

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 14, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
 - A. Recognition of JAAR Partnerships Participation in the Third Annual "GOOD BUDDY BUCKS" Program.
 - B. Muskegon Police Department Citizen Certificate of Appreciation for Christopher Johnson.
 - C. Muskegon Police Department Citizen Certificate of Appreciation for Joel Erndteman.
- CITY MANAGER'S REPORT:
- CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Assistance to Firefighters Grant Program – Fire Prevention. PUBLIC SAFETY
 - C. West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY2015 (October 1, 2014-September 30, 2015). CITY MANAGER
 - D. Donation Programs for M-1040 Individual Income Tax Returns. TREASURER/INCOME TAX
 - E. Policy for Public Inspection and Copying of Assessing Records. CITY CLERK
 - F. Adoption of 2012 International Fire Code. PUBLIC SAFETY
 - G. Muskegon Bike Time – Request for a 5-Year Commitment for Bike Time,

2015-2019. PLANNING & ECONOMIC DEVELOPMENT

☐ **PUBLIC HEARINGS:**

☐ **COMMUNICATIONS:**

☐ **UNFINISHED BUSINESS:**

A. SECOND READING: Marihuana Ordinance. CITY CLERK

☐ **NEW BUSINESS:**

A. Taser (X26-P) Units for the Police Department. 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.)

☐ **CLOSED SESSION:**

☐ **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 CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Date: October 14, 2014
To: Honorable Mayor and City Commissioners
From: Director Jeffrey Lewis
**RE: Recognition JAAR Partnerships participation in the
Third Annual "GOOD BUDDY BUCKS" program**

SUMMARY OF REQUEST:

RESOLUTION
RECOGNITION OF JAAR PARTNERSHIPS
THIRD YEAR PARTICIPATION IN THE
"GOOD BUDDY BUCKS" PROGRAM

WHEREAS, the City Commission and Muskegon Police Department in partnership with the Social Justice Commission recognizes the importance of building good character in our youth today in order to positively impact the future for everyone and;

WHEREAS, it is our desire to build positive mentoring relationships between law enforcement and youth and;

WHEREAS, it is our belief that the more positive mentoring situations we can place youth in, the less likely they will be to turn to negative influences and activities.

NOW, THEREFORE, BE IT RESOLVED, that the Muskegon City Commission hereby recognizes and thanks **JAAR Partnerships** for its participation in the third year of the successful "Good Buddy Bucks" program which rewards youth for displaying "Good Character" and allows youth to positively interact with law enforcement.

Given on behalf of the Muskegon City Commission this 14th day of October 2014.

Stephen J. Gawron, Mayor

STAFF RECOMMENDATION:
Approve - Director Jeffrey Lewis



RESOLUTION
RECOGNITION OF JAAR PARTNERSHIPS
THIRD YEAR PARTICIPATION IN THE
"GOOD BUDDY BUCKS" PROGRAM

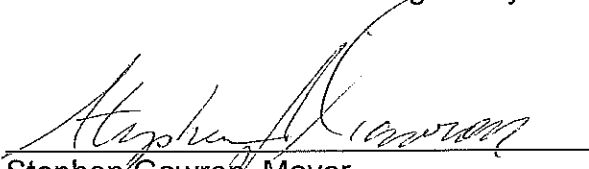
WHEREAS, the Muskegon Police Department and the City Commission recognizes the importance of building good character in our youth today in order to positively impact the future for everyone and;

WHEREAS, it is the desire of the Muskegon Police Department and Muskegon City Commission to build positive mentoring relationships between law enforcement and youth and;

WHEREAS, it is our belief that the more positive mentoring situations we can place youth in, the less likely they will be to turn to negative influences and activities.

NOW, THEREFORE, BE IT RESOLVED, that the Muskegon City Commission hereby recognizes and thanks **JAAR Partnerships** for its participation in the third year successful "Good Buddy Bucks" program which rewards youth for displaying "Good Character" and allows youth to positively interact with law enforcement.

Given on behalf of the Muskegon City Commission this 14th day of October, 2014.


Stephen Gawron, Mayor



COMMISSION MEETING DATE: October 14, 2014

Date: October 14, 2014

To: Honorable Mayor and City Commissioners

From: Director of Public Safety, Jeffrey Lewis

**RE: Muskegon Police Department Citizen Certificate of
Appreciation for Christopher Johnson**

SUMMARY OF REQUEST:

To present Christopher Johnson a certificate of appreciation for his life saving activity on June 8, 2014.

Certificate attached.

STAFF RECOMMENDATION:

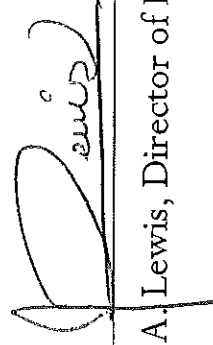
Approve – Director Jeffrey Lewis

MUSKEGON POLICE DEPARTMENT CERTIFICATE OF APPRECIATION

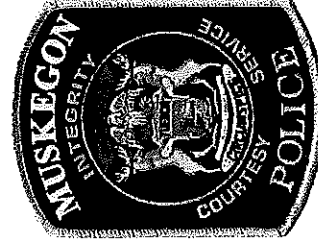
This certificate is gratefully awarded to

CHRISTOPHER JOHNSON

In recognition of his selfless service to the community on June 8, 2014. Mr. Johnson was instrumental in saving the life of a sail boater who fell into Lake Michigan. He helped the struggling boater onto his windsurf board and kept him there until a rescue boat arrived. Mr. Johnson's quick actions and selfless act saved a life.


Jeffrey A. Lewis, Director of Public Safety

October 14, 2014
Date



COMMISSION MEETING DATE: October 14, 2014

Date: October 14, 2014
To: Honorable Mayor and City Commissioners
From: Director of Public Safety, Jeffrey Lewis
**RE: Muskegon Police Department Citizen Certificate of
Appreciation for Joel Erndteman**

SUMMARY OF REQUEST:

To present Joel Erndteman a certificate of appreciation for his actions on September 16, 2014 which potentially could have saved a life or serious injury.

Certificate attached.

STAFF RECOMMENDATION:

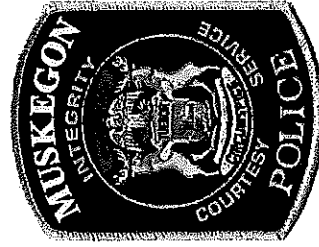
Approve -- Director Jeffrey Lewis

MUSKEGON POLICE DEPARTMENT CERTIFICATE OF APPRECIATION

This certificate is gratefully awarded to

JOEL ERNDTEMAN

In recognition of his quick actions on September 16, 2014. During an altercation at Muskegon High school between two students a handgun dropped to the floor. Mr. Erndteman's quick response in seeing the gun, keeping his foot on top of it and eventually securing it in a locked room potentially avoided serious injury and possible loss of life.



A handwritten signature in black ink, appearing to read "Jeffrey A. Lewis", is written over a horizontal line.

Jeffrey A. Lewis, Director of Public Safety

October 14, 2014

Date

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: October 9 2014

We have a number of items on the agenda, and I thought you could use a little background on some of them as you prepare for our meeting next week.

1. We have a number of items under consent. Of them, you'll notice a FEMA grant to provide smoke detectors, our annual dues for participation in WMSRDC, the donation programs for the local income tax forms (we added the Farmers Market and DMN), and a commitment to allow Bike Time to function as it did in 2014 for the next five years. The Bike Time request will also be on the work session agenda.
2. Under Unfinished Business, we are presenting the medical marihuana ordinance for a second reading. We are recommending no changes from the first reading. From a zoning standpoint, this issue will be before the Planning Commission shortly.
3. Under new business, we will discuss the use of, and purchase of Tasers for the police department. This item will also be on the work session agenda.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

Date: October 14, 2014
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the September 23rd City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 23, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, September 23, 2014.

Mayor Gawron opened the meeting with prayer from Vice Mayor Spataro after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Eric Hood, Willie German, Dan Rinsema-Sybenga, Byron Turnquist, and Ken Johnson, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2014-70 INTRODUCTIONS/PRESENTATION:

A. Presentation of Beautification Awards.

Mayor Gawron recognized the winners of the Beautification Awards.

2014-71 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the September 8th Commission Worksession Meeting, and the September 9th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Small Wine Maker License – Pigeon Hill Brewing Co., 500 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Pigeon Hill Brewing Company, LLC for a Small Wine Maker License to be located at 500 W. Western, Suite 1.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. Roof Maintenance/Repair Fire Station #4 (Robinson Street). PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the amount of \$9,600 for the roof repair to Fire Station #4. It was determined that the aging roof was leaking and causing damage to the roof structure, which needs immediate attention. Roofing bids were requested, Mikalan Roof Inc. (sub contracted to Werner & Sons) was selected from the process.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: Repairs to Fire Station #4 roof were requested in the 2014/2015 budget cycle to assure proper maintenance at this fire facility.

STAFF RECOMMENDATION: Staff recommends approval of this repair request.

E. City-MDOT Agreement for Veteran Park Improvements. ENGINEERING

SUMMARY OF REQUEST: Approve a contract with MDOT amending the previously signed contract No. 14-5155 increasing the grant amount by \$123,200 by approving the resolution authorizing the Mayor and City Clerk to sign the amended contract No. 14-5519.

FINANCIAL IMPACT: No change from what was previously approved since the entire increase is in federal grant.

BUDGET ACTION REQUIRED: None at this time as this project was budgeted for, however, the revised cost/grant amount will be reflected in the upcoming budget re-forecast.

STAFF RECOMMENDATION: Approve the contract amendment and resolution authorizing the Mayor and Clerk to sign both.

F. New Cingular Wireless Third Amended Tower Lease Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: Approve the staff negotiated amendment to the contract with New Cingular Wireless to add three more antennas to the Nims Street Water Tower and authorize the Mayor and Clerk to sign said amendment.

New Cingular Wireless PCS, LLC a Delaware Corporation and the Department of Public Works have been in negotiations to amend the Second Amendment to the 1998 Lease Agreement for the Nims Street and Marshall Street Water Towers.

This third amendment would allow New Cingular Wireless to install, on Nims Street Water Tower only, up to a total of 12 antennas, 3 additional antennas from the current number of 9.

FINANCIAL IMPACT: Monthly rental will increase from \$7,772.54 per month to \$9,077.54 escalating at the rate of 3% annually for the life of the contract which ends in 2018.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Third Amendment to the 1998 Lease Agreement and to authorize the Mayor and Clerk to sign.

G. Request to Proceed with the Redevelopment Ready Communities Program. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon is one of eight communities selected to participate in the Michigan Economic Development Corporations (MEDC) Redevelopment Ready Communities program. The program supports communities to become redevelopment ready and to adopt innovative strategies and efficient processes which build confidence among businesses and developers. The MEDC recently released its evaluation of Muskegon and shared the findings at a recent Commission Meeting. The MEDC is requesting a resolution in support of continuing the certification process.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution and to proceed with the Redevelopment Ready Communities program.

I. Sale of the Property at 816 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval to sell the vacant, buildable, residentially zoned lot at 816 Marquette Avenue to James Williams, owner of the multi-family residential complexes at 860 Marquette Avenue. He plans on constructing two more multi-family residential units and an office on the property. The property is 6.1 acres; however, more than an acre of it is undevelopable due to the ravine to the north of the property.

FINANCIAL IMPACT: Staff recommends a sale price of \$11,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval and authorize signature of the purchase agreement and resolution.

J. Nims Elevated Storage Tank Interior Coating and Repairs. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to award contracts to Seven Painting for the interior painting and miscellaneous repairs to the Nims Street elevated water storage tank and to Dixon Engineering for the project administration, pre-construction meeting and paint inspection services.

FINANCIAL IMPACT: Seven Brothers Painting = \$204,700
Dixon Engineering = \$15,683

Total: \$220,383

BUDGET ACTION REQUIRED: Budgeted capital improvement for 2014/15.

STAFF RECOMMENDATION: Staff recommends acceptance of the bid from Seven Brothers Painting and Dixon Engineering for a total cost of \$220,383.

Motion by Vice Mayor Spataro, second by Commissioner Johnson to adopt the Consent Agenda as read with the exception of items D and H.

ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

2014-72 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. T.V. Truck and Camera System. PUBLIC WORKS

SUMMARY OF REQUEST: The Equipment Division has requested bids from Jack Doheny Companies and Fredrickson Supply Company for a new T.V. Truck and camera system. After several attempts to contact the Aries camera rep from Fredrickson and no return calls, we are requesting permission to purchase the T.V. Truck and camera system from Jack Doheny Companies.

FINANCIAL IMPACT: \$189,867.95.

BUDGET ACTION REQUIRED: Authorize staff to move the budgeted purchase amount from the 2013/2014 budget to the 2014/2015 budget at the time of the first quarterly reforecast.

STAFF RECOMMENDATION: Authorize staff to purchase one T.V. Truck and Camera System from Jack Doheny Companies for \$189,867.95.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to authorize staff to purchase one T.V. Truck and Camera System from Jack Doheny Companies for \$189,867.95.

ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

H. Sale of the Property at 481 Monroe Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval to sell the vacant, buildable, residentially zoned lot at 481 Monroe Avenue to the Shoreline Branch Lions Club. The non-profit organization plans on working in conjunction with Love Community Garden to expand their current community garden. The lot is

considered buildable because of its size, however; the odd shape of it would make development difficult and would require variances to meet current setback requirements. There are several other City-owned buildable lots in the area. The asking price for the lot is \$3,600 and the Shoreline Branch Lions Club is offering \$50.

FINANCIAL IMPACT: The City would receive \$50 and help Love Community Garden expand its operations.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval and authorize signature of the resolution.

Motion by Commissioner Turnquist, second by Commissioner Johnson to approve and authorize the signature of the resolution for the sale of the property at 481 Monroe Avenue.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

2014-73 PUBLIC HEARINGS:

A. Consolidated Annual Performance Evaluation Report (CAPER 2013).
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing of the 2013-2014 CAPER projects funded through CDBG and HOME allocations to the City of Muskegon Community & Neighborhood Services Department.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To submit the 2013-2014 CAPER, including any public comments received during the 30-day comment period ending September 25, 2014.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Vice Mayor Spataro, second by Commissioner German to close the Public Hearing and submit the 2013-2014 CAPER, including any public comments received during the 30-day comment period ending September 25, 2014.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Spataro, and German

Nays: None

MOTION PASSES

2014-74 UNFINISHED BUSINESS:

A. Road Millage Resolution. CITY MANAGER

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to approve the amended Road Millage Resolution.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2014-75 NEW BUSINESS:

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

703 Amity Avenue

717 Amity Avenue

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: 703 Amity – General Funds

717 Amity – CDBG Funds

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Hood, second by Commissioner German to concur with the Housing Board of Appeals notice and order to demolish 703 Amity and 717 Amity.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

B. Marihuana Ordinance. CITY CLERK

SUMMARY OF REQUEST: The City Commission issued a moratorium on the current

marihuana ordinance to give staff and counsel the opportunity to review the State law and make changes to be in conformance. An extension of the moratorium was granted because of pending State legislation. Because it's unknown when the State may take action, staff is recommending to move forward.

Applicants will be responsible to pay a \$1,500 application fee and a \$1,100 renewal fee as well as all inspections required by the Building Inspection and Fire Marshall to ensure public safety of such operations. Signage will not be allowed.

Patients growing in their homes for themselves are subject to a \$100 application fee and the necessary safety inspections by the Building Inspector and Fire Marshall. The City Clerk will serve as the medical marijuana officer of the community.

Facilities used by a primary caregiver are permitted in the following zoning districts: B-2, B-3, B-4, B-5, MC, I-1, and I-2. No facility may be located within 1,000 feet of a preschool, elementary school, middle school or high school.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance and authorize the fees as outlined above be added to the fee schedule.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to approve the ordinance and authorize the fees as outlined above be added to the fee schedule.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to amend the motion by changing number 6 of Sec. 34-112 to Municipal Civil Infraction.

VOTE ON AMENDMENT:

ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Johnson, and Gawron

Nays: Turnquist

MOTION ON AMENDMENT PASSES

VOTE ON ORIGINAL MOTION:

ROLL VOTE: Ayes: Garwon, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: Johnson

MOTION PASSES (ORDINANCE REQUIRES SECOND READING)

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:19 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: October 7th, 2014
To: Honorable Mayor and City Commissioners
From: Director of Public Safety Jeffrey Lewis
RE: Assistance to Firefighters Grant Program - Fire Prevention

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and authorize the acceptance of the Fire Prevention Grant offering (*Smoke Alarms*). The Muskegon Fire Department submitted and received \$10,000.00 (match of 5%) to purchase approximately 1,000 *Home Smoke Alarms* (lithium-ion battery operated – ten year warranty). The alarms will be offered to the residents of Muskegon, which requires they submit a “*home survey*” to the NFPA before reception. The alarms will be purchased through Home Depot (Muskegon) that offered a special price offering of \$10.05 each.

FINANCIAL IMPACT:

\$ 500.00 supplies as a match to the grant

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of acceptance of the Fire Prevention Grant.

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. Ken Chudy
Muskegon Fire Department
770 Terrace
Muskegon, Michigan 49440-1121

Re: Grant No.EMW-2013-FP-00906

Dear Mr. Chudy:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2013 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$10,000.00. The Federal share is \$9,500.00 of the approved amount and your share of the costs is \$500.00.

Before you request and receive any of the Federal Grant funds awarded to you, you must establish acceptance of the Grant and Grant Agreement Articles through the Assistance to Firefighters Grant Programs' (AFG) e-grant system. Please make sure you read and understand the articles as they outline the terms and conditions of your grant award. By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval, via amendment request, from FEMA. Maintain a copy of these documents for your official file.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the process to request your grant funds, please call 1-866-274-0960.

Sincerely,

Brian E. Kamoie
Assistant Administrator
Grant Programs Directorate

Summary Award Memo

SUMMARY OF ASSISTANCE ACTION
ASSISTANCE OF FIREFIGHTERS GRANT PROGRAM - FIRE PREVENTION AND SAFETY GRANTS
Application

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2013-FP-00906
GRANTEE: Muskegon Fire Department
AMOUNT: \$10,000.00, Fire Prevention

Project Description

The purpose of the Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants is to provide funds to national, State, local or community organizations that are recognized for their experience and expertise with respect to fire prevention or firefighter safety programs and activities.

After careful consideration, FEMA has determined that the recipient's project submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants program's purpose and worthy of award. The recipient shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application narrative. These sections of the application are made a part of these grant agreement articles by reference. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

17-JUL-14 to 16-JUL-15

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$10,000.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$10,000.00

NEGOTIATION COMMENTS IF APPLICABLE (max 4000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Sharon Cargo at Sharon.Cargo@dhs.gov

System for Award Management (SAM)

Prior to requesting federal funds, all recipients are required to register their entity information in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information at least annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

FEMA Officials

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 4000 characters)

More saving.
More doing.®Your Store:
Roosevelt Park #2754 (Change)[Tool & Truck Rental](#)[Installation Services and Repair](#)[Gift Cards](#)[Help](#)

Code One Model # 21009992 Internet # 203728679 Store SKU # 152622

10 Year Lithium-Ion Battery Operated Ionization Smoke Alarm

★★★★☆ (23) Write a Review

\$19.97 / each

Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI

IN STOCK AT YOUR SELECTED STORE

Roosevelt Park #2754

Muskegon MI 49441

Change Pick Up Store

In Stock

Aisle 52 Bay 002



*Special
Pricius
(\$10.05)*

P

PRODUCT OVERVIEW Model # 21009992 Internet # 203728679 Store SKU # 152622 Store SO SKU # 198092

The Code One 10 year sealed battery smoke alarm has an innovative design unlike any other smoke alarm. When attached to mounting bracket, the alarm will automatically activate. No switches, no pull-tabs, everything is automatic. This unique feature makes installing this 10 year, smoke alarm in your home, office, or business easy. In addition to the easy installation you also have the benefit of a sealed in lithium power supply, no battery replacement required over the 10-year life of the alarm. With this alarm installed in your home, office or business, you are providing an early warning in the event of a fire that can save lives.

- Code one 10 year smoke alarm features smart hush control allowing you to temporarily silence nuisance alarms and an end of life alert indicating it is time to replace the alarm
- This alarm utilizes ionization sensing technology, ionization sensing alarms may detect invisible fire particles (associated with flaming fires) sooner than photoelectric alarms
- Features a test/reset button that tests units circuit operation and resets memory after an alarm condition occurs
- Alarm is UL listed and equipped with a piezoelectric horn that is rated at 85 decibels at 10 ft.

SPECIFICATIONS

Alarm Sensor Type	Ionization	Alarm Type	Smoke
Alarm/Detector Features	10-Year Battery, Hush Feature	Assembled Depth (in.)	1.55 in
Assembled Height (in.)	5.6 in	Assembled Width (in.)	5.6 in
Certifications and Listings	1-UL Listed	Commercial / Residential	Commercial / Residential
Connector/Contact Type	None	Included	Batteries
Returnable	90-Day	Voltage (volts)	9

SHIPPING AND DELIVERY OPTIONS

Standard Shipping includes delivery by small parcel service. Processing time varies by product.

If product is eligible for shipping to AK, HI and US Territories additional transit time and remote surcharges may apply.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Franklin J. Peterson, City Manager

DATE: October 6, 2014

RE: West Michigan Metropolitan Transportation Planning Program (WestPlan)
Dues FY2015 (October 1, 2014-September 30, 2015)

SUMMARY OF REQUEST;

To approve the City of Muskegon's portion of the WestPlan dues, payable to West Michigan Shoreline Regional Development Commission. The agency determines projects and distributes federal transportation funds.

FINANCIAL IMPACT:

\$16,040.00

BUDGET ACTION REQUIRED

None

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

Commissioner Turnquist, who is our representative on WMSRDC, recommends approval.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS 

FROM: Kenneth D. Grant, Treasurer/Income Tax Administrator

DATE: October 2, 2014

RE: Donation programs for M-1040 Individual Income Tax Returns

SUMMARY OF REQUEST:

Approval of multiple donations programs for the Muskegon M-1040 income tax returns. Every year our goal is to increase the number of refunds donated to our designated programs. Last year, 410 taxpayers donated their refunds to our donation programs for a grand total of \$2,414.00

The three designated donation programs for the M-1040 income tax returns will be the Lakeshore Trail Improvements, Muskegon Farmer's Market Capital Improvement Fund & the Downtown Muskegon Now.

FINANCIAL IMPACT:

Each donated refund saves the city approximately \$1.25 in checks fees and postage.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval recommended

COMMITTEE RECOMMENDATION:

Date: October 14, 2014
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
**RE: Policy for Public Inspection and Copying of
Assessing Records**

SUMMARY OF REQUEST: The State requires all jurisdictions to have a policy for inspection and copying of Assessing Records. The attached policy is written in compliance with the State Requirements.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: To approve the policy as written.

CITY OF MUSKEGON
PUBLIC INSPECTION OF ASSESSING RECORDS
POLICY

Requests for inspection and/or copying of public assessing records may be made verbally and/or in writing to the official/department responsible for the assessing records of the City of Muskegon.

If a verbal request is made, the responding authorized individual shall prepare a checklist of items/records requested to be copies and/or inspected. Said listing shall be presented to the requesting party on the date set for inspection or copying. The requesting party shall sign the checklist to indicate compliance with the verbal request.

The official/department shall be responsible for the production of the requested copies and shall bill for the copies and preparation time. Copies shall be charged pursuant to the City of Muskegon's fee schedule and preparation time shall be charged pursuant to the Freedom of Information Act.

The official/department shall respond to the request in a timely manner, not to exceed five (5) business days, from the date of said request. The response shall indicate the date, time, and place when the public inspection of the requested public assessing records shall take place.

The establishment of the date and time of the public inspection of the requested public records shall be at the discretion of the official/department responsible for the records. The place designated for the requested inspection shall be the location where the assessing records are officially retained.

The official/department will allow inspection of the records between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, unless mutually agreed to by the official/department and the requesting party.

Any requests made pursuant to Michigan's Freedom of Information Act shall be made to the FOIA coordinator of the City of Muskegon and shall be subject to the statutory requirements of FOIA.

Adopted this 14th day of October 2014.

Date: October 8th, 2014
To: Honorable Mayor and City Commissioners
From: Director of Public Safety Jeffrey Lewis
RE: 2012 (Edition) International Fire Code Adoption

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and authorize the adoption of the 2012 (edition) of the International Fire Code. The new edition addresses safeguarding of life, property from fire, explosion hazards arising from the use and occupancy of building within the City of Muskegon. The new edition has been reviewed and forwarded by the City of Muskegon Fire Marshal's Office.

FINANCIAL IMPACT:

N/A

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff recommends adoption of the proposed 2012 edition

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 30, Article III, "Fire Prevention Code," Section 30-191 "Adoption" of the Code of Ordinances of the City of Muskegon is hereby repealed and replaced by the following section:

Chapter 30 FIRE PREVENTION AND PROTECTION

ARTICLE III. FIRE PREVENTION CODE

Sec. 30-191. Adoption.

The city hereby adopts the *International Fire Code*, 2012 edition, including all appendices thereto, as published by the International Code Council, as the Fire Code of the City of Muskegon, in the State of Michigan. The International Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the occupancy of buildings and premises; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Fire Code on file in the office of the City of Muskegon are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any prescribed in this ordinance. Copies of the International Fire Code are on file in the office of the City Clerk of the City of Muskegon, and the code is made a part hereof as if fully set forth in this article.

If any conflict exists between any provision in the International Fire Code and a provision in the Michigan Building Code, the Michigan Building Code, 2012 edition, shall prevail.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Cummings
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 _____ day of _____, 2014, 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: _____, 2014

Ann Cummings
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**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2014, the City Commission of the City of Muskegon adopted an amendment to Chapter 30 "Fire Prevention and Protection," Article III, Section 30-191 "Adoption," whereby the following changes were made:

Section 30-191 was amended to adopt the most recent version of 2012 of the International Fire Code, including all appendices. The previous ordinance had adopted an earlier version.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published: _____, 2014 By: _____
Ann Cummings, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

CITY COMMISSION MEETING DATE
September 23, 2014

Date: September 16, 2014

To: Honorable Mayor and City Commissioners

From: Cathy Brubaker-Clarke, Director of Community & Economic Development

Re: Muskegon Bike Time – Request for a 5-year commitment for Bike Time, 2015 - 2019

SUMMARY OF REQUEST: Muskegon Bike Time has submitted a request for a five-year commitment from the City to host Bike Time downtown. There are no major changes from the way Bike Time has been run in the past. This year, 2014, was the first year that Bike Time was run by a local group, and they are asking for the 5-year agreement to make planning the event easier. Knowing their plans well in advance should also help City staff with their planning.

Items requiring City Commission approval are the same as in past years: that the City waive DPW equipment rental costs, that Bike Time be able to use their own labor pool when possible rather than using City staff, and some deviation from street closure times listed in the City's special event policy.

FINANCIAL IMPACT: Request for the waiver of equipment rental fees.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: As in past years, it is recommended that staff be allowed to make the final decision regarding rental fees and actual costs to be coordinated through the City Manager. In addition, staff recommends that if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Bike Time. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event.

Regarding street closures, staff recommends approval with the condition that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

COMMITTEE RECOMMENDATION: N/A

MUSKEGON BIKE TIME *City Commission item (page 2)*

Requests requiring Commission approval

► **Equipment rental fees and labor costs –**

Bike Time has requested the waiver of some City equipment rental fees. They have also requested to use their own labor pool rather than City employees whenever possible. (see staff recommendation on page 1)

► **Street closures –** The Special Event Policy allows street closures to begin at 6:00 p.m. the day before the event. Bike Time requests the following deviations from that policy, since some of their tents are very large and take additional time to set up, and due to the large number of tents/booths/equipment they have:

- Bike Time requests to close Fifth St. from Western Ave. to the alley between Western & Clay (approx. ½ block) on Wednesday morning of the event week, in order to place a large tent in the parking lot at 4th & Western (the lot entrance is off 5th St.)
- Bike Time requests permission to close Western Avenue and the side streets at midnight on Wednesday night of the event week, so set-up can begin first thing Thursday morning. In order to minimize disruption to downtown businesses, Bike Time will keep Western Avenue open on Thursday for limited business traffic, as in previous years. They will also leave the alley open off the side streets south of Western Avenue.

Date: September 23, 2014
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Marihuana Ordinance

SUMMARY OF REQUEST: The City Commission issued a moratorium on the current marihuana ordinance to give staff and counsel the opportunity to review the State law and make changes to in conformance. An extension of the moratorium was granted because of pending State legislation. Because it's unknown when the State may take action, staff is recommending to move forward.

Applicants will be responsible to pay a \$1,500 application fee and a \$1,100 renewal fee as well as all inspections required by the Building Inspection and Fire Marshall to ensure public safety of such operations. Signage will not be allowed.

Patients growing in their homes for themselves are subject to a \$100 application fee and the necessary safety inspections by the Building Inspector and Fire Marshall. The City Clerk will serve as the medical marijuana officer of the community.

Facilities used by a primary caregiver are permitted in the following zoning districts; B-2, B-3, B-4, B-5, MC, I-1, and I-2. No facility may be located within 1000 feet of a preschool, elementary school, middle school or high school.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance and authorize the fees as outlined above be added to the fee schedule.

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. _____

Rev. 9-30-14

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 34, Article IV of the Code of Ordinances of the City of Muskegon, Michigan is amended in its entirety, replacing sections 34-101 through 34-115 with the following:

Sec. 34-101. Purpose and Intent.

It is the intent of this ordinance to give effect to the intent of Initiated Act 1 of 2008, MCL 333.26421, et seq, (the Act) as approved by the electors, and not to determine and establish an altered policy with regard to marihuana. The act authorizes a narrow exception to the general rule and state policy that the cultivation, distribution, and use of marihuana amount to criminal acts. It is the further intent of this ordinance to protect the public health, safety, and general welfare of persons and property, and to issue licenses. It is the further intent of this ordinance to comply with the Act while concurrently attempting to protect the health, safety, and welfare of law enforcement officers and other persons in the community, and also to address and minimize reasonably anticipated secondary effects upon children, other members of the public, and upon significant areas of the community, that would be reasonably expected to occur in the absence of the provisions of this ordinance. This ordinance is designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate around this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the community and its residents to significant adverse conditions, including the following: adverse and long-term influence on children; substantial serious criminal activity; danger to law enforcement and other members of the public; discouragement and impairment of effective law enforcement with regard to unlawful activity involving the cultivation, distribution, and use of marihuana; the creation of a purportedly lawful commercial enterprise involving the cultivation, distribution and use of marihuana that is not reasonably susceptible of being distinguished from serious criminal enterprise; and, the uninspected installation of unlawful plumbing and electrical facilities that create dangerous health, safety, and fire conditions.

This ordinance permits authorization for activity based on the Act. Nothing in this ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this ordinance; and, nothing in this ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity, and the approval of a license under this ordinance shall not have the effect of superseding or nullifying federal law applicable to the

cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.
Sec. 34-102. Definitions.

Act means Initiated Law of 2008, MCL 333.26421, et seq., and Michigan Administrative Rules, R 333.101, et seq.

Department means the State of Michigan Department of Community Health.

Dispensary means one or more primary caregivers growing, storing, delivering, transferring, and/or providing qualifying patients with Medical marihuana out of a building or structure.

Qualifying patient or *patient* means a person as defined under MCL 333.26423(h) of the Act, who has been issued and possesses a Registry Identification Card under the Act.

Primary caregiver or *caregiver* means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

Registry Identification Card means the document defined under MCL 333.26423(i) of the Act.

Distribution means the physical transfer of any amount of marihuana in any form by one person to any other person or persons, whether or not any consideration is paid or received.

Distributor means a primary caregiver who engages in any one or more acts of Distribution.

Facility or *Premises* means a commercial business having a separate or independent postal address, one private office having a separate or independent postal address, one single family residence having a separate or independent postal address, one apartment unit having a separate or independent postal address, one condominium unit having a separate or independent postal address, or one free-standing industrial building having a separate or independent postal address.

Medical Marihuana Home Cultivation Operation means the cultivation of marihuana by a registered patient within a single family dwelling that is the registered patient's primary residence and which cultivation is in conformity with the restrictions and regulation contained in the Act.

Marihuana means the substance or material defined in section 7106 of the public health code, 1976 PA 368, MCL 333.7106.

Principal residence means the place where a person resides more than half of the calendar year.

Sec. 34-103. Licensure requirements.

(1) The cultivation of marihuana by a caregiver or any other person permitted under the Act, and the provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with the Act. No cultivation, distribution, and other

assistance to patients shall be lawful in this community at a location unless and until such location for such cultivation, distribution, and assistance shall have been licensed under this ordinance.

(2) The license requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

(3) Each caregiver operating at a facility or dispensary shall obtain a separate license prior to operating.

(4) The following locations shall require licensure:

- (a) A facility used for the cultivation of marihuana by caregivers or patients permitted under the Act;
- (b) A dispensary or facility used for distribution;
- (c) Any facility used to provide any other assistance to patients by caregivers permitted under the Act relating to medical marihuana;
- (d) A location other than a patient's principal residence where a patient cultivates or uses marihuana exclusively for such patient's personal consumption.
- (e) The principal residence of a patient where marihuana is cultivated exclusively for such patient's personal consumption.

(5) Operating as a primary caregiver is prohibited in a residence.

(6) Any portion of the structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the fire department to insure compliance with the City's adopted International Fire Code.

(7) The premises shall be open for inspection upon request by the City's appointed inspectors, building officials, fire department, and/or law enforcement officials for compliance with all applicable laws and rules, during normal business hours of 9:00 a.m. until 5:00 p.m. or as such other times as anyone is present on the premises.

Sec. 34-104. Application for license.

(1) An application for an annual license or renewal under this section shall be submitted to the City Clerk. A license shall be issued or renewed upon payment of the required fee and submission of a completed application in compliance with the provisions of this article, and compliance with all provisions and requirements of this article.

(2) An application renewal shall be submitted annually. Application to renew a license under this ordinance shall be filed at least 30 days prior to the date of expiration. Such renewal shall be accompanied by the annual fee.

(3) An application shall include the names of all caregivers operating in the same facility or on the same premises, with proof of registration, including current Registry Identification Card, pursuant to the Act.

(4) Pursuant to the Act, primary caregivers shall not have any felony convictions within the past ten years and shall not have ever been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. If a criminal background check reveals any such felony conviction, no license shall be issued and/or an existing license shall be revoked.

(5) The application shall include the marihuana facility history of the applicant; whether such person has had a business license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.

(6) No license shall be issued and/or an existing license may be revoked if applicant or business owes to the City any outstanding back taxes, fines, fees or liens.

(7) Applications shall include the address of the precise premises at which there shall be possession, cultivation, distribution or other assistance in the use of marihuana.

(8) If the premises are rented and not owned by the applicant, the landlord/owner of the premises must sign the application acknowledging that they are aware of the legal growth, storage and/or distribution of medical marihuana on the premises.

(9) Specify the name and address of the place where all unused portions of marihuana plants cultivated in connection with the use of marihuana or caregiver activity at the premises shall be disposed.

(10) Describe the enclosed, locked facility in which any and all cultivation of marihuana is proposed to occur, or where marihuana is stored, with such description including: location in building, precise measurements in feet, of the floor dimensions and height; the security device for the facility; and in the case of facilities with more than one primary caregiver, the name of the single primary caregiver designated to solely oversee and have access to each separate enclosed, locked facility.

(11) Describe all locations in the premises where a caregiver or other person authorized under the Act shall render assistance to a qualifying patient.

(12) Specify the number of patients to be assisted by each caregiver, including the number of patients for whom marihuana is proposed to be cultivated, and the number of patients to be otherwise assisted on the premises, and the maximum number of plants to be grown or cultivated at any one time.

(13) For safety and other code inspection purposes, it shall describe and provide detailed specifications of all lights, equipment, and all other electrical, plumbing, and other means proposed to be used to facilitate the cultivation of marihuana plants.

(14) The initial application fee and renewal fees shall be established by special resolution of the City Commission; thereafter they shall be established by annual budget resolution of the City Commission.

(15) In the case of corporations, partnerships, non-profit organizations, or other business types, the applicant shall be the highest level official or employee of the entity such as, board President, Chief Executive Officer, Executive Director, or comparable position.

(16) If the applicant is a corporation, a copy of the articles of incorporation and current corporation records disclosing the identity and residential addresses of all directors, officers, and shareholders shall be included. Include the address of the corporation itself, if different from the address of the marihuana dispensary or growing/manufacturing facility and the name and address of the resident agent for the corporation.

(17) If the applicant is a partnership, the names and residence address of each of the partners and the partnership itself, if different from the address of the marihuana dispensary or growing/manufacturing facility, and the name and address of the resident agent.

Sec. 34-105. Number of Marihuana Plants.

(1) In a patient's principal residence, there shall be not more than twelve marihuana plants per licensed patient being cultivated at any one time.

(2) At a facility at which a caregiver cultivates marihuana for use by patients, there shall not be more than twelve marihuana plants being cultivated at any one time per

patient, and in no event more than seventy-two marihuana plants being cultivated at any one time per caregiver (which assumes cultivation for five patients, plus an additional twelve plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marihuana).

Sec. 34-106. Locations

(1) Dispensaries used by a primary caregiver are permitted in the following zoning districts: B-2, B-3, B-4, B-5, MC, I-1 and I-2.

(2) No dispensary may be located within 1,000 feet of a preschool, elementary school, middle school or high school. Measurements for purposes of this section shall be made from property boundary to property boundary.

Sec. 34-107. No Signs or Advertising.

(1) The distribution of marihuana is generally unlawful, and the Act does not authorize any activity such as a "dispensary." Reading the Act as a whole, the activities of caregivers are interpreted as being limited to private and confidential endeavors. Moreover, the location and identity of a caregiver may be readily known to his or her patients. Accordingly, there shall be no signage identifying a facility, dispensary or any place where a caregiver is operating.

(2) Unless conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a "clinic," "hospital," "dispensary," or other name customarily ascribed to a multi-patient professional practice.

Sec. 34-108. Primary caregiver operations.

The following additional standards shall apply to all primary caregiver operations:

(1) Shall not be operated from a business which sells alcoholic beverages.

(2) The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices and so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises.

(3) No drive-through facilities shall be permitted.

(4) All transfers and deliveries of medical marihuana to qualifying patients must occur within the structure out of public view.

(5) The consumption of medical marihuana on the premises is prohibited.

Sec. 34-109. Medical Marihuana Home Cultivation Operation.

In addition to the requirements of home occupations outlined in the City's zoning ordinance, patients who chose to cultivate their own medical marihuana at home shall be subject to the following requirements:

(1) All use of marihuana on the premises shall comply with the Act at all times.

(2) All medical marihuana shall be contained within an enclosed, locked facility inside a primary or accessory building.

(3) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the building in which electrical wiring, lighting, storage and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.

(4) The City Clerk shall coordinate electrical, fire, mechanical, plumbing inspectors (and any other inspector(s) deemed necessary under the circumstances) with regard to site of such cultivation for the purpose of determining whether all lights, plumbing, equipment, and all other means used to facilitate the cultivation of marihuana plants is in accordance with all applicable codes.

(5) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential levels between the hours of 11 pm and 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties or vehicles on adjacent right of ways.

Sec. 34-110. Use of land in accordance with approved application.

(1) If approved, all use of property shall be in accordance with an approved license application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.

(2) Any facility that exists on the effective date of this ordinance shall cease operations and may make application for and receive approval to continue to operate.

Sec. 34-111. No Vested Rights

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

Sec. 34-112. Effect of license; suspension; penalties; daily violation.

(1) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.

(2) A license does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the Act or other violations not protected by the Act.

(3) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.

(4) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by the Act.

(5) Each day that a person shall conduct a primary caregiver operation or Medical Marihuana Home Cultivation Operation without a license or allow, operate, or assist in said operation shall constitute a separate offense.

(6) A violation of any section of this article is a civil infraction.

Sec. 34-113. Non-renewal revocation.

The City Clerk may choose to not renew or to revoke a license based on any of the following:

(1) A failure to meet the conditions or maintain compliance with the standards established by this division in reference to applications for a new license or the renewal of an existing license; or

(2) One or more violations of any city ordinance, state or federal law or regulation, on the premises; or

(3) Maintenance of a nuisance on the premises; or

- (4) A demonstrated history of excessive calls for public safety.
- (5) Nonpayment of real and/or personal property taxes, fines, fees or liens owed to the City; or
- (6) Failure to comply with any City adopted building or fire codes.

Sec. 34-114. Appeals Process

If an applicant or licensee chooses to appeal denial of a license or revocation of a license, the applicant or licensee can enter in a written appeal to the City Clerk's office using a city generated form including the appellants signature, the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. Appeals shall be filed within 30 days of the decision in question. City Commission shall consider the appeal within 30 days of the receipt of the appeal.

Sec. 34-115. Severability

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, legal entities, or circumstances by such shall be confined in its operation to the clause, sentence, section, paragraph, or part of this ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to the legislative intent of this body that the ordinance would have been adopted had such invalid or unconstitutional provisions have not been included in this ordinance.

Sec. 34-116. Prohibition against "provisioning centers" and "safety compliance facilities"

It is unlawful for any individual or commercial entity to acquire, possess, manufacture, deliver, transfer or transport, sell, supply, or provide marihuana – whether medical or otherwise – to any individual or group of individuals, whether or not such person(s) has/have not become registered as qualifying patient(s) or registered primary caregiver(s) pursuant to the Michigan Medical Marihuana Act, MCL 333.26421, et seq. (the "Act"), unless explicitly permitted by the Act or explicitly permitted by this ordinance. "Provisioning Centers" and "Safety Compliance Facility" contemplated by the House Bill 4271 of 2014, are prohibited.

Date: October 7th, 2014
To: Honorable Mayor and City Commissioners
From: Director of Public Safety Jeffrey Lewis
RE: Taser (X26-P) Units for the Police Department

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and authorize the purchase and implementation of the “**Taser x26p**” force continuum tool (less than lethal device). The police department is submitting a request for the purchase of twenty-five (25) units (safety yellow), and accessories. The department currently does not have a force continuum tool with the exception of “*impact weapons*” and “CS gas” (spray). The department believes risk to citizens and police officers may be reduced and research supports a reduction in excessive force claims. The purchase and implementation will be coordinated with officer training, department policy, followed up by “use of force reporting” and supervisory review on all TASER activations. See attachments.

FINANCIAL IMPACT:

Force Continuum Tool budgeted (\$ 31,350.00 units & accessories)

**Awaiting award MMRMA “Rapp Grant” funding, \$10,000.00 (to be announced in November of 2014)*

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of TASER purchase & implementation.

TASER X26P



SUMMARY

Muskegon Police Department recognizes that there is no one defensive tactic that will apply to every subject control situation. It is necessary to explore different techniques that most effectively deal with this agency's needs.

Muskegon Police Department policy regarding the use of force consists of, but is not limited to, handcuffing, weapon retention, ground fighting techniques, strikes and blocks, control holds, pressure points, one and two person takedown techniques, impact weapons, oleoresin capicum (OC), and firearms (deadly force).

A Conducted Electrical Weapon (CEW) is a less lethal option. Like other less lethal options available, the CEW is intended to provide officers with a force option that may be used to contend with combative subjects, assaultive behavior, subjects who are actively resisting arrest, and subjects who are threatening harm to themselves or others.

How CEW technology works:

- CEWs use a replaceable cartridge containing compressed nitrogen to deploy two small probes that are attached to the handheld unit with insulated conductive wires.
- The CEWs transmit controlled pulses of electricity carefully designed to stimulate skeletal muscles of the human body without damaging the heart or other vital organs. These pulses affect the sensory and motor functions of the peripheral nervous system and cause incapacitation.
- The current can transmit through clothing up to one inch per probe or two inches cumulative.

Safety

Contrary to popular belief, electrical voltage, per se, does not pose significant risk to humans. Harm from electricity is a result of current which is measured in amperes. A CEW transmits less than one ampere of current (between 2.1 to 3.9 milliampere) — less than the current found in a standard Christmas tree light bulb and much less than the 15 amperes in a 110-volt wall outlet.

- Numerous independent studies by universities, hospitals, physicians, law enforcement agencies, and government entities have concluded that CEWs are generally safe and effective.
- CEW technology has dramatically reduced injuries to both officers and suspects while reducing excessive use-of-force litigation.
- Michigan Municipal Risk Management Authority not only supports the use of CEWs, they also offer 50% funding up to a maximum of \$400 per unit.

Why TASER?

- May reduce use of deadly force
- May reduce injuries to suspects
- May reduce injuries to officers by suspects
- May reduce litigation by injured suspects

SOURCE: *The Police Policies Studies Council*

http://www.theppsc.org/Staff_Views/Czarnecki/Taser.Recommendations.htm

presented at the IACP Annual Conference in 2005 by Fabrice Czarnecki, MD, MA, MPH



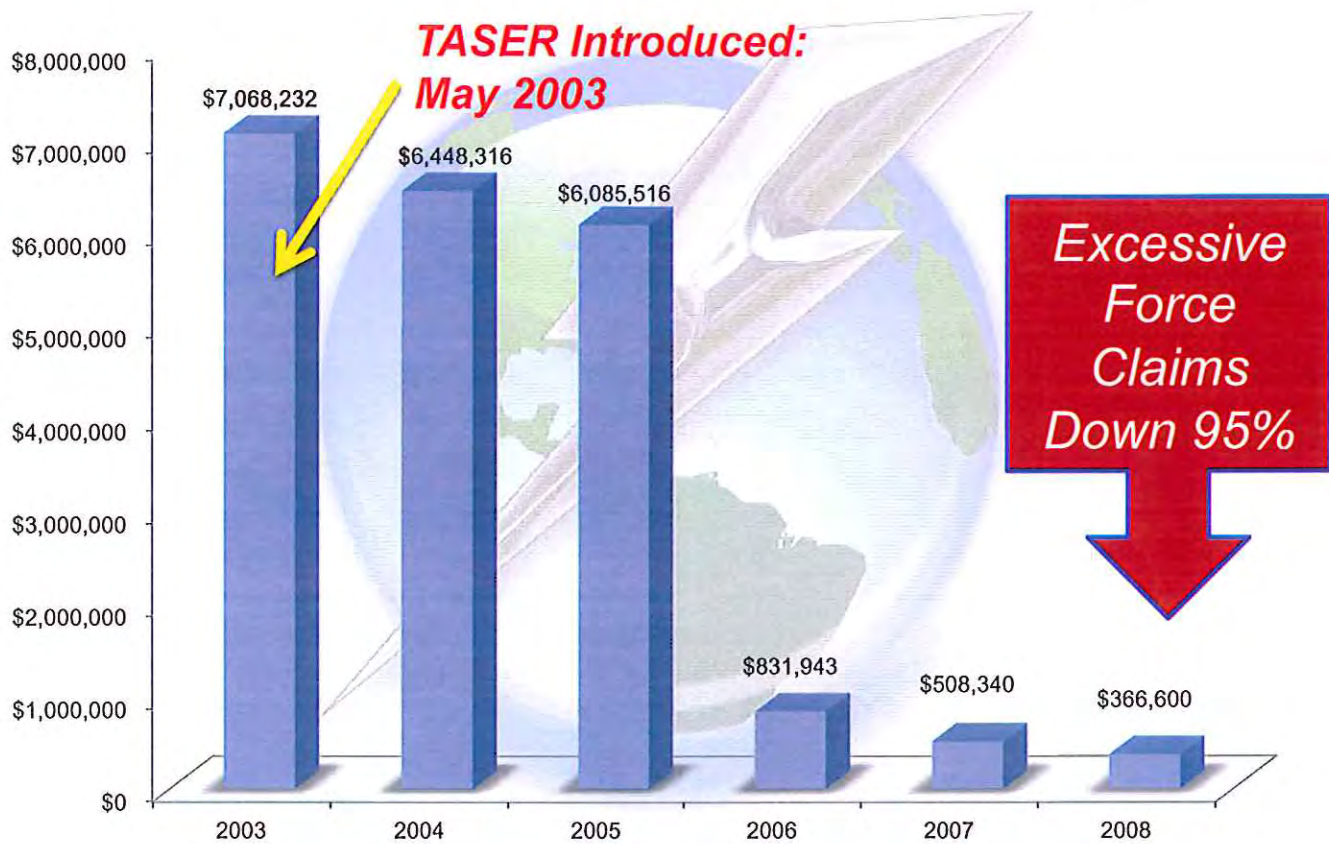
The Need for CEWs

- **53,469** officers were assaulted in 2010
- Nearly **14,000** officers, or 26.1 percent of those assaulted, were injured in 2010
- Assaultants used
 - **personal weapons (hands, fists, feet, etc.) in 81.8 percent of the incidents: 43,731. An officer is 45 times more likely to be assaulted by an unarmed suspect than an armed suspect**
 - firearms in **3.4 percent** of incidents
 - knives or other cutting instruments in **1.7 percent** of the incidents.
 - Other types of dangerous weapons were used in **13.1 percent** of assaults

Source: FBI's "Law Enforcement Officers Killed and Assaulted, 2010". (October 2011)

MMRMA

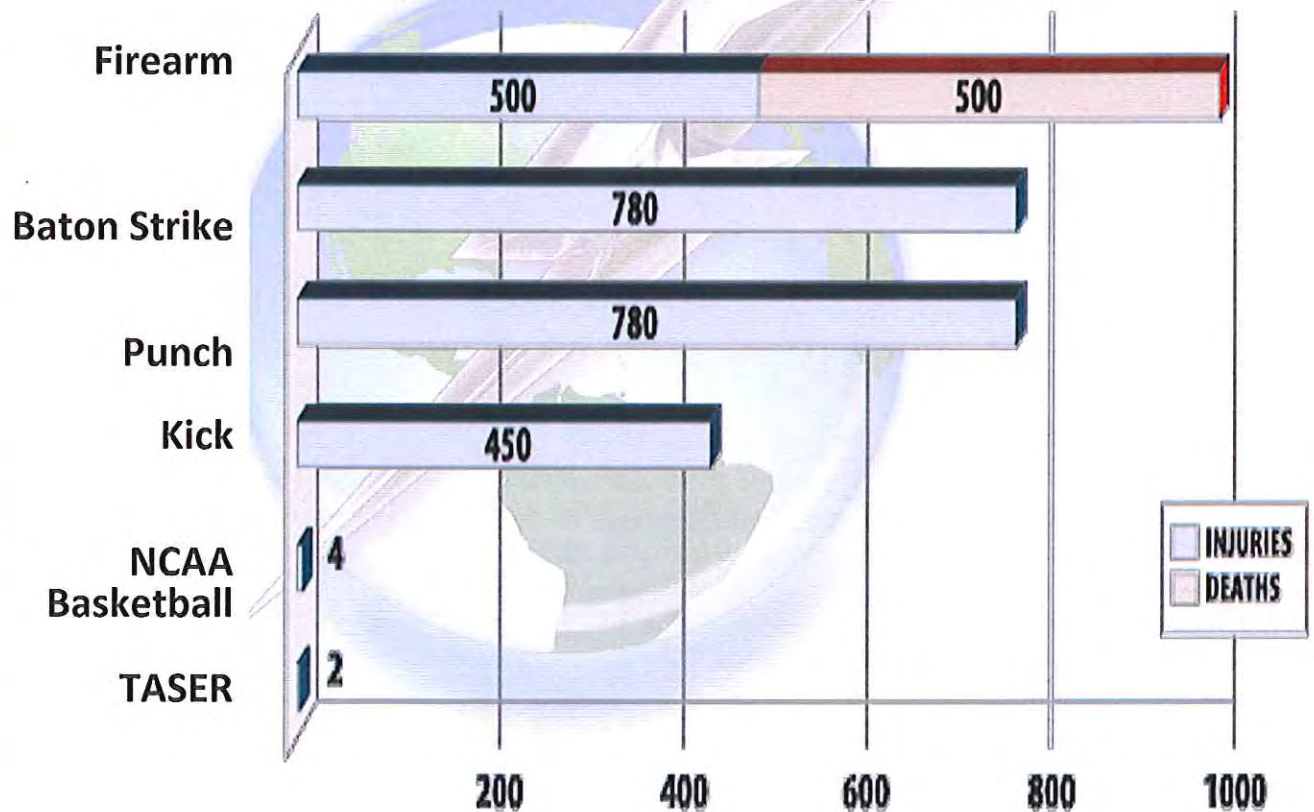
Losses For Excessive Force Claims



- MMRMA represents 149 law enforcement agencies in Michigan
- Approximately 6,000 officers are employed by those agencies

TASER Devices Reduce Injuries

Injuries Per 1,000 Exposures



Use of Tasers in Michigan's corrections system keeps peace, saves money

By Paul Egan Detroit Free Press Lansing Bureau Filed Under Local News Politics Lansing Mar. 25

freep.com

LANSING -- Tasers are allowing the Michigan Department of Corrections to keep the peace in prisons and save the state money, a department spokesman said Friday.

Use of the electric stun guns began as an experiment in December 2011 in five of the state's 31 prisons. It has since expanded to all prisons, except to the medical facility for mentally ill people, spokesman Russ Marlan said.

Buying the Tasers will have cost the department about \$1.1 million by the end of this year.

Most corrections officers still don't carry Tasers, Marlan said. About 450 are in use across the system, and they're mostly carried by officers who work in areas such as dining and exercise yards where prisoners gather in groups.

• RELATED: [Michigan corrections costs remain high despite drop in inmates, staffing](#)

Marlan said Tasers allow officers to end confrontations before they escalate and without putting themselves at risk of injury by having to pull prisoners apart.

Often, "just pulling the Taser out is enough to stop the incident," he said.

A 61% drop in workers compensation cases for corrections between 2011 and 2012 -- which saved the department \$1.8 million -- is attributed to the introduction of Tasers, Marlan said.

Officers have displayed Tasers about 775 times and fired them about 500 times, with no serious injuries or deaths resulting, he said.

Officers who carry Tasers receive special training, Marlan said, and a manual gives direction on safety issues, such as where on an inmate's body Tasers should be pointed and when Tasers should not be used.

Mel Grieshaber, executive director of the Michigan Corrections Organization, has said that Tasers help keep the peace inside prisons.

Lois DeMott, a co-founder of the advocacy group Citizens for Prison Reform, said her main concern is Tasers being used on prisoners with mental illnesses or disabilities.

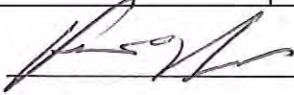
"I believe there are better methods that can be utilized," DeMott said.

MUSKEGON POLICE DEPARTMENT
CITY OF MUSKEGON
TELEPHONE BID TABULATION FORM

Date: 10/3/14 Employee: Dennis Lord

	Bidder #1	Bidder #2	Bidder #3
Vendor	Michigan Taser Distributing		
Address	10422 Londonderry Drive South Lyon, MI 48178		
Telephone Number	(248) 446-0373		
Fax Number	(248) 446-0378		
Accept Mastercard			
Quoted By	Ron Dehne		

Description & Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
25 - X26P TASER units (color safety yellow)	\$873.85	\$21,846.25	NOTE: MI TASER is the sole TASER distributor for police agencies in Michigan.			
25 - Extended performance power magazine, with spare cartridge holder	\$61.95	\$1,548.75				
60 - Black Hawk X26P holsters	\$51.75	\$3,105.00				
1 - X26P Dataport Download Kit	\$159.95	\$159.95				
120 - 15' Training Cartridge	\$21.55	\$2,586.00				
75 - 21' Duty Cartridge	\$23.55	\$1,766.25				
1 - Conductive Practice Target	\$12.95	\$12.95				
1 - Cartridge with Alligator Clips	\$45.00	\$45.00				
Shipping and Handling		\$280.35				
TOTAL		\$31,350.50				

Bidder #1 approved by 




Michigan Taser Distributing

BID

10422 Londonderry Dr.
South Lyon, MI 48178

Office Fax #
248-446-0373 248-446-0378

www.michigantaser.com

Date	BID #
10/1/2014	3752

Name / Address
Muskegon Police Department Capt. Dennis Lord 980 Jefferson Street Muskegon, Michigan 49440

Item	Description	Qty	Cost	Total
11003	X26P, Yellow, ECD only, no holster or power magazine	25	873.85	21,846.25
11010	XPPM, Extended performance power magazine, w/cartridge holder. X26P	25	61.95	1,548.75
11501	Holster, X26P, Black Hawk, Right Hand	60	51.75	3,105.00
22013	X2/X26P Dataport Download Kit	1	159.95	159.95
34200	15' (single) Air Cartridge	120	21.55	2,586.00
44200	21' (single), Air Cartridge	75	23.55	1,766.25
80001	Conductive Practice Target, Two part, Front	1	12.95	12.95
85000	Cartridge w/Alligator clips	1	45.00	45.00
S & H	Shipping & Handling, (1.5% <\$5k, 1% >\$5k-\$25k, .5% amount over \$25k) **\$7.50 Min.**		280.35	280.35
			Total	\$31,350.50

Terms of Sale

All Sales are Final. Sales of Taser products are subject to Taser International's Warranty, Limitations and Release. See TASER's website (www.TASER.com) or contact this office for warranty provisions, warranty exclusions, release and any limitations of liability.**

Shipping & Handling charges on net invoice price; 1.5% <\$5,000.00, 1% >\$5,000.00, .5% > \$25,000.00(\$7.50 min.)

QUOTES VALID 30 DAYS***TERMS: NET 10 DAYS ***** ALL SALES ARE FINAL**

All prices, specifications and terms are satisfactory and are hereby accepted. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Date: _____ Signature: _____