

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 27, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
 - A. Honorary Ambassador – Robert Andres.
 - B. Winner of Recycling Logo Contest – Raya Wood.
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Rezoning Request for Property Located at 145 W. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - C. Amendment to Zoning Ordinance – Add Sidewalk Signs as Exempt Signs in all Zoning Districts. PLANNING & ECONOMIC DEVELOPMENT
 - D. Amendment to the Zoning Ordinance – Remove “A-Frame Signs” from “Prohibited Signs”. PLANNING & ECONOMIC DEVELOPMENT
 - E. Amendment to the Zoning Ordinance – Add a Definition for “Sidewalk Sign”. PLANNING & ECONOMIC DEVELOPMENT
 - F. Set Public Hearing for Amendment to Brownfield Plan – Heritage Square Development, LLC. PLANNING & ECONOMIC DEVELOPMENT
 - G. One Year Extension of Temporary Services Contract with GoodTemps Temporary Staffing Services. CIVIL SERVICE
 - H. Traffic Crash Reporting System Use Agreement. PUBLIC SAFETY
 - I. Purchase of Audio Visual Presentation System. PUBLIC SAFETY
 - J. Write Off of Invoices for 487 W. Clay. CITY MANAGER

K. Engineering Services for the Design of Drainage Facility at West Branch of Ruddiman Creek and Vacated Greenwood Street. ENGINEERING

L. Accept Resignations from Various Boards. CITY CLERK

- ☐ **PUBLIC HEARINGS:**
- ☐ **COMMUNICATIONS:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1497 Division. PUBLIC SAFETY

- ☐ **ANY OTHER BUSINESS:**
- ☐ **PUBLIC PARTICIPATION:**

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Fill out a request to speak form attached to the agenda or located in the back of the room.
- Submit the form to the City Clerk.
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: November 27, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the November 5th Commission Worksession, and the November 13th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 27, 2007

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, November 27, 2007.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue Baptist 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, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spafaro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2007-98 HONORS AND AWARDS:

A. Honorary Ambassador – Robert Andres.

Bob Kuhn, Public Works Director, presented Mr. Robert Andres with an Honorary Ambassador Certificate thanking him for picking up litter along the Sherman hill.

B. Winner of Recycling Logo Contest – Raya Wood.

Mayor Warmington introduced Raya Wood and teacher Amy Brown from the Muskegon Career Tech Center. Raya Wood, the winner of the recycling contest, was presented with a gift package.

2007-99 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the November 5th Commission Worksession, and the November 13th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Rezoning Request for Property Located at 145 W. Laketon Avenue.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 145 W. Laketon Avenue, from R-1, One Family Residential District to B-4, General Business District.

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 November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

C. Amendment to Zoning Ordinance – Add Sidewalk Signs as Exempt Signs in all Zoning Districts. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334, Signs, #5, o, of Article XXIII (General Provisions) to add "sidewalk signs" as exempt signs in all zoning districts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add "sidewalk signs" as exempt signs in all zoning districts.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

D. Amendment to the Zoning Ordinance – Remove "A-Frame Signs" from "Prohibited Signs". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334, Signs, #4, i, of Article XXIII (General Provisions) to remove "A-frame signs" from "Prohibited Signs".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language removing A-frame signs.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

E. Amendment to the Zoning Ordinance – Add a Definition for "Sidewalk Sign". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add a

definition for "Sidewalk Sign".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add a definition for "Sidewalk Sign".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 15th meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

F. Set Public Hearing for Amendment to Brownfield Plan – Heritage Square Development, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Heritage Square Development, LLC, located at 274, 276, 290, and 296 W. Clay; and 887 and 889 First Street, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a residential development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on November 14, 2007 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for January 8, 2008.

G. One Year Extension of Temporary Services Contract with GoodTemps Temporary Staffing Services. CIVIL SERVICE

SUMMARY OF REQUEST: For the past three years (2005-2007) the City has contracted with GoodTemps Temporary Staffing Services, a division of Goodwill Industries, for its contingent workforce needs. The relationship with GoodTemps has been a very successful one, as evidenced by consensus of managers indicating their desire to continue the City's association with them.

The advantages of remaining with GoodTemps include:

- There will be no increase in the mark-up by GoodTemps, which will remain

at 33.5% of the position pay rates.

- Maintaining the very flexible working arrangement achieved with GoodTemps.
- Continuance of ability to contract out additional positions such as Lifeguard and Playground Leader, which other temporary services will not agree to due to corporate restrictions.

FINANCIAL IMPACT: Seasonal and temporary services are projected to cost approximately \$600,000 during 2008.

BUDGET ACTION REQUIRED: Financial resources allocated for in the 2008 budget.

STAFF RECOMMENDATION: Staff recommends and requests approval of a one-year extension of the City's contract with GoodTemps Temporary Staffing Services.

H. Traffic Crash Reporting System Use Agreement. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement with the Michigan State Police which will allow for the electronic submission of traffic crash data. This method of submitting data is now possible as a result of the implementation of the new county-wide records management system.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

I. Purchase of Audio Visual Presentation System. PUBLIC SAFETY

SUMMARY OF REQUEST: Public Safety staff request that the Commission approve the purchase of an audio visual presentation system for the community room at Central Fire. This room will be utilized for not only fire but police training as well. Bids have been solicited for this system. We could only locate two vendors in the region who provide these systems. Only one of the vendors responded. Central Interconnect Inc., of Grand Rapids submitted a bid of \$8,969.12 for the system. In speaking with other agencies we found this bid to be appropriate for similar systems that have been installed.

FINANCIAL IMPACT: Funds from the Criminal forfeiture account will be used to pay for this system.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

L. Accept Resignations from Various Boards. CITY CLERK

SUMMARY OF REQUEST: To accept the resignation of Christopher

VanOosterhout from the Downtown Development Authority and of Mary Jo McCann from the Muskegon Housing Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignations.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended acceptance of the resignations at their November 5th meeting.

Motion by Commissioner Carter, Second by Commissioner Wierengo to approve the Consent Agenda as read minus items J and K.

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

Nays: None

MOTION PASSES

2007-100 ITEMS REMOVED FROM THE CONSENT AGENDA:

J. Write Off of Invoices for 487 W. Clay. CITY MANAGER

SUMMARY OF REQUEST: To write off invoices in the amount of \$965.37 for 487 W. Clay. The property has a new owner (The Muskegon Heritage Association) and they have requested that they not be held responsible for these costs. This action is consistent with the City Financial Policies with respect to adjusting uncollectible accounts.

FINANCIAL IMPACT: \$965.37.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the write off of invoices for 487 W. Clay.

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

Nays: None

MOTION PASSES

K. Engineering Services for the Design of Drainage Facility at West Branch of Ruddiman Creek and Vacated Greenwood Street. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Prein & Newhof to perform the design services to replace the existing culvert at the westerly branch of Ruddiman Creek at vacated Greenwood Street. The \$14,828.50 of not to exceed fee will be shared between

the cities of Norton Shore, Roosevelt Park and the City of Muskegon based on previously established percentages.

Prein & Newhof is being recommended after review of five proposals that were received based on their fee, hours and scope of services.

FINANCIAL IMPACT: The City's share of about 34% of the fee.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an engineering services agreement with Prein & Newhof contingent upon concurrence by the other involved cities' approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Engineering Services for the design of drainage facility at west branch of Ruddiman Creek and vacated Greenwood Street with the amendment of the City's share of 37% of the fee.

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

Nays: None

MOTION PASSES

2007-101 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1497 Division. 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 structure located at 1497 Division – Area 12, is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG.

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 Gawron to concur with the Housing Board of Appeals notice and order to demolish 1497 Division.

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

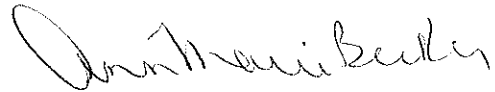
Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 5:57 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ann Marie Becker".

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: November 27, 2007

Date: November 16, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CP*
RE: Rezoning request for property located at 145 W. Laketon Ave.

SUMMARY OF REQUEST:

Request to rezone the property located at 145 W. Laketon Avenue, from R-1, One Family Residential District to B-4, General Business District.

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 11/15 meeting. The vote was unanimous, with T. Harryman, J. Aslakson, S. Warrington, and B. Smith absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2235

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from R-1 "One Family Residential" district to B-4 "General Business" district.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from R-1, "One Family Residential" to B-4 "General Business":

CITY OF MUSKEGON DENNIS SMITH & COS SOUTH SIDE ADD N 12.5 FT LOT 12 BLK 7 &
LOTS 13 & 14 BLK 7

This ordinance adopted:

Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro,
and Warmington

Nays: None

Adoption Date: 11-27-2007

Effective Date: 12-11-2007

First Reading: 11-27-2007

Second Reading: N/A

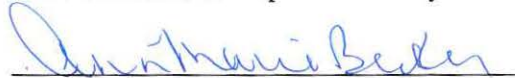
CITY OF MUSKEGON

By: Ann Marie Becker
Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of 145 W. Laketon Avenue R-1 to B-4)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of November, 2007, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 27, 2007.



Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 27, 2007, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1, "One Family Residential" to B-4 "General Business":

CITY OF MUSKEGON DENNIS SMITH & COS SOUTH SIDE ADD N 12.5 FT LOT 12
BLK 7 & LOTS 13 & 14 BLK 7

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published December 1, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 15, 2007

Hearing; Case 2007-42: Request for a rezoning for the property located at 145 W. Laketon Avenue, from R-1, One Family Residential District to B-4, General Business District, by Jodi Carson, 1592 Sixth Street.

Applicant: Jodi Carson

Property Address/Location: 145 W. Laketon Avenue

Request: Rezone from R-1, One Family Residential District to B-4, General Business District

Present Land Use: Parking Lot

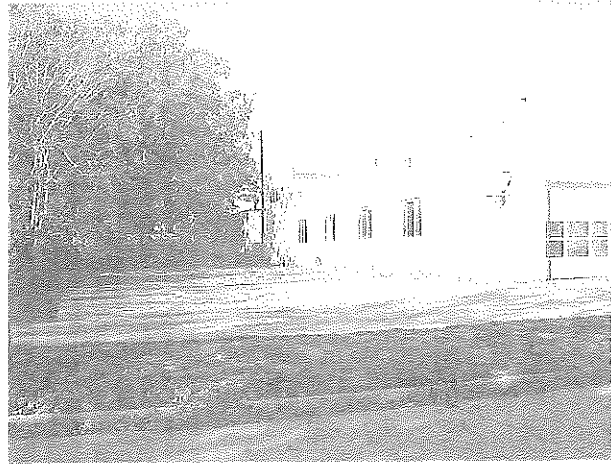
Zoning: R, One Family Residential District

STAFF OBSERVATIONS

1. This property is presently paved and was previously used as a parking area for display of cars associated with the property at 185 W. Laketon Avenue when it was Blais Lincoln Mercury.
2. A majority of the parcel is zoned R-1, One Family Residential, but there is a small rectangle in the southwest corner that is zoned B-4, General Business. This rezoning request would bring the entire parcel under the same zoning classification.
3. The properties to the north and east are zoned R-1, and the parcels to the south and west are zoned B-4.
4. There have been several uses in the building since the car dealership moved from the property a few years ago. Those uses all conformed with the B-4 zoning.
5. The applicant is also applying for a special land use permit for the properties at 185 and 145 W. Laketon Avenue for a used car dealership, which is the subject of the next case.
8. A comment was received via e-mail from Nils Bodman, 1901 5th Street. He has no issues with the rezoning. He does, however have concerns with the exterior maintenance of the building and cars parked on the street or in the alley and partial cars stored on the property for more than a few days.



Front view of 185 W. Laketon Avenue.



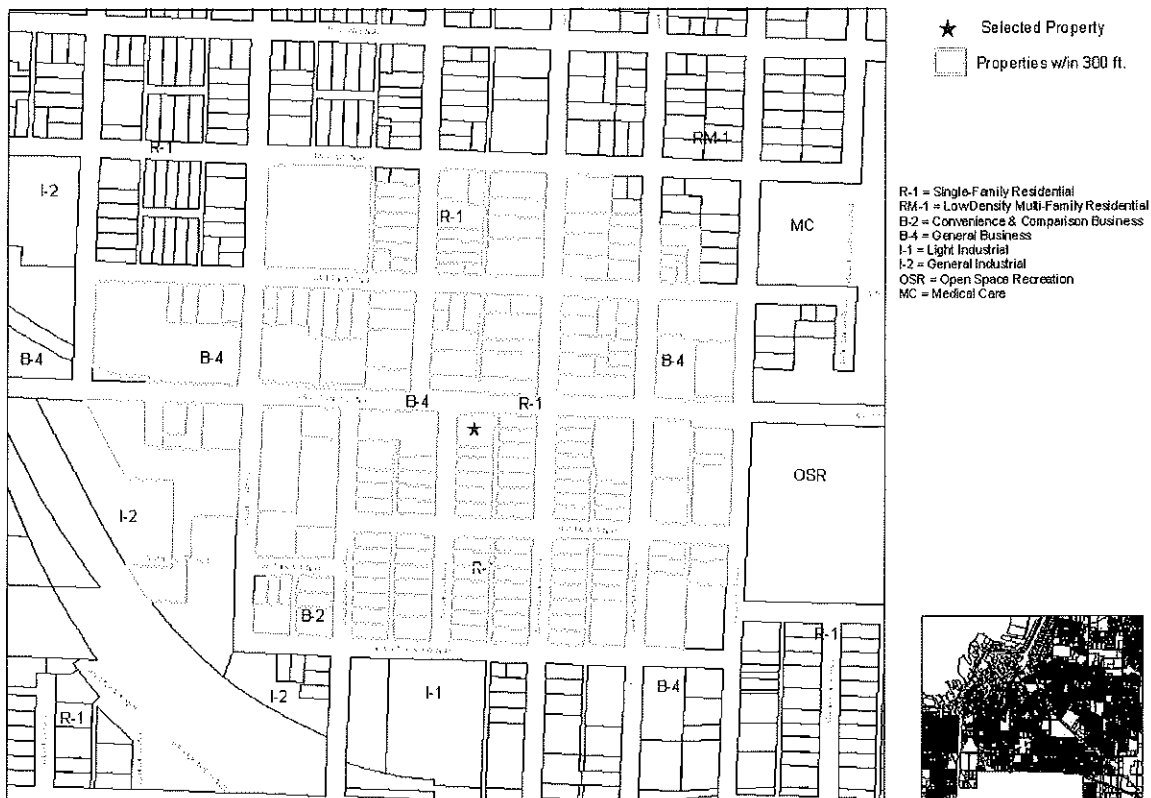
Rear view of 185 W. Laketon Avenue.



Front view of 145 W. Laketon Avenue.



Side view of 145 W. Laketon from 6th St.



STAFF RECOMMENDATION

Staff recommends approval of the request to rezone the subject properties from R-1, One Family Residential, to B-4, General Business, because the request conforms to the goals and recommendation of the City's 1997 Master Plan.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 145 W. Laketon Avenue from R-1, One Family Residential district to B-4, General Business district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use and zoning district intent.

Commission Meeting Date: November 27, 2007

Date: November 27, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Amendment to the Zoning Ordinance – Add Sidewalk Signs
as Exempt Signs in All Zoning Districts**

SUMMARY OF REQUEST:

Request to amend Section 2334, Signs, #5, o, of Article XXIII (General Provisions) to add “sidewalk signs” as exempt signs in all zoning districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add” sidewalk signs” as exempt signs in all zoning districts.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/15 meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2236

An ordinance to amend Section 2334 (Signs, #5, o) of Article XXIII (General Provisions) to add "sidewalk signs" as exempt signs in all zoning districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (Signs, #5, o) of Article XXIII (General Provisions) is amended to add "sidewalk signs" as exempt signs in all zoning district, as follows:

Amendment to Section 2334, #5, o, Signs, Article XXIII, General Provisions, to add sidewalk signs to exempt signs.

o. Sidewalk Signs: Sidewalk signs shall conform to the following regulations:

1) General Requirements.

a. Sign Standards. Sidewalk signs shall conform to the following regulations:

- i. A maximum of one (1) sidewalk sign per individual retail use/retail service business (including restaurants) is permitted.**
- ii. Sign face area shall not exceed a maximum of ten (10) square feet. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of wiring, representation, emblem, logo or any other figure of similar character forming an integral part of the display, excluding only the support or other structure necessary to support the sign.**
- iii. Sign face width shall not exceed a maximum of thirty (30) linear inches as measured from the outer edge of the sign support or structure.**
- iv. Signs shall not exceed a maximum sign height of four (4) feet as measured from the highest point of the sign to the finished grade of the ground immediately beneath the sign.**
- v. All signs shall be designed and constructed to withstand reasonable natural weather elements.**

- vi. Signs shall be designed and constructed to ensure the sign does not blow over, block walkways, and/or obstruct or interfere with pedestrian or vehicular traffic. Owner shall be responsible for maintenance and must take such measures as necessary to secure the sign including utilizing weighting material or removal during extreme conditions.
 - vii. Signs shall be maintained free of peeling paint or paper, fading staining, rust or other condition which impairs legibility or intelligibility.
 - viii. Sign supports, braces, poles and anchors shall be maintained in such a manner as not to cause a hazard.
 - ix. If signs are not properly maintained and pose a threat to the public health, safety and welfare, or are illegally located in the public right-of-way, the city shall have the right to remove the sign. Accordingly, the city shall pass on all removal costs to the owner.
 - x. No sign shall contain any moving or animated parts, nor have the appearance of having any moving or animated parts.
 - xi. All signs shall be of professional quality.
- b. **Sign Placement.** Sidewalk signs shall meet the following placement criteria:
- i. Signs shall be portable and shall not be permanently affixed to any structure or sidewalk and shall be removed at the end of each business day.
 - ii. Signs shall be placed only on sidewalks that are wide enough to allow for a width of at least five (5) linear feet for the unrestricted pedestrian movement beyond the placement of the sign.
 - iii. Signs shall only be placed on the sidewalk in front of the business it is advertising and shall be limited to one per business.
 - iv. Signs shall be a minimum of forty-eight (48) linear inches from any obstructions within the sidewalk right-of-way including but not limited to newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles, or any other item impeding pedestrian or wheelchair movement. Sign placement shall be in conformance with all Americans with Disabilities Act requirements.
 - v. Signs shall be a minimum of ten (10) linear feet from a building corner or pedestrian crosswalk.
 - vi. Signs shall be placed so the base of the sign is a minimum of ten (10) linear feet from the base of any other sidewalk sign.
 - vii. No sign shall be placed in the terrace area between the sidewalk and street.
 - viii. If an encroachment agreement is necessary, such agreement shall be obtained from the City Commission.

- c. **Lighting and Display Hours.** Signs shall not be illuminated and shall be displayed only during daylight hours between sunrise and sunset.

This ordinance adopted:

Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd,
Spataro, and Warmington

Nayes: None

Adoption Date: November 27, 2007

Effective Date: December 11, 2007

First Reading: November 27, 2007

Second Reading: N/A

CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of November, 2007, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 27, 2007.



Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 27, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs, #5, o) of Article XXIII (General Provisions) adding "sidewalk signs" as exempt signs in all zoning districts.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published December 1, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 15, 2007

Hearing; Case 2007-44: Staff initiated request to amend Section 2334, #5, Signs, of Article XXIII, General Provisions, to add “sidewalk signs” as exempt signs in all zoning districts.

BACKGROUND

Staff has received a request from the Lakeside Business District to review our sign ordinance in order to be more business friendly, especially for small businesses in our community. At this time, “sandwich board signs” are only allowed in the Clay-Western historic district and the Lakeside Business District. Both districts have very defined borders. If your business isn’t located in one of these districts, you may not make use of these types of portable signs. These signs seem to be a very effective marketing tool to announce special promotions of many kinds. After several staff discussions, we reviewed an ordinance recently put into place in a neighboring community for “sidewalk signs” and thought maybe we could make some changes that would make our sign ordinance more useful to all areas of the City, and so businesses could take advantage of these types of signs, if they meet specific requirements. Our City Attorney’s office gave us guidance and made suggestions for the proposed language changes.

Staff has received no public comments on this request.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

- o. Sidewalk Signs: Sidewalk signs shall conform to the following regulations:**
 - 1) General Requirements.**
 - a. Sign Standards. Sidewalk signs shall conform to the following regulations:**
 - i. A maximum of one (1) sidewalk sign per individual retail use/retail service business (including restaurants) is permitted.**
 - ii. Sign face area shall not exceed a maximum of ten (10) square feet. The area of a sign shall be measured as the area within a single,**

continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of wiring, representation, emblem, logo or any other figure of similar character forming an integral part of the display, excluding only the support or other structure necessary to support the sign.

- iii. Sign face width shall not exceed a maximum of thirty (30) linear inches as measured from the outer edge of the sign support or structure.
- iv. Signs shall not exceed a maximum sign height of four (4) feet as measured from the highest point of the sign to the finished grade of the ground immediately beneath the sign.
- v. All signs shall be designed and constructed to withstand reasonable natural weather elements.
- vi. Signs shall be designed and constructed to ensure the sign does not blow over, block walkways, and/or obstruct or interfere with pedestrian or vehicular traffic. Owner shall be responsible for maintenance and must take such measures as necessary to secure the sign including utilizing weighting material or removal during extreme conditions.
- vii. Signs shall be maintained free of peeling paint or paper, fading staining, rust or other condition which impairs legibility or intelligibility.
- viii. Sign supports, braces, poles and anchors shall be maintained in such a manner as not to cause a hazard.
- ix. If signs are not properly maintained and pose a threat to the public health, safety and welfare, or are illegally located in the public right-of-way, the city shall have the right to remove the sign. Accordingly, the city shall pass on all removal costs to the owner.
- x. No sign shall contain any moving or animated parts, nor have the appearance of having any moving or animated parts.
- xi. All signs shall be of professional quality.

b. Sign Placement. Sidewalk signs shall meet the following placement criteria:

- i. Signs shall be portable and shall not be permanently affixed to any structure or sidewalk and shall be removed at the end of each business day.
- ii. Signs shall be placed only on sidewalks that are wide enough to allow for a width of at least five (5) linear feet for the unrestricted pedestrian movement beyond the placement of the sign.
- iii. Signs shall only be placed on the sidewalk in front of the business it is advertising and shall be limited to one per business.
- iv. Signs shall be a minimum of forty-eight (48) linear inches from any obstructions within the sidewalk right-of-way including but not limited to newspaper boxes, outdoor tables/seating, trees and

tree grates, bicycle racks, trash receptacles, or any other item impeding pedestrian or wheelchair movement. Sign placement shall be in conformance with all Americans with Disabilities Act requirements.

- v. Signs shall be a minimum of ten (10) linear feet from a building corner or pedestrian crosswalk.**
 - vi. Signs shall be placed so the base of the sign is a minimum of ten (10) linear feet from the base of any other sidewalk sign.**
 - vii. No sign shall be placed in the terrace area between the sidewalk and street.**
 - viii. If an encroachment agreement is necessary, such agreement shall be obtained from the City Commission.**
- c. Lighting and Display Hours. Signs shall not be illuminated and shall be displayed only during daylight hours between sunrise and sunset.**

DELIBERATION

I move that the amendment to Section 2334, #5, (Signs), of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to add “sidewalk signs” as exempt signs in all zoning districts, be recommended to the City Commission for (approval/denial).

Commission Meeting Date: November 27, 2007

Date: November 16, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Remove “A-Frame Signs” from “Prohibited Signs”

SUMMARY OF REQUEST:

Request to amend Section 2334, Signs, #4, i, of Article XXIII (General Provisions) to remove “A-frame signs” from “Prohibited Signs”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the language removing A-frame signs.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/15 meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2237

An ordinance to amend Section 2334 (Signs, #4, i) of Article XXIII (General Provisions) to remove "A-frame signs" from "Prohibited Signs".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334, #4, i, to remove A-Frame signs from Prohibited Signs is amended, as follows.

- i. Inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered (see also definition of "portable" sign):

This ordinance adopted:

Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro,
and Warmington

Nayes: None

Adoption Date: November 27, 2007

Effective Date: December 11, 2007

First Reading: November 27, 2007

Second Reading: N/A

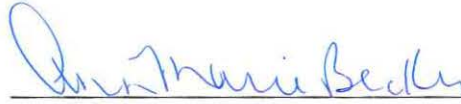
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of November, 2007, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 27, 2007.

A handwritten signature in blue ink, reading "Ann Marie Becker", is written over a horizontal line.

Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 27, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs, #4, i) of Article XXIII (General Provisions) to remove "A-frame signs" from "Prohibited Signs".

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published December 1, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 15, 2007

Hearing; Case 2007-45: Staff initiated request to amend Section 2334, #4, i, Signs, of Article XXIII, General Provisions, to remove "A-frame signs" from "Prohibited Signs".

BACKGROUND

Provided that Planning Commission recommends adoption of the previous request for "sidewalk signs" to be included as exempt signs, the "A-frame signs" would then need to be removed from the section of the sign ordinance that deal with "Prohibited Signs. It would be recommended that the "Inverted T signs with spider legs" type of signs remain as prohibited signs. These signs are the ones that typically have changeable letters and flashing arrows or other lights on the top. Therefore the proposed language amendment would be as follows:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

- i. ~~Portable "A" frame signs, Inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered (see also definition of "portable" sign, except for the following:~~
 - ~~1) A-frame signs are permitted in the Clay-Western and National Register Historic Districts with Historic District Commission approval.~~
 - ~~2) A-frame signs are permitted in the Lakeside Business District (LBD), which is described as property with frontage along Lakeshore Drive between Estes Street to the East and McCracken Street to the West.~~
 - ~~3) A-frame signs will be temporary in nature and placed directly in front of the business it is advertising.~~
 - ~~4) Signs will be placed as to allow free-flowing pedestrian traffic in front of the business.~~
 - ~~5) An A-frame sign must be constructed out of sturdy, dense material that will be able to withstand the rugged Muskegon climate.~~
 - ~~6) All A-frame signs must adhere to the clear vision section of the Zoning Ordinance. (See Section 2334 3.b.)~~
 - ~~7) An encroachment agreement may be necessary for an A-frame sign, which would be obtained from the City Commission.~~
 - ~~8) The square footage of any sign face shall not exceed ten (10) square feet. The face of the sign shall not exceed four (4) feet in length.~~

DELIBERATION

I move that the amendment to Section 2334, #4, i, (Signs), of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to remove A-Frame signs from Prohibited Signs, be recommended to the City Commission for (approval/denial).

Commission Meeting Date: November 27, 2007

Date: November 16, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Amendment to the Zoning Ordinance – Add a Definition for
“Sidewalk Sign”

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add a definition for “Sidewalk Sign”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add a definition for “Sidewalk Sign”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/15 meeting. The vote was unanimous with T. Harryman, J. Aslakson, S. Warmington, and B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2238

An ordinance to amend Article II (Definitions) to add a definition for "Sidewalk Sign".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II, Definitions, is amended to add a definition for "Sidewalk Sign", as follows":

New #27. **Sidewalk Sign:** A temporary sign placed on the sidewalk or private property adjacent to the commercial activity it advertises, that is of either an A-frame or T design and may be no larger than 10 square feet in display area.

This ordinance adopted:

Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro,
 and Warmington

Nayes: None

Adoption Date: November 27, 2007

Effective Date: December 11, 2007

First Reading: November 27, 2007

Second Reading: N/A

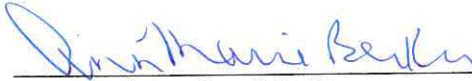
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of November, 2007, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 27, 2007.



Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 27, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) to add a definition for "Sidewalk Sign".

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published December 1, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 15, 2007

Hearing: Case 2007-46: Staff initiated request to amend Article II, Definitions, to add a definition for "Sidewalk Sign".

BACKGROUND

In order to clarify what a "Sidewalk Sign" is, the following definition is proposed to be added to the Definitions section of the zoning ordinance, with renumbering of the subsequent listed types of signs:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

New #27. **Sidewalk Sign:** A temporary sign placed on the sidewalk or private property adjacent to the commercial activity it advertises, that is of either an A-frame or T design and may be no larger than 10 square feet in display area.

DELIBERATION

I move that the amendment to Article II, Definitions, of the City of Muskegon Zoning Ordinance to remove add a definition for "Sidewalk Sign", be recommended to the City Commission for (approval/denial).

Commission Meeting Date: November 27, 2007

Date: October 29, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *cc*
**RE: Set Public Hearing for Amendment to Brownfield
Plan- Heritage Square Development, LLC**

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Heritage Square Development, LLC, located at 274, 276, 290, & 296 W. Clay and 887 & 889 First St., in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a residential development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on November 14, 2007 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for January 8, 2008.

**RESOLUTION NOTIFYING TAXING UNITS
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY**

2007-99(f)

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 27th day of November, 2007, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro.

ABSENT: None.

The following preamble and resolution were offered by Member Carter and supported by Member Wierengo:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include Heritage Square Development, LLC on the DMDC site, and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendments to the City Commission requesting its approval of the Brownfield Plan Amendments and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below].

2. A public hearing is hereby called on the 8th of January, 2008 at 5:30 p.m., prevailing Eastern Time, in the City Hall Commission Chambers to consider adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the

City, twice before the public hearing. The first publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON AN AMENDMENT TO THE MUSKEGON BROWNFIELD
PLAN, AS APPROVED BY THE CITY OF MUSKEGON BROWNFIELD
REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on January 8, 2008, at 5:30 p.m., prevailing Eastern Time in the City Hall Commission Chambers located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

Heritage Square Development, LLC
274, 276, 290, & 296 West Clay Ave. and 889 First St.
Muskegon, Michigan 49440

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.


Ann Marie Becker, City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington.

NAYS: None.

RESOLUTION DECLARED ADOPTED.


Ann Marie Becker, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on November 27, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



City Clerk

**CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT
AUTHORITY**

BROWNFIELD PLAN AMENDMENT

**CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT
AUTHORITY**

BROWNFIELD PLAN AMENDMENT

“HERITAGE SQUARE TOWN HOMES”

Original Plan Approved by the Board of the City of Muskegon Brownfield Redevelopment Authority on **February 23, 1998**, with amendments approved 8/10/98; 6/13/00; 4/15/03; 7/7/03; 4/20/04; 6/21/04; 9/8/04; 9/5/06; 2/23/07; and 5/15/07.

Original Plan Approved by the City Commission of the City of Muskegon on **April 14, 1998**, with amendments approved 8/11/98; 7/11/00; 5/27/03; 8/12/03; 5/25/04; 7/13/04; 7/27/04; 10/12/04; 10/24/06; 3/27/07; and 6/12/07.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

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(Approved 10/10/06)
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 - P. Hot Rod Harley (Approved March 27, 2007)
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 - R. **Heritage Square Town Homes (Proposed)**

I. INTRODUCTION

In order to promote the revitalization of commercial, industrial, and residential properties within the boundaries of the City of Muskegon (the "City"), the City established the City of Muskegon Brownfield Redevelopment Authority (the "Authority") pursuant to Act 381 of 1996, Public Acts of Michigan, as amended ("Act 381"), and a resolution adopted by the Muskegon City Commission on February 10, 1998.

The major purpose of this Brownfield Plan ("Plan") is to promote the redevelopment of *eligible properties* within the City that are impacted by the presence of hazardous substances in concentrations that exceed Michigan's Part 201 Generic Cleanup Criteria ("*facilities*") or that have been determined to be Functionally Obsolete or Blighted. Inclusion of property within this Plan can facilitate financing of environmental response activities, infrastructure improvements, demolition, lead or asbestos abatement, and site preparation activities at *eligible properties*; and may also provide tax incentives to eligible taxpayers willing to invest in revitalization of *eligible properties*. By facilitating redevelopment of underutilized *eligible properties*, the Plan is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

This plan is intended to be a living document, which can be amended as necessary to achieve the purposes of Act 381. It is specifically anticipated that properties will be continually added to the Plan as new projects are identified. The Plan contains general provisions applicable to each site included in the Plan, as well as property-specific information for each project. The applicable Sections of Act 381 are noted throughout the Plan for reference purposes.

This Brownfield Plan contains the information required by Section 13(1) of Act 381, as amended. Additional information is available from the City Manager.

II. GENERAL PROVISIONS

A. Costs of the Brownfield Plan (Section 13(1)(a))

Any site-specific costs of implementing this Plan are described in the site-specific section of the Plan. Site-specific sources of funding may include tax increment financing revenue generated from new development on eligible brownfield properties, state and federal grant or loan funds, and/or private parties. Where private parties finance the costs of eligible activities under the Plan, tax increment revenues may be used to reimburse the private parties. The initial costs related to preparation of the Brownfield Plan were funded by the City's general fund. Subsequent amendments to the Plan are funded by the person requesting inclusion of a project in the Plan.

The Authority intends to pay for administrative costs and all of the things necessary or convenient to achieve the objectives and purposes of the Authority with any eligible tax increment revenues collected pursuant to the Plan, in accordance with the provisions of Act 381, including, but not limited to:

- i) the cost of financial tracking and auditing the funds of the Authority,
- ii) costs for amending and/or updating this Plan, including legal fees, and
- iii) costs for Plan implementation

Tax increment revenues that may be generated and captured by this plan are identified in the site-specific sections of this Plan. As noted above, most costs related to the preparation of Plan amendments are borne by the person requesting inclusion of a project within the Plan.

B. Method for Financing Costs of Plan (Section 13(1)(d) and (e))

The Authority does not intend at this time to incur debt, such as through the issuance of bonds or other financing mechanisms. In the future, the City or Brownfield Authority may incur some debt on a site-specific basis. Please refer to the site-specific section of this Plan for details on any debt to be incurred by the City or Authority. When a property proposed for inclusion in the Plan is in an area where tax increment financing is a viable option, the Authority intends to enter into Development Agreements with the property owners/developers of properties included in the Plan to reimburse them for the costs of eligible activities undertaken pursuant to this Plan. Financing arrangements will be specified in the Development Agreement, and also identified in the Site Specific section of the Plan.

C. Duration of the Brownfield Plan (Section 13(1)(f))

The Plan, as it applies to a specific eligible property, shall be effective up to five (5) years after the year in which the total amount of any tax increment revenue captured is equal to the total costs of *eligible activities* attributable to the specific *eligible property*, or thirty (30) years from the date of approval of the Plan as it relates to an individual site, whichever is less. The total costs of *eligible activities* include the cost of principal and interest on any note or obligation issued by the Authority to pay for the costs of *eligible activities*, the reasonable costs of a work plan or remedial action plan, the actual costs of the Michigan Department of Environmental Quality's or Michigan Economic Growth Authority's review of the work plan or remedial action plan, and implementation of the *eligible activities*.

D. Displacement/Relocation of Individuals on Eligible Properties
(Section 13(1)(i, j, k, l))

At this time, *eligible properties* identified in this Plan do not contain existing residences. Therefore the provisions of Section 13(1)(i-l) are not applicable at this time.

E. Local Site Remediation Revolving Fund (Section 8; Section 13(1)(m))

At the time this Plan includes a property for which taxes will be captured through the increment financing authority provided by Act 381, it is the Authority's intent to establish a Local Site Remediation Revolving Fund ("Fund"). The Fund will consist of tax increment revenues that exceed the costs of eligible activities incurred on an eligible property, as specified in Section 13(5) of Act 381. Section 13(5) authorizes the capture of tax increment revenue from an eligible property for up to 5 years after the time that capture is required for the purposes of paying the costs of eligible activities identified in the Plan. It is the intention of the Authority to continue to capture tax increment

revenues for 5 years after eligible activities are funded from those properties identified for tax capture in the Plan. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for eligible activities under this Plan. It may also include funds appropriated or otherwise made available from public or private sources.

The Revolving Fund may be used to reimburse the Authority, the City, and private parties for the costs of eligible activities at *eligible properties* and other costs as permitted by Act 381. It may also be used for eligible activities on *an eligible property* for which there is no ability to capture tax increment revenues. The establishment of this Revolving Fund will provide additional flexibility to the Authority in facilitating redevelopment of brownfield properties by providing another source of financing for necessary eligible activities.

III. SITE SPECIFIC PROVISIONS

R. Heritage Square Town Homes

Eligibility and Project Summary (Sec. 13(1)(h))

The **eligible property** included in this plan is located in the new Muskegon City Center, occupying the entire block of Clay Avenue from Second to First Streets: 274, 276, 290, & 296 West Clay, and 887 & 889 First Street, Muskegon, Michigan. The legal description of the property is:

Units 16, 17, 18, 19, 20, and 21, Downtown Muskegon Development Center No. 1, a site condominium according to the Master Deed dated May 31, 2006 and recorded June 2, 2006 in Liber 3702, Page 204 and designated as Muskegon County Condominium Subdivision Plan No. 160, together with rights in general common elements and limited common elements, as set forth in the above Master Deed and as designated in Act 59 of the Public Acts of 1978, as amended.

Heritage Square Town Homes is a sixteen-unit, row house style, live-work, residential concept proposed for downtown Muskegon. As a work-live development, the project has the potential to create or retain between twelve and twenty-four permanent jobs, in addition to a minimum of another \$1.25 million in construction labor and consultants. Total private investment is approximately \$5 million. This redevelopment of a brownfield site will incorporate sustainable development elements such as rain gardens for stormwater management, green roofs on portions of the residences, and preservation of green space, as shown on the site plan. (See Attachment R-1) The site is approximately 1.3 acres and is located across the street from an existing residential development. The project will include indoor parking for residents and additional on-site parking for guests.

There are currently several different housing options offered in downtown Muskegon. Heritage Square Town Homes is different from, but complementary of, the other available options. For downtown Muskegon to be a vibrant, twenty-four/seven community, both retail and residential must thrive. A variety of housing options, resulting in a good blend of residents, is also essential to a successful downtown. Muskegon already has New York-style loft condos, other affordable and market-rate apartments, public housing, up-scale waterfront living, senior housing, high-rise, modern-living condos, and now an upscale, live-work option. The row-house style design is also unique to the Muskegon area.

Eligible activities have already been undertaken on the Heritage Square property. The property has been determined to be **eligible property** as defined by Act 381 through information obtained from a Phase I Environmental Site Assessment (ESA), Phase II ESA, and Baseline Environmental Assessment (BEA) conducted by Prein and Newhof in August 2007 through the City's Site Assessment Fund program. The BEA concludes that the property is a Part 201 "facility" based on the presence of Volatile Organic Compounds and certain heavy metals that exceed Michigan cleanup criteria in soil samples, and manganese exceeding drinking water criteria in groundwater. To address

these site conditions, Prein and Newhof also developed a Due Care Plan to prevent exacerbation of these environmental conditions during construction, and to assure there are no unacceptable exposures during site construction and final site use. This **eligible property** includes all real and personal property.

Eligible Activities, Financing, Cost of Plan (Sec. 13(1)(a),(b),(c),(d),(g))

Eligible activities have already been conducted on the Heritage Town Homes property and included preparation of a Baseline Environmental Assessment and Section 7a (Due Care) Compliance Analysis. As such, there are no **eligible costs** proposed to be financed with tax increment revenues. Further, there are no costs to the City of Muskegon or its taxing jurisdictions as a result of the Heritage Square Town Homes project being included in this Plan.

The Heritage Square Town Homes project is included in this Plan to enable **qualified taxpayers**, as defined by Section 437(31)(m) of Michigan Public Act 36 of 2007, the Michigan Business Tax Act, to avail themselves of eligibility for a credit against their Michigan Business Tax liability for **eligible investments** as defined by P.A. 36 of 2007. **Eligible investment** includes demolition construction, restoration, alteration, renovation, or improvement of buildings or site improvements on **eligible property** and the addition of machinery, equipment, and fixtures to **eligible property** after the effective date of this Plan, and after the date the State pre-approval letter is issued, if the costs of the **eligible investment** are not otherwise reimbursed to the **qualified taxpayer** or paid for on behalf of the taxpayer from any source other than the taxpayer.

An amendment to the Muskegon Brownfield Plan for the entire Muskegon City Center parcel (one entire parcel at the time the amendment was adopted) was approved by the Muskegon City Commission on October 12, 2004. That Brownfield Plan Amendment was drafted and approved to accommodate state and local Brownfield tax increment financing to fund construction of the infrastructure for the new City Center. There were no specific economic development projects identified at the time; rather, the business plan for the Muskegon City Center redevelopment was used to estimate future tax increments.

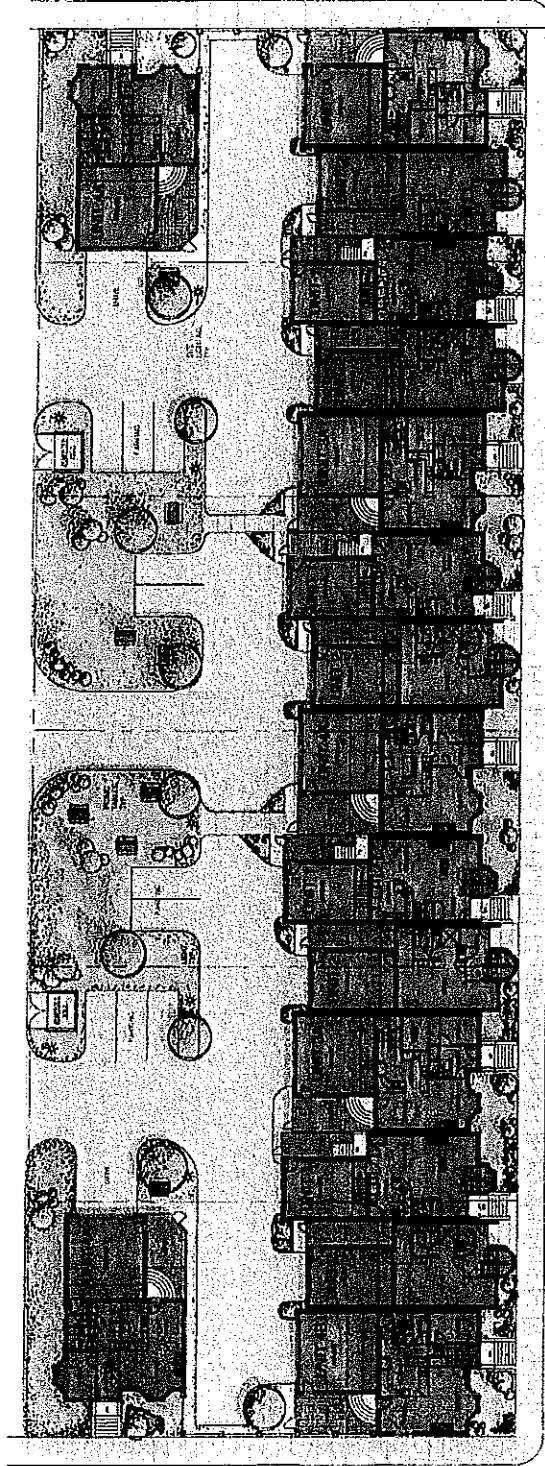
Specific parcels are now being sold within the City Center. As parcels are developed, the individual parcel must stand on its own with respect to its Part 201 "facility" status, for purposes of the Brownfield Michigan Business Tax Credit. These new projects, such as Heritage Square Town Homes, are added to the Muskegon Brownfield Plan through amendments, specific to that redevelopment plan, and adopted solely for the purposes of the Brownfield Michigan Business Tax credit. Any tax increments that will be generated from the individual projects (after the Renaissance Zone status has expired) may be used to reimburse or finance infrastructure. This Heritage Square Town Homes project is included as an amendment to the Muskegon Brownfield Plan, which is part of the Muskegon City Center project, adopted by the Muskegon City Commission on 10/12/04.

Effective Date of Inclusion in Brownfield Plan

The Heritage Square Town Homes project was added to this Plan on _____.

ATTACHMENT R-1

**SITE PLAN
HERITAGE SQUARE TOWN HOMES
MUSKEGON, MICHIGAN**



SECOND STREET

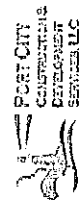
FIRST STREET

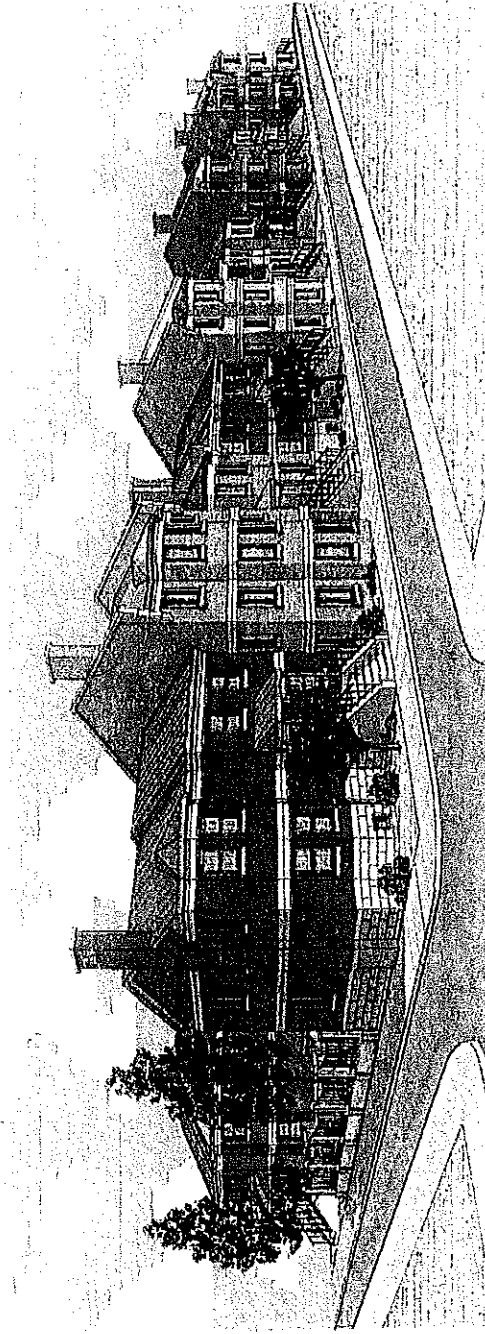
CLAY AVENUE



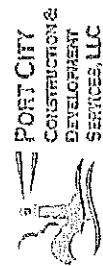
SITE PLAN
DATE: 11/25/13

Heritage Square Town Homes





Heritage Square Town Homes



PORT CITY
CONSTRUCTION &
DEVELOPMENT
SERVICES, LLC



Sidock Group, Inc.

1000 W. 10th Street, Suite 100
Anchorage, Alaska 99501
Phone: (907) 562-1234
Fax: (907) 562-1235
Email: info@sidockgroup.com

**City of Muskegon
Brownfield Redevelopment Authority
County of Muskegon, State of Michigan**

**RESOLUTION APPROVING HERITAGE SQUARE DEVELOPMENT, LLC
BROWNFIELD PLAN AMENDMENTS**

Minutes of a special meeting of the Board of the City of Muskegon Brownfield Redevelopment Authority, County of Muskegon, State of Michigan, held in the afternoon on the 13th day of November 2007, at 12:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Fethke, Plichta, Edbrooke, Kleaveland, Vaughan, Johnson

ABSENT: Members

VanderWier, Bottomley, Mazade

The following preamble and resolution were offered by Member Vaughan and supported by Member Plichta:

WHEREAS, a Brownfield Plan has been adopted pursuant to Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), a copy of which is on file with the Secretary of the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, the Authority is authorized to approve amendments to the Brownfield Plan and recommends the amendment to add Heritage Square Development, LLC, for approval to the City of Muskegon, County of Muskegon, State of Michigan (the "City").

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Approval of Brownfield Plan. The Board hereby adopts and approves the Brownfield Plan Amendments and recommends approval of the Brownfield Plan

Amendments by the Muskegon City Commission.

2. Public Hearing. The Board hereby requests the Muskegon City Commission to provide a notice of Public Hearing on the proposed Brownfield Plan Amendments, and further requests that such hearing notice be provided to all taxing jurisdictions. Notice of the time and place of the hearing shall be given by publication twice, the first of which shall be not less than 20 or more than 40 days before the date set for the hearing.

3. Deliver Resolution and Brownfield Plan to City. The Secretary of the Authority is directed to deliver a certified copy of this resolution and the Brownfield Plan Amendments to the City Clerk.

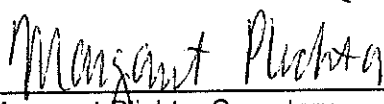
4. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendments, the Authority assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendments. The Authority makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan, if applicable.

5. Repealer. All resolutions and parts of resolution in conflict with the provisions of this resolution are hereby repealed or amended to the extent of such conflict.

AYES: Fethke, Plichta, Edbrooke, Kleaveland, Vaughan, Johnson

NAYS: None

RESOLUTION DECLARED ADOPTED.



Margaret Plichta, Secretary
Brownfield Redevelopment Authority

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of the City of Muskegon Brownfield Redevelopment Authority, County of Muskegon, State of Michigan, at a special meeting held on November 13, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Margaret Plichta, Secretary
Brownfield Redevelopment Authority

AGENDA ITEM

City Commission Meeting November 27, 2007

TO: Honorable Mayor and City Commissioners

FROM: Karen A. Scholle, Civil Service Personnel Director

DATE: November 13, 2007

**RE: One Year Extension of Temporary Services Contract with
GoodTemps Temporary Staffing Services**

SUMMARY OF REQUEST:

For the past three years (2005-2007) the City has contracted with GoodTemps Temporary Staffing Services, a division of Goodwill Industries, for its contingent workforce needs. The relationship with GoodTemps has been a very successful one, as evidenced by consensus of managers indicating their desire to continue the City's association with them.

The advantages of remaining with GoodTemps include:

- There will be no increase in the mark-up by GoodTemps, which will remain at 33.5% of the position pay rates.
- Maintaining the very flexible working arrangement achieved with GoodTemps.
- Continuance of ability to contract out additional positions such as Lifeguard and Playground Leader, which other temporary services will not agree to due to corporate restrictions.

FINANCIAL IMPACT:

Seasonal and temporary services are projected to cost approximately \$600,000 during 2008.

BUDGET ACTION REQUIRED:

Financial resources allocated for in the 2008 budget.

STAFF RECOMMENDATION:

Staff recommends and requests approval of a one-year extension of the City's contract with GoodTemps Temporary Staffing Services.

City Commission Meeting
Tuesday, November 27, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: November 18, 2007

SUBJECT: Traffic Crash Reporting System Use Agreement

Summary of Request:

The Director of Public Safety is requesting approval to enter into an agreement with the Michigan State Police which will allow for the electronic submission of traffic crash data. This method of submitting data is now possible as a result of the implementation of the new county-wide records management system.

Financial Impact:

None

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

TRAFFIC CRASH REPORTING SYSTEM

USE AGREEMENT AND GUIDELINES FOR ELECTRONIC CRASH DATA CERTIFICATION

The certification process provides guidelines that the law enforcement agency must follow before certification is obtained and electronic crash data can be submitted to the Michigan State Police, Traffic Crash Reporting System.

The MICHIGAN STATE POLICE (MSP) agrees to:

- Solely and exclusively, provide and select the equipment to maintain the Traffic Crash Reporting System (TCRS) at a state maintained facility in order to provide the services specified in this agreement. All maintenance and financial responsibilities for the TCRS will remain the sole responsibility of the MSP.
- Provide the Vendor/Agency Certification Process Guide to outline the required specifications for electronic crash data submission. Conduct testing and provide feedback to the vendor and/or Agency as requested.
- Assist the Agency and/or vendor, if requested, in developing processes for electronic crash reporting.
- Conduct a certification process over a 30 to 90 day period which includes monitoring of all five categories and providing a PASS/FAIL status for each. The certification process is determined by MSP based on type and number of submissions.
- Provide a Certification Letter to the Agency, with a copy to the vendor if requested, after successfully completing the certification period with a PASS status in all five categories.
- Provide a six month notification to the vendor and Agency when modifications and/or upgrades will be made to the TCRS that require a change in the crash data collection program.
- Provide telephone support for questions involving the submission of electronic crash data. Support will be available by calling the MSP, Traffic Crash Reporting Unit, at (517) 322-1952, Monday through Friday, 8:00 a.m. – 5:00 p.m.
- Conduct periodic audits at the Agency to ensure that the use and dissemination of information received is in compliance with policies and guidelines.
- Store the crash data and image on a server for ten years from the crash date.

AUTHORITY: MCL 257.622 COMPLIANCE: Voluntary, however failure to complete agreement will result in denial of request.
--

The **LAW ENFORCEMENT AGENCY (AGENCY)** agrees to:

- Within a six week period, prior to beginning the certification process (your first electronic data submission), sign and return this Agreement. If the first electronic data submission is not received within the six week period, a new User Agreement will be required.
- Designate an individual within their agency to act as the liaison for the MSP. This person will be responsible for, or act as:
 - The single point of contact for the MSP.
 - Coordinating the start-up and any upgrades to the system.
 - Coordinating distribution of upgrades to laptops and other off-line computers.
 - Distributing training materials and other operating publications to users.
 - Ensuring all personnel are properly trained prior to accessing the software.
- Ensure compliance with current or future TCRS policies and guidelines including:
 - All stipulations contained in this agreement or as amended.
 - Quality of records/information entered into the system.
 - Security of the system.
 - The conversion and entry of data being sent uses the proper codes, procedures and techniques developed.
- Ensure wherever information is collected, stored or disseminated, the following security requirements are complied with:
 - The agency will be responsible for ensuring the data is stored in a secure environment and submitted daily to the TCRS. All rules pertaining to the Driver Privacy Protection Act (257.208 and 257.232) and Freedom of Information PA 442 of 1976 will be followed.
 - Institute and document a policy to prevent unauthorized attempts to penetrate the system and the crash data information.
 - Authorize the MSP staff to conduct periodic audits at the agency to ensure that the use and dissemination of information received is in compliance with policies and guidelines.
- Maintain and assume all financial responsibilities, if applicable, for the equipment necessary to transmit the crash data.
- Ensure compliance to all guidelines set forth by the MSP in the Vendor/Agency Certification Process Guide.
- Agree to work with the MSP through the certification process for authorized submission of electronic crash data to the TCRS. The certification process period will be determined by MSP.
- During the certification process, send all data files to the specified FTP site and via e-mail to individuals identified at the MSP.
- Collect all crash data currently captured on the MSP UD-10 form and send daily to the TCRS. This should include the narrative and crash diagram where applicable.
- Ensure modifications to crash data collection software will be performed within six months of being notified by the MSP. Refer to Section 2 of the Vendor/Agency Certification Process Guide for further information on additional processes that will occur.
- Ensure data provided to the TCRS is relevant to the traffic safety process.

COMPLIANCE:

If the MSP determines that the Agency is not complying with the above mentioned requirements, the MSP reserves the right to immediately place the agency back in certification status. If the Agency is returned to certification status, all transmitted edits and submitted crash reports will be reviewed by the MSP to determine the reason for noncompliance. To bring the Agency back into compliance, the MSP may require the Agency to provide both an electronic file to the FTP site and a file via e-mail for review. Corrections will be made to the crash data and the Agency's program until all electronic data submission guidelines are met.

TERMS OF AGREEMENT:

This agreement shall be effective upon signature of both parties and will continue for an indefinite period of time. This agreement may be terminated in writing by any one of the signatories at any time.

For the LAW ENFORCEMENT AGENCY:

Signature: _____ Date _____

Printed/typed name: _____

Title and Agency: _____

For the MICHIGAN STATE POLICE:

Signature: _____ Date _____

Printed/typed name: _____

Title: _____

CITY COMMISSION MEETING
Tuesday, November 27, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: November 18, 2007

SUBJECT: Purchase of Audio Visual Presentation System

SUMMARY OF REQUEST:

Public Safety staff request that the commission approve the purchase of an audio visual presentation system for the community room at Central Fire. This room will be utilized for not only fire but police training as well. Bids have been solicited for this system. We could only locate two vendors in the region who provide these systems. Only one of the vendors responded. Central Interconnect Inc., of Grand Rapids submitted a bid of \$8,969.12 for the system. In speaking with other agencies we found this bid to be appropriate for similar systems that have been installed.

FINANCIAL IMPACT:

Funds from the Criminal Forfeiture account will be used to pay for this system.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approval of this request.

CENTRAL INTERCONNECT, INC.



Quotation

1425 Coit Ave NE
Grand Rapids, MI 49505

phone 616.458.2999
fax 616.458.6524

City of Muskegon
980 Jefferson St.
PO Box 536

10/1/2007

Training Room Presentation System

Proposed Ship Date	Person Contacted	Phone #	Customer PO#
	Dennis Lord	(231) 724-6309	

Description

Central Interconnect will provide and install a new Audio Visual Presentation system in the new Fire Station Training Room. The system will be fully warranted for one year from substantial completion for parts and labor. There will be a new wide screen projector mounted from the ceiling in the center of the room near the provided AC outlet. An amplifier mounted on the pole with the projector will power 9 flush mounted distributed ceiling speakers for the audience to hear the program material evenly. The AV sources will be selected with the projector remote control. There will be a VCR/DVD with ATSC cable tuner, and 2 computer cables installed in a new provided portable wood podium. The podium equipment will be wired thru a flexible cable loom to a disconnect panel on the wall with labeled and color coordinated input jacks. The wall panel disconnect will be flush mounted in the wall and the wires will be fished into the wall and concealed in the ceiling to the projector. We will mount a new manual pull cord projection screen on the wall adjacent to the ceiling for a clean projection surface. The system will consist of the following equipment:

1	Panasonic	PT-FW100NTU	3000 Lumen, WXGA 1280x800 Projection System
1	Chief	Suspended Ceiling	Custom Mounting System
1	Draper	Silhouette/M	Wall mount, HiDefGrey 52x92 Manual Projection Screen
1	Atlas	PA702	Pole mount amplifier
9	Atlas	FAP62T	Flush Mount Ceiling Speaker System
1	FSR	Custom	Wall mount disconnect panel
1	Central	Custom	Disconnect to Projector Cabling

- continued on next page -

* Cancellations Subject to a 20% Restocking Charge

Quote is Valid for 30 Days

This quotation is hereby accepted on this date _____
and submitted as an order.

Michael J. Smith

Accepted by: Name & Title

(616)732-1034

CENTRAL INTERCONNECT, INC.



1425 Coit Ave NE
Grand Rapids, MI 49505

phone 616.458.2999
fax 616.458.6524

Quotation

City of Muskegon
980 Jefferson St.
PO Box 536

10/1/2007

Training Room Presentation System

Proposed Ship Date	Person Contacted	Phone #	Customer PO#
	Dennis Lord	(231) 724-6309	

1	VFI	LE3050	Mobile Lectern - Light Oak w/ Folding Shelf Option
1	LG	RC797T	DVD/VHS/Cable Tuner Combo Deck
1	Central	Custom	Podium to disconnect umbilical cable w/ Flexible fabric cable loom enclosure
1	Central	Custom	Misc. Connectors and Equipment for a complete and working system.
			Total Installed Price \$8,969.12
Freight Prepaid and Billed			

* Cancellations Subject to a 20% Restocking Charge

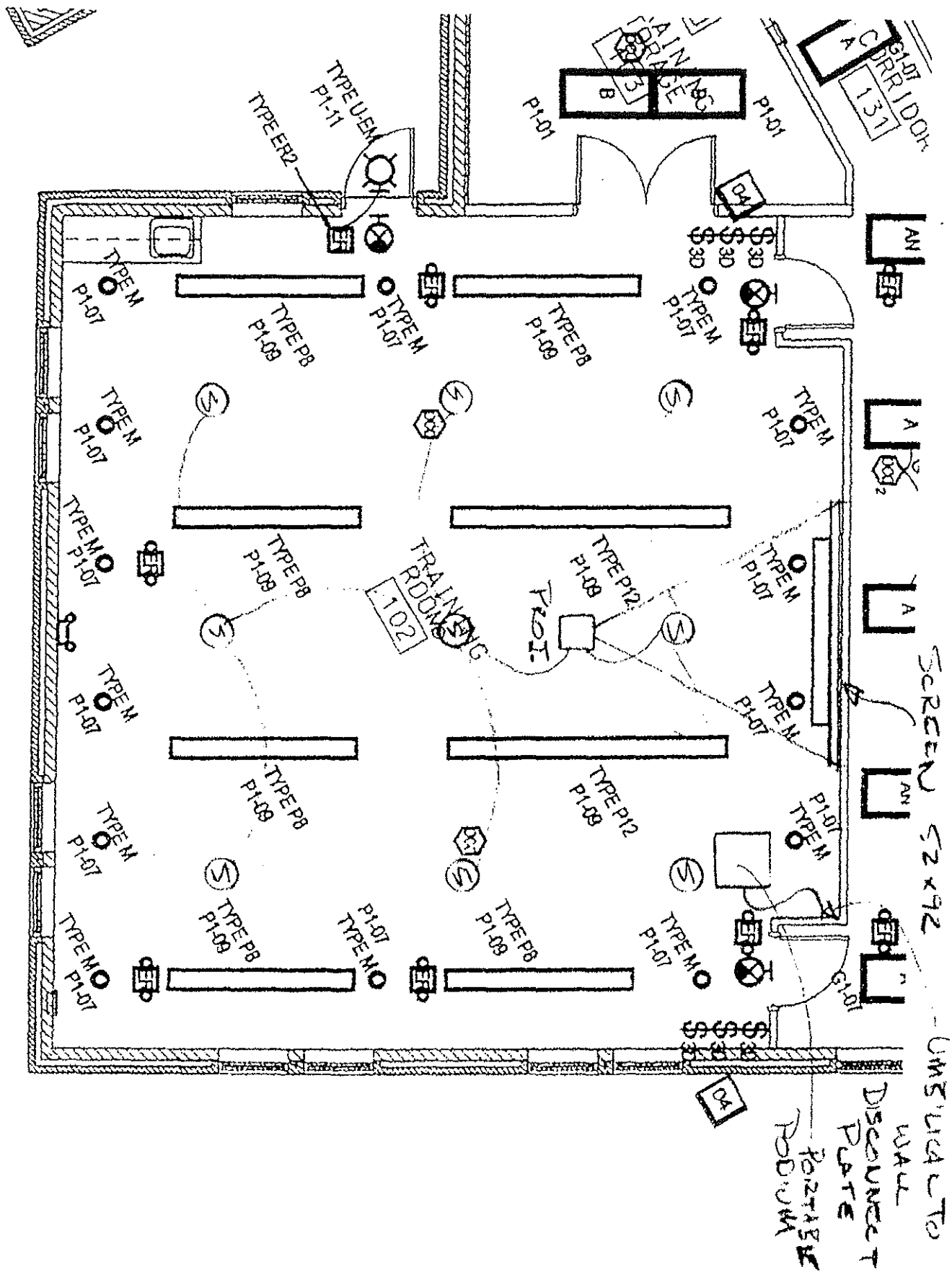
Quote is Valid for 30 Days

This quotation is hereby accepted on this date _____
and submitted as an order.

Michael J. Smith

Accepted by: Name & Title

(616)732-1034



Date: November 27, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk, Ann Marie Becker
RE: Accept Resignations from Various Boards

SUMMARY OF REQUEST: To accept the resignation of Christopher VanOosterhout from the Downtown Development Authority and of Mary Jo McCann from the Muskegon Housing Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignations.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended acceptance of the resignations at their November 5th meeting.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: November 19, 2007

RE: Write Off of Invoices for 487 W. Clay

SUMMARY OF REQUEST:

To write off invoices in the amount of \$965.37 for 487 W. Clay. The property has a new owner (The Muskegon Heritage Association) and they have requested that they not be held responsible for these costs. This action is consistent with the City Financial Policies with respect to adjusting uncollectible accounts.

FINANCIAL IMPACT:

\$965.37

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.

Date: November 27, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Engineering Services for the Design of Drainage facility @:
West Branch of Ruddiman Creek & Vacated Greenwood Street

SUMMARY OF REQUEST:

Authorize staff to enter into an engineering services agreement with Prein & Newhof to perform the design services to replace the existing culvers at the westerly branch of Ruddiman Creek at vacated Greenwood street. The \$14,828.50 of not to exceed fee will be shared between the cities of Norton Shores, Roosevelt Park and the city of Muskegon based on a previously established percentages.

Prein & Newhof is being recommend after review of five (5) proposals that were received based on their fee, hours and scope of services.

FINANCIAL IMPACT:

The City's share of about 34% of the fee.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to enter into an engineering services agreement with P & N contingent upon concurrence by the other involved cities' approval.

COMMITTEE RECOMMENDATION:

DATE: November 16, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-070067

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1497 Division - Area 12** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-070067 1497 Division

Location and ownership: This structure is located on Division between Grand and Southern Streets and is owned by Anthony Gomez, 16500 Hickory St, Spring Lake, MI 49456.

Staff Correspondence: A dangerous building inspection was conducted on 04/04/07 and the Notice and Order to Repair was issued on 04/09/07. On 06/07/07 the HBA tabled case until August 2007 meeting. On 08/02/07 the HBA declared the home to be dangerous, substandard and a public nuisance. The case was scheduled to come before the City Commission September 25, 2007 but was removed from agenda due to death in family of owner.

Owner Contact: Anthony Gomez was present for HBA case dated 06/07/07 stating he planned to rehab home but wouldn't be available to start work until July 2007. The HBA board advised interior inspection needs to take place and then provide timeline and then apply for permits. Mr. Gomez was not present for the HBA meeting dated 08/02/07. A interior inspection was scheduled for 08/28/07 but no one was there. Owner scheduled another interior inspection that was conducted 10/02/07. There has been no owner contact since that time, no timeline submitted and no permits issued.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$ 27,700

Estimated cost to repair: \$ 20,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

INSPECTION SUMMARY

FOR: 1497 Division

This is a two story wood frame, two family dwelling. This building currently does not have a current Certificate of Compliance. The front porch foundation is failing and the roof is sagging. The back and front porches must be repaired or replaced to meet code. An interior inspection was scheduled by the property owner for August 28, 2007, but no one met the inspectors to open the building. A interior inspection was scheduled and conducted 10/02/07. To date, no timeline for repairs has been submitted, no permits have been applied for or issued.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Monday, April 9, 2007

Enforcement # EN070067 **Property Address** 1497 DIVISION ST
Parcel #24-205-486-0019-00 **Owner** GOMEZ ANTHONY S

Inspector: Henry Faltinowski

Date completed: 03/30/07

DEFICENCIES:

Uncorrected

1. Foundation failing on front porch 1497 structural damage.
2. Roof sag on front porch.
3. Missing siding.
4. Back porch loaded on lower roof not to code on bearing points rebuild to code.
5. Guardrails and handrails not to code.
6. Repair chimney
7. Roof soffit falling out.
8. Interior by Trade Inspectors.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

CITY OF MUSKEGON

933 Terrace St., P.O. Box 536, Muskegon, MI 49443 (231)724-6715

DANGEROUS BUILDING INTERIOR INSPECTION REPORT

1497 DIVISION ST

10/02/2007

Inspection noted:

Uncorrected

1. Pressure test gas line.
2. Inspect & repair basement plumbing.
3. Inspect & certify water heater & furnaces & chimney.
4. Clean ductwork.
5. Apt #1 - Repair replace kitchen & bath plumbing.
 Laundry in bathroom
 Provide return air
6. Apt #2 Scald free faucet for shower .
 Inspect & repair plumbing to insure no leaks or plugs.
7. Inspect & certify unit heater & chimney connection.
8. Bathrooms to have vent fans.
9. Repair/replace damaged light fixtures.
10. Insure grounding @ all 3-wire plugs.
11. Provide GFI protection to code.
12. Repair all damaged wiring.
13. Install smoke alarms to code.
14. Repair any loose outlets.
15. Apt #1 - Numerous holes in walls, ceilings, broken out windows - frames replace to MRC 2003 Code.
16. Upper bedroom floor structurally unsound rebuild to MRC 2003 Code floor loads.
17. Replace all damaged wall and floor coverings.
18. Repair or replace damaged doors and hardware.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

D.B. 1497 Division 10/2/2007

