGER**

SUMMARY OF REQUEST: To approve an ordinance to prohibit smoking at Pere Marquette Beach from the pier sidewalk south to the handicap walk.

FINANCIAL IMPACT: Minimal costs associated with enforcement of ordinance.

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The City Commission approved the concept at their June Worksession.

**Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the ordinance to prohibit smoking at Pere Marquette Beach from the pier sidewalk south to the handicap walk.**

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

**Nays: None**

***MOTION PASSES***

**C. Fireworks Display - Bike Time. CITY CLERK**

SUMMARY OF REQUEST: Bike Time is requesting approval of a fireworks display during the Poison concert at Heritage Landing on July 22<sup>nd</sup>. 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 the insurance.

**Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Bike Time request for fireworks during the Poison concert at Heritage Landing on July 22<sup>nd</sup>.**

**ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo,**

and Carter

Nays: None

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Muskegon Rescue Mission is celebration their 100<sup>th</sup> Anniversary by having a birthday party July 21<sup>st</sup>.

**ADJOURNMENT:** The City Commission Meeting adjourned at 5:57 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk