

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 22, 2012

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, MI at 5:30 p.m., Tuesday, May 22, 2012.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word 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, Commissioners Sue Wierengo, Byron Turnquist, Eric Hood, Lawrence Spataro, and Willie German, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-38 HONORS AND AWARDS:

A. Hackley Library Proclamation.

Mayor Warmington recognized the Hackley Library who has been named a National Literary Landmark based on its relationship with Verna Aardema Vugteveen. Martha Ferriby, Director of the Hackley Library thanked the Commission and public and invited them to the June 12th Dedication Ceremony.

B. Recognition of Smash – Karli Baldus.

Mayor Warmington presented Jon Felske, Muskegon Public Schools Superintendent and Cindy Larson, Vice President of the Board of Education with a resolution recognizing Muskegon High School's theatre group as one of thirty finalists and ultimately one of ten schools throughout the nation that will participate in a fully staged musical.

2012-39 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the May 7th Commission Worksession Meeting and the May 8th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. Permanent Traffic Control Order to Install Yield Signs on LeBoeuf at Miner. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to install two Yield Signs on north and south approaches of LeBoeuf at Miner.

FINANCIAL IMPACT: Cost of signs and man-power to install, if approved.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to install the Yield Signs on LeBoeuf.

D. Consideration of Bids for City Hall Tuck Pointing. ENGINEERING

SUMMARY OF REQUEST: Award a contract for the Tuck Pointing and sealing of the City Hall building to Kent Companies out of Grand Rapids since they were the lowest responsible bidder with a bid price of \$37,925.

FINANCIAL IMPACT: \$37,925.

BUDGET ACTION REQUIRED: None, project was budgeted for in the 2011-2012 CIP.

STAFF RECOMMENDATION: Award the contract to Kent Companies.

E. Vacation of Waalkes Street between Delano Avenue and Young Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is requesting for the vacation of Waalkes Street between Delano Avenue and Young Avenue, with all utility easement rights to be retained.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the street at their May 10th meeting, with the condition that all utility easement rights be retained.

G. Transmittal of 2012-13 Proposed Budget. CITY MANAGER

SUMMARY OF REQUEST: At this time staff is transmitting to the City Commission the proposed budget for fiscal year 2012-13 which starts July 1, 2012. Both hardcopy and electronic versions of the budget have been distributed to Commissioners. Additionally, the budget is available for public inspection on the City's website and at the City Clerk's office or Hackley Public Library.

The proposed budget will be reviewed in detail with staff at the June 11th Worksession. A public hearing on the budget will be held at the regular

Commission meeting the following evening. City ordinance requires that the budget be adopted by the Commission on or before the second Commission meeting in June.

FINANCIAL IMPACT: The budget is the City's financial plan for the coming fiscal year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: None.

Motion by Vice Mayor Gawron, second by Commissioner German to approve the Consent Agenda as presented minus items B and F.

ROLL VOTE: Ayes: Turnquist, Warmington, Hood, Spataro, German, Gawron, and Wierengo

Nays: None

MOTION PASSES

2012-40 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Liquor License Request from Dolgencorp, LLC, 381 E. Laketon. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Dolgencorp, LLC, a Chain Applicant for a new SDM license for 381 E. Laketon (Dollar General Store #10842).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Commissioner Turnquist to approve the liquor license request from Dolgencorp, LLC, 381 E. Laketon.

ROLL VOTE: Ayes: None

Nays: Warmington, Hood, Spataro, German, Gawron, Wierengo, and Turnquist

MOTION FAILS

Motion by Commissioner Spataro, second by Commissioner Wierengo to deny the request for a liquor license from Dolgencorp, LLC, at 381 E. Laketon.

ROLL VOTE: Ayes: Hood, Spataro, German, Gawron, Wierengo, Turnquist, and Warmington

Nays: None

MOTION TO DENY PASSES

F. Concession Contract for City of Muskegon Parks. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year

contractual agreement with Tom Williams of Messy Dogs at Pere Marquette, Seyferth and McGraft Parks located within the City of Muskegon to sell hot dogs and other minor snacks from a Mobil cart.

FINANCIAL IMPACT: Contract revenue will be 10% of gross receipts, per Concession Agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into a concession agreement with Mr. Williams.

Motion by Commissioner Turnquist, second by Vice Mayor Gawron to approve the concession contract with Messy Dogs with the City of Muskegon for 2012 and that it be no closer than 500 feet from any existing concession.

ROLL VOTE: Ayes: Spataro, German, Gawron, Wierengo, Turnquist, Warmington, and Hood

Nays: None

MOTION PASSES

2012-41 UNFINISHED BUSINESS:

A. CJ's on the Beach. CITY CLERK

SUMMARY OF REQUEST: CJ's on the Beach, 1601 Beach Street, asked Commission to reconsider the renewal of their liquor license.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Mayor Warmington recused himself at 6:49 p.m. during this discussion and Vice Mayor Gawron continued the meeting.

Motion by Commissioner Spataro, second by Commissioner Hood to deny the request by CJ's on the Beach to reconsider the renewal of their liquor license until all fees and taxes owed to the City of Muskegon are paid per existing City policy.

ROLL VOTE: Ayes: German, Gawron, Wierengo, Turnquist, Hood, and Spataro

Nays: None

Abstain: Warmington

MOTION PASSES

2012-42 NEW BUSINESS:

**A. Rezoning Request for Property Located at 1776 Division Street.
PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone the property located at 1776

Division Street from R1, Single Family Residential District to B-4, General Business District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Planning Commission voted to recommend denial of the request at their May 10th meeting. The motion was approved by a 7-1 vote.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to deny the request to rezone the property located at 1776 Division Street.

ROLL VOTE: Ayes: Gawron, Wierengo, Turnquist, Warmington, Hood, Spataro, and German

Nays: None

MOTION PASSES

2012-43 PUBLIC PARTICIPATION:

Mr. Jon Felske, Muskegon Public Schools Superintendent requested Muskegon Big Red football team be allowed to sell on City streets.

Motion by Commissioner Turnquist, second by Commissioner Spataro to allow the Muskegon Big Red football team to have a tag day on Friday, June 30, 2012, and for it to be grandfather cloused in with the Big Red Band and Goodfellows.

ROLL VOTE: Ayes: Turnquist, Warmington, Hood, Spataro, German, Gawron, and Wierengo

Nays: None

MOTION PASSES

Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk