

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 12, 2016

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
 - A. Sister Cities Presentation**
 - B. Veteran's Memorial Park Presentation by Muskegon County Department of Veteran's Affairs and the Northside Lions**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes City Clerk**
 - B. Purchase of 14 Electronic Pollbooks City Clerk**
- ☐ **PUBLIC HEARINGS:**
 - A. Request for an Industrial Facilities Exemption Certificate – Production Fabricators Planning & Economic Development**
 - B. Request to Create a New Neighborhood Enterprise Zone District at 316 Morris Street Planning & Economic Development**
 - C. Request to Create a New Neighborhood Enterprise Zone District at 965 W. Western Avenue & 920 Washington Avenue Planning & Economic Development**
 - D. Request to Establish an Obsolete Property District – 920 Washington Avenue Planning & Economic Development**
 - E. Request to Issue an Obsolete Property Certificate – P & G Holdings NY, LLC – 920 Washington Avenue Planning & Economic Development**
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

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

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: July 7, 2016

Here is a quick outline of the items on next week's agenda:

WORK SESSION – INNOVATION HUB (formerly MAREC Center)

The focus of the work session will be the PM Park discussion. We are also in discussions with Sarah from the Watermark, and she will make herself available to come and do a presentation on their plans for redevelopment (as the OPRA and NEZ are on the Commission agenda). We will lead off with the Watermark discussion and then move on to PM Park.

COMMISSION MEETING

1. We will have a presentation from our Sister Cities leadership, as well as a presentation on Veteran's Memorial Park.
2. Under the consent agenda, we are asking the Commission to for approval of the following:
 - a. Last meeting's minutes.
 - b. The purchase of 14 electronic poll-books for the City Clerk's office.
3. Under Public Hearings, we will cover a number of topics:
 - a. An IFT request from Production Fabricators. If you recall, they are located in Muskegon Township and recently purchased a piece of city-owned land adjacent to their facility. They will now expand onto that piece of property, which will move a portion of their business into Muskegon. They are planning on an expansion of about 10,000 square feet.
 - b. A Neighborhood Enterprise Zone District request for 316 Morris Street (Terrace Plaza). The owners are planning to add a residential component to their building, which will initially cover the 6th and 7th floors.
 - c. A Neighborhood Enterprise Zone District request for 965 West Western Ave and 920 Washington Ave (former Shaw Walker building). The owners are planning to expand the residential opportunities at the Watermark Lofts. This is a mixed use project, and a corresponding Obsolete Property District and Certificate will be sought for the commercial components.

- d. An Obsolete Property District establishment request for 920 Washington Ave. This will facilitate a commercial investment of approximately \$13 Million. We are proposing a two-year timeline for completion.
- e. An Obsolete Property Certificate request for 920 Washington Ave. This is related to item d.

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

Date: July 6, 2016
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the June 28, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 28, 2016

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, June 28, 2016.

Pastor Tim Cross, Living Word Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2016-53 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the June 10, 2016 Special City Commission Meeting, June 13, 2016 Worksession Meeting, and the June 14, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

D. Community Relations Committee Recommendation City Clerk

SUMMARY OF REQUEST: To concur with recommendations from the Community Relations Committee to appoint Barbara VanFossen to the District Library Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with recommendations.

E. Interview Room Audio & Visual Recording Device Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the amount of \$15,361.00 for an audio & visual recording device for the Detective Bureau interview room. This recording system, with needed attachments, accessories, and backend storage server, will replace the

current out-of-date recording system. This upgrade will also assist the Muskegon Police Department to be in compliance with the Audio Recording of Custodial Interrogations ~ Public Act 479 of 2012. The equipment enhancement should be completed by August 15, 2016. **This equipment is a sole source purchase which is compatible with the L3 Communications Dash Cam system in our patrol vehicles.*

FINANCIAL IMPACT: N/A – Budgeted.

BUDGET ACTION REQUIRED: Equipment was budgeted in the 215/2016 (amended) budget cycle to support the equipment upgrade (Police Forfeiture Fund).

STAFF RECOMMENDATION: Staff recommends approval of this equipment purchase to update & enhance essential audio & visual recording during criminal investigations.

F. Backhoe Purchase DPW/Equipment

SUMMARY OF REQUEST: Authorize staff to purchase one (1) Michigan Cat Backhoe from Michigan Caterpillar, the Mi Deal State Contract holder. This machine will replace the 2000 model that we will retire from service.

FINANCIAL IMPACT: \$111,000 on State Contract.

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

STAFF RECOMMENDATION: Authorize staff to purchase one (1) Michigan Cat Backhoe from Michigan Caterpillar, the Mi Deal State Contract Holder.

G. Fuel System Upgrade DPW/Equipment

SUMMARY OF REQUEST: Authorize staff to purchase new Fuel Master Fuel Dispensing Module and Fuel pumps from Van Manen Petroleum Group. This is the second phase of our upgrade that started last year when our monitoring and leak detections system failed requiring emergency repairs to keep us compliant with DEQ regulations. This purchase is product exclusive to the previous repairs done last year due to the age of our system; we are reaching the point where it is getting hard to find replacement parts for our pumps. With the Police and Fire as well as DPW staff fueling at our facility it would not be good for our pumps to be down for an extended period of time.

FINANCIAL IMPACT: \$23,000.00

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

STAFF RECOMMENDATION: Authorize staff to purchase new Fuel Master Module and Pumps.

H. New Plow Truck DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to

purchase one new plow truck from West Michigan International the State Mi-Deal contract holder.

FINANCIAL IMPACT: \$84,292.85

BUDGET ACTION REQUIRED: None. This is the amount budgeted for.

STAFF RECOMMENDATION: Authorize staff to purchase (1) one new plow truck from West Michigan International, LLC.

K. Vinyl Siding Supplier Contract for Fiscal Year 2016 Community and Neighborhood Services

SUMMARY OF REQUEST: To authorize Community and Neighborhood Services to enter a new contract with Keene Lumber Company to be the Vinyl Siding Supplier for 2016 Fiscal Year. Keene Lumber has agreed to honor the existing contract price of \$46.95 per building square for standard siding and \$85.00 per building square for premium siding.

FINANCIAL IMPACT: Funding will be disbursed from the 2016 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Citizens District Council during the 2016 CDBG Grant process.

L. Vinyl Siding Installer Contracts for Fiscal Year 2016 Community and Neighborhood Services

SUMMARY OF REQUEST: To authorize Community and Neighborhood Services to enter a new contract with JR Tucker Construction to install vinyl siding at an agreed price of \$52.00 per building square for the Vinyl Siding Program's 2016 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the July 1, 2016 – June 30, 2017 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Citizen's District Council during the 2016 CDBG Grant process.

M. Sewer Rate Adjustment Finance Director

SUMMARY OF REQUEST: Prior to 2015, there had not been a sewer rate increase since 2010. The 2015 sewer rate resolution that was adopted has not adequately addressed the needs of the sewer fund. Accordingly, we are asking the City

Commission to rescind the sewer rate resolution that was adopted in 2015 and now approve a new resolution with a treatment rate for our customers that is based on a multiplier of 1.49 times the rate the county bills the City for wastewater treatment.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time. The proposed rate change was incorporated into the FY 2016-17 budget that was recently approved by the City Commission.

STAFF RECOMMENDATION: Adoption of the fee adjustment resolution.

Motion by Commissioner Johnson, second by Commissioner Turnquist, to approve the Consent Agenda as presented with the exception of Items B, C, I, J, and N.

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

Nays: None

MOTION PASSES

2016-54 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Gaming License Request from Muskegon Polish Festival City Clerk

SUMMARY OF REQUEST: The Muskegon Polish Festival is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Warren, second by Commissioner German, to approve a resolution for the Muskegon Polish Festival for the purposes of obtaining a Gaming License.

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

Nays: None

MOTION PASSES

**C. Approval of Resolution Regarding Precinct Boundary Adjustments
City Clerk**

SUMMARY OF REQUEST: To approve a resolution to allow for the adjustment of precinct boundaries in precincts 5 and 7. Terrace Point Circle did not exist when the current precinct boundaries were decided. Terrace Point Circle is currently

sitting in two precincts with no natural boundary. Further adjustments will be made to this area to include the voters on Viridian Drive, the natural boundary used for the new precinct division is the census block where the properties are located. Voters registered on Viridian will have a new polling place of City Hall effective January 1, 2017 if the resolution is approved. Changes to Terrace Point Circle will become effective immediately.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution.

STAFF RECOMMENDATION: To concur with recommendations.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve the resolution adjusting precinct boundaries in precincts 5 and 7.

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

Nays: None

MOTION PASSES

I. Plow Truck Build DPW/Equipment

SUMMARY OF REQUEST: Authorize staff to allow Arista Truck Systems to build two new Plow trucks, the lowest qualified bidder.

FINANCIAL IMPACT: \$111,224.00

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

STAFF RECOMMENDATION: Authorize staff to allow Arista Truck Systems to build two new Plow trucks, the lowest qualified bidder.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to authorize staff to allow Arista Truck Systems to build two new Plow trucks, the lowest qualified bidder.

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

Nays: None

MOTION PASSES

**J. A & E Barbecue Concession Contract for City of Muskegon Parks
Department of Public Works**

SUMMARY OF REQUEST: Staff is asking permission to enter into a 1-year contractual agreement with Eric Jewel of A & E Barbecue LLC, at Pere Marquette Park, located within the City of Muskegon, to sell various Barbecue items from a mobile "smoker on wheels".

FINANCIAL IMPACT: Concession revenue is 10% of gross receipts

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into concession agreement with Eric Jewel of A & E Barbecue LLC.

Motion by Commissioner German, second by Commissioner Warren, to authorize staff to enter into concession agreement with Eric Jewel of A & E Barbecue, LLC.

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

Nays: None

MOTION PASSES

N. Reese Field Management Agreement Department of Public Works

SUMMARY OF REQUEST: Authorize the Mayor and City Clerk to execute the “Reese Field Soccer Facility Management Agreement” with Sailors Soccer Club DBA, West Michigan Storm Soccer Club (WMSSC).

FINANCIAL IMPACT: West Michigan Storm Soccer Club will expand the operations of this facility and will invest in improvements to the facility.

BUDGET ACTION REQUIRED: None. The contract will offer savings in maintenance costs for the City and create opportunities for capital improvements by WMSSC that the City is unable to accomplish at this time.

STAFF RECOMMENDATION: Approve request.

Motion by Commissioner Warren, second by Commissioner Johnson, to authorize the Mayor and City Clerk to execute the “Reese Field Soccer Facility Management Agreement” with Sailors Soccer Club DBA, West Michigan Storm Soccer Club.

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

Nays: None

MOTION PASSES

2016-55 PUBLIC HEARINGS:

A. Public Hearing – Request to Create a New Neighborhood Enterprise Zone District at 285 W. Western Avenue Planning and Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 147 of the Michigan Public Acts of 1992, the developer of the Highpoint Flats project has requested to create a new Neighborhood Enterprise Zone (NEZ) district for the parcel at 285 W.

Western Avenue. Properties located in NEZ districts are eligible to apply for NEZ certificates, which will lower the residential property taxes on new or rehab construction. The State requires that notices are to be sent to the local taxing jurisdictions regarding the request and that the resolution may not be passed until after 60 days of the notice letters being sent. Also, a public hearing must be held no more than 45 days after the notice is sent. Notices were mailed on June 20, 2016. The resolution is planned to come back in front of the City Commission on August 23, 2016. This project will include between 49-61 apartment units with first floor retail and/or office space. The NEZ will only affect the residential component of the project. The City is allowed to designate up to 15% of its total area as NEZ designations, which calculates out to 2.802 square miles. We currently have 2.06 square miles designated as NEZ districts. This new district would only add 0.0004 square miles for an overall total of 2.0604 square miles of designated NEZ district in the City.

FINANCIAL IMPACT: For those properties that are approved for a NEZ Certificate, taxation will be levied using half of the State average of millages of local entities.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the new NEZ district.

PUBLIC HEARING COMMENCED: NO PUBLIC COMMENTS RECEIVED.

Motion by Commissioner Warren, second by Vice Mayor Hood, to close the public hearing.

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

Nays: None

MOTION PASSES

2016-56 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish Public Safety

330 Washington

1592 5th Street

1761 S. Getty Street

1363 7th Street

1524 Hoyt Street

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30)

days or infraction tickets may be issued. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute contracts for demolition with the lowest responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: CDBG or General Funds.

BUDGET ACTION REQUIRED: None.

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

Motion by Vice Mayor Hood, second by Commissioner German, to concur with the Housing Board of Appeals decision to demolish.

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

Nays: None

MOTION PASSES

B. Skate Park Fund Agreement City Manager

SUMMARY OF REQUEST: The City Commission's 4th Quarter Budget Reforecast for FY2015-2016 included a \$10,000 expenditure for improvements to the Skate Park at Syferth Park. Staff is requesting permission to utilize those dollars to establish a fund at the Community Foundation for Muskegon County to allow for additional contributions to be made by interested community members.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Non-Profit Support Services Agreement with the Community Foundation for Muskegon County, and authorize the Mayor to sign.

Motion by Commissioner Johnson, second by Commissioner Warren, to approve the Non-Profit Support Services Agreement with the Community Foundation for Muskegon County, and authorize the Mayor to sign.

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

Nays: None

MOTION PASSES

C. LC Walker Arena Lease Agreement City Manager

SUMMARY OF REQUEST: As the City continues to manage the LC Walker Arena, staff's top priorities are to reduce or eliminate General Fund subsidies and

strategically improve the arena in a manner that provides for more frequent use and higher-quality experience for tenants and event attendees. The greatest way to accomplish this is to add value in ways that do not disrupt ice utilization, which is the facility's greatest revenue source. Accordingly, staff is proposing a lease agreement and corresponding development agreement with West Michigan Rum Company, LLC, to provide for the buildout and leasing of approximately 5,000 square feet of space in the concourse area of the Arena, adjacent to the corner of Western Avenue and 4th Street. The West Michigan Rum Company will operate a distillery and restaurant in this space that will occupy the Western Avenue side of the building and add to the food and beverage opportunities in the LC Walker Arena on event days. The lease has an initial 5 year term with nine three-year extension options. Rent shall be \$10.00 per square foot – or approximately \$4,166.66 per month initially.

FINANCIAL IMPACT: Development costs are estimated between \$300,000 and \$350,000. Annual rental income is estimated at \$50,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to sign the agreements and begin the due diligence period as outlined in the Development Agreement.

Motion by Commissioner Johnson, second by Commissioner German, to authorize staff to sign the agreements and begin the due diligence period as outlined in the Development Agreement.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission adjourned at 7:10 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

Date: July 12, 2016
To: Honorable Mayor and City Commissioners
From: CITY CLERK'S OFFICE
RE: Purchase of 14 Electronic Pollbooks

SUMMARY OF REQUEST: The laptops that host the electronic pollbook are approximately five years old and are showing their age. We would like to purchase new laptops for the 14 precincts and use the existing laptops as back-ups in case of computer failure. These computers retail for \$1,000 and offered through government purchasing for \$700 but IT was able to negotiate a \$600 per laptop price.

FINANCIAL IMPACT: \$8,400 from the Election Budget.

BUDGET ACTION REQUIRED: This is a budgeted item.

STAFF RECOMMENDATION: To approve the purchase of 14 laptops from Dell through the government purchasing contract.



Quote 1024268041463.1

CITY OF MUSKEGON

Salesperson

Salesperson Name
Amanda Randle

Salesperson Email
Amanda_Randle@Dell.com

Salesperson Phone
18004563355

Salesperson Extension
5138773

Quote Details

Quote Date
07/06/2016

Quote Validity
10/04/2016

Solution ID
-

Billing Details

Company Name
CITY OF MUSKEGON

Customer Number
3923456

Phone Number
1 (231) 7243345

Address
933 TERRACE ST
MUSKEGON
MI
49440
US

Price Summary

Description	Quantity	Unit Price	Subtotal Price
Latitude 3560	14	\$600.00	\$8,400.00
Subtotal			\$8,400.00
Tax			\$0.00
Shipping and Handling			\$0.00
Environmental Fee			\$0.00
Total			\$8,400.00

Note: All tax quoted above is an estimate; final taxes will be listed on the invoice.

Dear Customer,

Your quote is detailed below; please review the quote for product and information accuracy. If you find errors or desire changes, please contact me as soon as possible.

Regards,
Amanda Randle

Order this quote easily online through your [Premier page](#), or if you do not have Premier, using [Quote to Order](#)

Product Details by Shipment

Shipping Group 1

Shipping Contact:	JASON BOES	Subtotal	\$8,400.00
Shipping Phone No:	1 (616) 7246737	Tax	\$0.00
Shipping via:	Standard Ground	Shipping and Handling	\$0.00
Shipping Address:	933 TERRACE ST	Environmental Fee	\$0.00
	MUSKEGON	Total	\$8,400.00
	MI 49440-1348		
	US		

Description	Quantity	Unit Price	Subtotal Price
Latitude 3560	14	\$600.00	\$8,400.00

Estimated Delivery Date: 07/19/2016
Contract Code: 99agz
Customer Agreement No: MHEC-07012015

210-AGTM	Dell Latitude 3560 XCTO	14	-	-
379-BBTN	5th Generation Intel Core i3-5005U (Dual Core, 2.0GHz, 3MB cache)	14	-	-
338-BHKL	Intel Core i3-5005U Processor Base, Integrated HD Graphics 5500	14	-	-
389-BCCH	Intel Core i3 Processor Label	14	-	-
619-AHHY	Win 10 Home 64 English, French, Spanish	14	-	-
630-AAPK	No Productivity Software	14	-	-
340-ADFZ	Dell Power Manager	14	-	-
340-AJFC	Kickstart Product Registration	14	-	-
422-0007	Dell Data Protection Security Tools Digital Delivery/NB	14	-	-
525-BBCL	SupportAssist	14	-	-
640-BBLW	Dell(TM) Digital Delivery Cirrus Client	14	-	-
658-BBMR	Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps),OptiPlex	14	-	-

658-BBNF	Waves Maxx Audio Royalty	14	-	-
658-BCTY	System Shipment, Latitude 3560	14	-	-
658-BCUV	OS Recovery	14	-	-
320-BBQM	Non-Touch LCD Back Cover with Camera and Microphone	14	-	-
391-BCES	15.6 inch Non-Touch HD (1366x768) Anti-Glare LCD	14	-	-
370-AAER	8GB (1x8GB) 1600MHz DDR3L Memory	14	-	-
400-AJYL	128GB 2.5 inch Value SATA Solid State Drive	14	-	-
490-BCOV	Intel Integrated HD Graphics	14	-	-
555-BCMS	Intel 3165 Dual band 2.4GHz/5Ghz + Bluetooth 4.2	14	-	-
	802.11 1x1 AC			
555-BCOJ	Intel Dual Band Wireless 7265 & 3165 AC Driver w/o WiDi	14	-	-
580-ACJB	Internal Single Pointing Keyboard (English)	14	-	-
346-BBSC	No Fingerprint Reader Palmrest (Single Pointing)	14	-	-
492-BBDD	65 Watt AC Adaptor	14	-	-
537-BBBL	US Power Cord	14	-	-
451-BBPR	Primary 4-cell 40W/HR Battery	14	-	-
319-BBBK	No Camera Software	14	-	-
452-BBSE	No Docking Station	14	-	-
460-BBEX	No Carrying Case	14	-	-
620-AAOH	No Media	14	-	-
525-0057	Kace K1000 Express	14	-	-
340-AGIK	Safety/Environment and Regulatory Guide (English/French/Dutch)	14	-	-
640-BBJB	ODM Info	14	-	-
340-ASJN	MOD,PLCMT,QSG,3560,D/B,WIN10	14	-	-
430-XXYG	No Resource DVD	14	-	-
340-ACQQ	No Option Included	14	-	-
387-BBKC	Energy Star 6.0	14	-	-
389-BCGW	No UPC Label	14	-	-
389-BEYY	Regulatory Label included	14	-	-
634-BENZ	No DDP ESS Software	14	-	-
954-3465	No DDPE Encryption Software	14	-	-
332-1286	US Order	14	-	-
340-AASO	Direct Ship Info Mod	14	-	-
340-AQMG	MOD,SHP MTL,MCF,LL 15,PULP	14	-	-
800-BBGS	BTO Standard Shipment (M)	14	-	-
817-BBBB	No FGA	14	-	-
570-AADK	No Mouse	14	-	-
975-3461	Dell Limited Hardware Warranty Extended Year(s)	14	-	-
997-6727	Dell Limited Hardware Warranty	14	-	-
997-6735	Onsite/In-Home Service After Remote Diagnosis, 1 Year	14	-	-
997-6737	Onsite/In-Home Service After Remote Diagnosis, 2 Year Extended	14	-	-

Important Notes

Terms of Sale

This quote is valid for 30 days unless otherwise stated. Unless you have a separate written agreement with Dell that specifically applies to this order, your order will be subject to and governed by the following agreements, each of which are incorporated herein by reference and available in hardcopy from Dell at your request:

If this purchase is for your internal use only: Dell's Commercial Terms of Sale (<http://www.dell.com/CTS>), which incorporate Dell's U.S. Return Policy (www.dell.com/returnpolicy) and Warranty (www.dell.com/warrantyterms).

If this purchase is intended for resale: Dell's Reseller Terms of Sale (www.dell.com/resellerterms).

If this purchase includes services: in addition to the foregoing applicable terms, Dell's service contracts and related service terms (www.dell.com/servicecontracts/global).

If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-branded application software is subject to the Dell End User License Agreement - A Version (www.dell.com/AEULA) and use of the Dell-branded system software is subject to the Dell End User License Agreement - S Version (www.dell.com/SEULA).

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: **Dell Marketing L.P.** Note: All tax quoted above is an estimate; final taxes will be listed on the invoice. If you have any questions regarding tax please send an e-mail to Tax_Department@dell.com.

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*Production Fabricators***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 27, 2015, this Commission by resolution established an Industrial Development District as requested by Production Fabricators, which included the property leased by Production Fabricators, 1608 Creston St, Muskegon, Michigan 49442; and

WHEREAS, Production Fabricators has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building addition to be installed within said Industrial Development District; and

WHEREAS, said application was filed no later than six months after project commencement and the Muskegon City Commission held a public hearing on July 12, 2016, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Production Fabricators, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGON PORT CITY INDUSTRIAL CENTER #4 LOT 52 & E 25 FT LOT 53

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of 12 years on real property.

Adopted this 12th Day of July 2016.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on July 12, 2016.

Ann Meisch
Clerk

Commission Meeting Date: July 12, 2016

Date: July 5, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Public Hearing - Request to Create a New Neighborhood
Enterprise Zone District at 316 Morris St.**

SUMMARY OF REQUEST:

Pursuant to Public Act 147 of the Michigan Public Acts of 1992, the Hinman Company has requested to create a new Neighborhood Enterprise Zone (NEZ) district for the parcel at 316 Morris St for a residential addition to the 7th floor of the Terrace Plaza building.

FINANCIAL IMPACT:

For those properties that are approved for a NEZ Certificate, taxation will be levied using half of the State average of millages of local entities.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To hold the public hearing.

COMMITTEE RECOMMENDATION:

None

Background

Properties located in NEZ districts are eligible to apply for NEZ certificates, which will lower the residential property taxes on new or rehab construction. The State requires that notices are to be sent to the local taxing jurisdictions regarding the request and that the resolution may not be passed until after 60 days of the notice letters being sent. Also, a public hearing must be held no more than 45 days after the notice is sent. Notices were mailed on June 30, 2016. The resolution is planned to come back in front of the City Commission on September 13, 2016. The NEZ will only affect the residential component of the project.

The City is allowed to designate up to 15% of its total area as NEZ designations, which calculates out to 2.802 square miles. We currently have 2.0604 square miles designated as NEZ districts. This new district (0.0008 square miles) along with the proposed district at the watermark (0.015 square miles) would only add 0.0158 square miles for an overall total of 2.0762 square miles of designated NEZ districts in the City.

Commission Meeting Date: July 12, 2016

Date: July 5, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to Create a New Neighborhood Enterprise Zone District at 965 W Western Ave & 920 Washington Ave.

SUMMARY OF REQUEST:

Pursuant to Public Act 147 of the Michigan Public Acts of 1992, the P&G Holdings NY, LLC has requested to create a new Neighborhood Enterprise Zone (NEZ) district for a residential addition to the Watermark.

FINANCIAL IMPACT:

For those properties that are approved for a NEZ Certificate, taxation will be levied using half of the State average of millages of local entities.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To hold the public hearing.

COMMITTEE RECOMMENDATION:

None

Background

Properties located in NEZ districts are eligible to apply for NEZ certificates, which will lower the residential property taxes on new or rehab construction. The State requires that notices are to be sent to the local taxing jurisdictions regarding the request and that the resolution may not be passed until after 60 days of the notice letters being sent. Also, a public hearing must be held no more than 45 days after the notice is sent. Notices were mailed on June 30, 2016. The resolution is planned to come back in front of the City Commission on September 13, 2016. The NEZ will only affect the residential component of the project.

The City is allowed to designate up to 15% of its total area as NEZ designations, which calculates out to 2.802 square miles. We currently have 2.0604 square miles designated as NEZ districts. This new district (0.015 square miles) along with the proposed district at Terrace Plaza (0.0008 square miles) would only add 0.0158 square miles for an overall total of 2.0762 square miles of designated NEZ districts in the City.

Commission Meeting Date: July 12, 2016

Date: July 5, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to Establish an Obsolete Property District – 920 Washington Ave

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, P&G Holdings NY, LLC, has requested the establishment of an Obsolete Property District for their property at 920 Washington Ave. The establishment of the Obsolete Property District would allow them to apply for an Obsolete Property Rehabilitation Exemption Certificate.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the Obsolete Property District

COMMITTEE RECOMMENDATION:

None.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. _____

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, as is described in Attachment A.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

Ayes _____

Nays _____

CITY OF MUSKEGON

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on July 12, 2016. 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 _____
Ann Meisch, City Clerk

ATTACHMENT A: PROPERTY DESCRIPTION

CITY OF MUSKEGON REVISED PLAT 1903 PT OF BLKS 467 AND 468 AND ENTIRE BLK 474 TOGETHER WITH PT OF THE C & O RR R/W IN SD BLK 467 VAC MICHIGAN AVE BET SD BLKS 467 & 474 THE 2 VAC ALLEYS IN SD BLK 474 DESC AS BEG ON THE N R/W LN OF MICHIGAN AVE AT A POINT BEING N 89D 48M 11S E 549.04 FT FROM THE SW COR OF SD BLK 468 TH N 02D 11M 01S E 7.87 FT TH S 87D 51M 37S E 111.67 FT ALG SLY LN OF A 5 STY BLDG TH N 02D 23M 08S E 85.09 FT ALG E SIDE OF A 4 IN WALL TH S 87D 48M 59S E 28.01 FT ALG NLY LN OF SD 5 STY BLDG TH N 02D 11M 01S E 21.28 FT ALG SD BLDG TH N 88D 38M 32S W 12.93 FT ALG SD BLDG LN TH N 00D 42M 58S E 57.92 FT ALG SD BLDG LN TH S 88D 25M 41S E 8.43 FT ALG SD BLDG LN TH N 88D 25M 41S W 0.40 FT ALG SD BLDG LN TH N 01D 34M 19S E 0.30 FT ALG SD BLDG LN TH N 88D 25M 41S W 8.72 FT ALG SD BLDG LN TH N 00D 30M 20S E 24.63 FT TH N 82D 30M 04S W 8.71 FT TH S 00D 30M 20S W 9.53 FT TH N 83D 24M 04S W 13.72 FT ALG SD 5 STY BLDG LN TH N 09D 23M 07S E 9.68 FT ALG SD 5 STY BLDG LN TH N 82D 30M 04S W 112.12 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH N 07D 28M 33S E 75.55 FT ALG SD BLDG LN & THE EXTENSION TH'OF TH S 82D 42M 42S E 474.11 FT ALG THE SLY R/W LN OF WESTERN AVE

Commission Meeting Date: July 12, 2016

Date: July 5, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to issue an Obsolete Property Certificate –P&G Holdings NY, LLC– 920 Washington Ave

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, P&G Holdings NY, LLC, has requested the issuance of an Obsolete Property Certificate for their property located at 920 Washington Ave. Total capital investment for this project is estimated at \$13,000,000. The applicant is eligible for a 12-year abatement because of the amount of investment.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen at the pre-rehabilitated rate for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the Obsolete Property Rehabilitation Exemption Certificate

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. _____

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by P&G Holdings NY, LLC.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from P&G Holdings NY, LLC, to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution. All items described under "Instructions" (a) through (f) of the application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Muskegon, the Qualified Local Government Unit, by the applicant.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after a hearing on July 12, 2016.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on July 12, 2016, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, P&G Holdings NY, LLC, is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for twelve (12) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.
- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.

- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twenty-four (24) months to complete the rehabilitation. It shall be completed by July 12, 2018, or two years after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by P&G Holdings NY, LLC, for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of twelve (12) years;
2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

Ayes: _____

Nays: _____

CITY OF MUSKEGON

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on July 12, 2016. 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 _____
Ann Meisch, City Clerk

ATTACHMENT A: PROPERTY DESCRIPTION

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OPRA Attachment Responses for P&G Holdings NY, LLC

(a) General description of obsolete facility:

- The existing building located at 920 Washington Avenue consists of a five-story approximately 900,000 square foot mostly vacant building that was originally constructed in the early 1890-1950's and was historically utilized for Shaw Walker furniture factory. The property was partially redeveloped beginning in 2004 to house residential condominiums, a coffee shop and a banquet/gathering space. The balance of the building remains vacant and in need of significant repair.

(b) General description of the proposed use of the rehabilitated facility:

- The proposed project includes a plan to redevelop approximately 435,000 square feet of the remaining building into a mixed use project that will include residential market rate rental units and a family entertainment center (the "Project"). The Project will include the addition of approximately 120 new market rate residential apartments and approximately 200,000 square feet of entertainment and commercial space that would include bowling/arcade, a restaurant, laser tag, cybersport, a trampoline park, concert venue, indoor mountain biking and commercial retail/office space spread throughout the building. The Project is expected to reactivate the building and generate the creation of approximately 125+ new jobs with wages averaging approximately \$10/hr.

(c) Description of the general nature and extent of the rehabilitation to be undertaken:

- The Project will commence with significant selective interior and exterior demolition in order to prepare the building for the proposed reuse. The interior demolition will include selective interior demolition of the existing walls, floors, flooring, lead and asbestos abatement and sandblasting of the interior. Existing walls on each floor will be demolished to accommodate the proposed floor plans. Exterior demolition will include removal of the existing windows in preparation of the proposed exterior improvements which includes window replacement. Once the demolition is complete, the building will be framed and interior modifications will commence to house the proposed improvements described above.

(d) Descriptive list of fixed building equipment that will be part of rehabilitated facility:

- It is expected that the following equipment will be replaced or repaired as a result of the proposed rehabilitation:

- HVAC System	\$ 587,075
- Electrical	\$ 1,981,225
- Plumbing	\$ 250,000
- Fire Protection	\$ 2,576,580
- Elevator	\$ 1,430,000

(e) Provide an expected time schedule for undertaking and completing the rehabilitation of the facility.

The project will begin late 2016 and is expected to be completed by December 2018.

(f) Provide a statement regarding the economic advantages expected from the exemption. Explain why the exemption is necessary.

- The exemption will allow the developer to defray some of the annual expenses associated with the increased taxes as a result of the significant proposed project investment. This will allow the developer to complete the Project successfully and in a timely manner, stabilize following construction, and allow added cash flow for the proposed investment in order to make the Project financially viable. The Project will ultimately benefit the taxing jurisdictions through long-term increased property tax revenues as well as increased income tax revenues. Without the exemption benefit, the Project would not be feasible and would not take place.

(g) Attach an itemized budget for the rehabilitation:

- Attached.