CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 28, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
- **PRESENTATIONS:**
- **CONSENT AGENDA:**
    a. **Approval of Minutes.** CITY CLERK
    b. **Sale of One-Half of a Buildable Lot on Williams Street.** PLANNING & ECONOMIC DEVELOPMENT
    c. **Sale of Non-buildable Lot on Dowd Street.** PLANNING & ECONOMIC DEVELOPMENT
    d. **FIRST READING: Rezoning Request for Property Located at 1848 E. Sherman Blvd.** PLANNING & ECONOMIC DEVLEOPMENT
    e. **FIRST READING: Rezoning Request for Property Located of 1813 Dyson Street.** PLANNING & ECONOMIC DEVELOPMENT
- **PUBLIC HEARINGS:**
    a. **DDA Plan Amendment & FIRST READING Ordinance Amendment.** PLANNING & ECONOMIC DEVLEOPMENT
    b. **Smartzone LDFA District Establishment.** PLANNING & ECONOMIC DEVELOPMENT
- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**
    a. **SECOND READING: Ordinance Establishing a Construction Board of Appeals.** INSPECTION SERVICES
    b. **SECOND READING: Ordinance Change for Temporary Certificates of Occupancy.** INSPECTION SERVICES

- **NEW BUSINESS:**
    a. **FIRST READING: Zoning Ordinance Amendments for Single-Family Home Standards.** PLANNING & ECONOMIC DEVELOPMENT
    b. **Americorps Intent to Participate.** LEISURE SERVICES
    c. **Engineering Services – Laketon II Notice and Order to Demolish for.** LEISURE SERVICES
- **ANY OTHER BUSINESS:**
- **PUBLIC PARTICIPATION:**
- **CLOSED SESSION:**

- ***Reminder: Individuals who would like to address the City Commission shall do the following:***
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

- **ADJOURNMENT:**

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

Date: **August 28, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Tuesday, August 13, 2001, and the Regular Commission Meeting that was held on Tuesday, August 14, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 28, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, August 28, 2001.

Mayor Fred J. Nielsen opened the meeting with a prayer after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J. Nielsen; Vice-Mayor Clara Shepherd; Commissioners Robert Schweifler, Karen Buie, Larry Spataro, John Aslakson, Jone Wortelboer-Benedict; City Manager Bryan Mazade; Assistant City Attorney John Schrier and City Clerk Gail Kundinger.

2001-94 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion is required, it will be removed from the Consent Agenda and be considered separately.

a. **Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, August 13, 2001, and the Regular Commission Meeting that was held on Tuesday, August 14, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: Approval of minutes

b. **Sale of One-Half of a Buildable Lot on Williams Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of one-half of a buildable lot on Williams Street to Phillip W. Kary of 810 Williams Street. Approval of this sale will allow the owner to expand his current yard. The subject parcel is being offered to Phillip W. Kary for $100. The parcel is located adjacent to two unbuildable City-owned parcels. The remainder of the buildable lot will be combined with the two City-owned lots and create a buildable lot.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of maintenance costs.

BUDGET ACTION: None

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

c. **Sale of Non-buildable Lot on Dowd Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot on Dowd Street to James and Wendy McCall of 2290 Dowd Street and Statia Hamel of 2272 Dowd Street. Approval of this sale will allow these two adjacent property owners to expand their current yards. As is required by City policy, the subject parcel is being offered for $100, and the lot will be split between the McCalls and Ms. Hamel who will also split the cost of the lot.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of maintenance costs.

BUDGET ACTION: None

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

e. **FIRST READING: Rezoning Request for Property Located East of 1813 Dyson Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 1813 Dyson St. from B-2, Convenience and Comparison Business to R-1, Single-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: Staff recommends the rezoning, due to compliance with the future land map and in order to make the existing residence conforming.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve the consent agenda with the exception of item d.

ROLL VOTE: Ayes: Schwiefler, Shepherd, Buie, Spataro, Aslakson, Benedict, Nielsen.

Nays: None

MOTION PASSED

2001-95 ITEM REMOVED FROM CONSENT AGENDA

d. **FIRST READING: Rezoning Request for Property Located at 1848 E. Sherman Blvd.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 1848 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: Staff recommends the rezoning, due to compliance with the future land use map.

Motion by Commissioner Spataro, second by Vice-Mayor Shepherd to approve the rezoning of 1848 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business.

ROLL VOTE: Ayes: Shepherd, Buie, Spataro, Aslakson, Benedict, Nielsen.

Nays: None

Abstained: Schwiefler

MOTION PASSED (Requires second reading)

2001-96 PUBLIC HEARINGS:

a. **DDA Plan Amendment & FIRST READING Ordinance Amendment.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing to consider a Downtown Development Authority recommendation to amend the Downtown Development Plan and Tax Increment Financing Plan. The proposed amendment will remove the former Teledyne property from the DDA development area.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: To hold a public hearing.

The public hearing opened at 5:38 p.m. to hear and consider any comments from the public. Joyce Theboe requested a map of the effected areas.

Motion by Commissioner Spataro, second by Commissioner Buie to close the public hearing at 5:47 p.m. and adopt the ordinance.

ROLL VOTE: Ayes: Buie, Spataro, Aslakson, Benedict, Nielson, Schwiefler, Shepherd.

Nays: None

MOTION PASSED

b. **SmartZone LDFA District Establishment.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing to consider the establishment of a Local Development Finance Authority District on the former Teledyne Continental Motors site. The creation of the LDFA district is required for the development of the Muskegon Lakeshore SmartZone.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: To hold a public hearing.

The public hearing opened at 5:49 p.m. to hear and consider any comments from the public. There were no comments made.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to close the public hearing at 5:51 p.m.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielson, Schwiefler, Shepherd, Buie.

Nays: None

MOTION PASSED

c. **Seaway Business Park LDFA District Establishment.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing to consider the establishment of a Local Development Finance Authority District for the Seaway Business Park.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: To hold a public hearing.

The public hearing opened at 5:51 p.m. to hear and consider any comments from the public. There were no comments made.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to close the public hearing at 5:53 p.m.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielson, Schwiefler, Shepherd, Buie, Spataro.

Nays: None

MOTION PASSED

2001-97 UNFINISHED BUSINESS:

a. **SECOND READING: Ordinance Establishing a Construction Board of Appeals.** INSPECTION SERVICES

SUMMARY OF REQUEST: To adopt the ordinance to set up one board and deletes the ordinance setting up the individual construction boards.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: To adopt ordinance language.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve and adopt the ordinance.

ROLL VOTE: Ayes: Schwiefler, Shepherd, Buie, Spataro, Aslakson.

Nays: Benedict, Nielson

MOTION PASSED

b. **SECOND READING: Ordinance Change for Temporary Certificates of Occupancy.** INSPECTION SERVICES

SUMMARY OF REQUEST: To adopt the ordinance change. This change clarifies when this office may issue a temporary certificate of occupancy, as well as when a certificate is revoked for failure to pay specific charges and/or where there are immediate health and safety issues.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: To adopt ordinance language.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve and adopt the ordinance.

ROLL VOTE: Ayes: Nielson, Schwiefler, Shepherd, Buie, Spataro, Aslakson.

Nays: Benedict

MOTION PASSED

2001-98 NEW BUSINESS:

a. **FIRST READING: Zoning Ordinance Amendments for Single-Family Home Standards.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to repeal and reserve Section 402 (One Family Dwelling Regulations) of Article IV of the Zoning Ordinance; to add language to reserved Section 2319 to be called "Residential Design Criteria"; and to add a new requirement to Section 2311(4) (Accessory Structures & Buildings).

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include the proposed language and sections.

Motion by Commissioner Spataro, second by Commissioner Aslakson to approve and adopt the ordinance.

ROLL VOTE: Ayes: Schwiefler, Shepherd, Buie, Spataro, Aslakson, Benedict, Nielson.

Nays: None

MOTION PASSED

b. **Americorps Intent to Participate.** LEISURE SERVICES

SUMMARY OF REQUEST: To approve signing Intent to Participate form to partner with Americorps to provide recreation staff for one year.

FINANCIAL IMPACT: $5,700 for one full-time position and $5,000 for four summer positions.

BUDGET ACTION: None, funding to come from savings in personnel in the Recreation budgets.

STAFF RECOMMENDATION: Approve

Motion by Commissioner Spataro, second by Vice-Mayor Shepherd to authorize signature.

ROLL VOTE: Ayes: Shepherd, Buie, Spataro, Aslakson, Benedict, Nielson, Schwiefler.

Nays: None

MOTION PASSED

c. **Engineering Services – Laketon II.** LEISURE SERVICES

SUMMARY OF REQUEST: To hire FTC&H to provide engineering services for the construction of the Laketon II section of the Shoreline Trail.

FINANCIAL IMPACT: Not to exceed $21,500

BUDGET ACTION: None, will be paid from the golf course fund.

STAFF RECOMMENDATION: Approve

Motion by Commissioner Aslakson, second by Commissioner Benedict to approve engineering services.

ROLL VOTE: Ayes: Buie, Spataro, Aslakson, Benedict, Nielson, Schwiefler, Shepherd.

Nays: None

MOTION PASSED

2001-99 ANY OTHER BUSINESS:

Motion by Commissioner Aslakson, second by Commissioner Schweifler to refer appointment of Construction Board of Appeals to the Community Relations Committee.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielson, Schwiefler, Shepherd, Buie.

Nays: None

MOTION PASSED

Motion by Commissioner Benedict, second by Commissioner Schweifler to hold the Commission Worksession, September 10th in conjunction with the Community Relations Committee meeting.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielson, Schwiefler, Shepherd, Buie, Spataro.

Nays: None

MOTION PASSED

City Commission gave praise to the City staff in regards to the Mayor exchange.

Vice-Mayor Shepherd commented on the Jackson Hill picnic and thanked the staff that attended.

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:10pm.

Respectfully submitted,

Gail A. Kundinger

Gail A. Kundinger, CMC/AAE
City Clerk

Commission Meeting Date: August 28, 2001

Date: **August 24, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Sale of One-Half of a Buildable Lot on Williams Street**

SUMMARY OF REQUEST:

To approve the sale of one-half of a buildable lot (current parcel #24-205-048-0007-00) on Williams Street to Phillip W. Kary of 810 Williams Street Approval of this sale will allow the owner to expand his current yard (see attached map). The subject parcel is being offered to Phillip W. Kary for $100. The parcel is located adjacent to two unbuildable City-owned parcels. The remainder of the buildable lot will be combined with the two City-owned lots and create a buildable lot.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommended approval of the request at their August 21, 2001 meeting.

CITY OF MUSKEGON

RESOLUTION #2001- 94(b)

RESOLUTION APPROVING THE SALE OF ONE-HALF OF A CITY-OWNED BUILDABLE LOT

WHEREAS, the City of Muskegon has received $100 from Phillip W. Kary, 810 Williams Street, for the purchase of one-half of a vacant, City-owned lot located adjacent to his property on Williams Street (current parcel #24-205-048-0007-00);

WHEREAS, one-half of this lot is considered non-buildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City;

NOW, THEREFORE BE IT RESOLVED, that NORTH 33 FT OF LOT 7 & N 33 FT OF LOT 9 BLK 48 be sold to Outriders MC of Muskegon for $100.

Resolution adopted this 28th day of August, 2001.

Ayes: Schweifler, Shepherd, Buie, Spataro, Aslakson, Benedict, Nielsen

Nays: None

Absent: None

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, Clerk

CERTIFICATION

2001-94(b)

This resolution was adopted at a regular meeting of the City Commission, held on August 28, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

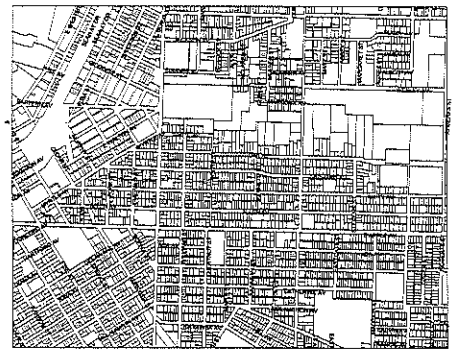
CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, Clerk

City-Owned Property Map
Vacant Lot on Williams Street

☆ = Subject Property(ies) to be sold



QUIT-CLAIM DEED

2001-94(b)

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to PHILIP W. KARY, a married man, of 810 Williams Street, Muskegon, MI 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The North 33 feet of Lots 7 and 9 of Block 48;

for the sum of One Hundred ($100) Dollars.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 28 day of August, 2001.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By _____
Fred J. Nielsen, Its Mayor

and _____
Gail A. Kundinger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of August, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

PREPARED BY:
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

G:\COMMON\5\GTJ\C-RLEST\C-KARY.OUTRIDERSL.QCD..DOC

Commission Meeting Date: August 28, 2001

Date: **August 21, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Sale of Non-buildable Lot on Dowd Street**

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-665-000-0436-00) on Dowd Street to James and Wendy McCall of 2290 Dowd Street and Statia Hamel of 2272 Dowd Street. Approval of this sale will allow these two adjacent property owners to expand their current yards (see attached map). As is required by City policy, the subject parcel is being offered for $100, and the lot will be split between the McCalls and Ms. Hamel who will also split the cost of the lot.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2001- 94(c)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received $50 each from James and Wendy McCall, 2290 Dowd Street and Statia Hamel, 2272 Dowd Street for the purchase of a vacant, City-owned lot located adjacent to their properties on Dowd Street (parcel #24-665-000-0436-00);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City;

NOW, THEREFORE BE IT RESOLVED, that ORCHARD GROVE ADDITION N 41 FT LOTS 436 THROUGH 438 & W ½ VAC ALLEY ABUTTING LOT 436 be sold to James and Wendy McCall and Statia Hamel for $100.

Resolution adopted this 28th day of August, 2001.

Ayes: Schweifler, Shepherd, Buie, Spataro, Aslakson, Benedict, Nielsen

Nays: None

Absent: None

By: _____
Fred J. Nielsen, Mayor

Attest: _____
Gail A. Kundinger, Clerk

CERTIFICATION

2001-94(c)

This resolution was adopted at a regular meeting of the City Commission, held on August 28, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, Clerk

City-Owned Property Map
Vacant Lot on Dowd Street

QUIT-CLAIM DEED

2001-94(c)

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to JAMES McCALL and wife, WENDY McCALL, of 2290 Dowd Street, Muskegon, MI 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The North 41 feet of Lots 436 through 438, except the North 20.5 feet thereof,
and any rights in the West 1/2 of the vacated alley abutting Lot 436, ORCHARD GROVE ADDITION;

for the sum of Fifty ($50) Dollars.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 31st day of August, 2001.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn M. Krukowski
JoAnn M. Krukowski

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of August, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

G:\COMMON\5\GTJ\C-RLEST\C-MCCALL.QCD..DOC

QUIT-CLAIM DEED

2001-94(c)

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to STATIA HAMEL, of 2272 Dowd Street, Muskegon, MI 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The North 20.5 feet of Lots 436 through 438, and any rights in the
West 1/2 of the vacated alley abutting Lot 436, ORCHARD GROVE ADDITION;

for the sum of Fifty ($50) Dollars.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 31st day of August, 2001.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of August, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

G:\COMMON\5\GTJ\C-RLEST\C-HAMEL.QCD..DOC

Commission Meeting Date: August 28, 2001

Date: **August 17, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development**

RE: **Rezoning request for property located at 1813 Dyson St.**

SUMMARY OF REQUEST:

Request to rezone property located at 1813 Dyson St. from B-2, Convenience and Comparison Business to R-1, Single-Family Residential

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

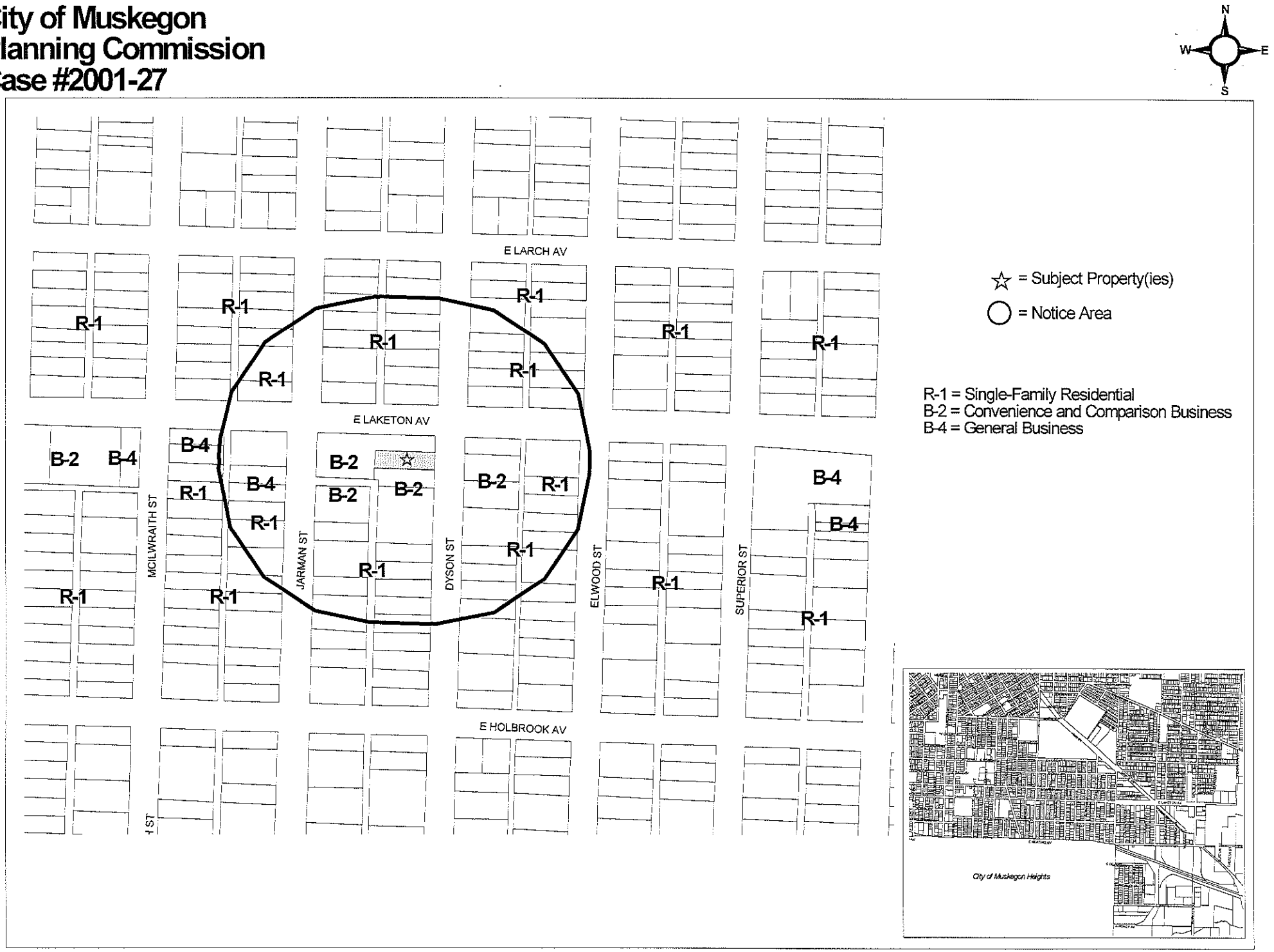
STAFF RECOMMENDATION:

Staff recommends the rezoning, due to compliance with the future land use map and in order to make the existing residence conforming.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/16/01 meeting. The vote was unanimous, with P. Sartorius, B. Smith, and L. Abraham being absent.

City of Muskegon
Planning Commission
Case #2001-27



CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2049

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from B-2 "Convenience and Comparison Business" to R-1 "Single-Family 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 of the following described property from B-2 "Convenience and Comparison Business" to R-1 "Single-Family Residential":

EASTLAWN SUB DIV OF BLKS 3-4 & 5 R P EASTONS 2ND SUB DIV LOT 29 BLK 4 & E ½ VAC ALLEY ADJ

This ordinance adopted:

Ayes: Schweifler, Shepherd, Buie, Spataro, Aslakson, Benedict, Nielsen

Nayes: None

Adoption Date: August 28, 2001

Effective Date: September 15, 2001

First Reading: August 28, 2001

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kundinger
Gail A. Kundinger, City Clerk

8/17/01

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 28th day of August, 2001, 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: 8-31, 2001.

Gail Kundinger

Gail Kundinger, CMC/AAE
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, 2001, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from B-2 "Convenience and Comparison Business" to R-1 "Single-Family Residential":

EASTLAWN SUB DIV OF BLKS 3-4 & 5 R P EASTONS 2ND SUB DIV LOT 29 BLK 4 & E ½ VAC ALLEY ADJ

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 9 - 5, 2001

CITY OF MUSKEGON

By _____
Gail A. Kundinger
Its Clerk

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

Account No. 101-80400-5354

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

August 16, 2001

Hearing; Case 2001-27: Request to rezone property located at 1813 Dyson St. from B-2, Convenience and Comparison Business to R-1, Single-Family Residential, by Comprise LLC.

BACKGROUND

Applicant: Comprise LLC
Address/Location of Subject Property: 1813 Dyson St.
Current Use: Residential
Current Zoning: B-2, Convenience & Comparison Business
Proposed Zoning: R-1, Single-Family Residential

STAFF OBSERVATIONS

1. The subject property is located on Dyson St., in the first block south of Laketon Ave. The property contains a single-family home, but is currently zoned B-2, Convenience and Comparison Business. The existing home is a legal nonconforming use.
2. The Future Land Use Map shows the subject property to be Single & Two Family Residential.
3. The Master Land Use Plan states:
   - It is the goal of the Master Plan to retain the residential orientation of Sub-Area 4, while also recognizing the importance of existing medical, office, commercial, and industrial development that is appropriately sited and designed. With the exception of Laketon Avenue, these latter uses are found along the perimeter of the sub-area. Laketon Avenue, a major east/west arterial located within the sub-area, possesses several pockets of non-residential development.
   - On some blocks, one finds superior examples of well-maintained period housing. Conversely, one also discovers residential blocks with homes and home sites in need of major rehabilitation and/or clean-up.
   - There is a lack of adequate buffer protection between many of the strip commercial areas/uses and adjacent homesites.
4. The Master Plan recommends for this sub-area:
   - Maintain the sub-area's residential focus

- Implement, through zoning, buffer requirements associated with the placement of non-residential uses contiguous to residential development.

5. The Laketon Ave. frontage of this block contains a parking lot across most of the block, and then Mr. Scribs restaurant, on the corner of Laketon Ave. and Jarman St. It is not clear whether the entire parking lot is part of Mr. Scribs or not. Other than the Mr. Scribs and any associated parking, there are no other commercial uses on the block.
6. The owner of the subject property would like to re-finance the home, but is unable to do so unless the zoning conforms with the existing use. Therefore, he is asking for a rezoning in order to make the home conforming.
7. Although this would be a 'spot zoning', staff is supportive because it eliminates a nonconforming use, and is supported by the Future Land Use Map and Master Plan. Staff would like to also take a look at the rest of the block and work with the other property owners to possibly rezone some of the other nonconforming lots. However, staff did not want to make the applicant wait until other property owners could be contacted, so is supporting rezoning this property at this time.

ORDINANCE EXCERPTS

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.

2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.

3. Restaurants, or other places serving food.

4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may

be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.

5. Office buildings for any of the following types of occupations: executive, administrative and professional.

6. Post offices and other governmental office buildings.

7. Newspaper offices and printing offices.

8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.

9. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.

10. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.

11. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when no external changes are made to the buildings or properties.

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:...

2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.

3. Business in the character of a drive-in restaurant, or open front store, subject to the following:...

4. Churches and other facilities normally incidental thereto subject to the following conditions:...

5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions:...

6. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.

7. Uses similar to the above Special Land Uses Permitted.

8. Self-serve, coin operated, automobile car wash, enclosed in a building.

SECTION 1102: PLANNED UNIT DEVELOPMENTS

...

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.

2. Home occupation of a non-industrial nature may be permitted subject to the following:...

3. Congregate living facility for not more than two persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.

5. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

6. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions:...

7. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:...

8. Churches and other facilities normally incidental thereto subject to the following conditions:...

9. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.

10. Cemeteries.

11. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.

12. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:...

13. Uses similar to the above Special Land Uses Permitted.

14. Restricted parking areas subject to provisions of Section 2327.1.

SECTION 402: ONE FAMILY DWELLING REGULATIONS

...

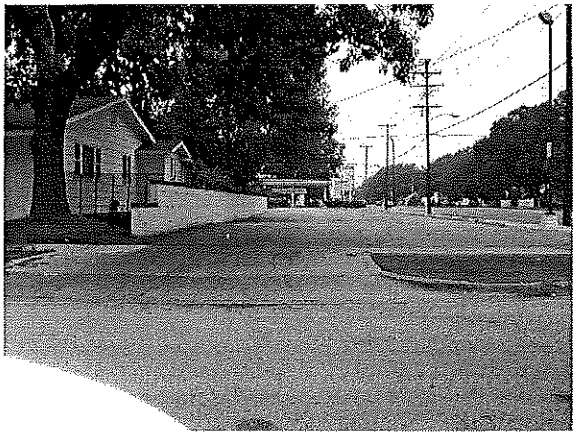
SECTION 403: PLANNED UNIT DEVELOMENT OPTION

...

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

...

PHOTOS



DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning.**

2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.

3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services** and **facilities and/or programs** that might reasonably be required in the future if the petition is approved.

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.

5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.

6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:

    a. **Surface water** drainage problems
    b. **Waste water** disposal problems
    c. Adverse effect on surface or subsurface **water quality**
    d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

Needs 2nd Reading

Commission Meeting Date: August 28, 2001

Date: **August 21, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development**

RE: **Rezoning request for property located at 1848 E. Sherman Blvd.**

SUMMARY OF REQUEST:

Request to rezone property located at 1848 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

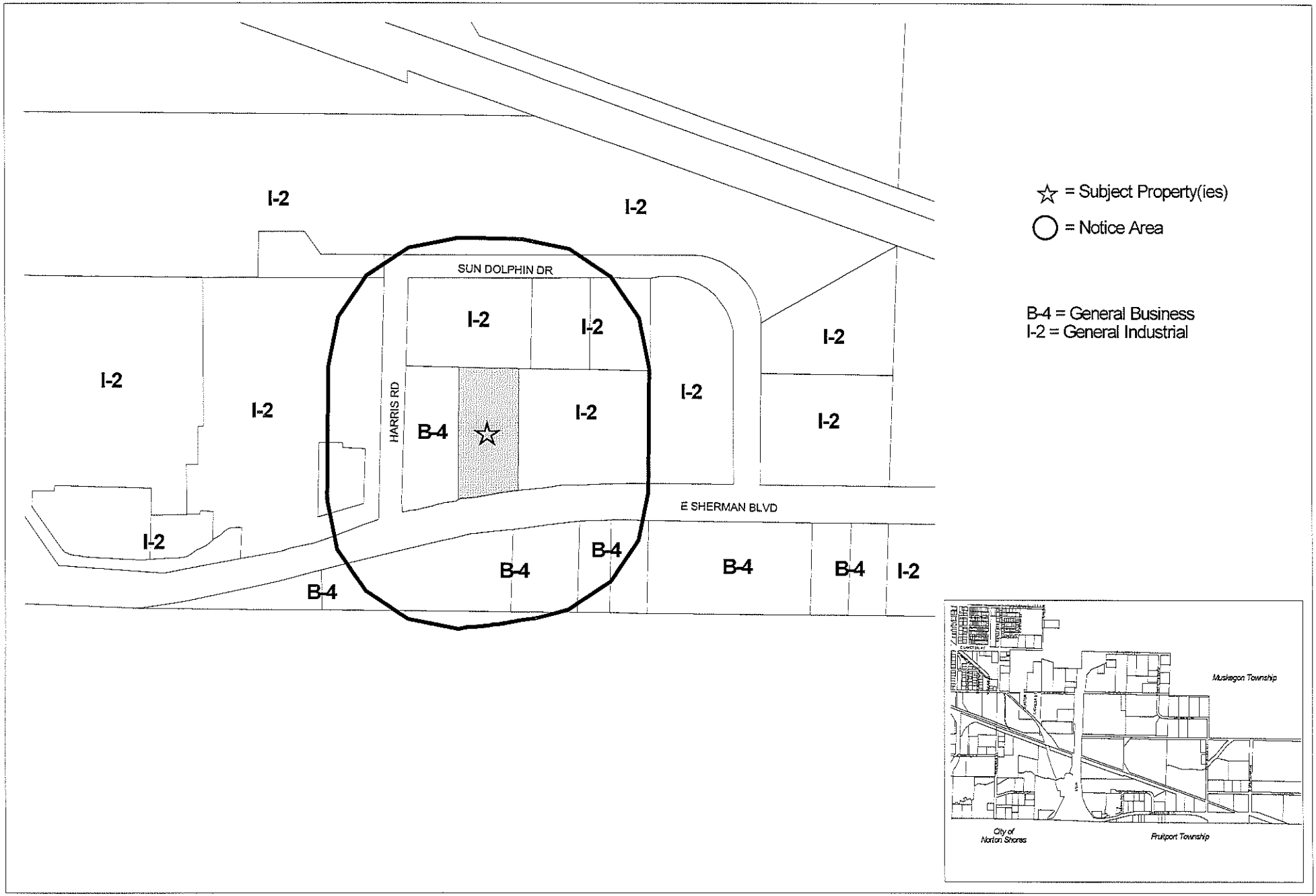
STAFF RECOMMENDATION:

Staff recommends the rezoning, due to compliance with the future land use map.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/16/01 meeting. The vote was unanimous with P. Sartorius, L. Abraham, and B. Smith absent.

City of Muskegon
Planning Commission
Case #2001-28



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

August 16, 2001

Hearing; Case 2001-28: Request to rezone property located at 1848 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business, by Hughes & Sons.

BACKGROUND

Applicant: Hughes & Sons
Address/Location of Subject Property: 1848 E. Sherman Blvd.
Current Use: Vacant office
Current Zoning: I-2, General Industrial
Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located on Sherman Blvd., east of the Target commercial development, and adjacent to the Withams' property which was rezoned to B-4 in March. This parcel is also part of the certified Port City Industrial Park and is currently zoned I-2, General Industrial.
2. Across the street from the subject property is a large retail development, which lies partially within the City of Muskegon, but mostly within Fruitport Township. This development contains Sam's Club, Wal-Mart, ABC Warehouse, as well as many other retail stores and several restaurants.
3. The subject property lies between several existing commercial uses - the Target retail development and recently rezoned commercial property to the west, and the Muskegon County School Employees Credit Union to the east.
4. Until recently the subject property contained the State Farm Claims Office. However, State Farm has moved out of the building and it is currently vacant. The owner has indicated to staff that the only inquiries he has on the property are for either retail or commercial uses.
5. The Future Land Use Map shows the subject property to be "Commercial".
6. The Master Land Use Plan states:
   - It is the goal of the Master Plan to retain the industrial orientation of Sub-Area 1. Accordingly, the rezoning of land for additional non-industrial use shall be discouraged, provided however, parcels located along Sherman Boulevard and Laketon Avenue may be used for non-industrial purposes which are ancillary to the

area's industrial focus. Such uses include, but are not limited to, financial institutions, health/fitness clubs, office supply stores, computer sales and servicing, employment centers, and other uses with the potential to serve local industrial needs.

- At the extreme southwest corner of the sub-area, near the Sherman Boulevard and US-31 intersection, one finds a new regional retail strip center anchored by a Target department/variety store. Other uses include retail outlets specializing in electronics, computers, and pet supplies and a family style restaurant... Along Sherman, east of the retail center, lie a combination of industrial and service facilities. Service uses include a financial institution and tennis/fitness club.

7. Sub-Area Issues:
   - There is likely to be continued demand to convert industrial properties along Sherman Boulevard to non-industrial (retail or service sector) use.
   - As the level of retail traffic grows, conflicts with industrial park traffic are likely to increase.
8. The Master Plan recommends for this sub-area:
   - Maintain the sub-area's industrial focus.
   - Along Sherman Boulevard and Laketon Avenue maintain the current industrial zoning status to restrict conversion of industrial property to uses considered inconsistent with the area's land use focus.
9. The Master Plan recommendations listed above conflict with the Future Land Use map, which shows several parcels of land along Sherman Blvd., including the subject property, as commercial.
10. Although the subject property is located in a Certified Business Park, the legislation regarding these parks has recently changed. Formerly called "Certified Industrial Parks", it used to not be possible to change from industrial zoning for any parcels in an existing certified park without losing the industrial park certification. However this has changed, and it is now possible to rezone parcels within a certified park to commercial zoning without losing the park's certification.
11. By changing the zoning of any parcels located within the Certified Business Park, it would no longer be possible for the existing LDFA to capture any tax increments for those particular properties. However, the LDFA in the Port City Industrial Park is not currently capturing any tax increments, and it is not likely that it will in the near future.
12. The existing commercial and retail uses within the park are currently zoned I-2. The Target development and the Muskegon County School Employees Credit Union are both under Planned Unit Developments (PUDs). It is not anticipated that these properties will revert back to industrial uses at any time in the near future, and therefore staff will be exploring the possibility of rezoning these properties to commercial.
13. There is currently a shortage of available industrially-zoned property within City boundaries. There is not, however, a similar shortage of available commercially-zoned property. Therefore, staff has looked very carefully at the corridor to determine the extent of any potential commercial zoning to support. The existing commercial

development along Sherman is located mainly along the western portion of the corridor, with several existing, viable industrial properties located along the eastern portion.

14. Staff feels that any rezoning to commercial should be restricted to the Sherman Blvd. corridor itself, and not further within the boundaries of the industrial park. Staff also feels that only the properties currently being used for commercial purposes should be rezoned. Staff strongly feels that the remaining properties along Sherman Blvd., east of the credit union, are viable industrial properties and should remain industrial.

15. Staff has received one phone call, from Tom Goldberg of 1780 Associates Limited Partnership, the owners of the Sherman Center (Target retail complex), in support of this rezoning.

ORDINANCE EXCERPTS

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

In an I-2 General Industrial District, buildings and land may be used for one (1) or more of the following specified uses, unless otherwise provided in this Article.

1. Any Principal Use Permitted in the I-1 District, subject to the requirements of this District.

2. Primary metal industries, including foundries, smelting and refining of metal or alloys, rolling and extruding plants.

3. Chemical plants whose manufacturing process produce products which are not hazardous materials as defined in the Fire Code.

4. Paper and pulp manufacturing.

5. Power generating plants.

6. Junk yards and scrap metal processing.

7. Rubber manufacturing or the remanufacturing of rubber products.

8. Uses similar to the above principal uses.

9. Non-accessory signs provided that the signs conform to Section 2308(1) of this Code.

SECTION 1501: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as a special land use if it is found to meet the standards outlined in Section 2332 of this Ordinance, subject to applicable conditions imposed by Ordinance or other reasonable conditions imposed by the Planning Commission:

1. Any use with outside storage of aggregate, sand or other soil, or raw materials used in a manufacturing process such as brick, tile manufacturing plants, asphalt and cement batch plants.

2. Gasoline storage facilities.

3. Bulk storage or the production of acelylene, natural gas, and oxygen or other highly explosive or toxic gases. The storage of such gases for use in a production process or of an industry, business, or health care facility shall not be considered bulk storage.

4. Chemical plants whose manufacturing process produce products which are hazardous materials as defined in the Fire Code.

5. Uses similar to the above Special Land uses.

SECTION 1502: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1503: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.

2. Bus passenger stations.

3. Stores selling second hand merchandise.

4. Funeral homes.

5. Automobile car wash, when completely enclosed in a building.

6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:...

7. Self service laundry and dry cleaning establishments.

8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.

9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.

10. Theaters, when completely enclosed.

11. Banks, with or without drive-in facilities.

12. Restaurants and cocktails lounges.

13. Motels and hotels.

14. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.

15. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.

16. Principal Use as permitted in B-2 Districts.

17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.

18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following…

2. Flea markets and auctions.

3. Business in the character of a drive-in restaurant or open front store, subject to the following:..

4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:..

5. Outdoor theaters subject to the following conditions:…

6. Private clubs, lodges, social and similar facilities.

7. Churches and other facilities normally incidental thereto subject to the following conditions:…

8. Commercial Kennels [amended 5/96]

9. Mini Storage (warehouse facilities) [amended 10/98]…

10. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.

11. Uses similar to the above Special Land Uses Permitted.

12. Non-accessory signs provided that the signs conform to Section 2308 (1) (f) of this code.

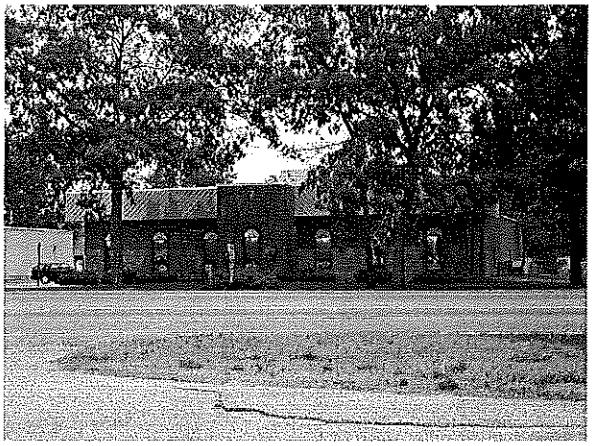
SECTION 1302: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1303: AREA AND BULK REQUIREMENTS [amended 4/00]

...

PHOTOS



DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.

2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.

3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services** and **facilities and/or programs** that might reasonably be required in the future if the petition is approved.

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.

5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.

6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:

    a. **Surface water** drainage problems
    b. **Waste water** disposal problems
    c. Adverse effect on surface or subsurface **water quality**
    d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

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 certain property from I-2 "General Industrial" to B-4 "General Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial", to B-4 "General Business":

> THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 10 NORTH, RANGE 16 WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 991.00 FEET, THENCE NORTH 0 DEGREES 41 MINUTES EAST 650.00 FEET FOR POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST 175.00 FEET, THENCE SOUTH 0 DEGREES 41 MINUTES WEST 375 FEET MORE OR LESS TO THE NORTHERLY LINE OF SHERMAN BOULEVARD, THENCE EASTERLY ALONG SAID NORTHERLY LINE 176 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 0 DEGREES 41 MINUTES WEST OF THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 41 MINUTES EAST 335 FEET MORE OR LESS TO THE POINT OF BEGINNING.

This ordinance adopted:

Ayes:_____

Nayes:_____

Adoption Date:_____

Effective Date:_____

First Reading:_____

Second Reading:_____

CITY OF MUSKEGON

By: _____
Gail A. Kundinger, 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 28th day of August, 2001, 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: _____, 2001.

_____
Gail Kundinger, CMC/AAE
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, 2001, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from I-2 "General Industrial", to B-4 "General Business"

THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 10 NORTH, RANGE 16 WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 991.00 FEET, THENCE NORTH 0 DEGREES 41 MINUTES EAST 650.00 FEET FOR POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST 175.00 FEET, THENCE SOUTH 0 DEGREES 41 MINUTES WEST 375 FEET MORE OR LESS TO THE NORTHERLY LINE OF SHERMAN BOULEVARD, THENCE EASTERLY ALONG SAID NORTHERLY LINE 176 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 0 DEGREES 41 MINUTES WEST OF THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 41 MINUTES EAST 335 FEET MORE OR LESS TO THE POINT OF BEGINNING.

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 _____, 2001

CITY OF MUSKEGON

By _____
Gail A. Kundinger
Its Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: August 28, 2001

Date: **August 15, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **DDA Plan Amendment - Public Hearing**

SUMMARY OF REQUEST:

To hold a public hearing to consider a Downtown Development Authority recommendation to amend the Downtown Development Plan and Tax Increment Financing Plan. The proposed amendment will remove the former Teledyne property from the DDA development area.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

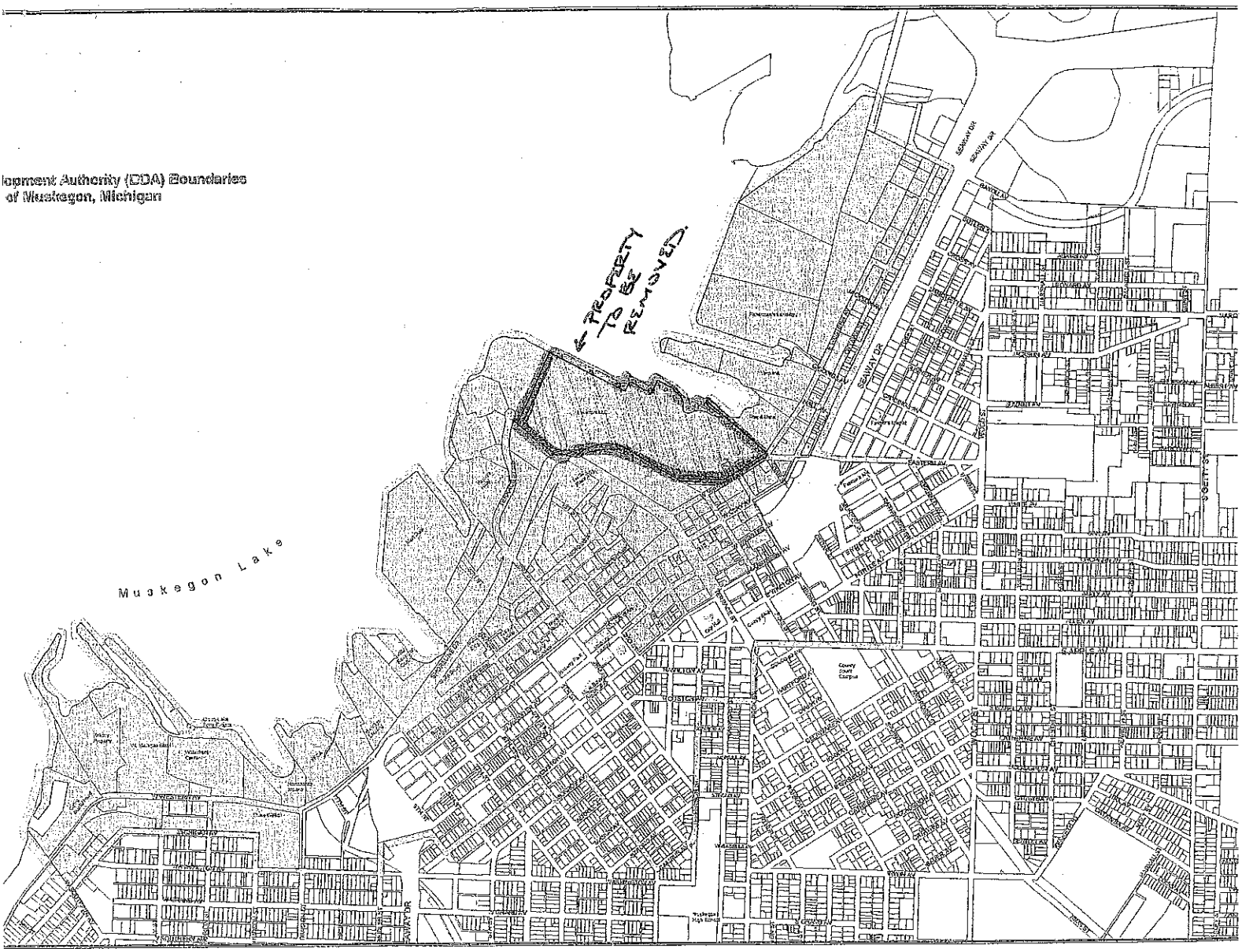
STAFF RECOMMENDATION:

To hold the public hearing

COMMITTEE RECOMMENDATION:

The Muskegon Downtown Development Authority, at its regular meeting on July 17, 2001, approved a resolution to amend the Development and Tax Increment Financing Plan.

lopment Authority (DDA) Boundaries
of Muskegon, Michigan



Commission Meeting Date: August 28, 2001

Date: **August 15, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBV

RE: **DDA Plan Amendment Ordinance**

SUMMARY OF REQUEST:

To approve the attached ordinance approving an amendment to the Downtown Development Authority Development and Tax Increment Financing Plans. The proposed amendment shall remove the former Teledyne property (Muskegon SmartZone) from the DDA development area. The proposed action is consistent with and necessary for the establishment of the Muskegon Lakeshore SmartZone LDFA.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached ordinance

COMMITTEE RECOMMENDATION:

The Muskegon Downtown Development Authority, at its regular meeting on July 17, 2001, approved a resolution to amend the Development and Tax Increment Financing Plan.

ORDINANCE NO. 2050
APPROVING AMENDMENTS TO DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT FINANCE PLAN OF THE MUSKEGON DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the Muskegon Downtown Development Authority (the "Authority") has previously prepared and approved a Downtown Development Plan and Tax Increment Finance Plan (the "Plan") for the Development Area described in the Plan, which was approved by the City Commission on July 12, 1988, pursuant to Ordinance No. 969; and;

WHEREAS, the City Commission approved amendments to the Plan on March 31, 1989 (the "1989 Amendment") pursuant to Ordinance No. 982; and

WHEREAS, the Authority has prepared and recommended for approval an amendment attached hereto as Exhibit A (the "Plan Amendment") to the Plan; and

WHEREAS on August 28, 2001, the City Commission held a public hearing on the Plan Amendment pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and

WHEREAS, the purpose of the amendment is to amend the boundaries of the Development Area to remove certain parcels; and

WHEREAS the City Commission has given the taxing jurisdictions in which the Development Area is located an opportunity to meet with the City Commission and to express their views and recommendations regarding the Plan Amendment as required by the Act.

NOW, THEREFORE, THE CITY OF MUSKEGON ORDAINS:

1. Findings.

(a) The development plan portion of the Plan as amended by the Plan Amendment meets the requirements set forth in section 17(2) of the Act and the tax increment financing plan

portion of the Plan as amended by the Plan Amendment meets the requirements set forth in section 14(2) of the Act.

(b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.

(c) The development is reasonable and necessary to carry out the purposes of the Act.

(d) Any land included within the Development Area to be acquired is reasonably necessary to carry out the purposes of the Act.

(e) The Plan as amended by the Plan Amendment is in reasonable accord with the master plan of the City.

(f) Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.

(g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan as amended by the Plan Amendment, are reasonably necessary for the Plan as amended by the Plan Amendment and for the City.

2. Public Purpose. The City Commission hereby determines that the Plan as amended by the Plan Amendment constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the Plan as amended by the Plan Amendment.

4. Approval and Adoption of Plan Amendment. The Plan Amendment is hereby approved and adopted. A copy of the Plan, the Plan Amendment and all later amendments thereto shall be maintained on file in the City Clerk's office.

5. Amendment to Ordinance No. 969; Conflict and Severability. Ordinance No. 969 is hereby amended by this Ordinance. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict hereby repealed, and each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.

6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.

7. Publication and Recordation. The Ordinance shall be published in full promptly after its adoption in the Muskegon Chronicle, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

8. Effective Date. The Ordinance is hereby determined by the City Commission to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, on August 28, 2001.

AYES: Members Buie, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd

ABSENT: Members None

NAYS: Members None

ORDINANCE DECLARED ADOPTED.

Gail A. Kundinger

City Clerk

Adoption Date: August 28, 2001

Effective Date: September 18, 2001

First Reading: August 28, 2001

Second Reading: N/A

I hereby certify that the foregoing is a true and complete copy of an Ordinance No. 2050 adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 28, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to an in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Gail A. Kundinger

City Clerk

EXHIBIT A
DEVELOPMENT PLAN AMENDMENTS

The original Development Plan of 1988, as amended in 1989, is amended in section II.A. to amend the boundaries of the DDA development area by deleting the following parcels:

Parcel Description:

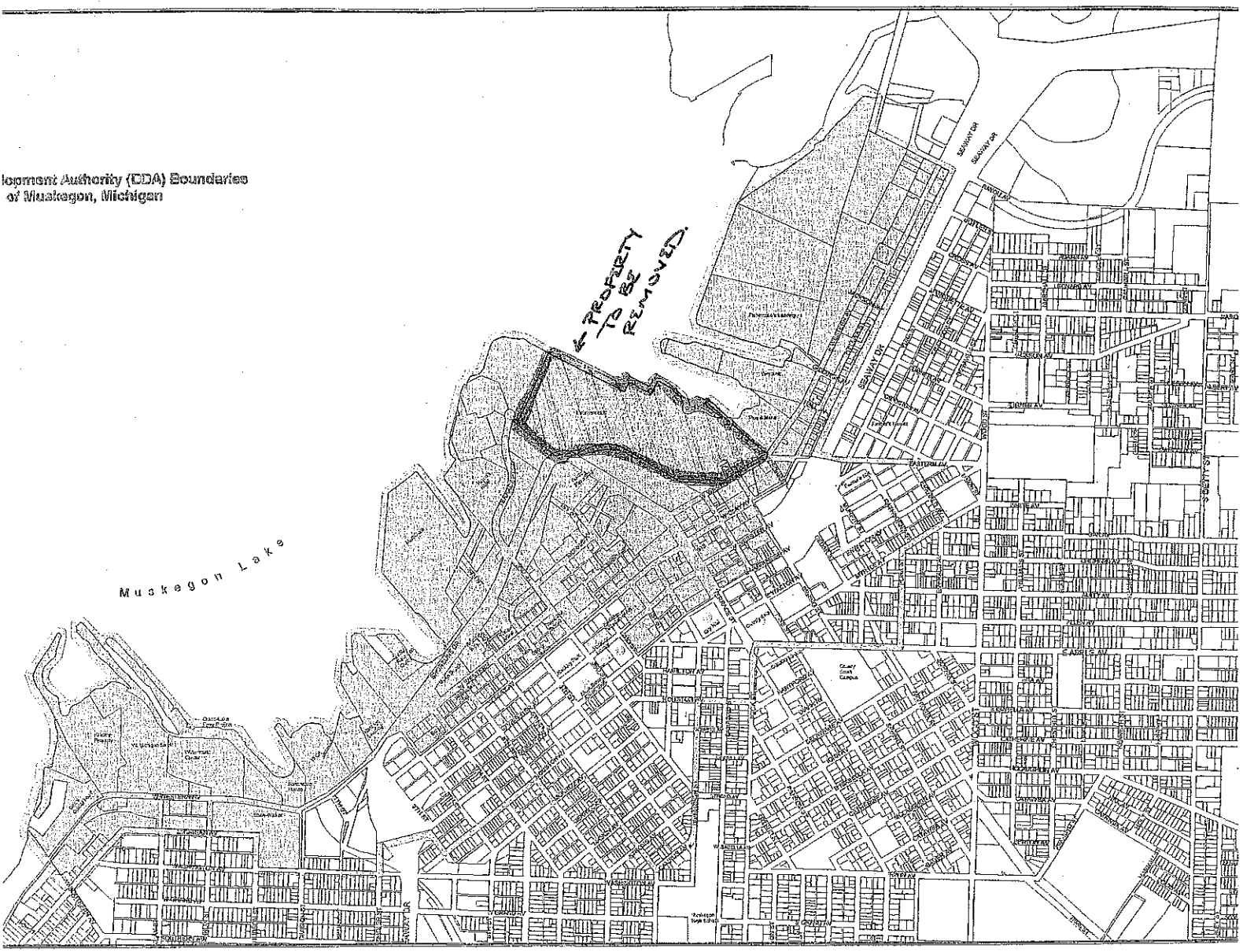
Block 554, and Lots 6, 7 and 8 of Block 558, of the Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, lying Northerly of a line described as: Commence at the intersection of the Northeasterly line of Terrace Street, being the Southwesterly line of Block 557 extended to the centerline of vacated Water Street; thence North 62°44'00" West 381.45 feet along the northeasterly right of way line of Terrace Street; thence Westerly 269.86 Feet, along said northeasterly right of way line, said line being a 302.48 foot radius curve to the left with a central angle of 51°07'00" and a chord which bears North 88°17'30" West 261.00 feet, to the line between Lots 5 and 6 of said Block 558; thence North 46°09'15" West 85.84 feet, along said line, to the PLACE OF BEGINNING OF THIS DESCRIPTION: Thence Northeasterly 635.15 feet along a 803.25 foot radius curve to the right, having a central angle of 45°18'19" and a chord which bears North 70°04'05" East 618.73 feet; thence South 87°16'46" East 222.59 feet; thence North 02°43'14" East 55.00 feet; thence South 87°16'46" East 120.00 feet; thence South 02°43'14" West 55.00 feet; thence South 87°16'46" East 904.15 feet; thence Northeasterly 548.72 feet, along a 1272.34 foot radius curve to the left, having a central angle of 24°42'35" and a chord which bears North 80°21'56" East 544.48 feet to the place of ending.

EXCEPT THE FOLLOWING

Part of Block 558, commence at the intersection of the Northeasterly line of Terrace Street extended to the centerline of vacated Water Street; thence North 62 degrees 44 minutes 00 seconds West along the Northeasterly line of Terrace Street extended 381.45 feet; thence Westerly along the arc of a 302.48 foot radius curve to the left 269.86 feet to the line between Lots 5 and 6 of said Block 558 (long chord bears North 88 degrees 17 minutes 30 seconds West 261 feet); thence North 46 degrees 9 minutes 15 seconds West along said line between Lots 5 and 6, 534.25 feet to the place of beginning; thence North 27 degrees 25 minutes 55 seconds East 925.82 feet to a point referred to as Point "A"; thence continue North 27 degrees 25 minutes 55 seconds East 5 feet, more or less, to the shore of Muskegon Lake; thence Northwesterly and Southwesterly along the shore of Muskegon Lake 1350 feet, more or less; thence South 46 degrees 9 minutes 15 seconds East along said line between Lots 5 and 6, 820 feet, more or less, to the place of beginning.

Property Commonly Known As: Former Teledyne Continental Motors Site

lopment Authority (DDA) Boundaries
of Muskegon, Michigan



Commission Meeting Date: August 28, 2001

Date: **August 15, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **SmartZone LDFA District Establishment - Public Hearing**

SUMMARY OF REQUEST:

To hold a public hearing to consider the establishment of a Local Development Finance Authority District on the former Teledyne Continental Motors site. The creation of the LDFA district is required for the development of the Muskegon Lakeshore SmartZone.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To hold the public hearing

COMMITTEE RECOMMENDATION:

None

SmartZone – LDFA District Establishment Process

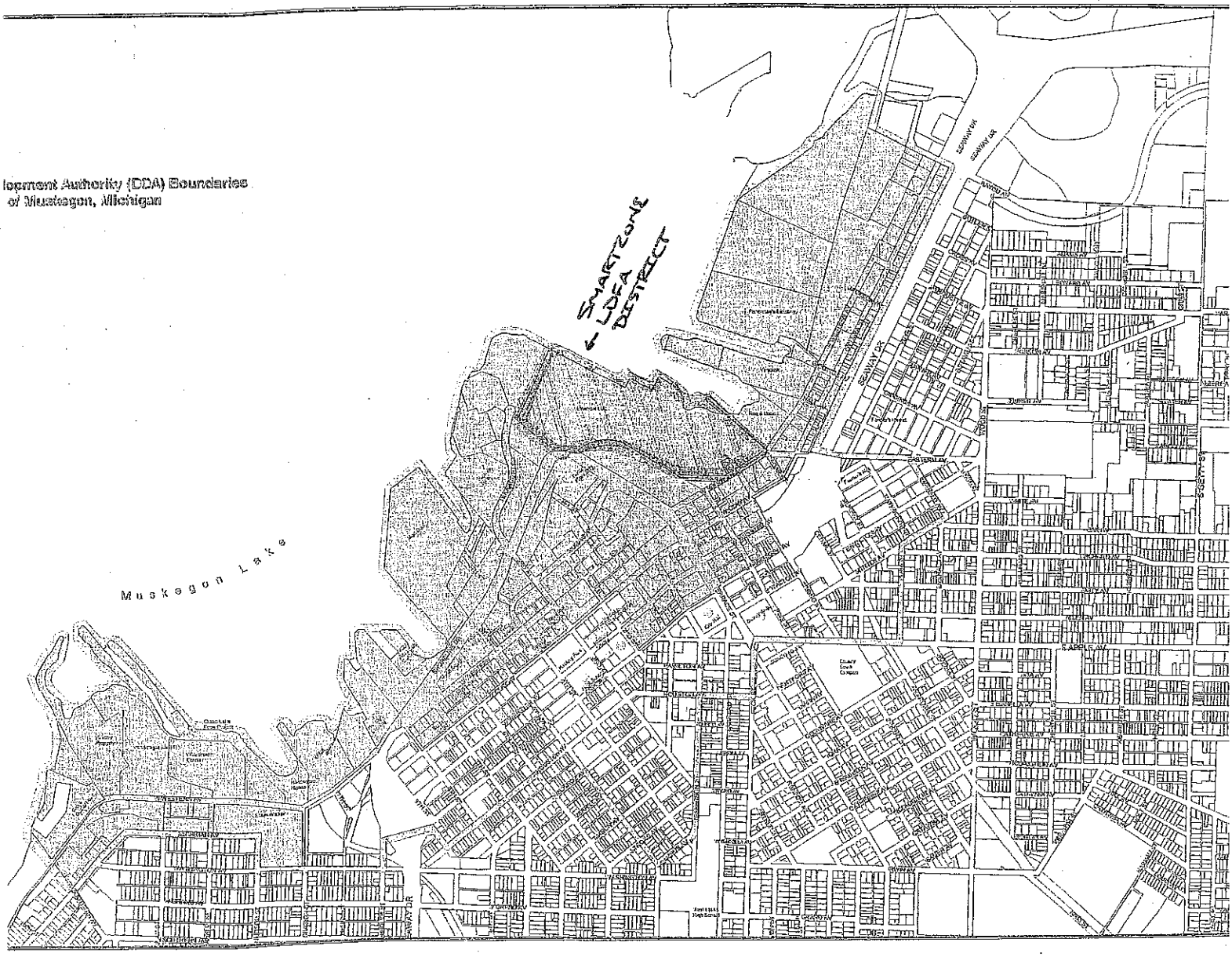
1. **Resolution of Intent to Create District (sets date for public hearing) – *July 24***
2. **Public Hearing Date – *August 28***
3. **Public Notice of Public Hearing - *August 3* (not more than 40 days before hearing)**
   (Notice in Chronicle) *August 7* (not less than 20 days before hearing)

4. **Private Notice of Public Hearing (certified letters) – *August 6***
   - **A. Property Taxpayers of record within district**
   - **B. Affected Taxing Jurisdictions (county, library, MCC)**

5. **Approval of Resolution Establishing District – *November 13***
   (not less than 60 days from public hearing)

6. **Filing of Resolution Establishing District w/ Secretary of State and Publishing Resolution in Newspaper of General Circulation – *November 14***

lopment Authority (DDA) Boundaries
of Muskegon, Michigan



Commission Meeting Date: August 28, 2001

Date: **August 15, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Seaway Business Park LDFA District Establishment - Public Hearing**

SUMMARY OF REQUEST:

To hold a public hearing to consider the establishment of a Local Development Finance Authority District for the Seaway Business Park.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To hold the public hearing

COMMITTEE RECOMMENDATION:

None

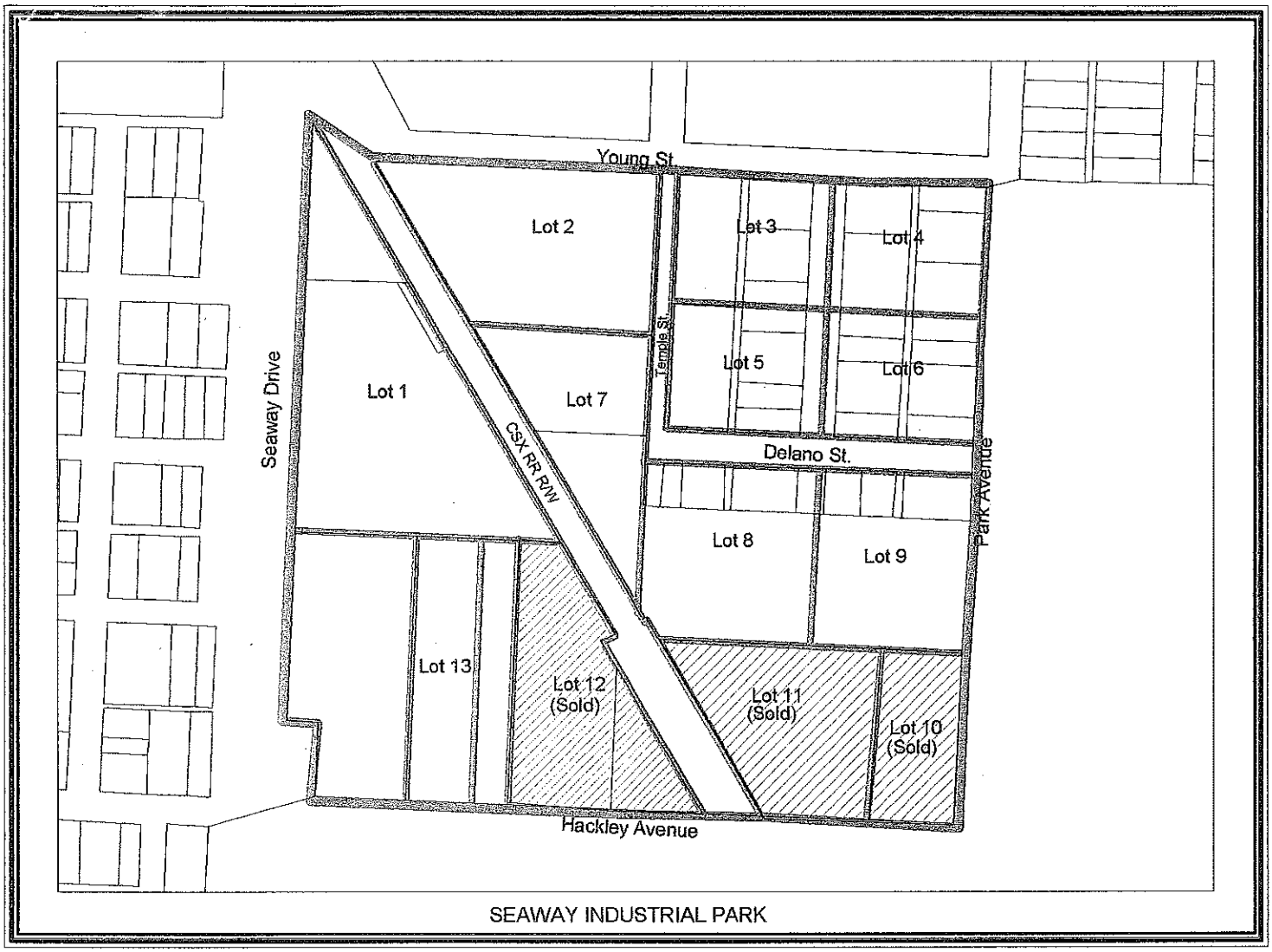
Seaway Industrial Park – LDFA District Establishment Process

1. **Resolution of Intent to Create District (sets date for public hearing) – *July 24***
2. **Public Hearing Date – *August 28***
3. **Public Notice of Public Hearing - *August 3* (not more than 40 days before hearing)**
   (Notice in Chronicle)
   ***August 7* (not less than 20 days before hearing)**

4. **Private Notice of Public Hearing (certified letters) – *August 6***
   A. **Property Taxpayers of record within district**
   B. **Affected Taxing Jurisdictions (county, library, MCC)**

5. **Approval of Resolution Establishing District – *November 13***
   (not less than 60 days from public hearing)

6. **Filing of Resolution Establishing District w/ Secretary of State and Publishing Resolution in Newspaper of General Circulation – *November 14***



SEAWAY INDUSTRIAL PARK

DATE: August 14, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Adoption of ordinance establishing a Construction Board of Appeals.

SUMMARY OF REQUEST: To adopt the attached ordinance tot set up one board and deletes the ordinance setting up the individual construction boards. Location and ownership:

Financial Impact: None

Budget action required: None

Staff Recommendation: To adopt the attached ordinance language.

law offices of | **PARMENTER O'TOOLE**
175 West Apple Avenue • P.O. Box 786 • Muskegon, Michigan 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

July 3, 2001

Mr. Robert Grabinski
Inspection Department
City Hall
Muskegon, MI

Dear Bob:

Enclosed is a draft of an ordinance that sets up a unitized Construction Board of Appeals. This ordinance follows the statute and, essentially adopts the statute regarding terms of two years for appointments by the "Chief Executive Officer" of the City. That Chief Executive Officer should be the City Manager for purposes of this ordinance.

You will note that I have not inserted all the guidelines and procedures that Jerry put together, as those details should not be in the ordinance itself. However, the guidelines and procedures should certainly be a part of those that the Construction Board of Appeals adopts. They may adopt such procedures and guidelines as long as they do not conflict with the Construction Code Act. I believe these would be very much in accordance with that Act.

I have not, intentionally, indicated the types of professionals or experts who ought to be members of the Construction Board of Appeals. The statute does not specify, but we could adopt local guidelines for appointments without making them mandatory, perhaps rewriting part of the guidelines to do that. I suggest, however, that we not put it in an ordinance or bind ourselves so that we find our Board of Appeals without a sufficient membership. The statute only requires the wording in the ordinance draft.

Please note that I have provided for non-residents to be on the Board of Appeals, since I think the statute clearly contemplates that. This way, the members of our Board of Appeals can be from the City or other communities and serve on multiple Boards of Appeal.

If there are any questions, please let me know.

Very truly yours,

G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com
GTJ:mmf
Enclosure

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier
James R. Scheuerle

Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude

Paul T. Sorenson, 1920-1966
George A. Parmenter, 1903-1993
Cyrus M. Poppen, 1903-1996
Harold M. Street, 1912-2000

G:\EDS\FILES\00100\1183\LTR\9M1237.DOC

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2051

An ordinance establishing a Construction Code Board of Appeals for the City of Muskegon as authorized by state law, specifically MCL 125.1514, to determine appeals and variances in connection with the State of Michigan Construction Code, including its building, electrical, mechanical and plumbing provisions, together with Codes in force in the City of Muskegon from time to time.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. **Establishment of Construction Board of Appeals.** There is hereby established a Construction Board of Appeals as authorized, and to be organized, in accordance with the State Construction Code Commission Act, specifically Section 14 thereof, MCL 125.1514.

2. **Composition of the Construction Board of Appeals.** The Construction Board of Appeals shall consist of seven (7) members who must be qualified by experience or training to perform their duties as members of the Board.

3. **Appointment and Terms of the Members of the Construction Board of Appeals.** Members of the Board shall be appointed for two (2) year terms, said appointments to be made by the City Manager. Persons eligible for appointment who are residents of the City shall be preferred; however, City residence is not required for appointment, since, by said statute, the members of the Construction Board of Appeals may serve in more than one (1) jurisdiction.

4. **Rules for Procedure and Operation, Meetings and Business.** The Construction Board of Appeals shall have the right to adopt its own rules of procedure and guidelines for meetings and hearings, provided that all proceedings of the Board shall be conducted in accordance with MCL 125.1514. All proceedings of the Construction Board of Appeals shall be held in accordance with the Open Meetings Act of the State of Michigan, and all records of decisions and any other records shall be subject to the State of Michigan Freedom of Information Act.

5. In addition to the duties set forth above for the Construction Board of Appeals, it shall also have jurisdiction to hear appeals taken from decisions of the appropriate authorities, or make interpretations, pursuant to the Uniform Fire Code or other fire and safety code in effect in the City from time to time.

6. **Repeal and Termination of Existing Boards of Appeal.** The following sections of the Muskegon City Code are repealed, and the Boards of Appeal formed thereby are terminated on the effective date of this ordinance:

(1) Those parts of the Uniform Building Code 1997 Edition, previously adopted by the City, setting up a Building Board of Appeals are hereby repealed, and the separate Building Board of Appeals is terminated.

(2) Section 4-32(b), establishing the Mechanical Board of Appeals is hereby repealed, and the separate Mechanical Board of Appeals is hereby terminated.

(3) Section 4-43, confined to subsections 109.2, 109.2.1, 109.2.2, 109.2.5, and 109.2.6, together with those sections of the International Plumbing Code 1997 pertaining to a Plumbing Board of Appeals are repealed, and the separate Plumbing Board of Appeals is hereby terminated.

(4) Section 4-96 establishing the Electrical Board of Appeals is repealed and the separate Electrical Board of Appeals is terminated.

This ordinance adopted:

Ayes: Schweifler, Shepherd, Buie, Spataro, Aslakson
Nays: Benedict, Nielsen

Adoption Date: August 28, 2001
Effective Date: September 18, 2001
First Reading: August 14, 2001
Second Reading: August 28, 2001

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, 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 28th day of August, 2001, 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: 8-31, 2001

Gail A. Kundinger
Gail A. Kundinger, CMC/AAE
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 INTERESTED PARTIES

Please take notice that on August 28, 2001, the City Commission of the City of Muskegon adopted an ordinance establishing a Construction Board of Appeals and repealing ordinances which provide for individual boards of appeals under various construction codes.

The ordinance is summarized as follows:

1. The Construction Board of Appeals is established pursuant to state statute MCL 125.1514 and consists of seven (7) members who must be qualified.

2. **Appointment and Terms.** Section 3 provides for two (2) year terms, the appointments to be made by the City Manager. City residents are preferred; however, City residence is not required for appointment.

3. **Rules.** Section 4 provides that the Construction Board of Appeals adopt its rules from procedure and operation, meetings and business.

4. **Jurisdiction.** Jurisdiction of the Construction Board of Appeals extends to administration of the State Construction Code, but also includes Uniform Fire Code or other fire and safety code matters.

5. **Repeal.** Certain existing boards of appeal, including the building, mechanical, plumbing and electrical boards of appeal, are abolished for the reason that all the functions of those boards are now to be exercised by the Construction Board of Appeals.

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 September 8, 2001

By_____
Gail A. Kundinger, Its Clerk

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

ELECTRICAL BOARD OF APPEALS

PURPOSE

To determine suitability of alternate materials; methods of installations and interpretations of the Electrical Ordinance and to act as a licensing body for persons engaged in the installation of electrical equipment.

MECHANICS

ENABLING LAW: City Ordinance (Sec. 4-96) – Oath not required.
APPOINTED BY: Manager/City Commission
MEETING: Upon Demand
TERM: 3 Years

COMPOSITION

TYPE	DESCRIPTION
A	1 Utility Representative
B	1 Contractor
C	1 Journeyman
D	1 Technical Representative
E	1 Citizen
F	Electrical Inspector (Ex-officio)

CURRENT MEMBERS

(Staff Liaison – Jerry McIntyre)

TYPE	NAME	ADDRESS	ZIP	PHONE	TERM EXP.
A					1/31/04
B	Clyde Marine	4522 Birchwood Ct.	1	798-8200	1/31/03
C	Gene Wessels	2106 Harding	1	755-6724	1/31/02
D	James Leenhouts	7120 S. Quarterline Springlake, MI	49456	798-7401	1/31/03
E	Richard McClain, Jr.	1201 Langeland	2	767-2433	1/31/04
F	Donald Labrenz	933 Terrace St.	3	724-6715	

MECHANICAL BOARD OF EXAMINERS

PURPOSE

To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the Uniform Mechanical Code.

MECHANICS

ENABLING LAW: City Ordinance (Sec. 4-31 – 4-38) – Oath not required.
APPOINTED BY: Mayor/City Commission
MEETING: Upon Demand
TERM: 3 Years

COMPOSITION

TYPE	DESCRIPTION
A	1 Utility Representative
B	1 Mechanical Engineering Firm
C	1 Forced Air Heating Contractor
D	1 Wet Heat Contractor
E	1 Citizen
F	1 Director of Inspection Services

CURRENT MEMBERS

(Staff Liaison – Jerry McIntyre)

TYPE	NAME	ADDRESS	ZIP	PHONE	TERM EXP.
A	Peter Scott	Consumers Energy 2021 Hoyt St.	4	722-2631	1/31/03
B	Matt Tighe	1448 Beach St.	1	759-1401	1/31/03
C	James Ring	3455 Valley View Dr.	4	767-1065	1/31/04
D					1/31/03
E	Charles Tallman	4104 E. Laketon	2	788-4340	1/31/04
F	Bob Grabinski	933 Terrace St.	3	724-6715	

PLUMBING BOARD OF APPEALS

PURPOSE

To determine the suitability of alternate materials and method of construction and to provide for reasonable interpretation of the Plumbing Code.

MECHANICS

ENABLING LAW: City Ordinance (Se. 4-43) – Oath not required.
APPOINTED BY: Manager/City Commission
MEETING: Upon Demand
TERM: 3 Years

COMPOSITION

TYPE	DESCRIPTION
A	1 Citizen
B	1 Plumbing Contractor
C	1 Journeyman Plumber
D	1 Professional Engineer
E	1 Representative from the Health Department
F	1 Plumbing/Mechanical Inspector (Ex-officio)

CURRENT MEMBERS

(Staff Liaison – Jerry McIntyre)

TYPE	NAME	ADDRESS	ZIP	PHONE	TERM EXP.
A	Matt Tighe	1448 Beach St.	1	759-1401	1/31/02
B	Martin Hornak	13122 Ferris St. Grand Haven, MI	49417	846-1416	1/31/04
C	Tom Freye	2986 Lakeshore Dr.	1	755-3923	1/31/02
D					1/31/04
E	Mike VandenHeuvel	18888 Fruitport Rd. Spring Lake, MI	49456	847-4093	1/31/03
F	Rick Clark	933 Terrace St.	3	724-6715	

2nd Reading

Date: August 14, 2001

To: Honorable Mayor and Commissioners

From: Robert Grabinski, Fire Marshal/Inspection Services RBG

Re: Adoption of Ordinance Change for Temporary Certificates of Occupancy.

Summary of Request: To adopt the attached ordinance change. This change clarifies when this office may issue a temporary certificate of occupancy, as well as when a certificate is revoked for failure to pay specific charges and/or where there are immediate health and safety issues.

Financial Impact: None

Budget Action Required: None

Staff Recommendation: To adopt the attached ordinance language.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2052

An ordinance to provide for certain temporary certificates of compliance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 4-83(c) is amended to read as follows:

Section 4-83 Certificate of Rental Dwellings.

(a) *Certificate of compliance required.* Rental dwellings shall not be occupied without a certificate of compliance or a temporary certificate of compliance. [unchanged]

(b) *Issuance of certificate of compliance.* The city shall issue a certificate of compliance for a rental dwelling when the city finds that the rental dwelling, its units and accessory structures and yards comply with the standards set forth in this code; however, no certificate of compliance shall be issued until all of the following fees and debts to the city have been paid in full:

(1) All previously billed property taxes; [unchanged]

(2) All current or past due special assessment installments; [unchanged]

(3) Water or sewer bills outstanding; [unchanged]

(4) All charges against the property for mowing, cleanup, weed or debris removal and similar charges by the city; [unchanged]

(5) Any fees, fines, penalties or debts of any sort arising from the provisions or enforcement of the Property Maintenance Code. [unchanged]

(c) *Temporary Certificate Authorized.* Where a certificate of compliance is required, the city may issue a temporary certificate of compliance for the following reasons only:

(1) For a newly registered rental dwelling until such time as the city is able to make a compliance inspection; [unchanged]

(2) To enable the city to balance compliance inspection workloads; [unchanged]

(3) To coincide with compliance time periods set forth in a notice citing violations of this code as such periods extend beyond the expiration date of a certificate. [unchanged]

(4) A temporary certificate of compliance may be issued if an appeal contesting the obligation to pay the charges set forth in subsections (b)(2) through (b)(5) is pending, and the appeal is bona fide and pursued to a timely conclusion. Thereafter, the property must qualify for a permanent certificate of occupancy, and the temporary certificate shall be revoked. No temporary certificate may be issued if amounts due under (b)(1) are unpaid.

No temporary certificate of compliance shall be issued if any of the amounts set forth in subsection (b)(2) through (b)(5), above, are unpaid and are not the subject of a bona fide timely appeal, or if there are significant health and safety defects present on the premises constituting an imminent danger to life, health or property.

(d) *Validity of certificate of compliance.* A certificate of compliance shall be valid for four (4) years for all rental units, unless suspended as set forth below. The administrator may authorize up to eight (8) additional months on the certificate of a dwelling for the sole purpose of balancing inspection workloads for the city. [unchanged]

(e) *Reserved.* [unchanged]

(f) *Expiration of certificate of compliance.* Certificates of compliance and temporary certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsection (c) or (d) above to enable the department of inspections to balance inspection workloads. [unchanged]

(g) *Length of time certificate of compliance is valid.* Any new certificate of compliance issued to an owner for a dwelling shall have an expiration date four (4) years from the date of issuance, except that if a temporary certificate has been previously issued, the certificate shall expire (4) years from the date the temporary certificate was issued. [unchanged]

(h) *Suspension of certificate of compliance.* The *city* shall suspend a certificate of compliance if the owner or responsible local agent has not complied with a complaint notice or if any amounts due under subsection (b) above remain unpaid and not subject to a bona fide timely appeal. The administrator shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:

(1) That the certificate of compliance has been suspended as of the date of the notice. [unchanged]

(2) Of the reason for the suspension. [unchanged]

(3) That it is unlawful for any rental unit to continue to be occupied for more than sixty (60) days after the date of suspension of the certificate of compliance, or, if

substantial and immediate danger to life, health or safety exists, that no occupancy may occur after the suspension and the property shall be immediately vacated.

(4) That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the certificate of compliance is reinstated or a new certificate of compliance is issued. [unchanged]

Failure to comply with the terms of suspension as set out in this subsection shall be a violation of this code. [unchanged]

(i) *Reinstatement of suspended certificate of compliance.* A suspended certificate of compliance shall be reinstated if the city determines that a rental dwelling has been brought into compliance with the standards of this article *and that the charges made under section (b) above have been paid.* The city shall notify the owner or responsible agent by regular mail, noting the reinstatement of the certificate of compliance of the rental dwelling. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts to be determined by the city commission shall be paid by the owner prior to reinstatement of the certificate.

(j) *Appeal.* Suspension of a certificate of compliance may be appealed to the housing board of appeals as provided for in this code. [unchanged]

(k) *Notifying tenants of suspended certificate.* The city shall send a copy of a notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to *occupant* and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this article. [unchanged]

(l) *Certification fees.* The director of inspections, subject to approval by the city commission, shall establish and charge a uniform and reasonable fee for certification from time to time. (Ord. No. 992, § I, 1-23-90; Ord. No. 1008, 10-9-90; Ord. No. 1049, §§ 16-21, 5-11-93; Ord. No. 1127, §§ 1, 2, 5-27-97) [unchanged]

This ordinance adopted:

Ayes: Nielsen, Schweifler, Shepherd, Buie, Spataro, Aslakson

Nays: Benedict

Adoption Date: August 28, 2001

Effective Date: September 18, 2001

First Reading: August 14, 2001
Second Reading: August 28, 2001

CITY OF MUSKEGON

By: Gail A. Kundinger
Gail A. Kundinger, 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 28th day of August, 2001, 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: 8-31, 2001

Gail A. Kundinger
Gail A. Kundinger, CMC/AAE
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 INTERESTED PARTIES

Please take notice that on August 28, 2001, the City Commission of the City of Muskegon adopted an ordinance amending the Property Maintenance Code concerning certificates for rental dwellings to add provisions related to temporary certificates of compliance. The ordinance amendments are summarized as follows:

Section 4-83(c)(4) was added to provide for issuances of temporary certificates of compliance during bona fide appeals of various charges levied on the property. Issuance is limited by the existence of significant health and safety defects constituting an imminent danger to life, health or property.

Section 4-83(h)(3) provides that it is unlawful for a rental dwelling to be occupied for more than sixty (60) days after the suspension of a certificate of compliance. Immediate vacation is required in cases of immediate danger.

The remaining sections of 4-83 concerning certification of rental dwellings remain the same as previously enacted.

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 September 8, 2001

By_____
Gail A. Kundinger, Its Clerk

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

Commission Meeting Date: August 28, 2001

Date: **August 13, 2001**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development**

RE: **Zoning Ordinance Amendments for Single-Family Home Standards**

SUMMARY OF REQUEST:

Request to repeal and reserve Section 402 (One Family Dwelling Regulations) of Article IV of the Zoning Ordinance; to add language to reserved Section 2319 to be called "Residential Design Criteria"; and to add a new requirement to Section 2311(4) (Accessory Structures & Buildings).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request on 7/12/01. The vote was unanimous.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2053

An ordinance to amend the Zoning Ordinance of the City to repeal and reserve Section 402 (One Family Dwelling Regulations) of Article IV of the Zoning Ordinance; to add language to reserved Section 2319 to be called "Residential Design Criteria"; and to add a new requirement to Section 2311(4) (Accessory Structures & Buildings).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article IV of the Zoning Ordinance of the City of Muskegon is hereby amended to repeal and reserve the existing language in Section 402 (One Family Dwelling Regulations).

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following language to reserved Section 2319, to be called "Residential Design Criteria":

SECTION 2319: RESIDENTIAL DESIGN CRITERA

It is the intent and purpose of this section to establish design review standards and controls over housing development in the City of Muskegon. It is recognized that there are unique design aspects inherent in the community appearance that need to be preserved and enhanced. The adoption of these criteria will guide and ensure that all future growth enhances community character and image and fits with the unique vernacular of the City of Muskegon's urban setting. A positive community image: enhances economic development opportunity; safeguards property values; curbs blight and deterioration; and enhances public safety and welfare. The following standards shall apply to all single-family or duplex structures erected in the City of Muskegon.

A one (1) family or two (2) family dwelling units which is of standard construction, a mobile home, a premanufactured, or a precut dwelling structure, and any additions or alterations thereto, erected or placed in the City of Muskegon, other than a mobile home located in a licensed mobile home park approved under the provisions of Article V, MHP Mobile Home Park Districts, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. *The dwelling unit shall have a minimum living area (excluding all basement area) of nine hundred and sixty (960) square feet for a one (1) bedroom dwelling. For each bedroom thereafter, an additional 100 square feet of living space shall be provided.*

2. *Where the home design involves a roof pitch, it shall be at a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5").*

3. *The roof shall have a snow load rating of forty (40) pounds per square foot.*

4. *Roof drainage in the form of a roof overhang of at least twelve inches (12") shall be provided to direct storm or meltwater way from the foundation, unless a gamble roof or other design elements necessitate an alternative roof drainage system.*

5. *Siding shall be the same gauge for modulars and mobiles as for on-site-built homes.*

6. *The dwelling unit shall have a minimum width across any front, side, and rear elevation view which is the lesser of:*

   a. *twenty-four (24) feet; or*

   b. *the average width of the homes on the same street within six hundred (600) feet in either direction;*

7. *A structure with a front elevation view of over 40 linear feet shall have a design offset including but not limited to; bay windows, covered porches, or structural offsets from the principal plane of the building.*

8. *Any single-story, residential structure shall not be more than two (2) times longer than its width (exclusive of an attached garage).*

9. *Garage doors may not comprise more than fifty percent (50%) of the front face of the structure.*

10. *Newly constructed homes must be at the average setback of existing homes within 600 feet.*

11. *The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code, manufacturers specifications, and other applicable requirements.*

12. *Any crawlspace that may exist between the foundation and ground floor of the dwelling unit shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.*

13. *If the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.*

14. *In the event that a dwelling unit is a mobile home as defined herein, it shall be installed with the wheels removed. No dwelling unit shall have any exposed towing mechanism, undercarriage or chassis.*

15. *The dwelling unit shall be connected to a public sewer and water supply when available, as defined by the Plumbing Code or if not available, to private facilities as approved by*

the county health department, the city, and other applicable agencies.

16. *Storage space of at least fifteen percent (15%) of the interior living space of the dwelling unit, exclusive of auto storage or attic storage, shall be provided within the structure.*

17. *The subject dwelling unit shall be aesthetically compatible in design and appearance with other dwellings within 600 feet. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, minimum transparency, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.*

18. *The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling unit. The Zoning Administrator's decision may be appealed, to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice to the official's decision.*

19. *The dwelling unit shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.*

20. *The dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.*

21. *All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code.*

22. *Each dwelling unit shall have an established vegetative ground cover no less than 12 months after occupancy. A minimum of one shade tree two and one-half inches (2.5") in diameter four feet (4') from the ground or one six foot (6') evergreen tree shall be provided. Existing landscaping may be accepted in lieu of this requirement.*

23. *Each dwelling unit shall have a garage or a shed providing a minimum of sixty four square feet (64 sq. ft.) of yard storage for each dwelling unit. Said area shall be calculated separately from the required interior storage space.*

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following language to Section 2311(4) (Accessory Structures and Buildings):

d. Any accessory structure placed in a residential property or zone in the city shall be of

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on August 28, 2001, the City Commission of the City of Muskegon adopted an ordinance amending the Zoning Ordinance to repeal and reserve Section 402 (One Family Dwelling Regulations) of Article IV of the Zoning Ordinance; to add language to reserved Section 2319 to be called "Residential Design Criteria"; and to add a new requirement to Section 2311(4) (Accessory Structures & Buildings).

The amendments provide for an update to the requirements for single-family homes in the City and move the requirements into the ordinance's General Provisions so that they apply in all zoning districts of the City. The amendments also add a requirement for accessory structures in residential properties or districts to be of residential construction, properly sided and painted, and prohibits pole style storage buildings in all residential zones or developments.

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 9-5, 2001

CITY OF MUSKEGON

By _____
Gail A. Kundinger
Its Clerk

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

Account No. 101-80400-5354

Date: August 22, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott

RE: Americorps Intent to Participate

SUMMARY OF REQUEST:

To approve signing an Intent to Participate form to partner with Americorps to provide recreation staff for one year

FINANCIAL IMPACT:

$5,700 for one full-time position

$5,000 for four summer positions

BUDGET ACTION REQUIRED:

None, funding to come from savings in personnel in the Recreation budgets

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh. Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON

West Michigan's Shoreline City

Date: August 22, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott

Re: Americorps Intent to Participate

We have the opportunity to partner with Americorps to provide one full-time and four part-time staff to work in the recreation program, and other special activities. The attached Intent to participate form needs to be signed so we can get the process started.

Americorps staff would work in the recreation area, particularly with youth. They would replace several of our part-time seasonal staff. Consequently, we could save money in budgeted recreation staffing and get additional work done. We would have staff to do more surveys with youth, additional supervision at events, and better work with the neighborhood associations.

The total cost would be $10,700 for one full-time position, and four part-time summer people.

I would ask that you approve our partnership with Americorps.

Thank you for your consideration.

Muskegon's AmeriCorps 2001 – 2002
Intent to Participate

Name _____
Title _____
Site _____
Date _____

The purpose of this form is to confirm the site's intention of placement and activities the AmeriCorps volunteers will facilitate. Please complete this form and return to the Program Director immediately. Call if you have questions, concerns or ideas regarding the placement. Thank you!

- In 2000, several schools and community based organizations collaborated to bring a team of AmeriCorps volunteers to Muskegon. These partners established **Muskegon's Collaborative: Service Learning In Muskegon (SLIM)**. The mission is to incorporate the service-learning model into the curricula of 52 classrooms and after-school programs in five school districts, the Youth Volunteer Corps and Temple United Methodist Church utilizing the eight core proficiencies and developmental assets as bench marks for this program (see *Executive Summary*).
- Accepting an AmeriCorps Member at your site means your organization is committing to become a partner of this collaborative.
- This collaborative serves as an Advisory Board to the Program Director. This group meets on an "as-needed" basis.

Each collaborative partner must assign a **site supervisor** to the AmeriCorps Member. The responsibilities and expectations of this supervisor is as follows:

- Attend a 4 hour site supervisor orientation
- Attend bi-monthly site supervisor meetings
- Day-to-day supervision of the Member
- Provide support and direction for the Member
- Provide a formal site orientation
- Offer constructive feedback and formal evaluation of Member's development and progress (both personally and professionally)
- Monitor and sign time sheets
- Provide additional resources (i.e. training) and project supplies
- Reporting site activity WITH member
- Provide in-kind assistance, including workspace and access to a telephone

Site Supervisor Name _____
Title _____
Phone Number _____

AmeriCorps Members have a *Code of Conduct* outlined in the *Member Contract* (see *Site Supervisor Handbook*) to which they must follow. Included in the expectations are the following:

- Attend meetings every Friday at 1:00 p.m. (time may change, due to site consensus)
- Participate in one Strengthening Community Committee
- Facilitate a minimum of 4 service-learning projects with youth grades K-12 within the year
- Participate in AmeriCorps Signature Projects six times per year (approximately every other month on Saturdays)
- Serve 35 hours per week
- Keep accurate records of activities, including time sheets and interaction with youth volunteers
- Recruit, train and sustain parents as volunteers at their site
- Promote community collaboration and volunteerism

The Corporation for National Service **will not allow members** to:

- Proselytize or assist religious organization
- Attempt to influence legislation, elections or voter registration
- Aid a partisan political organization
- Help or hinder union activity
- Aid businesses organized for profit
- Fundraise, including grant writing

How will AmeriCorps Members engage youth in service-learning at your site?

The funder of our AmeriCorps grant, the Michigan Community Service Commission, requires all sites to provide **Member Development** for each Member. All sites must understand that every member is at a different level of development. By working together, we can ensure each and every member similar opportunities to grow. This takes every site supervisor, member and the Program Director working collaboratively.

- Muskegon's AmeriCorps will provide members with a minimum of one week training at the beginning and an in-service once per month on Third Fridays at 10:00 a.m. The topics include:
  - ✓ AmeriCorps 101
  - ✓ Service-learning (Learn and Serve- Michigan)
  - ✓ Conflict Resolution (Dispute Resolution Center)
  - ✓ Volunteer Recruitment and Management
  - ✓ DiSC ® Personal Profile System ®
  - ✓ Cultural Awareness (Institute for Healing Racism)
  - ✓ Love and Logic (Child Abuse Council of Muskegon)
  - ✓ Adult CPR and First Aid Certification (American Red Cross)
- Some of the best member development is hands-on experience- and most is free. Simply inviting members to attend meetings as a shadow for observation can be helpful.
- A few sites send their members to regional meetings or training sessions with their site supervisor.

What member development activities will the site supervisor engage the member in?

You can expect the following from the AmeriCorps Program Director:

- Mutual respect
- Objectivity of member and site issues
- Compliance of the grant objectives
- Technical support
- Scheduled and unscheduled site visits
- Hiring, suspending and termination of Members and Sites
- Support and direction of Member and site supervisor issues

Site Partner Signature _____ **Date** _____

Program Director _____ **Date** _____

Date: August 22, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott

RE: Engineering Services – Laketon II

SUMMARY OF REQUEST:

To hire FTC & H to provide engineering services for the construction of the Laketon II section of the Shoreline Trail

FINANCIAL IMPACT:

Not to exceed $21,500

BUDGET ACTION REQUIRED:

None, will be paid from the golf course fund

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh. Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON

West Michigan's Shoreline City

Date: August 22, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott

Re: Engineering Services - Laketon II

The Laketon II section of the Lakeshore Trail will be constructed in 2002. BETA Design did the initial design work, but does not have any experience working or inspecting MDOT TEA 21 projects. BETA was hired by Hackley Hospital to do the work and the design is fine.

Our engineering department would rather not do the inspections next summer because of their workload.

Consequently, I would like to extend the contract with FTC & H who has done Phase III and Phase IV of the trail. Their not-to-exceed fee for managing the project would be $21,500. I would ask that you approve the contract with FTC & H.

Thank you for your consideration.