

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

JANUARY 11, 2005

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, January 11, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson of the Word of Truth Outreach 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 Bill Larson, Commissioner Clara Shepherd, Lawrence Spataro, Chris Carter, Kevin Davis, and Stephen Gawron, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

Absent: None

**2005-01 INTRODUCTIONS/PRESENTATION:** Janie Scott and two Mayhem players were introduced to the Commission. County Commissioner Don Aley, Ward I and II, was also introduced.

#### **2005-02 CONSENT AGENDA:**

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

SUMMARY OF REQUEST: Approve the minutes of the December 13, 2004 Worksession and the December 14, 2004 City Commission meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

##### **B. Air Compressors request for purchase. PUBLIC WORKS**

SUMMARY OF REQUEST: Approval to purchase two budgeted air compressors.

FINANCIAL IMPACT: Total Cost \$21,170.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase of new air compressors from Hasper Equipment.

**C. Housing Commission Appointment. CITY MANAGER**

SUMMARY OF REQUEST: To re-appoint Jerry Lottie to the Muskegon Housing Commission for a term to expire 1/31/10.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the appointment.

**D. Appointments to Various Boards/Committees. COMMUNITY RELATIONS COMMITTEE**

SUMMARY OF REQUEST: Concur with the Community Relations Committee to approve the following:

Board of Review – Reappointment of Donald Haas, Georgia Strube and Ralph Burr with terms expiring 01-01-07. Positions up next year will have a term of one year and their terms will expire 01-01-07.

Citizen's Police Review Board – Reappointment of William Muhammad, Adelia Winchel, David Burlingame, Dolly Hippchen and Ann Craig. Appointment of Janie Santos to fill the position of a member of a minority based organization. Terms expire January 31, 2007.

Civil Service Commission – To appoint Roger Brink with a term expiring on January 31, 2011.

CDBG Citizen's District Council – Accept the resignation of Susan Kroes and appoint David Newsome to fill the position with a term expiring January 31, 2006.

Construction Code Board of Appeals – To reappoint Matt Tighe, Vicki Webster and Kevin Donovan with terms expiring January 31, 2007.

Downtown Development Authority/Brownfield Redevelopment Authority Board/Tax Increment Finance Authority – Reappointment of Eugene Fethke with term expiring January 31, 2009. Appointment of Bill Seeback as a member who has an interest in property within the district with his term expiring January 31, 2007. Appointment of Mike Johnson Sr. as a member who has an interest in property within the district with his term expiring January 31, 2009.

Election Commission – Reappointment of Charles Nelson with a term expiring January 31, 2008.

Equal Opportunity Committee – Appointment of Orlando Riley with a term expiring January 31, 2008.

Historic District Commission – Appointment of Susan Kroes to the vacant position of persons who reside or have occupational or financial interest in one or more of the historic districts with a term expiring January 31, 2008.

Housing Code Board of Appeals – Reappointment of Nick Kroes and Jonathan Rolewicz with terms expiring January 31, 2008.

Income Tax Board of Review – Reappointment of Mary Anne Ritters with a term expiring January 31, 2008.

Land Reutilization Committee – Reappointment of Robert Hill and Mike Amhrein with terms expiring January 31, 2009.

Leisure Services Board – Appointment of Connie Navarro with a term expiring January 31, 2007.

Local Development Finance Authority – Reappointment of Phillip Okerlund with the term expiring January 31, 2009.

Local Officer’s Compensation Commission – Appointment of Nick Archer with term expiring January 31, 2012; Ruth Anderson with term expiring January 31, 2006; Tonya Thompson with term expiring January 31, 2007 and Kathleen Pitsch with term expiring January 31, 2011.

Planning Commission – Reappointment of Blanche Smith and John Aslakson with terms expiring January 31, 2008. Appointment of Byron Turnquist with term expiring January 31, 2008.

Police & Firemen’s Retirement Board – Reappointment of Art Rudd with term expiring January 31, 2010.

Public Relations Committee – Reappointment of Andrea Riegler and Joan Gawron with terms expiring January 31, 2009.

Zoning Board of Appeals – Reappointment of Ernest Fordham with term expiring January 31, 2008. Appointment of Steve Brock and J D Wallace with terms expiring January 31, 2008.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Approval.

**Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda.**

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

**Nays: None**

***MOTION PASSES***

**2005-03 PUBLIC HEARINGS:**

**A. Designation of the Port City Industrial Park as a Neighborhood Enterprise Zone. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To hold a public hearing to inform and receive comments from the public on designating the Port City Industrial Park as a Neighborhood Enterprise Zone.

FINANCIAL IMPACT: There is no direct financial impact from the designation of a Neighborhood Enterprise Zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold a public hearing to inform and receive comments from the public about the said designation.

The Public Hearing opened at 5:44 p.m. to hear and consider any comments from the public. No comments were heard.

**Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:46 p.m.**

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

**Nays: None**

***MOTION PASSES***

**B. Create a Special Assessment District for Sidewalk Replacement Program 2005. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1, 2005.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the project for special assessment, create a special assessment district for the project and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. Comments were heard in opposition from: Charles Atwood, representative of 1145 W. Laketon, Greater Area Catholic Schools; Thomas Begley, 1580 Randolph; Edward Pamici, 857 W. Hackley; Charlotte Tombari, 1469 Winchester; and Don Gilbert, 2496 Wickham.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 6:12 p.m. and create the special assessment district for sidewalk replacement program 2005.**

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

**Nays: None**

***MOTION PASSES***

**C. Create a Special Assessment District for Dale Avenue, Ruddiman Street to McGraft Street. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Dale Ave., McGraft to Ruddiman Paving Project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 6:15 p.m. to hear and consider any comments from the public. Mark Sanders, 1273 W. Dale, spoke in opposition of the project.

**Motion by Commissioner Gawron, second by Commissioner Shepherd to close the Public Hearing at 6:18 p.m. and create the special assessment district for Dale Avenue, McGraft to Ruddiman.**

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

**Nays: None**

***MOTION PASSES***

**D. Create a Special Assessment District for Evert Street, Allen Avenue to Amity Avenue. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Evert St. between Allen & Amity Paving Project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 6:19 p.m. to hear and consider any comments from the public. No comments were heard.

**Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:21 p.m. and create the special assessment district for Evert Street, Allen to Amity.**

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

**Nays: None**

***MOTION PASSES***

**2005-04 NEW BUSINESS:**

**A. FIRST READING – Rezoning request for property at 2111, 2123 and 2137 McCracken and also 2117 and 2125 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone property located at 2111, 2123 and 2137 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 12/16/04 meeting. Commissioners Spataro, Aslakson, Johnson, Sartorius, Mazade, & Warmington voted for denial. Commissioners Michalski voted against denial. T. Harryman and B. Smith were absent.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with staff recommendation to deny the request to rezone the property.**

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

**Nays: None**

***MOTION PASSES***

**B. Resolution to Support the Muskegon County Grant Application for the Downtown Muskegon Development Corporation. CITY MANAGER**

SUMMARY OF REQUEST: To adopt a resolution to support Muskegon County's CDBG application to the State of Michigan to fund the public infrastructure for the DMDC site. This funding is critical for the project to begin construction this summer.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

**Motion by Commissioner Spataro, second by Commissioner Gawron to adopt the resolution.**

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

**Nays: None**

***MOTION PASSES***

**2005-05 ANY OTHER BUSINESS:**

Commissioner Shepherd requested to have a resolution prepared and a gift purchased for George Goodman who is retiring from the Michigan Municipal League. Fellow commissioners agreed and Vice Mayor Larson announced that he would make arrangements for the gift.

**2005-06 CLOSED SESSION:** To discuss pending litigation.

**Motion by Commissioner Spataro, second by Commissioner Carter to go into Closed Session at 6:27 p.m. to discuss pending litigation.**

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

**Nays: None**

***MOTION PASSES***

Motion by Commissioner Spataro, second by Commissioner Shepherd to go back into Open Session at 6:45 p.m.

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

***MOTION PASSES***

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:46 p.m.

Respectfully submitted,

Gail A. Kunding, MMC  
City Clerk