

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 27, 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, September 27, 2005.

Mayor Warmington opened the meeting with a prayer from Commissioner Clara Shepherd 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 Stephen Gawron, Clara Shepherd, Lawrence Spataro, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2005-88 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the September 12th Community Relations Committee Meeting and the Commission Worksession, the September 13th Regular Commission Meeting, and the September 15th Special Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Transfer of Ownership Request – City Café. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from lordache Holdings, Inc. to transfer ownership of the 2005 Class C licensed business with Dance-Entertainment permit from Ashley-Chandler, Ltd. and PKT Twelve, Inc. (Co-licensees).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

C. Liquor License Request for Outdoor Service – Linne Lodge #57. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Linne Lodge #57, Independent Order of Vikings to add a New Outdoor Services (1 area) to be held in conjunction with their 2005 Club licensed business with Dance Permit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

D. Rezoning Request for Properties Located at 3800 Bluff and 1260 Browne Streets. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone properties located at 3800 Bluff and 1260 Browne Streets, from R-1, Single Family Residential to OSR, Open Space Recreation.

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 September 15th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

E. Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to amend the definitions for "Hotel" and "Motel".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the definitions for "Hotel" and "Motel".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their September 15th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

I. Request for Encroachment Agreement by Muskegon Masonic Temple Association. ENGINEERING

SUMMARY OF REQUEST: Muskegon Masonic Temple has requested your permission to upgrade the existing awning at the entrance of the building. The awning will follow the same footprints as the existing awning (built in 1972) and

be installed by Muskegon Awning. The new awning will extend over the sidewalk at 396 W. Clay Avenue.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

J. Request for Encroachment Agreement on Jefferson and Clay.

ENGINEERING

SUMMARY OF REQUEST: Volunteer Muskegon has requested your permission to place three (3) planters along Jefferson/Clay area closest to their office at 880 Jefferson. The planters would be about three feet in diameter similar to those along Lakeshore Drive. This request is unusual in the respect that it is for ten (10) years instead of the standard five (5) years.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

K. Softball World Contract Extension with Muskegon Township.

ASSISTANT
CITY MANAGER

SUMMARY OF REQUEST: The City Leisure Services Department has a contract with Muskegon Township for the use of Softball World. The contract expires on November 1, 2005. Due to the need to complete a thorough assessment of the continuation of the Softball Program, a one-year extension of the contract was requested and granted by Muskegon Township. Staff is requesting official authorization by the Commission to allow the Mayor and Clerk to sign the one-year extension.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the Mayor and Clerk to sign the one-year extension of the Contract with Muskegon Township for the use of Softball World.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda as read minus items F, G, and H.

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

Nays: None

MOTION PASSES

2005-89 ITEMS REMOVED FROM THE CONSENT AGENDA:

F. Zoning Ordinance Amendment to the Zoning Ordinance Language for Creation and Membership (Zoning Board of Appeals). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2501 (Creation and Membership) of Article XXV, Zoning Board of Appeals to mirror the State of Michigan Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the "Creation and Membership" language to mirror the State of Michigan Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their September 15th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

Motion by Commissioner Davis, second by Commissioner Carter to approve the zoning ordinance amendment to the zoning ordinance language for creation and membership of the Zoning Board of Appeals.

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

Nays: None

MOTION PASSES

G. Budgeted GPS Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase 20 GPS receivers and components from Advanced Tracking Technologies.

FINANCIAL IMPACT: Cost \$26,945.85

BUDGET ACTION REQUIRED: None. There is \$32,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the budgeted GPS purchase.

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

Nays: None

MOTION PASSES

H. Fuel Sales. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to waive the 15% administrative fee on outside fuel sales to Muskegon Public Schools.

FINANCIAL IMPACT: \$5,000 in revenue depending on fuel consumption.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve waiving administrative fee.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the waiver of the 15% administrative fee on outside fuel sales to Muskegon Public Schools.

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

Nays: None

MOTION PASSES

2005-90 NEW BUSINESS:

A. Sister City – Antalya, Turkey. MAYOR

SUMMARY OF REQUEST: To establish a Sister City relationship with Antalya, Turkey. The relationship will provide an opportunity for a cultural exchange between the two cities.

FINANCIAL IMPACT: Minimal expenses expected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve establishing a Sister Cities relationship with Antalya, Turkey.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the Sister City relationship with Antalya, Turkey.

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

Nays: None

MOTION PASSES

B. Intergovernmental Cooperation Agreement with Muskegon County for Mail Processing Services. CITY CLERK & FINANCE

SUMMARY OF REQUEST: Postal regulations and equipment requirements are constantly changing. The City is currently faced with the requirement to replace its postage metering equipment by the end of 2006. We have looked at several alternatives for meeting our future mailing needs including purchase/lease of new equipment and outsourcing mail processing. Staff has concluded that the most cost-effective option is to enter into the intergovernmental cooperation

agreement with Muskegon County for this purpose. Under the agreement, the City will pay \$0.06 for each piece of mail processed (in addition to postage costs). (By way of comparison, the County Central Services office charges \$0.05/piece to other County departments.) This agreement applies to the City's general daily mail needs but does not cover high-volume, bulk mailings such as tax and water bills. These mailings are handled under a separate printing and mailing services contract with a private firm.

FINANCIAL IMPACT: Approximately 110,000 pieces of mail will be processed annually under this contract at a total cost of \$6,600. This cost will be more than offset by the following savings: 1) volume/sorting discounts not available to City (annual savings \$1,980); 2) Avoidance of equipment and meter purchase/lease (annual savings \$4,476); 3) staff-time savings in Clerk and Finance offices (annual savings \$2,500).

Additionally, many other minor benefits will be realized: 1) responsibility for monitoring/responding to changing postal requirements will pass to the County; 2) postal supplies savings (\$50-\$100); and, 3) minor interest savings from no longer pre-funding postage meter.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the "Agreement for Mail Services" with Muskegon County.

Motion by Commissioner Gawron, second by Commissioner Davis to approve the Agreement for Mail Services with Muskegon County.

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

Nays: None

MOTION PASSES

C. Agreement for School Resource Officer-Muskegon Public Schools.
PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for a full-time School Resource Officer who will be assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of a police officer position. This will not be a new position. The officer will be selected from the existing staff.

FINANCIAL IMPACT: This agreement will produce revenue in the amount of \$30,000 each calendar year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Shepherd, second by Vice Mayor Larson to approve

the agreement for School Resource Officer with Muskegon Public Schools.

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

Nays: None

MOTION PASSES

D. Towing Service and Storage of Impounded Vehicles. PUBLIC SAFETY

SUMMARY OF REQUEST: Bids were solicited and have been accepted for the towing services and storage of impounded vehicles for the City of Muskegon's Police and Public Works Departments. This bid covers a three-year contract beginning September 1, 2005 – August 31, 2008. Two companies submitted bids. They were (1) Central Towing, 710 Pulaski and (2) Reliable Towing, Inc., 1288 9th Street.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Based upon the bid proposals, we recommend that Central Towing be awarded this contract.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the contract with Central Towing for towing and storage and have staff negotiate the City vehicle flat tire change/exchange from September 1, 2007 to August 31, 2008.

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

Nays: None

MOTION PASSES

E. Concurrence With the Housing Board of Appeals Notice and Order to Demolish 1516 Hoyt, 350 Allen, 291 Washington, and 769 Washington.

PUBLIC SAFETY

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 thirty (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 the demolitions with the lowest responsible bidder.

1516 Hoyt

350 Allen – Area 11

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals notice and order to demolish 1516 Hoyt and 350 Allen.

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

Nays: None

MOTION PASSES

291 Washington – Area 10b

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with the Housing Board of Appeals notice and order to demolish 291 Washington.

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

Nays: Davis

MOTION PASSES

769 Washington – Area 12

FINANCIAL IMPACT: General Fund

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to table the demolition of 769 Washington for 30 days.

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

Nays: None

MOTION PASSES

2005-91 ANY OTHER BUSINESS:

Our new Sister City Antalya, Turkey, gave a presentation.

2005-92 PUBLIC PARTICIPATION:

Scott Sieradzki, 1074 Kampenga, spoke reference his house at 557 W. Clay Street.

Motion by Vice Mayor Larson, second by Commissioner Davis to take no action on the demolition before October 27th with the understanding that the building must pass inspections prior to that date.

ROLL VOTE: Ayes: Warmington, Carter, Davis, and Larson

Nays: Spataro, Gawron, and Shepherd

MOTION PASSES

Lyle Day, 1989 Duck Lake Road, requested sick leave extension.

Motion by Commissioner Spataro, second by Commissioner Davis to grant a six-month leave per contract with the understanding that it is an unpaid leave.

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

Nays: None

Absent: Warmington (excused at 8:01 p.m.)

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk