

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 11, 2009

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, August 11, 2009.

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 Clara Shepherd, Lawrence Spataro, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Sue Wierengo (excused).

2009-69 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 28, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request for Waterworks GR, LLC, 730 Terrace Point (Rafferty's Dockside Restaurant). CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Waterworks GR, LLC to transfer ownership of 2009 Class C and SDM Licensed Business located in Escrow with Entertainment Permit without Dressing Rooms, Dance Permit, Outdoor Service Area (1 Area), Official Permit (Food), and 3 Bars from Key Food & Equipment Company (Rafferty's), and request to change the Existing Entertainment without Dressing Rooms to Dance-Entertainment Permit and requests New Official Permit (Dance-Entertainment & Food) for weekdays, 5:00 a.m. to 7:00 a.m. and Sundays, 5:00 a.m.

to 12:00 p.m., and add Enlarge Outdoor Area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

D. Renewal of Maintenance Contract with MDOT Trunkline Within the City of Muskegon. PUBLIC WORKS

SUMMARY OF REQUEST: The Michigan Department of Transportation seeks to renew its contract with the City of Muskegon for road maintenance on State Highways located within the City of Muskegon.

The City of Muskegon designates Mohammed Al-Shatel, its Deputy Director of Public Works, as the Maintenance Superintendent on state trunkline highways, and authorizes him and Ann Marie Becker, City Clerk, to execute this contract on the City's behalf.

This is a five-year, renewable contract.

FINANCIAL IMPACT: Our annual contract with MDOT is approximately \$221,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Recommend approval of the five-year contract and the designation of Mohammed Al-Shatel as the Maintenance Superintendent, and authorize him and Ann Marie Becker, City Clerk, to execute the contract on the City's behalf.

G. Revised Family and Medical Leave Act Policy. CIVIL SERVICE

SUMMARY OF REQUEST: Pursuant to the January 16, 2009, Federal revisions to the Family and Medical Leave Act, Civil Service modified the City's FMLA policy to come into compliance with the amended act. The Civil Service Commission approved and adopted the revised policy at its July 2, 2009, meeting. Since the City Commission approved and adopted the 1993 policy, staff requests approval and adoption of the revised policy to replace the 1993 policy of record.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff respectfully requests approval and adoption of the revised FMLA policy to replace the previously adopted 1993 policy to bring the City in compliance with the FMLA's requirements.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Consent Agenda as read minus items C, E, and F.

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

Nays: None

MOTION PASSES

2009-70 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Liquor License Request for Walgreen Co., 1000 S. Getty and 840 W. Sherman. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Walgreen Co. for two new SDM Licenses, one to be located at 1000 S. Getty Street and the other one to be located at 840 W. Sherman.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the liquor license request for Walgreen Co. for 1000 S. Getty and 840 W. Sherman.

ROLL VOTE: Ayes: Gawron and Spataro

Nays: Warmington, Wisneski, Carter, and Shepherd

MOTION FAILS

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the liquor license request for Walgreen Co. for 1000 S. Getty.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, and Shepherd

Nays: Spataro and Warmington

MOTION PASSES

E. Request the City of Muskegon Pay the Electrical Costs to Light Basketball Courts at Clara Shepherd Park. LEISURE SERVICES

SUMMARY OF REQUEST: The Public Health Department of Muskegon County received funding from the Michigan Department of Community Health's "Building Healthy Communities" program. The Nelson Neighborhood was awarded a grant focusing on improving health in the community. A community survey and assessment was done which determined that the installation of lights at the Clara Shepherd Park Basketball courts will improve opportunities and extend physical activities during the evening hours. The grant will cover installation costs of lights, labor, materials, equipment, fixtures, excavation, and permits. Approval of annual electrical costs during the dates of operation is requested.

FINANCIAL IMPACT: Estimated costs to the City of Muskegon for two 35' wood poles with two light fixtures attached burning 1500 watts each is \$17 per pole for each month of operation.

Public Health Department of Muskegon County will reimburse the City of Muskegon for all installation costs of the lights; including labor, materials, equipment, fixtures, excavation, and permits.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: The Leisure Service Board approved the recommendation at their July 20, 2009, meeting.

Motion by Commissioner Shepherd, second by Commissioner Spataro to accept the recommendation from the Leisure Service Board to pay the costs to light the basketball courts at Clara Shepherd Park.

**ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington
Nays: None**

MOTION PASSES

F. Association of Volleyball Professionals (AVP) Tournament – August 21 to 23, 2009. CITY MANAGER

SUMMARY OF REQUEST: To approve waiving costs of providing City services (except any police services for the alcohol service) for the AVP event on August 21–23, 2009.

FINANCIAL IMPACT: Minimal cost to the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To waive the costs of City services (except police services for the alcohol) and authorize City staff to enter into an agreement with the AVP for the event.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the waiving of costs for City services for the Association of Volleyball Professionals Tournament event on August 21-23, 2009.

**ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Warmington, and Wisneski
Nays: Spataro**

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk