

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 28, 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, June 28, 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 Lawrence Spataro, Chris Carter, Kevin Davis, Stephen Gawron, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kunding.

2005-56 HONORS AND AWARDS:

Bob Kuhn, Director of Public Works, presented Larry DeCou with the Individual Heroism Award; and presented Milbocker and Sons, Fleis & Vandenbrink, and Mayor Warmington with the 2005 Project of the Year Award for Shoreline Drive.

2005-57 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 6th Community Relations Committee Meeting, the June 13th Commission Worksession Meeting, and the June 14th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Approval of a Neighborhood Enterprise Zone Certificate. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from April & Jason Bryant to rehabilitate a home in the Nelson Neighborhood at 583 W. Webster. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be \$23,000. The roof and windows will be replaced. The siding will be repaired. The interior walls, door, and trim will be refinished. There

will be electrical work done as well. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the Neighborhood Enterprise Zone certificate.

C. FIRST READING: Zoning Ordinance Amendment to the Zoning Ordinance for Prohibited Signs. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334(4.) of Article XXIII (General Provisions) to amend the sign ordinance language regarding "Prohibited Signs (all districts)".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding "Prohibited Signs (all districts)".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 3/10/05 meeting. The vote was unanimous in favor of the amendment, with B. Mazade, T. Harryman and S. Warmington absent.

D. FIRST READING: Rezoning Request for Property Located at 921 Turner Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 921 Turner Avenue, from I-1, Light Industrial to R-1, Single Family Residential.

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 6/16/05 meeting. The vote was unanimous with S. Warmington and B. Mazade absent.

E. FIRST READING: Rezoning Request for Property Located Between Nelson Street and W. Harbour Towne Circle. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located between Nelson Street and W. Harbour Towne Circle, from LR, Lakefront Recreation to R-1, Single Family Residential.

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 6/16/05 meeting. Voting in favor of the request were J. Aslakson, S. Spataro, T. Johnson, B. Smith, T. Harryman, and T. Michalski. B. Turnquist voted against the request, with S. Warmington and B. Mazade absent.

F. Rezoning Request for Property Located at 190 Wood Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 190 Wood Street from RM-1 Low Density Multiple-Family Residential to I-2, General Industrial.

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 and the Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 5/12/05 meeting. Commissioners Spataro, Aslakson, Johnson, Turnquist, Michalski, Smith & Harryman voted for denial. S. Warmington and B. Mazade were absent.

G. Request to Allow Two Alcohol Licenses on July 15, 2005, Within the City of Muskegon (Great Lakes Marina & Muskegon Sport-fishing Association). ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To allow two liquor licenses within the City on Friday, July 15, 2005. Party-In-The-Park has an approved liquor license for that same day. Great Lakes Marina/Muskegon Sport-fishing Association would also like to have a liquor license for that day. The current Special Events Policy does not allow two alcohol licenses on any night within the City.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

I. Approval of Contractor for Construction of House at 747 Marcoux. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Bantam Group, 962 Stonewood Drive, Spring Lake, MI 49456 for the construction of the new home to be located at 747 Marcoux for the cost of \$118,821. The site at 747 Marcoux formerly was occupied by a Turnkey 3 home that was demolished. After the construction is completed, the new home will be sold to a qualified first-time homebuyer continuing the City's aggressive neighborhood revitalization efforts under the Operation "At Long Last" AKA Ridge Top View.

The City received three other bids:

Urban Development Corp.	109 E. Laketon, Muskegon	\$121,700
Fisher Builders	4153 W. Giles, N. Muskegon	\$125,919
Top Notch Design	4753 Jensen, Fruitport	\$135,850

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2003-2004 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the CNS Office to develop a contract with Bantam Group and direct the Mayor and Clerk to sign the contract.

J. City – MDOT Agreement for Southern Avenue, Seaway to Sixth Street.
ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Southern Avenue from Seaway Drive to Sixth Street and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is estimated at \$350,795 but not to exceed 81.85% of eligible cost. The estimated total construction cost (without engineering) of the project, including the non-participating items of watermain & sanitary sewer, is \$648,700.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street and water/sewer funds as was budgeted.

STAFF RECOMMENDATION: Approve the agreement and resolution.

K. Backhoe Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one 580M backhoe from West Michigan Power.

FINANCIAL IMPACT: Cost \$59,000 less \$26,500 for the sale of our old unit. Total cost of \$32,500.

BUDGET ACTION REQUIRED: None. There is \$65,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 580M backhoe from West Michigan Power.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the Consent Agenda with the exception of item H.

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

Nays: None

MOTION PASSES

2005-58 ITEM REMOVED FROM THE CONSENT AGENDA:

H. Request to Allow Two Alcohol Licenses on July 29, 2005, Within the City

of Muskegon (Big Fat Greek Festival & Muskegon Community Health Project). ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To allow two liquor licenses within the City on Friday, July 29, 2005. Party-In-The-Park has an approved liquor license for that same day. Big Fat Greek Festival/Muskegon Community Health Project would also like to have a liquor license for that day. The current Special Events Policy does not allow two alcohol licenses on any night within the City.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the request for two alcohol licenses on July 29, 2005, within the City of Muskegon with the provision that if the Big Fat Greek Festival wishes to serve hard liquor their requested will be discussed at the next Commission Meeting.

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

Nays: None

MOTION PASSES

2005-59 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Pine Street, Laketon to Dale Avenue. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Pine Street from Laketon Avenue to Dale Avenue and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$11,255.79 would be spread against the thirty-two (32) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:53 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Carter to close the Public Hearing at 5:55 p.m. and approve the spreading of the special assessment roll for Pine Street from Laketon to Dale Avenue.

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

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll for Evert Street, Allen to Amity

Avenue. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Evert Street from Allen Avenue to Amity Avenue and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$8,472.45 would be spread against the four (4) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:56 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Shepherd, second by Commissioner Spataro to close the Public Hearing at 5:57 p.m. and approve the spreading of the special assessment roll for Evert Street from Allen to Amity Avenue.

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

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Dale Avenue, McGraft to Ruddiman Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Dale Avenue from McGraft Street to Ruddiman Street and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$16,252.22 would be spread against the nine (9) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:59 p.m. and approve the spreading of the special assessment roll for Dale Avenue, McGraft to Ruddiman Street.

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

Nays: None

MOTION PASSES

2005-60 NEW BUSINESS:

A. Request for Amendment to the Planned Unit Development for 100 Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Planned Unit Development for 100 Muskegon Mall (the former Muskegon Mall property), to revise the street design.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request, with the conditions outlined in the resolution.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 6/28/05 meeting. The vote was unanimous, with B. Mazade and S. Warmington absent.

Motion by Spataro, second by Gawron to approve the request for amendment to the Planned Unit Development for 100 Muskegon Mall.

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

Nays: None

MOTION PASSES

B. Approval of Contractor for Construction of Three Homes Under Walton Street Renaissance AKA Hilltop View Phase II. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Urban Development Construction Company, 109 E. Laketon who submitted the lowest bid for the second phase of construction for three homes on Walton Street for the aggregate price \$322,600. The name of the project is Walton Street Renaissance AKA Hilltop View Phase II. The CNS Department received three other bids:

Fisher Builders	4153 W. Giles Rd., N. Muskegon	\$341,584.32
Bantam Group	962 Stonewood, Spring Lake	\$355,347.00
Rich Construction	P.O. Box 125, Fremont	\$395,824.13

This project is a joint venture between the City of Muskegon Community and Neighborhood Services, Neighborhood Investment Corporation, and Fifth Third Bank.

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2003-2004 HOME funds program income, Neighborhood Investment Corporation funds and funds allocated by Fifth Third Bank.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the CNS Office to develop a contract with the lowest bided contractor and direct the Clerk and Mayor to sign the contract.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the contractor for construction of three homes under Walton Street Renaissance AKA Hilltop View Phase II with Urban Development Construction Company.

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

Nays: None

MOTION PASSES

C. Resolution to Sell 284 Iona. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution to sell the City owned house at 284 Iona to Mr. Donates M. Keenan, for the appraised value of \$114,500 minus the \$35,000 subsidy. The site at 284 Iona was originally a former Turnkey 3 site that had created a blighting influence on the City for a number of years. The City of Muskegon purchased the eight sites from the Muskegon Housing Commission and demolished all the obsolescent structures. The new home at 284 Iona was built by the City to replace the demolished house as a part of the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The program income derived from the sale will be deposited in the City's HOME account.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and the sale of 284 Iona to Mr. Keenan and his family.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the sale of the City owned home at 284 Iona to Mr. Donatese M. Keenan.

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

Nays: None

MOTION PASSES

D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTIONS

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 demolition with the lowest responsible bidder.

621 Adams

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals

decision to demolish.

336 Catawba (Area 11b)

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

1778 Pine

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

1191 Seventh

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 621 Adams, 336 Catawba, 1778 Pine, and 1191 Seventh.

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

Nays: None

MOTION PASSES

1916 Clinton

FINANCIAL IMPACT: General 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 1916 Clinton but delay action for 30 days with the proviso that the applicant pulls all permits and has all proper inspections.

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

Nays: None

MOTION PASSES

2355 Lincoln

FINANCIAL IMPACT: General 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 2355 Lincoln.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:48 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk