

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

JANUARY 27, 2004

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 27, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Hester of the Vineyard Christian Fellowship 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, Commissioners Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger. Commissioner Stephen Gawron arrived at 5:35 p.m.

#### **2004-09 CONSENT AGENDA:**

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

SUMMARY OF REQUEST: To approve the minutes of the Organizational Meeting that was held Tuesday, January 6, 2004; the Commission Worksession that was held on Monday, January 12, 2004, and the Regular Commission Meeting that was held on Tuesday, January 13, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **b. Request to Fly the Irish Flag. CITY CLERK**

SUMMARY OF REQUEST: The Muskegon Irish American Society requests permission to fly the Irish Flag outside City Hall on Wednesday, March 17<sup>th</sup> until Wednesday, March 24<sup>th</sup> to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

##### **c. Sale of Buildable Vacant Lot on Alva Street. PLANNING & ECONOMIC**

## DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 523 Alva St. (Parcel #24-205-022-0009-00) to Elba Perez of 1761 Watauga Ave., Orlando, Fl. The lot is 66 x 132 ft. and is being offered to Ms. Perez for \$3,000. The details of the home are not confirmed as of this date, but she will conform to all standard requirements of the City-owned property policy. The True Cash Value (TCV) for the property listed in the Assessor's office is \$4,000, so our price is set at \$3,000 which is 75% of that amount.

FINANCIAL IMPACT: This sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

### **d. Sale of Buildable Vacant Lot on Roberts Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 333 Roberts Street (Parcel #24-613-000-0774-00) to Galloway Homes, LLC of 570 W. Broadway, Muskegon, MI. The lot is 150 x 135 ft. and is being offered to Galloway Homes for \$9,000. They plan to split the lot into two 75 ft lots and construct two 1,260 sq. ft. single-family homes. The homes will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT: This sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

### **e. Sale of Nonbuildable Lot at 1314 Seventh Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-370-0007-00) at 1314 7<sup>th</sup> St. to Joseph Merrill, a married man, owner of 432 Monroe Ave., Muskegon, MI 49441. Approval of this sale will create a buildable lot for the adjacent property owner. This lot is being offered to Mr. Merrill for \$1 under the City's Area 10, \$1 lot sale policy.

FINANCIAL IMPACT: This sale of this lot will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign the resolution.

**f. Marketing Plan for \$1 Unbuildable and Marginal Lots.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: It is the desire of the City to place as many vacant parcels back on the tax rolls as possible, while at the same time affording property owners an opportunity to expand their current yards. In order to facilitate this effort, the marketing plan is presented for approval.

FINANCIAL IMPACT: There would be considerable savings to the City through reduced mowing and trash removal costs, since these lots would then be the responsibility of the new property owners.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign said resolution.

**g. Request for Final Planned Unit Development Approval for Phase IV of the Park Terrace Development.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for final approval for Phase IV of the Planned Unit Development and associated site, and landscape plans for the Park Terrace Development, for 12 condominium units. The request is from Ruddiman Associates.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final PUD approval for Phase IV and approval of the associated plans provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended final approval of Phase IV of the PUD and associated plans, with the conditions listed on the resolution, at their regular meeting on 1/15. The vote was unanimous.

**i. Annual Invoice for Stormwater Phase II Compliance.** PUBLIC WORKS

SUMMARY OF REQUEST: The Muskegon Area Municipal Storm Water Committee is asking for a commitment to Muskegon's share of the 2004 Stormwater Phase II compliance program. Our expense is \$10,856. This is to pay for professional services to develop a public education plan, public participation plan and watershed management plans for this consortium of municipalities.

FINANCIAL IMPACT: \$15,000 is allocated for "Contractual Services" in the

Stormwater Management Budget of the General Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this commitment.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda with the exception of item h.**

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

**Nays: None**

***MOTION PASSES***

**2004-10 ITEMS REMOVED FROM THE CONSENT AGENDA:**

- h. Request for Preliminary and Final Planned Unit Development Approval for 1204 Eighth St. (Former Boilerworks Property). PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request for preliminary and final Planned Unit Development approval for 1204 Eight St. (former Boilerworks property), for a mixed-use multi-family residential development for artists, with associated gallery space. The request is from Muskegon Construction Co.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD and final approval of the PUD and associated site plan, provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD and final approval of the PUD and associated site plan, with the conditions listed on the resolution, at their 1/15 meeting. The vote was unanimous.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the preliminary approval of the PUD and final approval of the PUD and associated site plan, with the conditions listed on the resolution.**

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

**Nays: Davis**

***MOTION PASSES***

**2004-11 PUBLIC HEARINGS:**

- a. Create Special Assessment District for Torrent Street, Letart Ave. to Sherman Blvd. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Torrent St., Letart Ave., to Sherman Blvd., and to create the 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

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:00 p.m. to hear and consider any comments from the public. No comments were heard from the public.

**Motion by Vice Mayor Larson, seconded by Commissioner Shepherd to close the Public Hearing at 6:01 p.m. and create the special assessment district for Torrent Street, Letart Avenue to Sherman Blvd.**

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

**Nays: None**

***MOTION PASSES***

**b. Create Special Assessment District on 2004 Sidewalk Program (E-6).**  
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<sup>st</sup>, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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 6:02 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Amy Buckner, 1060 Albert and Fletcher Fowler, 1116 Marquette.

**Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:09 p.m. and create the special assessment district for the 2004 Sidewalk Program.**

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

Nays: None

***MOTION PASSES***

**c. Create Special Assessment District for Walnut Street, Wilcox to Thompson. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Walnut St., Wilcox to Thompson and to create the 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

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:11 p.m. to hear and consider any comments from the public. No public comments were heard.

**Motion by Commissioner Carter, second by Vice Mayor Larson to close the Public Hearing at 6:13 p.m. and create the special assessment district for Walnut Street, Wilcox to Thompson.**

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

**Nays: None**

***MOTION PASSES***

**d. Spreading of the Special Assessment Roll-Terrace Street, Iona to Peck. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Terrace St., Iona to Peck, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$77,877.51 would be spread against the twenty three (23) parcels abutting the project.

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:14 p.m. to hear and consider any comments from the public. No comments were heard from the public.

**Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 6:15 p.m. and approve the spreading of the special assessment roll for Terrace Street, Iona to Peck.**

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

Nays: None

*MOTION PASSES*

2004-12 CITY MANAGER'S REPORT:

a. Lakeshore Basketball. CITY MANAGER

Motion by Commissioner Shepherd, second by Vice Mayor Larson to endorse the contract between Lakeshore Basketball and the L.C. Walker Arena.

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

Nays: None

*MOTION PASSES*

2004-13 NEW BUSINESS:

a. Approval of Resolution to Sell 1938 Hoyt. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the transaction between Ms. Shawntaine Watson and the City of Muskegon for the purchase of the newly constructed home at 1938 Hoyt for the purchase price of \$107,500 with a subsidy of \$26,000.

The CNS office obtained the property at 1938 Hoyt through a donation from the previous owner. After gaining ownership of the property the CNS office demolished the original structure that had been severely damaged in a fire. Twenty feet of the original parcel was sold to each adjoining neighbor before construction on the new house was begun.

FINANCIAL IMPACT: The HOME fund will receive approximately \$78,000 of program income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and direct the Mayor and Clerk to sign the quitclaim for the sale of the property.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the project.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the resolution to sell 1938 Hoyt Street.

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

Nays: None

***MOTION PASSES***

**b. Grocery Board Alliance Resolution of Support. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The Grocery Board is aware that in order to successfully locate a grocery in the downtown it is necessary to have the support of the City Commision. The Grocery Board is also aware of budget constraints at the City at this time and is not requesting monetary support from the City. They do, however, at this time request staff and in kind support to the Grocery Board as they continue in their efforts to bring a grocery store to the downtown.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize both the Mayor and Clerk to sign the said resolution.

**Motion by Commissioner Shepherd, second by Commissioner Spataro to adopt the Grocery Board Alliance resolution of support.**

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

Nays: None

***MOTION PASSES***

**c. FIRST READING: Zoning Ordinance Amendment for Signs. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs) of Article XXII (General Provisions) of the City's Zoning Ordinance in order to change the regulations regarding nonconforming signs, signs for multi-suite buildings, signs for buildings on corner lots and signs for waterfront properties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend and add proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 1/15 meeting. The vote was unanimous with T. Harryman absent.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the zoning ordinance amendment for signs.**

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

Nays: None

***MOTION PASSES***

- d. **FIRST READING: Rezoning Request for City-Owned Property Located at the NE Corner of Getty St. and Marquette Ave.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City, located at the NE corner of Getty St. and Marquette Ave., from RM-1, Low Density Multiple-Family Residential, B-1, Limited Business and OSC, Open Space Conservation to entirely 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 12/11 meeting. The vote was unanimous.

**Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the rezoning request for city-owned property located at the NE corner of Getty Street and Marquette Avenue to entirely R-1, single-family residential.**

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

Nays: None

***MOTION PASSES***

- e. **Rezoning Request for Property Located at 407 Marquette Ave. (SE Corner of Marquette Ave. and Wood St.)**. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave., and Wood ST., from R-1, Single-Family Residential to B-1, Limited Business.

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 Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 1/15 meeting. L. Spataro, J. Aslakson, T. Johnson, and P. Sartorius voted for denial; T. Michalski and B. Smith voted against denial; B. Mazade and

S. Warmington abstained, and T. Harryman was absent.

**Motion by Commissioner Spataro, second by Commissioner Gawron to deny the rezoning request for property located at 407 Marquette Avenue from R-1, single-family residential to B-1, limited business.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Gawron**

**Nays: Warmington, Carter, Davis, Larson**

***MOTION FAILS***

**Motion by Vice Mayor Larson, second by Commissioner Davis to approve the rezoning request for property located at 407 Marquette Avenue from R-1, single-family residential to B-1, limited business.**

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

**Nays: Spataro, Gawron, Shepherd**

***MOTION PASSES (Requires second reading)***

**2004-14 ANY OTHER BUSINESS:**

Commissioner Spataro commented on Boilerworks. This will be on the next Worksession.

**2004-15 PUBLIC PARTICIPATION:**

Various comments were heard from the public.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to adjourn the City Commission Meeting at 7:08 p.m.**

**VOTE: All Yeas**

Respectfully submitted

Gail A. Kunding, MMC  
City Clerk