

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 28, 2018 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes** City Clerk
 - B. Gaming License Request from West Michigan's Finest** City Clerk
 - C. Gaming License Request from Family Promise of the Lakeshore** City Clerk
 - D. Division Street Outfall Green Infrastructure Project – Resolution of Authority to Sign Agreement with CSX Transportation** Department of Public Works
 - E. Launch Ramp Ordinance Change – 2nd Reading** Department of Public Works
 - F. New Position: Arena Director** City Manager
- ☐ **PUBLIC HEARINGS:**
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
 - A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish** Public Safety
 - 1967 Reynolds Street
 - 1932 Reynolds Street

1679 Park Street

1303 6th Street

1144 3rd Street

B. Rezoning request for 235, 239, 240, 250, and 254 Monroe Avenue from R-3, High-Density Single-Family Residential to Form Based Code, Urban Residential Planning & Economic Development

☐ **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 MEISCH, 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.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: August 23, 2018

Here is a quick outline of the items on our agenda(s):

1. Under the Consent Agenda, we are asking the Commission to consider the following:
 - a. Approval of meeting minutes from the most-recent City Commission meeting.
 - b. A gaming license request from West Michigan's finest.
 - c. A gaming license request from Family Promise of the Lakeshore.
 - d. Authorization to enter into an agreement with CSX Transportation relative to the Division Street Outfall Project. This is a standard agreement that allows the city's project to encroach onto CSX Property.
 - e. Second Reading of the amendment to the Launch Ramp Ordinance.
 - f. Creation of the position of Arena Director. This position existed previously, but has not been active for many years. We are seeking to move the position in-house as we work to hold more events at the arena.
2. Under the New Business, we are asking the Commission to consider the following:
 - a. Concurrence with the Housing Board of Appeals regarding the demolition of five properties.
 - b. Consideration of an amendment to the zoning ordinance regarding a number of properties in the Nelson Neighborhood from R-3 to Urban Residential. This is the site for the second phase of the Midtown Square project.

Let me know if you have any questions/comments/concerns

Date: August 22, 2018
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the August 13, 2018 Worksession and the August 14, 2018 Regular Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON
CITY COMMISSION WORKSESSION

Monday, August 13, 2018
5:30 p.m.
City Commission Chambers

Minutes

2018-57

Present: Johnson, Hood, Turnquist, Gawron, Warren, Rinsema-Sybenga and German.
Absent: None

Purchase Agreement – 880 First Street

Summary of Request: City Staff is seeking permission to enter into a purchase agreement with Core Development for 880 First Street. This building was acquired by the City of Muskegon in 2015. The \$425,000 purchase price will reimburse the City's Public Improvement Fund most of the \$500,000 invested in the property to date. The remainder of the investment will be recovered in the initial years of the completion of the development as a result of income tax revenues. The property is located in the Downtown Development Authority, and any incremental property tax growth will benefit that component unit of the City's budget.

This item will be on the August 14, 2018 City Commission meeting for consideration.

1000 West Western Avenue Sale and Development Agreement

Summary of Request: The City Commission accepted a \$249,000 purchase offer from Smith Equities in 2016. After a lengthy due diligence period, the parties entered into a letter of intent that would help guide the development of a purchase agreement. The purchase agreement is in final draft form, and the terms are agreeable to both Smith equities and City Staff.

The purchase Agreement outlines the purchase price as well as the development obligations of both parties. The City has a number of obligations in the development agreement, including the relocation of infrastructure- such as the bike path and the roadway to the Hartshorn Launch Ramp- and the implementation of improvements at the marina's facilities. The city's costs associated with this infrastructure will be recovered as a part of a Brownfield Reimbursement Plan. Additionally, the marina amenity improvements will result in increased revenue from both the new condominium association and the marina slip holders. It is anticipated that the initial phase of the development will result in approximately \$170,000 in new property tax revenue annually, which will be captured as part of the Brownfield Plan and used to reimburse the City's expenses. Additional phases of the development will likely result in significantly more property tax revenue. It is also anticipated that the initial phase of the development will result in \$40,000- \$60,000 in new local Income tax revenues.

The proceeds from the initial land sale will benefit the City's Public Improvement Fund.

This item will be on the August 14, 2018 City Commission meeting for consideration.

Rad Dad's Management Agreement

Summary of Request: City staff is requested approval of the lease agreement and corresponding management agreement for the operations of Rad Dad's Tacos and Tequila in the LC Walker Arena.

This item will be on the August 14, 2018 City Commission meeting for consideration.

Sale of City Owned Property at 1870 Huizenga Street & 1080 E Holbrook

Summary of Request: Newkirk Electric, located at 1875 Roberts, has requested to purchase the two vacant, industrially- zoned properties to expand their outdoor storage area. They are offering \$30,000 and to split the closing costs. 1870 Huizenga is considered a buildable lot. But 1080 E. Holbrook is not large enough to be considered buildable. Staff is requesting permission to enter into a purchase agreement with the applicant.

This item will be on the August 14, 2018 City Commission meeting for consideration.

Sale of City Owned Property in the Seaway Industrial Park

Summary of Request: MTC Enterprises of Michigan, Inc. has requested to purchase lots 1 and 2 in the Seaway Industrial Park. They are offering \$300,000 total for both lots and are proposing to construct a provisioning center on one parcel and either a cultivation building or processing center on the other parcel. The offer is contingent upon unencumbered title and their ability to obtain State and local licensing within 120 days of acceptance of the proposal. If they need additional time to obtain licensing and all necessary approvals, they will agree to pay the City \$3,000 per month non-refundable but credited towards the purchase price at closing. Staff is requesting permission to enter into a purchase agreement with the applicant.

This item will be on the August 14, 2018 City Commission meeting for consideration.

Annex Lease

Summary of request: The City entered into a lease with ImaJam, Inc. 2015. ImaJam planned to operate a sports training facility on the site. The owner has been unsuccessful in his attempts to do so. Both parties feel that it is in the best interest of the community to terminate the lease and allow the city to find a new operator for the site. As part of the lease termination, the City will maintain the existing lease with Mercy Health, Inc., which has three years remaining on the initial term and one additional 5-year extension. Additionally, the City will take ownership of the personal property located on site as well as the related financial obligations associated with that personal property. City staff has been working with local investor that has a strong interest in stepping in to operate the facility; an agreement should be ready for Commission consideration in the next 60 days.

This item will be on the August 14, 2018 City Commission meeting for consideration.

The Work session Meeting adjourned at 7:48 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC-City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 14, 2018 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

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, August 14, 2018. Commissioner Willie German, Jr., opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood Commissioners Ken Johnson, Byron Turnquist, Willie German, Jr., and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Debra Warren

INTRODUCTIONS/PRESENTATION:

A. Presentation of 2018 Beautification Awards

Recipients of the Residential and Business 2018 Neighborhood Beautification Awards were recognized for their effort in making the city a beautiful place. Those present were presented with a Certificate of Recognition.

2018-58 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 24, 2018 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Special Event Liquor License – Farmers Market for Farm to Table Dinner – City Clerk

SUMMARY OF REQUEST: The Muskegon City Clerk's Office is organizing our 3rd

annual Farm-to-Table fundraiser dinner to benefit the Muskegon Farmers Market and is seeking City Commission approval to apply for license for Beer, Wine, and Spirit sales for this event. The Farmers Market does have a liquor license but the licensed area does not extend beyond the barn.

FINANCIAL IMPACT: \$50 permit from the State for every date requested.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve a special liquor license for the September 6, 2018 Farm-to-Table Fundraiser dinner.

D. Annex Lease City Manager

SUMMARY OF REQUEST: The City entered into a lease with ImaJam, Inc. in 2015. ImaJam planned to operate a sports training facility on the site. The owner has been unsuccessful in his attempts to do so. Both parties feel that it is in the best interest of the community to terminate the lease and allow the city to find a new operator for the site. As part of the lease termination, the City will maintain the existing lease with Mercy Health, Inc., which has three years remaining on the initial term and one additional 5-year extension. Additionally, the City will take ownership of the personal property located on site as well as the related financial obligations associated with that personal property. City staff has been working with a local investor that has a strong interest in stepping in to operate the facility; an agreement should be ready for Commission consideration in the next 60 days.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request and authorize staff to sign the lease termination.

E. Purchase Agreement – 880 First City Manager

SUMMARY OF REQUEST: City staff is seeking permission to enter into a purchase agreement with Core Development for 880 First Street. This building was acquired by the City of Muskegon in 2015. The \$425,000 purchase price will reimburse the City's Public Improvement Fund most of the \$500,000 invested in the property to-date. The remainder of the investment will be recovered in the initial years of completion of the development as a result of income tax revenues. The property is located in the Downtown Development Authority, and any incremental property tax growth will benefit that component unit of the City's budget.

FINANCIAL IMPACT: \$425,000 minus closing costs deposited into the City's Public Improvement Fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To authorize the City Manager to enter into a sales agreement to sell the property at 880 First Street for \$425,000 to Core Development.

G. Memorandum of Understanding – Justice Assistance Grant Public
Safety Director

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the FY 2018 Justice Assistance Grant. It is further requested that the Mayor be authorized to sign the Memorandum of Understanding. Note that the time is of the essence as this grant requires a governing body review period and the grant submission and the grant deadline is August 22nd.

Although the Bureau of Justice Assistance has designated us as being in a disparate funding situation due to the County providing more than 50% of the jail facilities, our proposal is to keep the allocations exactly as they initially came down the BJA which is as follows: County of Muskegon \$0; City of Muskegon \$23,030 and the City of Muskegon Heights \$14,941. Note that BJA uses crime data versus population in making these allocation decisions.

The City of Muskegon portion is planned to be used in continuation of the manner in which the previous year's JAG funding was used which is for the prosecution of city ordinance cases dealing primarily with neighborhood issues.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of this request.

H. Rezoning Request for a Portion of the Property at 710 Pulaski Avenue
2nd Reading Planning & Economic Development

SUMMARY OF REQUEST: Request to rezone a portion of the property at 710 Pulaski Avenue from I-1, Light Industrial to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff Recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their July 12 meeting, with four members absent.

I. Sale of City-Owned Property at 1870 Huizenga Street & 1080 E. Holbrook Avenue Planning & Economic Development

SUMMARY OF REQUEST: Newkirk Electric, located at 1875 Roberts Street, has requested to purchase the two vacant, industrially-zoned properties to expand their outdoor storage area. They are offering \$30,000 and to split the closing costs. 1870 Huizenga is considered a buildable lot, but 1080 E. Holbrook is not large enough to be considered buildable. Staff is requesting permission to enter into a purchase agreement with the applicant.

FINANCIAL IMPACT: The City will see increased revenue from the sale of the lots.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommend approval of the sale.

K. Launch Ramp Ordinance Change Department of Public Works

SUMMARY OF REQUEST: To amend Chapter 58 Parks and Recreation ordinance to clarify daily and annual launch ramp permit parameters, vessel and trailer size restrictions, and commercial use of the City of Muskegon launch ramps.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the modified language for the ordinance.

L. City Survey Services Department of Public Works

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Fleis & VandenBrink Engineering to provide survey services for upcoming projects. The value of the agreement shall not exceed \$27,110.

Requests for Proposals were solicited for this contract with Westshore Consulting and Fleis & VandenBrink Engineering submitting proposals. Both proposals were reviewed by staff and the Fleis & VandenBrink proposal is recommended.

FINANCIAL IMPACT: Not to exceed \$27,110.

BUDGET ACTION REQUIRED: None. Contract will be funded out of capital projects included in the 2018/2019 budget.

STAFF RECOMMENDATION: Authorize staff to enter into an engineering services agreement with Fleis & VandenBrink Engineering.

M. Landscaping DPW/Filtration

SUMMARY OF REQUEST: Authorize staff to enter into a landscaping agreement at Water Filtration Plant with Weesies Brothers Garden Center since they submitted the lowest responsible bid of \$35,495.

FINANCIAL IMPACT: \$35,495

BUDGET ACTION REQUIRED: The project is funded in FY 2018-19

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Weesies Brothers Garden Center for a cost of \$35,495.

N. Fence Replacement DPW/Filtration

SUMMARY OF REQUEST: Authorize staff to enter into a fence replacement agreement at Water Filtration Plant with Justice Fence since they submitted the lowest responsible bid of \$89,500.

FINANCIAL IMPACT: \$89,500

BUDGET ACTION REQUIRED: The project is funded in FY 2018-19

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Justice Fence for a cost of \$89,500.

O. Excavating DPW/Filtration

SUMMARY OF REQUEST: Authorize staff to enter into an excavating agreement at Water Filtration Plant with Jackson-Merkey Contractors since they submitted the lowest responsible bid of \$88,365.

FINANCIAL IMPACT: \$88,365

BUDGET ACTION REQUIRED: The project is funded in FY 2018-19

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Jackson-Merkey for a cost of \$88,365.

P. Membrane Roof on Clearwells DPW/Filtration

SUMMARY OF REQUEST: Authorize staff to enter into a roof installation agreement on clearwells at Water Filtration Plant with Ostrander Roofing since they submitted the lowest responsible bid of \$440,000.

FINANCIAL IMPACT: \$440,000

BUDGET ACTION REQUIRED: The project is funded in FY 2018-19

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Ostrander Roofing for a cost of \$440,000.

Q. Salt Box DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase one (1) Salt Box from Arista Truck Systems, Inc. This unit was ordered by another community that could not complete the sale, therefore, Arista is offering this unit at a considerable discount. The price of the unit is \$14,999, compared to \$18,807. A savings of \$3,808.

FINANCIAL IMPACT: \$14,999

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase on (1) Salt Box from

Arista Truck Systems, Inc.

R. Concrete Breaker DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase one (1) Concrete Breaker from Midland Engine, the lowest qualified bidder.

FINANCIAL IMPACT: \$12,500

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase one (1) Concrete Breaker from Midland Engine.

S. Back Hoe DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase one (1) Back Hoe from Michigan Cat for a purchase price of \$97,053.61. With our buyback program, Michigan Cat is the most cost effective machine to buy.

FINANCIAL IMPACT: \$97,053

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase one (1) Back Hoe from Michigan Caterpillar.

T. City Manager Employment Agreement Mayor's Office

SUMMARY OF REQUEST: Approval of the Agreement as submitted.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None at this time.

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

U. Adopt a Resolution Approving the Liquor License Application for Pigeon Hill Brewing Company, LLC City Clerk

SUMMARY OF REQUEST: To adopt a resolution approving the request for a Liquor License for Pigeon Hill Brewing Company, LLC, 895 Fourth Street, to be licensed as a Micro Brewer, Small Wine Maker, Manufacturer of Mixed Spirit Drink, and Small Distiller.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt a resolution approving the request.

V. Arena Lease and Management Agreement – Rad Dad's City Manager

SUMMARY OF REQUEST: City staff is requesting approval of the lease agreement

and corresponding management agreement for the operations of Rad Dad's Tacos and Tequila in the LC Walker Arena.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None at this time.

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

Motion by Commissioner Johnson, second by Vice Mayor Hood, to approve the consent agenda as presented, except items C, F, and J.

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

Nays: None

MOTION PASSES

2018-59 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting City Clerk

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the Annual Meeting; and, if possible, to designate one other official to serve as an alternate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to designate Mayor Stephen J. Gawron as the MML representative and Commissioner Willie German, Jr., as the alternate.

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

Nays: None

MOTION PASSES

F. 1000 West Western Avenue Sale and Development Agreement City Manager

SUMMARY OF REQUEST: The City Commission accepted a \$249,000 purchase offer from Smith Equities in 2016. After a lengthy due diligence period, the parties entered into a letter of intent that would help guide the development of a purchase agreement. The purchase agreement is in final draft form, and the terms are agreeable to both Smith Equities and City Staff.

The Purchase Agreement outlines the purchase price as well as the development obligations of both parties. The City has a number of obligations in development agreement, including the relocation of infrastructure – such as the bike path and the roadway to the Hartshorn Launch Ramp – and the implementation of improvements at the marina’s facilities. The City’s costs associated with this infrastructure will be recovered as part of a Brownfield Reimbursement Plan. Additionally, the marina amenity improvements will result in increased revenue from both the new condominium association and the marina slip holders. It is anticipated that the initial phase of the development will result in approximately \$170,000 in new property tax revenue annually, which will be captured as part of the Brownfield Plan and used to reimburse the City’s expenses. Additional phases of the development will likely result in significantly more property tax revenue. It is also anticipated that the initial phase of the development will result in \$40,000 - \$60,000 in new local Income Tax revenues.

The proceeds from the initial land sale will benefit the City’s Public Improvement Fund.

FINANCIAL IMPACT: \$250,000 minus closing costs – deposited to the City’s Public Improvement Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the city manager to enter into the sale and development agreement with Harbor West, LLC, consistent with the terms of the Letter of Intent dated March 2018.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to authorize the city manager to enter into the sale and development agreement with Harbor West, LLC, consistent with the terms of the Letter of Intent dated March 2018.

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

Nays: None

MOTION PASSES

J. Sale of City-Owned Property in the Seaway Industrial Park Planning & Economic Development

SUMMARY OF REQUEST: MTC Enterprises of Michigan, Inc has requested to purchase lots 1 and 2 in the Seaway Industrial Park. They are offering \$300,000 total for both lots and are proposing to construct a provisioning center on one parcel and either a cultivation building or processing center on the other parcel. The offer is contingent upon unencumbered title and their ability to obtain State and local licensing within 120 days of acceptance of the proposal. If they need additional time to obtain licensing and all necessary approvals, they will agree

to pay the City \$3,000 per month non-refundable but credited towards the purchase price at closing. Staff is requesting permission to enter into a purchase agreement with the applicant.

FINANCIAL IMPACT: The City will see increased revenue from the sale of the lots.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommend approval of the sale.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve the sale.

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

Nays: None

MOTION PASSES

2018-60 NEW BUSINESS:

A. City-MDOT Agreement; Black Creek Road; Sherman Blvd to Latimer Drive
DPW/Engineering

SUMMARY OF REQUEST: Approved the contract with MDOT for the Black Creek Road construction between Sherman Boulevard and Latimer Drive and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the approved federal funds of \$340,000. The estimated total construction cost is \$568,100 plus engineering cost.

BUDGET ACTION REQUIRED: None at this time, this project is included in the 18-19 budget.

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

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the contract and resolution authorizing the mayor and clerk to sign both.

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

Nays: None

MOTION PASSES

B. City Hall Duct Cleaning Department of Public Work

SUMMARY OF REQUEST: Award a contract for duct cleaning at City Hall to Modernistic, the lowest responsible bidder. Three contractors were contacted,

and two supplied bids as follows:

Modernistic - \$9,899

Stanley Steamer - \$13,832

FINANCIAL IMPACT: \$9,899

BUDGET ACTION REQUIRED: None. A City Hall upgrade project is included in the capital project list of the 2018/2019 budget.

STAFF RECOMMENDATION: Award the project to the low bidder, Modernistic.

Motion by Vice Mayor Hood, second by Commissioner Johnson, to award the project to the low bidder, Modernistic.

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

Nays: None

MOTION PASSES

C. Steven Street Storm Sewer Outlet Repairs Department of Public Works

SUMMARY OF REQUEST: The DPW is requesting permission to rent equipment and purchase materials necessary to complete repairs to the Stevens Street Storm Sewer Outlet. The storm sewer outlet has partially collapsed and is causing substantial erosion. An MDEQ permit has been obtained for the work and bids were taken where feasible for the rental of equipment and purchase of materials necessary for the repairs. Labor to be completed by Highway Department staff.

FINANCIAL IMPACT: Materials - \$12,208.20 (\$4,208.20 Pipe + \$8,000.00 Drainage Structure) Equipment - \$2,935.00 (Excavator Rental)

BUDGET ACTION REQUIRED: None at this time. Equipment and material purchases will be funded from the Local Street Fund.

STAFF RECOMMENDATION: Authorize staff to rent equipment and materials to make repairs to the Stevens Street Storm Water Outlet.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to authorize staff to rent equipment and materials to make repairs to the Stevens Street Storm Water Outlet.

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

Nays: None

MOTION PASSES

D. 2018 Capital Improvements Projects – McGraft Park Lot Resurfacing

Department of Public Works

SUMMARY OF REQUEST: Award the resurfacing contract (H-1716) for crushing and shaping of the existing parking lot and driveway at McGraft Park to the low bidder. Three contractors submitted bids for this project as follows:

Accurate Excavators - \$108,512.29

Jackson-Merkey Contractors - \$112,453.90

Epic Excavating - \$113,951.45

FINANCIAL IMPACT: \$108,512.29

BUDGET ACTION REQUIRED: None at this time. The project will be funded through a planned capital improvement project and from the McGraft Park Trust Fund.

STAFF RECOMMENDATION: Award the project to the low bidder, Accurate Excavators.

Motion by Commissioner Turnquist, second by Commissioner Johnson, to authorize staff to rent equipment and materials to make repairs to the Stevens Street Storm Water Outlet.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission meeting adjourned at 6:40 p.m.

Respectfully Submitted,

Ann Marie Meisch, City Clerk, MMC

Date: August 22, 2018
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
**RE: Gaming License Request from West Michigan's
Finest**

SUMMARY OF REQUEST: West Michigan's Finest is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



West Michigan's Finest
1470 Creston St
Muskegon, MI 49442

April 17, 2018

Muskegon City Hall
933 Terrace
Muskegon, MI 49440-1397

Dear Sir or Madam:

My name is Lamar Jordan, and I am the founder of West Michigan's Finest. West Michigan's Finest is a new non-profit organization that I plan to use to assist the youth in Muskegon County through basketball. In my youth, basketball was a big part of my life. It helped to mold me into the man that I am today. It taught me the value of hard work, discipline, and team work. It required me to learn how to get along with individuals from all walks of life. It taught me to graciously accept the wins as well as the losses. One of the things that stuck with me from basketball was that if I performed my best I could hold my head up high, and then work harder to obtain the goals set for me as well as the goals I set for myself.



As an adult, I want to be able to give the youth of today these opportunities. As the head coach for the boy's basketball program at Muskegon Catholic Central, I am able to teach and provide this for my players. However, I want to be able to reach as many children as possible. I believe that West Michigan's Finest will assist me in this endeavor. I know that this will take a lot of work and dedication, but I am determined to make a difference in my community. With this goal in mind, I ask that you recognize West Michigan's Finest as non-profit organization within Muskegon County.

This will allow me the ability to work within the community to raise the capital to fund the programs with the non-profit. I appreciate your time and the opportunity to discuss my intentions.

Sincerely,

Lamar Jordan Jr.

(231) 903-3498



State of Michigan
Michigan Gaming Control Board
Office of the Executive Director
P.O. Box 30786
Lansing, MI 48909
Phone: (313) 456-4940
Fax: (313) 456-3405
Email: Millionaireparty@michigan.gov
www.michigan.gov/mgcb

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(k)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a nonprofit
COUNTY

organization operating in the community, for the purpose of obtaining charitable gaming licenses, be
considered for _____
APPROVAL/DISAPPROVAL

APPROVAL: Yeas: _____

DISAPPROVAL: Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted

by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED:

TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

Organization Information:

ORGANIZATION'S MAILING ADDRESS, STREET, CITY, ZIP

ORGANIZATION'S PRINCIPAL OFFICER NAME AND TITLE

()

PHONE NUMBER

CITY CLERK'S OFFICE

CITY OF MUSKEGON
933 TERRACE ST
MUSKEGON MI 49440
(231) 724-6705



Receipt: 12013563

Aug/17/2018

Page

Cashier: KIMBERLY.GRIMM

Received Of: WEST MICHIGANS FINEST

NOTES CHARITABLE GAMING RESOLUTION
REQUEST

The sum of: \$75.00

MISC

CHARITABLE GAMING RESOLUTION
REQUEST

75.00

Total

75.00

TENDERED:

CHECK

1001

75.00

Date: August 22, 2018
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
**RE: Gaming License Request from Family Promise of
the Lakeshore**

SUMMARY OF REQUEST: Family Promise of the Lakeshore is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



Family Promise® of the Lakeshore

2160 Crozier
Muskegon, MI 49441
(231) 747-8855
Website: www.fp-lakeshore.org

August 22, 2018

City of Muskegon
ATTN: Ann Meisch
933 Terrace St.
Muskegon, MI 49440

Dear Ms. Meisch:

Family Promise of the Lakeshore, a non-profit organization that provides programming for families experiencing homelessness, is applying to the State of Michigan for approval for a Charitable Gaming License. We wish to run a raffle, selling tickets at \$10 each for the opportunity to win a 5 minute shopping trip through a local grocery store.

The money earned from this raffle, or any future endeavors with a Charitable Gaming License, will be used to support programming provided by Family Promise of the Lakeshore.

We are requesting that you submit this for City Council approval at the August 28, 2018 meeting. We had no idea the timeline for a State of Michigan application would be so tight, requiring an eight week approval time. Since our event is scheduled just prior to Thanksgiving, you can see that time is of the essence.

I very much appreciate your time and attention.

Sincerely,

Marian McDermid

Marian McDermid, Executive Director
Family Promise of the Lakeshore

*Enclosed: Info to be sent to State of Mi
Check for \$125.00*



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

Date: 8/28/2018

To: Honorable Mayor and City Commissioners

From: Department of Public Works

RE: Division Street Outfall Green Infrastructure Project – Resolution of
Authority to Sign Agreement with CSX Transportation

SUMMARY OF REQUEST:

Approve the resolution of authority to sign an agreement with CSX Transportation, Inc. to facilitate the green infrastructure project at the city's Division Street outfall to Muskegon Lake.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve the resolution of authority to sign the agreement with CSX Railroad.

City of Muskegon

RESOLUTION

AUTHORITY TO SIGN AGREEMENT WITH CSX RAILROAD FOR DIVISION STREET OUTFALL PROJECT

WHEREAS, Muskegon City Commissioners desire to promote green infrastructure as a means to improve and protect the natural environment; and

WHEREAS, Muskegon City Commissioners support the West Michigan Shoreline Regional Development Commission's project to reduce runoff and contamination at the city's Division Street outfall to Muskegon Lake; and

WHEREAS, Muskegon City Commissioners understand that a portion of the city's storm sewer will be rerouted under CSX Railroad property, requiring an agreement with the railroad; and

NOW, THEREFORE LET IT BE RESOLVED, that Muskegon City Commissioners give the City Manager authority to sign the agreement with CSX Transportation, Inc. and to name CSX Transportation, Inc. as an additional insured for the project construction.

Dated this _____ of _____ 20__.

Stephen J. Gawron
Mayor

Ann Marie Meisch
City Clerk

Date: August 22, 2018
To: Honorable Mayor and City Commission
From: Department of Public Works
RE: Launch Ramp Ordinance Change – 2nd Reading

SUMMARY OF REQUEST: To amend Chapter 58 Parks and Recreation ordinance to clarify daily and annual launch ramp permit parameters, vessel and trailer size restrictions, and commercial use of city of Muskegon launch ramps.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approve the modified language for the ordinance.

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Section 58-3 is amended to read as follows:

58-3. Public boat launch permit; violation as a municipal civil infraction.

No person shall launch a vessel at city launch ramp facilities without a permit from the city. Daily permits are valid for the 24-hour period of the date purchased and must be clearly displayed on the vehicle dashboard with date and permit number visible from outside the vehicle. Annual permits are valid for the calendar year in which it was purchased for the launching of vessels at city launch ramp facilities. The annual permit must be fully adhered to the vehicle windshield and completely visible from the outside of the vehicle used to launch the vessel.

Vessels larger than thirty-feet, or those transported on a trailer with three or more axles, shall not use City of Muskegon launch ramp facilities. Pontoon boats are excluded.

Private or for-profit businesses may launch commercial vessels from city launch ramp facilities with a commercial launching permit issued by the City of Muskegon. Each permit is valid for the calendar year in which it was purchased, for vessels up to thirty-feet in length, and transported on a trailer with one or two axles. Pontoon boats excluded.

Permits are non-transferable and may not be re-sold, with the exception that permits will be transferable between vehicles owned by the permit purchaser for business purposes and must be visible from outside the vehicle. Violations of this section shall be a municipal civil infraction.

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 adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By _____

Ann Marie Meisch, 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 ____ day of _____, 2018, 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 an 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: _____, 2018

Ann Marie Meisch, 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**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2018, the City Commission of the City of Muskegon amended Chapter 58, Article I by amending Sections 58-3.

Section 58-3 has been amended to allow for the purchase of a 24-hour or annual permit to launch vessels at city launch ramp facilities. It is required that the permits be properly adhered to the windshield or dashboard of the vehicle for complete visibility. Additionally, vessels larger than thirty-feet, or vessels transported on a trailer with three or more axles, are prohibited from being launched at city launch ramp facilities, pontoon boats excluded. Transferring or selling permits between individuals, except for the transfer of permits between vehicles owned by the permit purchaser for business purposes, is prohibited.

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: _____, 2018

By: _____
Ann Marie Meisch, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

MEMO

Date: August 22, 2018

To: Honorable Mayor & City Commission

From: City Manager

RE: NEW POSITION: ARENA DIRECTOR



SUMMARY OF REQUEST:

The Arena Director will be responsible for the overall management of the L.C. Walker Arena including planning, developing, scheduling and marketing profitable programs of interest, providing leadership and direction to all staff and building relationships/addressing needs with all different user groups of the Ice Arena. The Director prepares contracts for the utilization of facilities and makes necessary arrangements to prepare for events; plans and implements programs and events; directs the operational repairs of the arena, ice plant, and ice surface; and orders necessary supplies and materials, and supervises support staff. This position will report directly to the City Manager.

We are requesting that the City Commission authorize staff to open a new position for Arena Director. The position was previously filled via a management contract. Staff feels the position would best meet the Arena's needs as a regular full time employee.

FINANCIAL IMPACT:

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION:

Authorize the City Manager to Hire and appoint an Arena Director as part of the city staff.

CITY OF MUSKEGON JOB DESCRIPTION

ARENA DIRECTOR

Supervised By: City Manager
Supervises: Supervisory responsibility

Position Summary:

Under the general direction of the City Manager, the Arena Director is responsible for the overall management of the L.C. Walker Arena including planning, developing, scheduling and marketing profitable programs of interest, providing leadership and direction to all staff and building relationships/addressing needs with all different user groups of the Ice Arena. Prepares contracts for the utilization of facilities and makes necessary arrangements to prepare for events. Plans and implements programs and events. Directs the operational repairs of the arena, ice plant, and ice surface. Orders necessary supplies and materials, and supervises support staff.

Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Oversees and coordinates all arena personnel, including hiring and training employees
2. Actively seeks renters for all areas of the building and promotes activities sponsored by the L.C. Walker Arena. Prepares contracts regarding the rental of the arena.
3. Oversee the financial management, marketing, daily ice operations and maintenance of mechanical equipment, and community relations for the L.C. Walker Arena.
4. Develop and maintain relationships with primary user groups including the USHL Lumberjacks, high school user groups, adult and youth hockey groups, figure skaters, and others. Be responsive to their requests.
5. Maintain the calendar of usage for individual areas of the venue including the USHL ice sheet, meeting rooms and general use areas. Schedule all of the regular user groups in a way that promotes the most harmony possible between the user groups while balancing the financial needs of the venue.
6. Manage the contractors responsible for maintaining the mechanical and/or operational infrastructure in the building. Respond to alarms and develop preventative maintenance programs to keep infrastructure running well into the future.
7. Ensure that the venue is clean and presentable at all times. Including maintenance and upkeep of all furniture, equipment, locker and meeting rooms, and general areas inside and outside of the venue. This includes supervision of outdoor maintenance including grass cutting and snow removal.

8. Prepare the annual budget, monthly and year-end reforecasting and other analytical spreadsheets as requested or needed. Works with Finance staff to budget and track revenues and expenditures. Keeps city staff updated on current and future capital needs.

Other Responsibilities:

1. Develop policy recommendations, changes in rental pricing and other programs for approval and implement same.
2. Ensure proper communication between venue staff and user groups through ongoing written and verbal reporting.
3. Responsible for the care and maintenance of the ice rink, including building ice surface, scribing, painting and resurfacing as needed.
4. Responsible for the cash operations in the venue including following proper vault, cash register and cash handling procedures.
5. Responsible for proper financial procedures in purchasing and deposits including filling out purchase orders and processing invoices with Finance.
6. Other duties as assigned.

Supervisory Responsibilities:

Directly supervise full time and part-time staff engaged in marketing, house programs, maintaining the building and maintaining the ice sheets and mechanical systems. Carries out supervisory responsibilities in accordance with Arena policies and applicable laws. Responsible for interviewing, hiring and training employees; planning, assigning and directing work; appraising performance, rewarding, disciplining in accordance with Human Resources/Civil Service Rules, addressing complaints and resolving problems.

Qualifications:

To perform this job successfully, an individual must be able to perform each of the following essential functions satisfactorily. The requirements listed are representative of the knowledge, skills, and/or abilities required. A demonstrated ability to follow directions and complete assigned tasks with a minimum amount of instruction and supervision is essential. Ability to organize work flow and meet established deadlines. Work hours and schedule are generally Monday-Friday 8:00 AM - 5:00 PM but can vary, and may include holidays, evenings and weekends. This position requires skill in meeting and/or exceeding the expectations, being articulate and well-developed communication skills and personal poise. This position requires excellent teamwork skills, working cooperatively with others in the accomplishment of joint tasks and common objectives. Contributes to a positive work environment, fosters collaboration and provides a tangible contribution.

Education and/or Experience:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

- Bachelor degree from four-year College or University in business administration, marketing, communications, public relations, public administration, and 3 years related

experience, or 8 years experience in Ice Arena Management.

- Knowledge of ice sheet maintenance and resurfacing preferred but not required
- Minimum of one (1) year management experience and two (2) years of direct Supervisory experience.
- Proficiency with MS Office programs, particularly Excel, required.
- State of Michigan Vehicle Operator's License, a satisfactory driving record, and the ability to maintain one throughout employment.
- Progressively responsible experience in the operation and management of a convention and/or civic arena facility or equivalent.
- Ability to read, analyze, and interpret general business periodicals, professional journals, job-related procedures and manuals, and government regulations. Ability to provide management and staff with concise, accurate guidelines regarding financial procedures. Ability to write professional correspondence, prepare business reports, and conduct professional presentations.

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential duties of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions.

While performing the duties of this job, the employee is regularly required to reach with hands and arms and talk and hear. The employee frequently is required to stand; walk; sit; and use hands to finger, handle, or feel. The employee is occasionally required to climb or balance and stoop, kneel, crouch, or crawl. The employee must regularly lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, and ability to adjust focus. The employee must be able to travel distances on foot quickly to attend to a variety of needs while on site at the venue.

While performing the duties of this job, the employee is occasionally exposed to moving mechanical parts; fumes or airborne particles; and outside weather conditions. The noise level in the work environment is usually moderate. Work schedule includes hours in excess of 40 hours per week including evenings, weekends and holidays.

COMMISSION MEETING DATE: August 28, 2018

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1804579 – 1967 Reynolds St.

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 **1967 Reynolds Street** is unsafe, substandard, a public nuisance and that it be demolished.

Location and ownership: This structure is located on Reynolds St between East Holbrook Ave and the dead end in the Marsh Field Neighborhood. The structure is owned by the Muskegon County Land Bank, 173 E. Apple Ave, Muskegon, MI 49442.

Staff Correspondence. On August 2, 2018 the HBA declared the structure substandard, dangerous and a nuisance.
This property is slated for demolition by the Muskegon County Land Bank using funds from their “Hardest Hit 2” grant.

Financial Impact: None

Budget action required: None

State Equalized value: \$16,800

Estimated cost to repair: \$35,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish all structures on the property.

INSPECTION REPORTS

Owner MUSKEGON COUNTY LAND BANK AUTHORITY
173 E APPLE AVE STE 104
MUSKEGON, MI 49442

Enforcement # EN1804578

Property Address: 1967 REYNOLDS ST

Parcel # 24-796-003-0009-00

Date completed: July 23, 2018

DEFICENCIES:

1. Siding is missing, not attached or damaged
2. North west corner of home has major damaged from vehicle contact
3. Stairway to upper apartment is rotted and must be replaced
4. Many windows have rotted frames, sills, sashes and broken or missing glass
5. House shingles are beginning to curl
6. Soffits are rotted, have peeling or no paint
7. Railing for upper porch is rotted and must be replaced
8. Garage roof needs to be replaced. Several patches to not match the remaining shingles
9. Garage service door is rotted and missing panel(s)
10. Garage overhead door is missing
11. Garage siding has peeling paint
12. Garage windows are incorrectly boarded. Boards must be cut to match the opening and painted to the match the siding or trim

Electrical service connected and gas meter has been removed at time of inspection

NOTE: This depicts an exterior only inspection due to the dangerous condition of the interior

Jay Paulson, Inspector

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.

SECTION 116.3 Notice (UNSAFE STRUCTURES AND EQUIPMENT)

If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

PHOTOS of 1967 Reynolds Street







COMMISSION MEETING DATE: August 28, 2018

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1804579 – 1932 Reynolds St.

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 **1932 Reynolds Street** is unsafe, substandard, a public nuisance and that it be demolished.

Location and ownership: This structure is located on Reynolds St between East Holbrook Ave and the dead end in the Marsh Field Neighborhood. The structure is owned by the Muskegon County Land Bank, 173 E. Apple Ave, Muskegon, MI 49442.

Staff Correspondence. On August 2, 2018 the HBA declared the structure substandard, dangerous and a nuisance.
This property is slated for demolition by the Muskegon County Land Bank using funds from their “Hardest Hit 2” grant.

Financial Impact: None

Budget action required: None

State Equalized value: \$11,900

Estimated cost to repair: \$21,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish all structures on the property.

INSPECTION REPORTS

Owner MUSKEGON COUNTY LAND BANK AUTHORITY
173 E APPLE AVE STE 104
MUSKEGON, MI 49442

Enforcement # EN1804579

Property Address: 1932 REYNOLDS ST

Parcel # 24-796-002-0019-00

Date completed: July 23, 2018

DEFICIENCIES:

1. Windows are rotted, missing, broken out or boarded over
2. Window sills are rotted or missing and must be replaced
3. Siding consists of vinyl and Masonite, siding missing, rotted or loose
4. Front wood entry door is rotted and must be replaced
5. Rear entry door is missing and currently boarded over
6. Roofing shows signs of decay, missing shingles and loose shingles
7. Soffits and fascia is missing, rotted or not attached
8. Front Porch windows are boarded over, cracked or broken out
9. Rear porch roof is rotted and showing signs of collapse
10. Rear laundry "bump out" is rotted, missing siding and roof shingles
11. Rear entry porch boards (plywood) are rotted
12. Garage overhead door is rotted and off track
13. Garage service door is missing and currently boarded over
14. Garage roof needs to be replaced
15. Garage siding is rotted or missing
16. Garage soffits and fascia are rotted, have peeling or no paint
17. Exterior mounted furnace is rotted and has been vandalized

NOTE: This depicts an exterior only inspection. Due to the condition of the home, an interior inspection could not be completed

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.

SECTION 116.3 Notice (UNSAFE STRUCTURES AND EQUIPMENT)

If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

PHOTOS of 1932 Reynolds Street





COMMISSION MEETING DATE: August 28, 2018

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1804580 – 1679 Park St.

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 **1679 Park Street** is unsafe, substandard, a public nuisance and that it be demolished.

Location and ownership: This structure is located on Park St between West Dale Ave and West Forest Ave in the Nelson Neighborhood. The structure is owned by the Muskegon County Land Bank, 173 E. Apple Ave, Muskegon, MI 49442.

Staff Correspondence. On August 2, 2018 the HBA declared the structure substandard, dangerous and a nuisance.

This property is slated for demolition by the Muskegon County Land Bank using funds from their “Hardest Hit 2” grant.

Financial Impact: None

Budget action required: None

State Equalized value: \$14,600

Estimated cost to repair: \$36,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish all structures on the property.

INSPECTION REPORTS

Owner MUSKEGON COUNTY LAND BANK AUTHORITY
173 E APPLE AVE STE 104
MUSKEGON, MI 49442

Enforcement # EN1804580

Property Address: 1679 PARK ST

Parcel # 24-205-438-0008-00

Date completed: July 24, 2018

DEFICENCIES:

1. Roof covering have begun to curl, roofing must be replaced
2. Front porch windows are broken out and boarded. Boarding must be cut to the window size and painted to match the trim or the home
3. Front Entry steps must have a handrail
4. Several windows for the home are broken out, missing and boarded. Boarding must be cut to the window size and painted to match the trim or the home
5. Dryer venting cannot vent through window opening
6. Dryer vent cover is missing
7. Rear entry steps must have a handrail
8. Gas service has been disconnected and the meter has been removed

Note: This depicts an exterior only inspection. Unable to make entry to make entry into the home. Large sections of plaster had fallen in several rooms of the home

Jay Paulson, Inspector

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.

SECTION 116.3 Notice (UNSAFE STRUCTURES AND EQUIPMENT)

If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

PHOTOS of 1679 Park Street





COMMISSION MEETING DATE: August 28, 2018

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1803143 – 1303 6th Street

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 1303 6th Street is unsafe, substandard, a public nuisance and that it be demolished.

Location and ownership: This structure is located on 6th Street Monroe Ave and Merrill Ave in the Nelson Neighborhood. The structure is owned by the Muskegon County Land Bank, 173 E. Apple Ave, Muskegon, MI 49442.

Staff Correspondence. On August 2, 2018 the HBA declared the structure substandard, dangerous and a nuisance.
This property is was damaged by fire on May 31, 2018 was occupied by the previous owner.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$15,800

Estimated cost to repair: \$75,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish all structures on the property.

INSPECTION REPORTS

Owner COUNTY OF MUSKEGON TREASURER
173 E APPLE AVE STE 104
MUSKEGON, MI 49442

Enforcement # EN1803143

Property Address: 1303 6TH ST

Parcel # 24-205-376-0001-10

Date completed: June 6, 2018

DEFICENCIES:

1. Exterior siding is fire damaged, rotted and several areas the siding has been removed to check for extension.
2. Electrical service was removed during fire suppression activities. The electrical services (two) must be upgraded and replaced throughout the home.
3. Gas service was removed during fire suppression activities. The gas service must be update and replaced.
4. Windows: several windows were damaged or broken during fire suppression, these windows must be replaced. Several existing windows show signs of rot and peeling paint. These must be repaired or replaced.
5. Entry doors that have been damaged by the fire must be replaced.
6. Roof fascia and soffits are rotted or missing and must be replaced.
7. Exterior entry lights are missing and must be replaced

NOTE: This inspection depicts an exterior only inspection. Due to the heavy fire damaged, an interior inspection could not be completed.

Jay Paulson, Inspector

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

SECTION 116.3 Notice (UNSAFE STRUCTURES AND EQUIPMENT)

If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

PHOTOS of 1303 6th Street





COMMISSION MEETING DATE: August 28, 2018

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1800427 – 1144 3rd Street

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 1144 3rd Street is unsafe, substandard, a public nuisance and that it be demolished.

Location and ownership: This structure is located on 3rd Street between Monroe Ave and Houston Ave in the Nelson Neighborhood. The structure is owned by the Alliance Preferred Properties LLC, Brad Martell, 2752 Schindler Drive NW, Grand Rapids, MI 49544.

Staff Correspondence.

February 22, 2018, a complaint notice was sent, with no response
March 8, 2018, a “final notice” was sent. On March 13, 2018, Brad called and said he was working with an investment group who had an interest in making the building into a brew house. Brad said he was hoping to have an agreement by April 1st. No further contact from Brad.

The notice & order was sent on June 5, 2018. A ten day notice was sent on June 20th for the August 2, 2018 HBA hearing.

On August 2, 2018 the HBA declared the structure substandard, dangerous and a nuisance. Owner did not attend the HBA hearing. All notices are sent First Class mail, Certified mail and posted on the property in question.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$112,700 (for all structures & parcels)

Estimated cost to repair: \$110,000

Staff Recommendation:

To concur with the Housing Board of Appeals decision to demolish all structures on the property.

Contact with Owner:

On July 31, 2018, Brad called and said he would be demolishing the two-story building himself. Brad requested a list of area demolition contractors.

DANGEROUS BUILDING INSPECTION REPORT

Owner ALLIANCE PREFERRED PROPERTIES LLC
1144 3RD ST
MUSKEGON, MI 49441

Enforcement # EN1800427

Property Address: 1144 3RD ST

Parcel # 24-205-365-0001-00

Date completed: November 9, 2017



DEFICIENCIES:

1. Roof has collapsed onto second floor
2. Overhead service door have rotted or missing panels and peeling paint.
3. Front entry door is boarded shut. All boarding for windows and doors must fit correctly into the opening and must be painted gray or white as described by code.
4. Bricks on the backside of building are loose, missing and have peeling paint

NOTE: This report depicts an exterior only inspection. A complete interior inspection of the building must be completed by the City of Muskegon Building Safety Department.

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.

SECTION 116.3 Notice (UNSAFE STRUCTURES AND EQUIPMENT)

If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

PHOTO's of 1144 3rd Street





Commission Meeting Date: May 23, 2017

Date: August 23, 2018
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for 235, 239, 240, 250 & 254 Monroe Ave from R-3, High-Density Single-Family Residential to Form Based Code, Urban Residential

SUMMARY OF REQUEST:

Staff initiated request to rezone the properties to allow for more housing options. These properties will be the location of the next phase of Midtown Square homes. The Urban Residential zoning designation allows for rowhouses, which would fit in nicely between the business district and the detached homes in the neighborhood.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the rezonings.

COMMITTEE RECOMMENDATION:

The initial request included the rezoning of several other parcels as well. A motion to rezone the properties at 235-254 Monroe Ave to Form Based Code, Urban Residential was approved 8-1, with one member absent. A separate motion to table the other rezoning requests was approved.

STAFF REPORT

August 16, 2018

Hearing, Case 2018-26: Staff initiated request to rezone 372, 380, 388, 394, 398, 406, and 414 Houston Ave; 1246, 1252 and 1258 5th St; 235, 239, 240, 250 and 254 Monroe Ave; and 1148 6th St from R-3, High Density Single Family Residential to Form Based Code, Urban Residential.

SUMMARY

1. Staff is proposing the following rezonings from dense single-family residential to urban residential to accommodate a few new projects. These locations are already located near multi-family homes and should fit in nicely with the existing neighborhood.
2. Community EnCompass would like to build a new four-unit home on the vacant lot at 380 Houston Ave. This lot previously held a four-unit home before it was demolished. Half of this block is already zoned FBC, UR and hosts several large homes. This block could adequately support larger homes with the large alley and lots that could support multiple cars parking in the rear.
3. Community EnCompass also owns two of the three lots at 1246-1258 5th St. The County owns the other parcel. They have proposed a five rowhouses on these parcels. This type of development fits these parcels well, as they are too small to accommodate multiple single-family homes. The only type of home that would fit on these lots would be a single ranch, which is not compatible with the neighborhood. Please see the rowhouse rendering on the following pages.
4. The City owns the lots at 235-254 Monroe Ave. There is currently an RFP out for this potential development and the City is encouraging dense single family homes, including rowhouses and cottage courtyard buildings. Although the multi-family zoning is not required for these projects, the FBC, UR designation will allow for these building types. Please see the renderings of possible building layouts on the following pages.

1246 – 1258 5th St



235 – 254 Monroe Ave



380 Houston Ave



Existing Homes in Same Block as 380 Houston Ave



Zoning Map



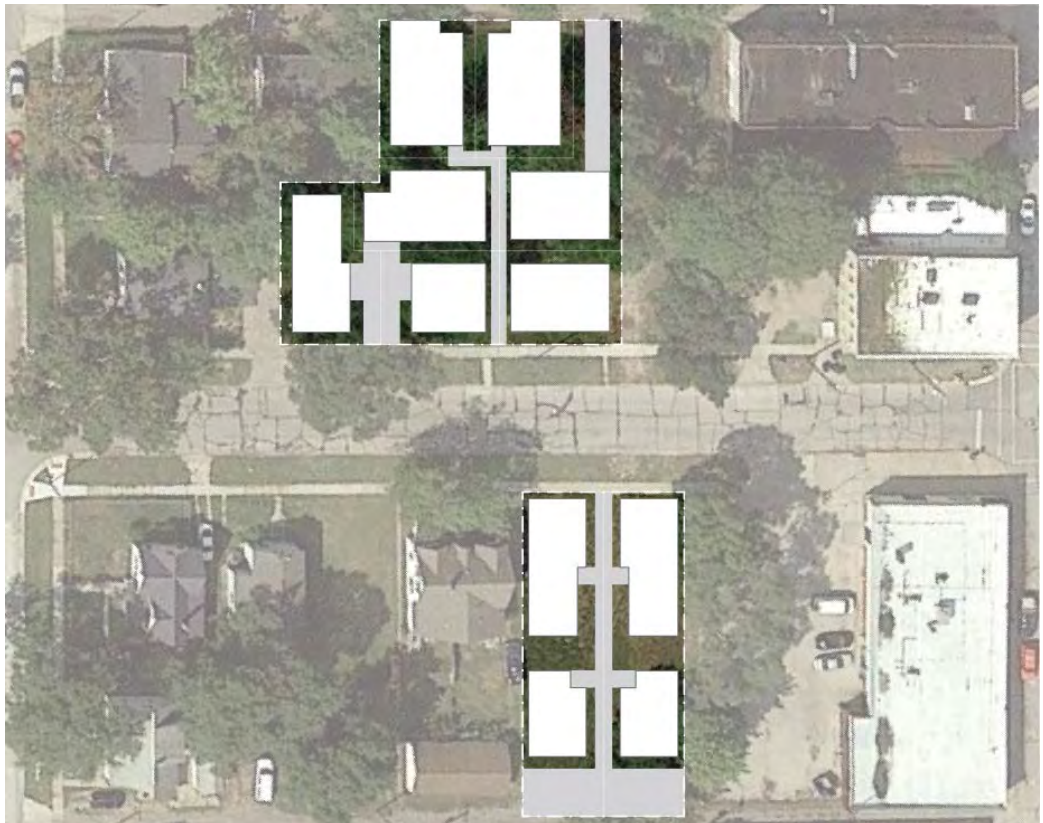
Aerial Map



Proposed Rowhouses at 1246-1258 5th St



Possible Cottage Court Homes at 235 – 254 Monroe



Possible Rowhouses at 235 – 254 Monroe



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for 235, 239, 240, 250 and 254 Monroe Ave to Form Based Code, Urban Residential.

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 for several properties to Form Based Code, Urban Residential.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Meisch, MMC
City Clerk

CERTIFICATE (Rezoning of 235, 239, 240, 250 and 254 Monroe Ave to Form Based Code, Urban Residential)

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 28th day of August, 2018, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2018

Ann Meisch, 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 August 28, 2018, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for 235, 239, 240, 250 and 254 Monroe Ave to Form Based Code, Urban Residential.

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 _____, 2018

CITY OF MUSKEGON

By _____

Ann Meisch, MMC
City Clerk

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

Account No. 101-80400-5354

2006.07 SUMMARY OF BUILDING TYPES PERMITTED IN EACH CONTEXT AREA

BUILDING TYPE WITH FRONTAGE OPTION		CONTEXT AREAS					
		DT DOWNTOWN	MS MAINSTREET	MSW MAINSTREET WATERFRONT	NC NEIGHBORHOOD CORE	NE NEIGHBORHOOD EDGE	UR URBAN RESIDENTIAL
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	By Right	By Right	By Right	By Right	
	with BALCONY	By Right	By Right	By Right	By Right	By Right	
	with TERRACE	Conditional	Conditional	Conditional	Conditional	Conditional	
	with FORECOURT	By Right	By Right	By Right	By Right	By Right	
	with DRIVE-THROUGH				By Right	By Right	
RETAIL BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with DRIVE-THROUGH				By Right	By Right	
FLEX BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with FORECOURT		By Right	By Right	By Right	By Right	
	with DOORYARD		By Right	By Right	By Right	By Right	
COTTAGE RETAIL BUILDING	with STOREFRONT				By Right	By Right	
	with DOORYARD				By Right	By Right	
	with STOOP				By Right	By Right	
LIVE / WORK BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with DOORYARD		By Right	By Right	By Right	By Right	At corner lots only
	with LIGHTWELL		By Right	By Right	By Right	By Right	
	with STOOP		By Right	By Right	By Right	By Right	At corner lots only
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT		By Right	By Right	By Right		
	with DOORYARD		By Right	By Right	By Right		
	with STOOP				By Right		
	with PROJECTING PORCH				By Right		
SMALL MULTI-PLEX BUILDING TYPE	with STOOP				By Right	By Right	By Right
	with PROJECTING PORCH				By Right	By Right	By Right
	with ENGAGED PORCH				By Right	By Right	By Right
ROWHOUSE BUILDING TYPE	with LIGHTWELL		By Right	By Right	By Right		
	with STOOP		By Right	By Right	By Right	By Right	By Right
	with PROJECTING PORCH				By Right	By Right	By Right
DUPLEX BUILDING TYPE	with STOOP					By Right	By Right
	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
DETACHED HOUSE BUILDING TYPE	with STOOP					By Right	By Right
	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
CARRIAGE HOUSE BUILDING TYPE						By Right	By Right
CIVIC BUILDING TYPE		By Right	By Right	By Right	By Right	By Right	By Right

Shaded areas represent Building Types that are not permitted in specified Context Area.

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**1.0 CONTEXT AREA INTENT AND DESCRIPTION****INTENT**

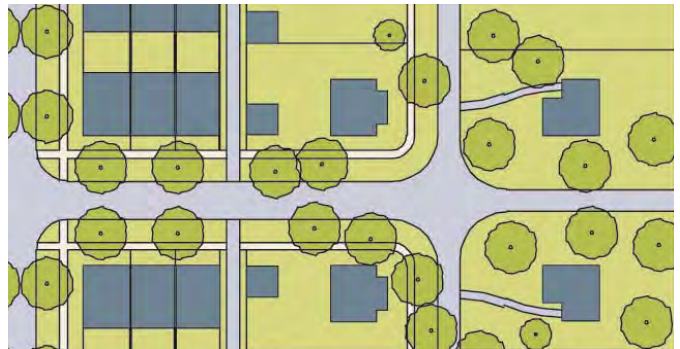
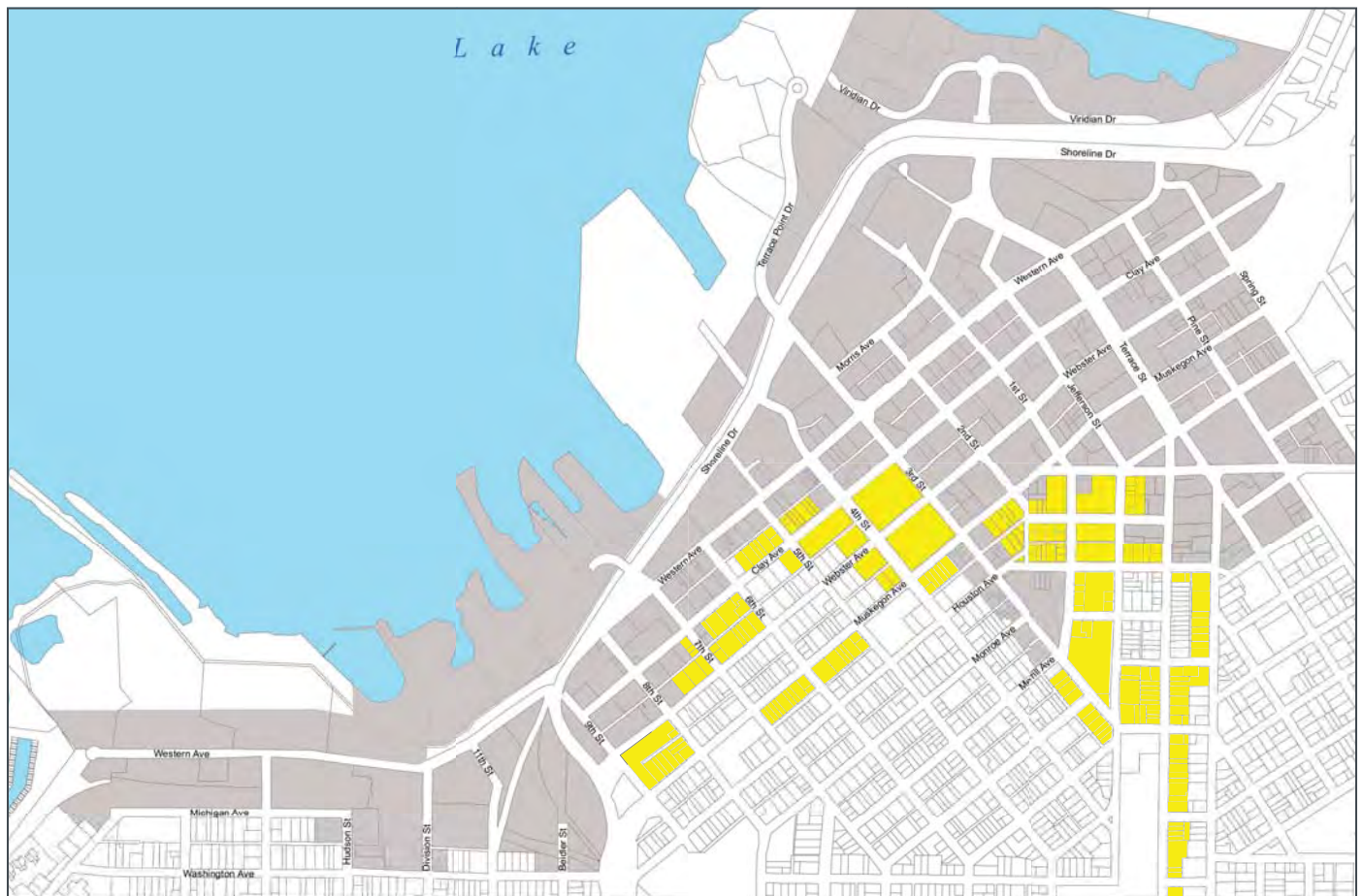
To provide a variety of urban housing choices, in small to medium footprint, medium-density Building Types, which reinforce the neighborhood's walkable nature and support small locally-owned neighborhood retail, service, and commercial activity.

DESCRIPTION

This Context Area is characterized by a wide variety of residential buildings types that have a range of setback conditions within a compact walkable block structure. Small retail enterprises may occur at strategic corner locations within live / work buildings. This Context Area is typically adjacent to single family residential districts.

The following are generally appropriate form elements in this Context Area:

- A. Attached and detached residential buildings
- B. Medium to small building footprint
- C. Varied front setbacks
- D. Medium side setbacks
- E. Primarily stoops and porch frontages

**2.0 CONTEXT AREA LOCATION**

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES**

BUILDING TYPE WITH FRONTAGE OPTION		URBAN RESIDENTIAL (UR) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE-THROUGH			
FLEX BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
	with DOORYARD			
COTTAGE RETAIL BUILDING	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIVE / WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL			
	with STOOP	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL			
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story building required	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2006)
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

Shaded areas represent Building Types and / or frontages that are not permitted in specified Context Area.

* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

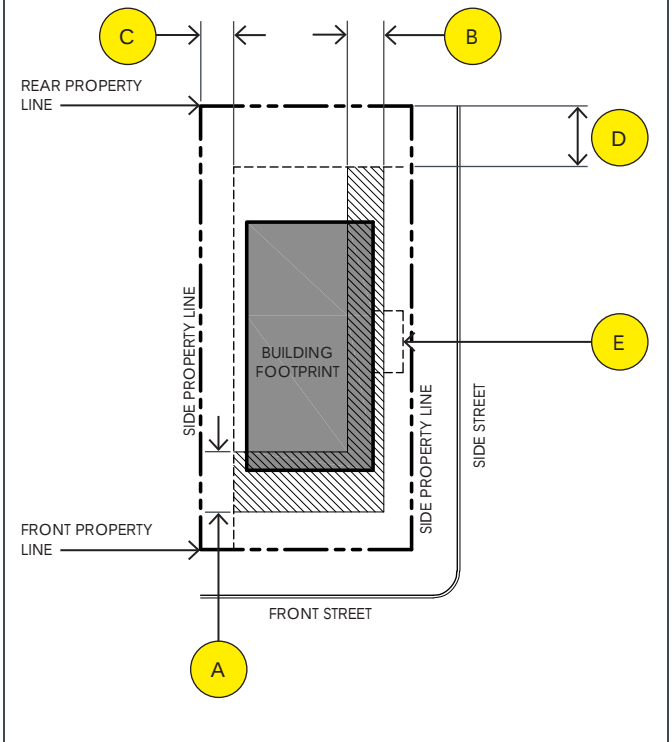
2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.12 for building site placement.

- A. Front Build-to-Zone (at front street):
 - Required build-to-zone from 12 to 30 feet from front property line.
 - Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from front property line.
- B. Side Build-to-Zone (at side street):
 - Required build-to-zone from 10 to 25 feet from side property line.
 - Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from side property line.
- C. Side Setback (at non-street locations):
 - 6 feet from side property line.
- D. Rear Setback:
 - 15 feet from rear property line.
- E. Encroachments: Balconies, awnings, canopies, eaves, cornices, and bay windows, may project into required setbacks, beyond required build-to-zones, or into the public right-of-way as indicated in Section 2003.02.

ILLUSTRATION 5.12 BUILDING SITE PLACEMENT

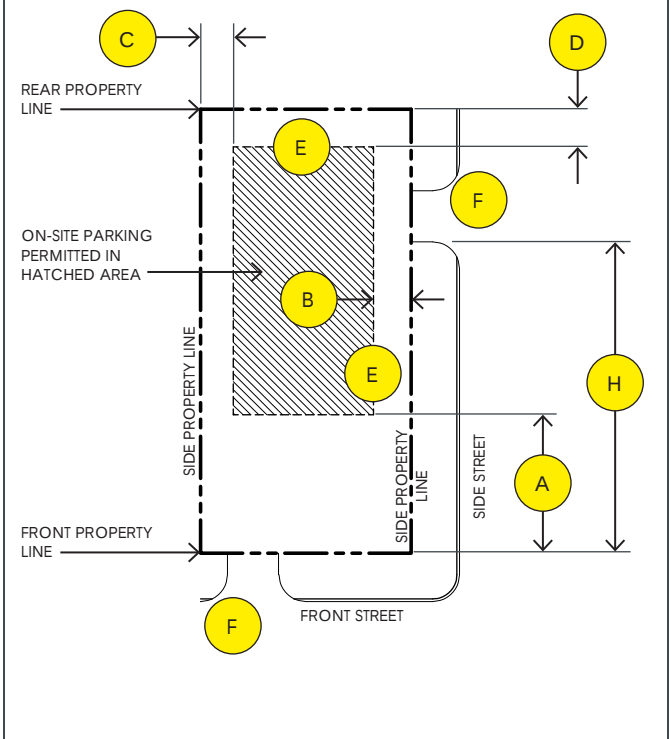


5.0 PARKING PLACEMENT

Refer to Illustration 5.13 for on-site parking placement.

- A. Front Setback:
 - 40 feet minimum from front property line.
- B. Side Setback (from side street):
 - 10 feet minimum from side property line.
- C. Side Setback (from non-street locations):
 - 1 foot from side property line.
- D. Rear Setback:
 - 5 feet from rear property line at non-street locations.
 - 10 feet from rear property line at street locations.
- E. Parking located at side or rear street locations shall be screened from the street as required by Section 2008.14.
- F. Parking / service areas shall not be accessed from front streets, unless an alley or side street is not available for driveway placement. Maximum width of driveway is 20 feet.
- G. Driveway access location:
 - Corner lot: 40 feet minimum from street corner.
 - Interior lot: within 5 feet of side property line, when alley is not available.

ILLUSTRATION 5.13 PARKING PLACEMENT



2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**6.0 PERMITTED USES****URBAN RESIDENTIAL (UR) CONTEXT AREA PERMITTED USES**

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE RETAIL BUILDING TYPE	LIVE / WORK BUILDING TYPE	LARGE MULTI-PLEX BUILDING TYPE	SMALL MULTI-PLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Accessory buildings and uses					P		P	P	P	P	P	
Amusement and recreation facility												
Auto service station												
Bank												
Business school/private or public school/higher ed.												
Church												
Club, lodge, hall												
Gallery/museum					P							P
Hotel/motel												
Indoor theater/live music concert hall												
Light manufacturing												
Machine shop												
Micro brewery, distillery, winery under 2500 barrels												
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Office					P							
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service					P							
Railway terminal												
Research and development												
Restaurant, cocktail lounge, brewpub												
Retail					P							
Shipping, port related activity												

P = Permitted Use

P* = Permitted Use on floors two and above

P# = Permitted Use on first floor only

S = Special Land Use (refer to Section 2002.02)

Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.

Blank cell = Use not permitted in this Context Area

Shaded areas represent Building Types that are not permitted in this Context Area.

6.0 PERMITTED USES (continued)

Specific Use

P = Permitted Use
P* = Permitted Use on floors two and above
P# = Permitted Use on first floor only
S = Special Land Use (refer to Section 2002.02)
Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.
Blank cell = Use not permitted in this Context Area
Shaded areas represent Building Types that are not permitted in this Context Area.