

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 27, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

ROLL CALL:

CONSENT AGENDA:

- a. Approval of Minutes. CITY CLERK
- b. FIRST READING: Vehicles for Hire Ordinance Amendment. CITY CLERK
- c. Annual Taxicab License Renewal. CITY CLERK
- d. Refuse Cart Purchase 2003. PUBLIC WORKS
- e. Approval of Agreement with the West Michigan Criminal Justice Training Consortium. POLICE DEPARTMENT
- f. Use of Old City Logo. LEISURE SERVICES
- g. Sale of North 20' of Buildable Lot on Hoyt Street. PLANNING & ECONOMIC DEVELOPMENT
- h. Partial Termination of Lease Agreement – Nelson Park, Parcel B. PLANNING & ECONOMIC DEVELOPMENT
- i. FIRST READING: Rezoning Request for Property Located at 1750 and 1752 Seventh Street. PLANNING & ECONOMIC DEVELOPMENT
- j. FIRST READING: Rezoning Request for Property Located at 986 E. Keating Avenue. PLANNING & ECONOMIC DEVELOPMENT
- k. FIRST READING: Rezoning Request for Property Located at the SW Corner of Division Street & Western Avenue. PLANNING & ECONOMIC DEVELOPMENT
- l. Request for Preliminary Planned Unit Development Approval for the SW Corner of Division Street and Western Avenue. PLANNING & ECONOMIC DEVELOPMENT
- m. Request for Final Planned unit Development Approval for Phase I of the Proposed Development at the SW Corner of Division Street and Western Avenue. PLANNING & ECONOMIC DEVELOPMENT
- n. Request for Amendment to Planned Unit Development for Edison Landing (Smartzone). PLANNING & ECONOMIC DEVELOPMENT

- o. MML - Annual Membership Dues (7/1/03-6/30/04). CITY MANAGER

PUBLIC HEARINGS:

- a. Request for the Establishment of an Industrial Development District - Graphics Unlimited. PLANNING & ECONOMIC DEVELOPMENT
- b. Amendment to Brownfield Plan – Verplank Dock Co. PLANNING & ECONOMIC DEVELOPMENT

NEW BUSINESS:

- a. FIRST READING: Rezoning Request for Various Properties to the 'MC' Medical Care Zoning District. PLANNING & ECONOMIC **SECOND READING REQUIRED.**

2003-43a)
2003-a)

Date: May 27, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, May 12, 2003; and the Regular Commission Meeting that was held on Tuesday, May 13, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 27, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, May 27, 2003.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Buie, 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 Stephen Warmington, Vice Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2003-43 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession held on Monday, May 12, 2003, and the Regular Commission Meeting held on Tuesday, May 13, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. FIRST READING: Vehicles for Hire Ordinance Amendment. CITY CLERK

SUMMARY OF REQUEST: This request is to amend the insurance requirement from \$1,000,000.00 coverage to \$100,000.00 for injury to or death of, one person, and \$300,000.00 for injury to, or death of, more than one person resulting from a single accident, and \$100,000.00 for damage to property, including personal belongings or baggage of passengers, as a result of one accident.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the ordinance amendment.

c. Annual Taxicab License Renewal. CITY CLERK

SUMMARY OF REQUEST: This request is from Thomas Wakefield, owner of Wakefield Leasing, whose office is located at 770 W. Sherman Blvd., Muskegon, Mi. Mr. Wakefield is requesting approval of a license to operate 10 taxicabs for both Port City Cab

Company and Yellow Cab Company. The Muskegon Police Department has inspected the taxicabs and approves this request.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of 10 taxicabs.

d. Refuse Cart Purchase 2003. PUBLIC WORKS

SUMMARY OF REQUEST: To authorize the purchase of 525 carts from Toter Incorporated for use as replacements as needed. This purchase would restock our inventory of replacements we keep on hand for damage carts. We are requesting approval for placing the order now with delivery anticipated four to six weeks. Currently the sanitation Department has 65 carts in stock.

FINANCIAL IMPACT: Unit cost per cart \$42.00 (525 per truckload) = \$22,050.

BUDGET ACTION REQUIRED: This purchase to be charged to the 2003 Sanitation Budget. Account #101-60523-5700 (capital outlay: equipment)

STAFF RECOMMENDATION: Staff recommends approval of the purchase.

e. Approval of Agreement with the West Michigan Criminal Justice Training Consortium. POLICE DEPARTMENT

SUMMARY OF REQUEST: Police Department staff request that the Commission approve an agreement between the City of Muskegon and Grand Valley State University (GVSU) whereby GVSU will provide training for the Muskegon Police Department through an entity known as "The West Michigan Criminal Justice Training Consortium".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

f. Use of Old City Logo. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to send a letter to allow Steve Sulley to use the old City logo for use with the Women's Baseball Anniversary.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

i. FIRST READING: Rezoning Request for Property Located at 1750 and 1752 Seventh Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by Keene Lumber Co., located 1750 and 1752 Seventh St., from R-1, Single-Family Residential to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at the 5/15 meeting. The vote was unanimous.

j. FIRST READING: Rezoning Request for Property Located at 986 E. Keating Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by Robert Edward Hickel, located at 986 E. Keating Ave., from B-4, General Business to R-1, Single-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

k. FIRST READING: Rezoning Request for Property Located at the SW Corner of Division Street & Western Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by P&G Holdings located at the SW corner of Division St. and Western Ave. (former Shaw-Walker complex), along with an associated parking lot across Division St., from I-2 General Industrial to I-1, Light Industrial.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

l. Request for Preliminary Planned Unit Development Approval for the SW Corner of Division Street and Western Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for preliminary Planned Unit Development approval of the former Shaw Walker property, for a mixed-use commercial and residential development, in five phases. The request is from P&G Holdings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the resolution, at the 5/15 meeting. The vote was unanimous.

m. Request for Final Planned unit Development Approval for Phase I of the Proposed Development at the SW Corner of Division Street and Western Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for final approval for Phase I of the Planned Unit Development and associated site, and landscape plans for the former Shaw Walker complex at Division St. and Western Ave., for a mixed-use commercial and residential development. The request is from P&G Holdings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final PUD approval for Phase I and approval of the associated plans provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended final approval of Phase I of the PUD and associated plans, with the conditions listed on the resolution, at their regular meeting on 5/15. The vote was unanimous.

n. Request for Amendment to Planned Unit Development for Edison Landing (Smartzone). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Planned Unit Development for Edison Landing (Smartzone), to change the locations and scale of various proposed buildings and to change use mix and quantity.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request, with the conditions outlined in the resolution.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

o. MML - Annual Membership Dues (7/1/03-6/30/04). CITY MANAGER

SUMMARY OF REQUEST: To obtain permission from the City Commission, in accordance with the purchasing Policies and Procedures, to pay MML Annual Membership Dues for July 1, 2003, through June 30, 2004.

FINANCIAL IMPACT:

MML Membership Dues:	\$ 8,689
Environmental Affairs Assessment:	\$ 1,043
Legal Defense Fund Membership:	\$ 869
Total Dues:	<u>\$10,601</u>

BUDGET ACTION REQUIRED: None. Cost applied to proper budget line items.

STAFF RECOMMENDATION: Approval

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the Consent Agenda, minus items h and g.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nay: None

MOTION PASSED

2003-44 ITEMS REMOVED FROM CONSENT AGENDA

g. Sale of North 20' of Buildable Lot on Hoyt Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of portion of a vacant buildable lot

described as Terrace Street Addition, North 20 feet of Lot 20, Block 3 (portion of 1938 Hoyt Street) to Lawrence and Ruby Burt, 1916 Hoyt Street, Muskegon, MI 49442. Community and Neighborhood Services owns 1938 Hoyt and is willing to sell the North 20' of it to the adjacent property owner. Approval of this sale will allow the adjacent property owner to expand their current yard. As is required by City policy, the subject parcel is being offered for \$100 to Lawrence and Ruby Burt.

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 resolution and authorize both the Mayor and the Clerk to sign the resolution and QuitClaim Deed.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the sale of a portion of a City owned buildable lot, at 1938 Hoyt St. to Lawrence and Rube Burt of 1916 Hoyt, Muskegon and to have the Mayor and Clerk sign the Resolution and QuitClaim Deed.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

MOTION PASSED

h. Partial Termination of Lease Agreement - Nelson Park, Parcel B.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In 1994, the City of Muskegon and the Roman Catholic Diocese of Grand Rapids, entered into a lease for property in the vicinity of the former St. Joseph's Church. The City developed a neighborhood park on Parcel A. Parcel B was also included in the lease. The intention for this parcel was to be used for additional parking for the park. This parking area was never developed, and is not needed at this time. Meanwhile, St. Joseph's Church has been demolished and the Diocese is proposing to sell the property in its entirety, including Parcel B. Since the City has no need for this parcel, staff is proposing that the City terminate the lease for Parcel B.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the "Partial Termination of Lease Agreement" and authorize the Mayor and Clerk to sign the document.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the "Partial Termination of Lease Agreement" for Parcel B with the Roman Catholic Diocese and authorize the Mayor and Clerk to sign the document.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd.

Nays: None

MOTION PASSED

2003-45 PUBLIC HEARINGS:

a. Request for the Establishment of an Industrial Development District - Graphics Unlimited. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Graphics Unlimited, 2304 Olthoff Drive, Muskegon, MI has requested the establishment of an Industrial Development District for property located at 2304 Olthoff Drive, Muskegon, MI.

FINANCIAL IMPACT: None until an Industrial Facilities Exemption Certificate is issued.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing the Industrial Development District for Graphics Unlimited.

The Public Hearing opened at 5:46pm to hear any comments from the public. No comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to close the Public Hearing at 5:51pm and to approve the Resolution establishing the Industrial Development District for Graphics Unlimited.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

b. Amendment to Brownfield Plan - Verplank Dock Co. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting an amendment for the Brownfield Plan. The amendment is for the inclusion of property owned by Verplank Dock Co., located at 205 E. Western Avenue, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendment, although the expansion of the current Verplank Dock Co. to the new site will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for May 27, 2003 at their April 22, 2003 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. The Brownfield Redevelopment Authority approved the Plan amendment on April 15, 2003 and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing was opened at 5:53pm to hear comments from the public. Comments were heard from Joe Burns from Verplank Dock Co.

Motion by Commissioner Spataro, second by Commissioner Buie to approve the Resolution approving and adopting an amendment for the Brownfield Plan and have the Mayor and Clerk to sign the resolution.

ROLL VOTE: Ayes: Buie, Gawron, Schweifler, Shepherd, Spataro

Nays: Larson, Warmington

MOTION PASSED

2003-46 NEW BUSINESS:

a. **FIRST READING: Rezoning Request for Various Properties to the 'MC' Medical Care Zoning District.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone many of the properties located on or near the three hospital campuses within the City from various zoning designations to the new "MC" Medical Care Zoning District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff originally proposed a larger area for rezoning around the Hackley Hospital area, which included the block bounded by Larch, Leahy, Laketon and Hoyt, the block bounded by Larch, Clinton, Laketon and Peck, and several properties south of Laketon Ave.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/15 meeting, with several changes. They voted to approve the properties on or near the Hackley Hospital campus as proposed by staff, with the exception of all properties currently zoned R-1 (block bounded by Larch, Leahy, Laketon and Hoyt, and properties south of Laketon Ave.). That motion passed, with T. Harryman and T. Michalski voting nay. They voted then to exclude all properties from the block bounded by Larch, Clinton, Laketon and Peck which are not owned by Hackley Hospital. That motion passed with B. Mazade, L. Spataro and P. Sartorius voting nay. They voted to approve the properties on or near the Mercy-General Health Partners Sherman Campus as proposed by staff, with the exception of Dr. Kakaty's office at 2525 Roberts. That motion passed unanimously. They voted to approve the properties on or near the Mercy-General Health Partners Oak Campus as proposed by staff. That motion passed unanimously.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the ordinance to amend the zoning map of the City to provide for zoning changes for certain properties on or near the three hospital campuses within the City to the new 'MC' Medical Care District.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Spataro, Warmington, Buie

Nays: None

Excused: Shepherd

MOTION PASSED

SECOND READING REQUIRED.

Motion by Commissioner Schweifler, second by Commissioner Spataro to go into Closed Session at 6:58pm.

ROLL VOTE: Ayes: Larson, Schweifler, Spataro, Warmington, Buie, Gawron

Nays: None

Excused: Shepherd

MOTION PASSED

Motion by Commissioner Spataro, second by Commissioner Gawron to go to Open Session at 7:44pm.

ROLL VOTE: Ayes: Schweifler, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

Excused: Shepherd

MOTION PASSED

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:45pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail Kunding". The signature is written in a cursive, flowing style.

Gail Kunding, MMC

2003 - 43 b)

Date: May 27, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Vehicles For Hire Ordinance Amendment

SUMMARY OF REQUEST: This request is to amend the insurance requirement from \$1,000,000.00 coverage to \$100,000.00 for injury to, or death of, one person, and \$300,000.00 for injury to, or death of, more than one person resulting from a single accident, and \$100,000.00 for damage to property, including personal belongings or baggage of passengers, as a result of one accident.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the ordinance amendment.

Current requirements for taxicabs

Sec. 102-60. Applicant's insurance.

- (a) No license shall be issued under this division until the applicant obtains and files with the city clerk a policy of liability insurance, issued by an insurance company authorized to do business in the state, for each taxicab to be licensed.
- (b) Such policy of insurance shall insure the applicant against liability for personal injury to any passenger or to any member of the general public, or any damage to property, resulting from an accident in which such taxicab may be involved through the recklessness or negligence of its driver, operator or owner.
- (c) Such policy shall provide minimum insurance protection for each taxicab in the amount of \$1,000,000.00 for injury to, or death of, one person, for injury to, or death of, more than one person resulting from a single accident, and for damage to property, including personal belongings or baggage of passengers, as a result of one accident.
- (d) Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the insurance company.
- (e) Such policy shall further provide that it shall not be cancelled, surrendered or revoked by either party except after ten days' written notice to the city furnished by the insurance company issuing such policy. The cancellation, surrender or other termination of any insurance policy issued and filed in compliance with this section shall automatically terminate the license of any licensee covered by such insurance policy, unless another policy complying with this section shall be in effect and deposited with the city at the time of such cancellation or termination.
- (f) No license shall be issued, until the policy of insurance has been found, by the city attorney, to comply with the terms of this section and has been approved by the city commission.

(Code 1975, § 23-42)

Current requirements for horse-drawn vehicle

Sec. 102-163. Insurance.

No horse-drawn vehicle may be operated in the city unless it has issued, applicable to it, a liability insurance policy, issued by an insurance company approved by the city, naming the city as an additional insured. In the event of cancellation of such policy or reduction in coverage, the owner's license shall be automatically canceled. The insurance shall carry liability limits of at least \$1,000,000.00 for bodily injury or death of any person in any one accident, and \$1,000,000.00 for injury or destruction of property of others in any one accident. Such policy of insurance may be in the form of a separate policy for each horse-drawn vehicle or in the form of a fleet policy covering all horse-drawn vehicles owned or controlled by the same owner, provided that such limits shall apply separately to each horse-drawn vehicle. No policy may be canceled or coverage or liability limits reduced or altered until the expiration of 30 days after notice of intent to cancel has been served in writing to the city clerk by mail or by personal delivery, from the insurer.

(Code 1975, § 23-72)

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE 2103

An ordinance amending Section 102-60 and 102-163 of the Code of the City of Muskegon concerning insurance coverage for vehicles for hire.

TAXICABS

Sec. 102-60. Applicant's insurance.

- (a) No license shall be issued under this division until the applicant obtains and files with the city clerk a policy of liability insurance, issued by an insurance company authorized to do business in the state, for each taxicab to be licensed.
- (b) Such policy of insurance shall insure the applicant against liability for personal injury to any passenger or to any member of the general public, or any damage to property, resulting from an accident in which such taxicab may be involved through the recklessness or negligence of its driver, operator or owner.
- (c) Such policy shall provide minimum insurance protection for each taxicab in the amount of \$100,000.00 for injury to, or death of, one person, and \$300,000.00 for injury to, or death of, more than one person resulting from a single accident, and \$100,000.00 for damage to property, including personal belongings or baggage of passengers, as a result of one accident.
- (d) Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the insurance company.
- (e) Such policy shall further provide that it shall not be cancelled, surrendered or revoked by either party except after ten days' written notice to the city furnished by the insurance company issuing such policy. The cancellation, surrender or other termination of any insurance policy issued and filed in compliance with this section shall automatically terminate the license of any licensee covered by such insurance policy, unless another policy complying with this section shall be in effect and deposited with the city at the time of such cancellation or termination.
- (f) No license shall be issued, until the policy of insurance has been found, by the city attorney, to comply with the terms of this section and has been approved by the city commission.

HORSE-DRAWN VEHICLES

Sec. 102-163. Insurance.

No horse-drawn vehicle may be operated in the city unless it has issued, applicable to it, a liability insurance policy, issued by an insurance company approved by the city, naming the city as an additional insured. In the event of cancellation of such policy or reduction in coverage, the owner's license shall be automatically canceled. The insurance shall carry liability limits of at least \$100,000.00 for bodily injury or death of

one person, and \$300,000.00 for bodily injury or death of more than one person resulting from a single accident, and \$100,000.00 for destruction of property of others in any one accident. Such policy of insurance may be in the form of a separate policy for each horse-drawn vehicle or in the form of a fleet policy covering all horse-drawn vehicles owned or controlled by the same owner, provided that such limits shall apply separately to each horse-drawn vehicle. No policy may be canceled or coverage or liability limits reduced or altered until the expiration of 30 days after notice of intent to cancel has been served in writing to the city clerk by mail or by personal delivery, from the insurer.

This ordinance adopted:

Ayes: 7

Nays: 0

Adoption Date: May 27, 2003

Effective Date: June 17, 2003

First Reading: May 27, 2003

Second Reading:

City of Muskegon

By: Gail A. Kunderger

Gail A. Kunderger, MMC, City Clerk

CERTIFICATION

This ordinance was adopted at a regular meeting of the City Commission, held on May 27, 2003. 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. Kunderger

Gail A. Kunderger, MMC, City Clerk

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on Tuesday, May 27, 2003, the City Commission of the City of Muskegon adopted an ordinance amending the insurance requirements for vehicles for hire as follows:

TAXICABS

Such policy shall provide minimum insurance protection for each taxicab in the amount of \$100,000 for injury to, or death of, one person, and \$300,000 for injury to, or death of, more than one person resulting from a single accident, and \$100,000 for damage to property, including personal belongings or baggage of passengers, as a result of one accident.

HORSE-DRAWN VEHICLES

The insurance shall carry liability limits of at least \$100,000 for bodily injury or death of one person, and \$300,000 for bodily injury or death of more than one person resulting from a single accident, and \$100,000 for destruction of property of others in any one accident.

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: June 7, 2003_____

CITY OF MUSKEGON

By: Gail A. Kunding, MMC
City Clerk

2003-43 c)

Date: May 27, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunder, City Clerk
**RE: Annual Taxicab License Renewal -
Port City Cab Company & Yellow Cab Company**

SUMMARY OF REQUEST: This request is from Thomas Wakefield, owner of Wakefield Leasing, whose office is located at 770 W. Sherman Blvd., Muskegon, MI. Mr. Wakefield is requesting approval of a license to operate 10 taxicabs for both Port City Cab Company and Yellow Cab Company. The Muskegon Police Department has inspected the taxicabs and approves this request.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of 10 taxicabs.

ACORD CERTIFICATE OF LIABILITY INSURANCE		CSR RW NAEET-3	DATE (MM/DD/YY) 05/15/03
PRODUCER MOURER-FOSTER, INC. 615 N. CAPITOL AVE. LANSING, MI 48933 Phone: 517-371-2300		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Wakefield Leasing Corp DBA Port City Cab Co. 770 W. Sherman Muskegon MI 49441		INSURERS AFFORDING COVERAGE	
		INSURER A: American Country Insurance	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO. SECT ☐ LOC				EACH OCCURRENCE	\$
					FIRE DAMAGE (Any one fire)	\$
					MED EXP (Any one person)	\$
					PERSONAL & ADV INJURY	\$
					GENERAL AGGREGATE	\$
					PRODUCTS - COMP/OP AGG	\$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS	TCA0005573	03/01/03	03/01/04	COMBINED SINGLE LIMIT (Per accident)	\$
					BODILY INJURY (Per person)	\$ 100,000
					BODILY INJURY (Per accident)	\$ 300,000
					PROPERTY DAMAGE (Per accident)	\$ 100,000
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
					OTHER THAN EA ACC	\$
					AUTO ONLY AGG	\$
	EXCESS LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE	\$
					AGGREGATE	\$
						\$
						\$
						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTH-ER
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE - EA EMPLOYEE	\$
					E.L. DISEASE - POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

City of Muskegon is listed as Additional Insured with respects to all Liability Coverages;
SEE ATTACHED VEHICLE SCHEDULE

CERTIFICATE HOLDER	☒ ADDITIONAL INSURED; INSURER LETTER:	CANCELLATION
	00000-1	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
City of Muskegon Fax: 231-724-4178 PO Box 536 933 Terrace Muskegon MI 49443		AUTHORIZED REPRESENTATIVE Adam H. [Signature]

SUMMARY OF INSURANCE

Prepared: 05/15/03

Page 3

For: Wakefield Leasing Corp
DBA Port City Cab Co.
770 W. Sherman
Muskegon, MI
49441 616-243-2150

MOURER-FOSTER, INC.
615 N. CAPITOL AVE.
LANSING, MI
48933 517-371-2300

Business Auto Vehicle Schedule

Policy No. TCA0005573

Co #	Year Make	Model	Vehicle Identification No.	Garage Location	Class	Cost New	Liab	Med Pay	UM	Comp	Coll	Stated Am
1	1994 HONDA		JHMRA1878SC007452				X					
2	1996 FORD	CROWN VIC	2FALP71W7TX134567				X					
3	1996 JEEP		1J4FJ6867TL147266				X					
4	1993 HONDA		JHMRA1843SC001208				X					
5	1997 Ford	Crown Vic	2FALP71W0VX113889				X					
6	1996 Ford		2FALP71W5TX134549				X					
7	1997 Isuzu		JR2RJ1867VC001312				X					
8	1995 Odyssey		JHMRA18745C012891				X					
9	1996 Ford		2FALP71W6TX134561				X					
10	1997 Honda		JHMRA1869VC015507				X					

ACORD CERTIFICATE OF LIABILITY INSURANCECSR KW
STEVE-6DATE (MM/DD/YY)
05/14/03**PRODUCER**

MOURER-FOSTER, INC.
615 N. CAPITOL AVE.
LANSING, MI 48933
Phone: 517-371-2300

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE**INSURED**

Steve Barnum
13303 Bailey Rd.
Bailey MI 49303

INSURER A: American Country Insurance

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY				EACH OCCURRENCE	\$
	☐ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$
	☐ CLAIMS MADE ☐ OCCUR				MED EXP (Any one person)	\$
					PERSONAL & ADV INJURY	\$
					GENERAL AGGREGATE	\$
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COM/PROP AGG	\$
	☐ POLICY ☐ PRO- JECT ☐ LOC					
A	AUTOMOBILE LIABILITY	TCA0005548	02/14/03	02/14/04	COMBINED SINGLE LIMIT (Per accident)	\$
	☐ ANY AUTO				BODILY INJURY (Per person)	\$ 100,000
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$ 300,000
	☒ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$ 100,000
	☐ HIRED AUTOS					
	☐ NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	☐ ANY AUTO				OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE	\$
						\$
	☐ DEDUCTIBLE					\$
	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTH- ER
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE - EA EMPLOYEE	\$
					E.L. DISEASE - POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
1997 IZUZU WAGON JR2RJ1867VC001407

CERTIFICATE HOLDER

N ADDITIONAL INSURED, INSURER LETTER.

00000-1

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Adam Hirsch

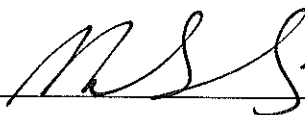
CAB # 10

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	PORT CITY CAB
CAB #	10
MAKE	FORD
BODY STYLE	4 DR
YEAR	1996
VIN #	2FALP71W5TX134549
STATE LICENSE #	9177 EH
SEATING CAPACITY	6
WEIGHT	5362

Inspected & Approved by



Date of Approval

4-25-03

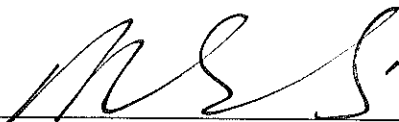
CAB # 12

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	PORT CITY CAB
CAB #	12
MAKE	HONDA
BODY STYLE	WAGON
YEAR	1995
VIN #	JHMRA18785C007452
STATE LICENSE #	5337 CD
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by



Date of Approval

4-25-03

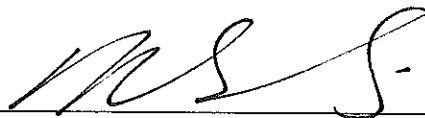
CAB # 15

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	PORT CITY CAB
CAB #	15
MAKE	FORD
BODY STYLE	4DR
YEAR	1996
VIN #	2FALP71W7TX134567
STATE LICENSE #	6B15 HL
SEATING CAPACITY	6
WEIGHT	5362

Inspected & Approved by



Date of Approval

4-25-03

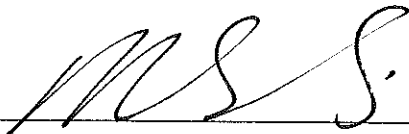
CAB # 30

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	YELLOW CAB
CAB #	30
MAKE	JEEP
BODY STYLE	STA-WGN (SUV)
YEAR	1996
VIN #	1J4FJ68S7TL147266
STATE LICENSE #	5145 DZ
SEATING CAPACITY	6
WEIGHT	4095

Inspected & Approved by



Date of Approval

4-25-03

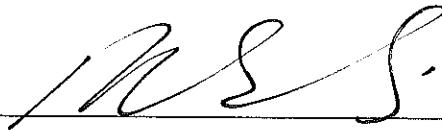
CAB # 35

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	YELLOW CAB
CAB #	35
MAKE	HONDA
BODY STYLE	VAN
YEAR	1995
VIN #	JHMRA1843SC001208
STATE LICENSE #	7336 DH
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by



Date of Approval

4-25-03

CAB # 16

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	PORT CITY CAB
CAB #	16
MAKE	FORD
BODY STYLE	4DR
YEAR	1997
VIN #	2FALP71W0VX113689
STATE LICENSE #	25 CMG
SEATING CAPACITY	6
WEIGHT	5362

Inspected & Approved by 

Date of Approval 4-25-03

CAB # 18

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	PORT CITY CAB
CAB #	18
MAKE	ISUZU
BODY STYLE	WAGON (VAN)
YEAR	1997
VIN #	JR2RJ1867VC001312
STATE LICENSE #	0812 HL
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by MSS

Date of Approval 4-25-03

CAB # 32

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	YELLOW CAB
CAB #	32
MAKE	HONDA
BODY STYLE	WAGON (VAN)
YEAR	1995
VIN #	JHMRA1874SC012891
STATE LICENSE #	5200 CY
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by MSF

Date of Approval 4-24-03

CAB # 33

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 03

OPERATOR:	YELLOW CAB
CAB #	33
MAKE	HONDA
BODY STYLE	VAN
YEAR	1997
VIN #	JHMRA1869VC015507
STATE LICENSE #	5202 CY
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by



Date of Approval

4-25-03

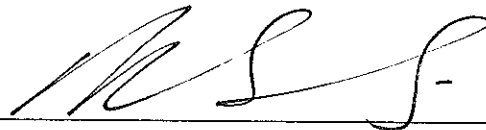
CAB # 44

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 03 to APRIL 30, 04

OPERATOR:	PORT CITY CAB
CAB #	44
MAKE	ISUZU
BODY STYLE	WAGON (VAN)
YEAR	1997
VIN #	JR2RJ1867VC001407
STATE LICENSE #	8843JP
SEATING CAPACITY	6
WEIGHT	3150

Inspected & Approved by



Date of Approval

4-25-03

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

*Steve
Barnum*

Date: May 20, 2003

2003-43 d)

To: Honorable Mayor and City Commission

From: Department of Public Works

Re: Refuse Cart Purchase 2003

SUMMARY OF REQUEST:

To authorize the purchase of 525 carts from Toter Incorporated for use as replacements as needed. This purchase would restock our inventory of replacements we keep on hand for damage carts. We are requesting approval for placing the order now with delivery anticipated four to six weeks. Currently the sanitation Department has 65 carts in stock.

FINANCIAL IMPACT:

Unit cost per cart \$42.00 (525 per truckload) = \$22,050

BUDGET ACTION REQUIRED:

This purchase to be charged to the 2003 sanitation Budget.
Account # 101-60523-5700 (capital outlay: equipment)

STAFF RECOMMENDATION:

Staff recommends approval of the purchase

COMMITTEE RECOMMENDATION:

2003-43 e)

CITY COMMISSION MEETING
Tuesday May 27, 2003

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker 
Chief of Police

DATE: May 16, 2003

SUBJECT: Approval of Agreement with the West Michigan
Criminal Justice Training Consortium

SUMMARY OF REQUEST:

Police Department staff request that the Commission approve an agreement between the City of Muskegon and Grand Valley State University (GVSU) whereby GVSU will provide training for the Muskegon Police Department through an entity known as "The West Michigan Criminal Justice Training Consortium".

The consortium consists of over 40 law enforcement agencies in west Michigan who train on a cooperative basis. By entering into such an agreement, each municipality earmarks 35% of the police department's annual Act 302 (state provided) training funds to be paid to the consortium.

These funds have already been set aside in our 2003 budget.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATIONS:

Approval of the request.

**WEST MICHIGAN CRIMINAL JUSTICE
TRAINING CONSORTIUM AGREEMENT**

This Agreement is made this 27 day of May, 2003, by and among Grand Valley State University, a state institution of higher education, ("Grand Valley") and Allegan Police, Allegan County Sheriff's Office, Barry County Sheriff's Office, Belding Police, Cedar Springs Police, Gerald R. Ford International Airport Police, Grand Haven Department of Public Safety, Grand Rapids Community College, Greenville Department of Public Safety, Grand Valley State University Department of Public Safety, Grand Valley State University School of Criminal Justice, Holland Police, Hope College Department of Public Safety, Hopkins Police, Hudsonville Police, Ionia County Sheriff's Office, Ionia Department of Public Safety, Kent County Sheriff's Office, Kentwood Police, Lake Odessa Police, Village of Lakeview Police, Lowell Police, Ludington Police, Mason County Sheriff's Office, Muskegon City Police Department, Montcalm County Sheriff's Office, Nashville Police, Otsego Police, Ottawa County Sheriff's Office, Plainwell Department of Public Safety, Rockford Police, Saugatuck/Douglas Police, Scottville Police Department, Sparta City Police Department, Spring Lake/Ferrysburg Police, South Haven Police, Walker Police, Wayland Police, Zeeland Police, or their controlling and governing bodies, all Michigan Municipal Corporations, and state and private institutions of higher education, ("the Municipalities") with reference to the following facts and circumstances:

A. On a cooperative basis, Grand Valley and the Municipalities have provided joint training in police methods and investigative techniques to the Municipalities, through an entity known as "The West Michigan Criminal Justice Training Consortium," (hereinafter sometimes referred to as "the Consortium").

B. Grand Valley intends to continue providing these services, in cooperation with the Municipalities, provided that the mutual responsibilities of the parties are established by agreement of the parties, as more fully set forth herein.

C. Pursuant to Section 3 of Act 120 of the Public Acts of 1960, as amended, MSA 15.1852(3)(3); MCLA 390.843(3), Grand Valley is authorized to enter into agreements to participate in the activities contemplated herein and to provide and coordinate educational services such as those set forth herein.

D. The Municipalities, pursuant to authority granted under Michigan law and/or by charter, are authorized to enter into agreements for the provision of services such as that set forth herein, and are further authorized under the provisions of Act 35 of the Public Acts of 1951, as amended, MSA 5.4081 et seq.; MCLA 124.1 et seq., to arrange with other municipal corporations, by contract, or otherwise as may be permitted by law, for the ownership, operation, or performance, of any property, facility or service which each would have the power to own, operate or perform separately.

E. Each signing Municipality desires to participate in the West Michigan Criminal Justice Training Consortium, in cooperation with Grand Valley and the other participating Municipalities, and to provide funding for said participation.

NOW THEREFORE, as authorized by law, and in consideration of the mutual promises set forth herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Duties of Grand Valley: Grand Valley, in cooperation with the participating Municipalities, will act as the coordinating agency for the West Michigan Criminal Justice

Training Consortium for the purposes of establishing training programs and courses of instruction.

2. Duties of Municipalities: The participating Municipalities, in return for the services to be provided under this Agreement, shall use their best efforts to assist and facilitate the Consortium and to take part in the programs organized for the members. Each participating Municipality, in return for the services to be provided under this Agreement, shall also pay funds into the Consortium according to the schedule and terms set forth in Exhibit "A" attached hereto. In Agreement with the affected municipality, the payment schedule and terms may be modified annually by the Consortium.

3. Operations of the Consortium: During the term of this Agreement, the Consortium shall be operated as an informal, voluntary association among Grand Valley and the Municipalities, according to the terms of the "By-Laws of the West Michigan Criminal Justice Training Consortium," a copy of which is attached to this Agreement as Exhibit "B". The chief administrative officer of the law enforcement agency for each participating Municipality, or his/her designee, shall have the responsibility and authority to participate in the day-to-day business activities of the Consortium, pursuant to the terms of the By-Laws.

4. Participants to Remain Employees/Agents of Employing Entity: All personnel and employees of Grand Valley, or of any Municipality, while participating in any activity of the Consortium, shall remain at all times solely the agent or employee of their employing entity, and not of the Consortium or any other participating entity, and the employing entity shall be and remain solely responsible for the payment of all wages, fringe benefits, disability payments, and other similar payments and charges.

5. Indemnification/Hold Harmless Clause: It is the intent of this Agreement that each party shall bear the sole responsibility for the acts and omissions of its personnel participating in any activity of the Consortium. Grand Valley and each participating Municipality shall defend, indemnify and hold each of the other entities including the Consortium, harmless from any costs and liability, including attorney's fees, caused by any act or omission of the indemnifying party, its officers, agents or employees, performed while acting within the scope of their duties and while performing under the terms of the By-Laws, this Agreement, or while participating in the activities of the Consortium. Nothing contained within this Agreement shall be intended or construed to provide third party beneficiary rights to any persons or to create a cause of action in favor of such persons.

6. Non-Waiver of Governmental Immunity: In signing this Agreement, neither Grand Valley nor the Municipalities waive their governmental immunity, or any defenses available to them or their officers, agents or employees under the Michigan Governmental Immunity Act, being Act 170 of the Public Acts of 1964, as amended, MSA 3.996(101) et seq.; MCLA 691.1401, et seq., or any other defenses which may be available to any of them under state or federal law, nor shall this Agreement modify, or be construed to modify, the privileges and immunities of law enforcement officers under Michigan law.

7. Liability Insurance: Grand Valley and each Municipality signing this Agreement shall maintain, at all times during the term of this Agreement, liability insurance for claims of bodily injury or property damage to cover the operations of their respective entities, departments, employees, officers and agents while participating in the activities of the Consortium, with limits in an amount of not less than \$1,000,000. Grand Valley and each Municipality signing this Agreement shall also maintain, at all times during the term of this Agreement, Worker's

Disability Compensation insurance or self-insurance approval, as required by Michigan law. Grand Valley and each Municipality signing this Agreement shall further maintain, at all times during the term of this Agreement, insurance policies or programs to cover the use and operations of motor vehicles, with limits of not less than \$1,000,000 for comprehensive general liability and statutory "no fault" requirements. Each party shall furnish proof of any insurance coverage required by this section, upon reasonable written request, to any signatory of this Agreement.

8. Duration of Agreement: This Agreement shall commence on the day and year first above written, and shall automatically terminate on December 31, 2003 and be automatically renewed from year-to-year.

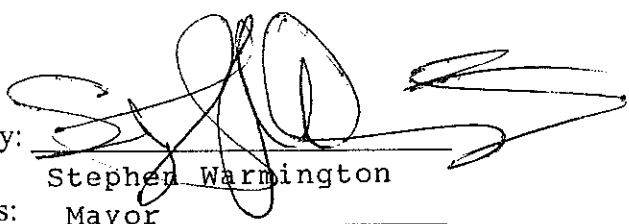
9. Cancellation, Withdrawal From Consortium: This Agreement may be cancelled at any time by mutual written agreement of the parties. In addition, any party may withdraw from participation in the Consortium and cancel its participation under the terms of this Agreement on ninety (90) days prior written notice, served upon the Chairperson of the Consortium. Upon withdrawal and cancellation of participation, a withdrawing Municipality shall be entitled to a pro rata return of any funds paid under this Agreement, the amount of funds returned, if any, to be calculated through the effective date of such withdrawal and cancellation of participation.

10. Amendments: This Agreement may be amended by the parties at any time by mutual written agreement, signed by the authorized representatives of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement, effective the date first above written.

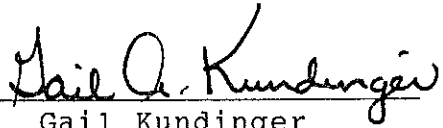
MUNICIPALITY

City of Muskegon

By: 

Stephen Warmington

Its: Mayor

By: 

Gail Kunding

Its: City Clerk

EXHIBIT "A"

The member agency fee for this year, as specified in the Agreement, is set at 35% of your agency's Act 302 funds, with a split payment schedule based on the semi-annual distribution from the Michigan Criminal Justice Training Commission.

E X H I B I T "B"

BY-LAWS

WEST MICHIGAN CRIMINAL JUSTICE TRAINING CONSORTIUM

ARTICLE I

NAME

The name of this organization shall be the "West Michigan Criminal Justice Training Consortium," hereinafter sometimes referred to as "the Consortium."

ARTICLE II

PURPOSE

The Consortium is established as a voluntary, unincorporated association for the purpose of cooperatively providing joint training in police methods and investigative techniques. The members of the Consortium seek to maximize the utilization of available training funds, to improve their position for obtaining grants, to promote multi-disciplinary training, and to encourage the inter-agency use and sharing of training resources.

ARTICLE III

MEMBERSHIP

1. **Composition.** The membership of the Consortium shall consist of those Municipalities and state or private institutions of higher education which execute the "West Michigan Criminal Justice Training Consortium Agreement."

2. One Member, One Vote. Membership in the Consortium entitles each member to one (1) vote in all matters related to Consortium business.

3. Membership Approval. To qualify for membership in the Consortium, an agency must be approved by a majority of the membership present at a regularly scheduled meeting of the General Membership Committee.

ARTICLE IV

COMMITTEES

1. Appointment by General Membership. The membership of all standing and special committees, except as otherwise provided for herein, shall be appointed by the General Membership at a duly called annual meeting. The annual meeting shall be held at a date, time and location specified by the Consortium Chairperson and shall occur in April of each year. The Chairperson of the Curriculum Committee shall also be chosen at the annual meeting and the Chairperson of the Consortium shall also be Chairperson of the Executive Committee.

2. General Membership Committee. Each member shall be represented on the General Membership Committee by the chief administrative officer of the members law enforcement agency, or by his/her designee. It shall be the duty of the General Membership Committee to provide overall guidance to the activities of the Consortium. The members of the General Membership

Committee shall, at the annual meeting, select members to serve on the Executive Committee.

3. Executive Committee.

a. Composition. The Executive Committee shall consist of five (5) members, who shall include the Consortium Chairperson, Vice-Chairperson, Secretary, Treasurer, and one at-large member appointed from the General Membership.

b. Purpose. The purpose of the Executive Committee shall be to direct the functioning of the Consortium and to oversee, coordinate, and assign such responsibilities as may be necessary for the completion of the Consortium mission. The Executive Committee shall have the authority to act on behalf of the Consortium in all matters deemed necessary for the efficient and orderly conduct of business, including the addition of new members, or removal from membership for non-payment of funds.

4. Curriculum Committee. The Curriculum Committee shall consist of not less than seven voting members, appointed by the General Membership Committee, the precise number of voting members to be determined at the annual meeting. The Treasurer of the Consortium shall be a member of the Curriculum Committee. Non-voting members, including faculty representatives of state or private institutions of higher education, may be appointed to the Curriculum Committee by the Consortium Chairperson.

b. Purpose. The purpose of the Curriculum Committee shall be to direct the development of training priorities, to prepare and recommend an annual budget, to develop and recommend an annual training schedule, to keep training records and provide them to the State of Michigan and to member law enforcement agencies as may be necessary, and to provide oversight and evaluation of training programs.

c. Utilization of Training. It shall be the responsibility of the Curriculum Committee to monitor the utilization of training by member agencies. As part of this responsibility member agencies may be assessed a fee of \$25.00 for failure to utilize a reserved position which has not been canceled at least two (2) business days prior to the start of the training session.

The Treasurer will notify the member agency of the assessment and due date. Appeals to such assessments shall be reviewed and acted upon by the Curriculum Committee at any regularly scheduled meeting.

ARTICLE V

OFFICERS AND DIRECTORS

1. Chairperson; Vice-Chairperson; Secretary, Treasurer; Duties.

The officers of the Consortium shall be the Chairperson, Vice-Chairperson, Secretary and Treasurer. The Chairperson and Vice-Chairperson shall be responsible for calling and presiding at all meetings of the General Membership Committee. The Secretary shall prepare and maintain a permanent written record of all Consortium proceedings, shall transmit

notices and agendas to the General Membership and shall transmit a copy of the minutes from each Consortium meeting to each member prior to the next regular meeting. The Municipality or state or private institution of higher education which is represented by the Treasurer shall be the designated depository agency of the Consortium. The Treasurer shall be responsible for the maintenance of all financial records related to Consortium business, including records of the receipt, allocation, and disbursement of funds. All expenses relating to the maintenance of the financial and training records of the Consortium, including the costs attributable to an annual audit, shall be born by the Consortium.

2. Election of Officers. At the annual meeting of the General Membership Committee, nominations shall be accepted for the offices of Chairperson, Vice-Chairperson, Secretary, Treasurer, and the at-large member of the Executive Committee and Chairperson of the Curriculum Committee. The officers shall be elected by majority vote of the General Membership. Terms of office shall be for a period of one (1) year.

3. Vacancies. If an officer is unable to perform the duties of his/her office, or if a vacancy in office exists, the Chairperson of the Consortium shall appoint a successor, and the appointee shall then serve until the next annual meeting of the General Membership Committee.

ARTICLE VI

MEETING OF THE CONSORTIUM

1. Annual Meeting; Regular Meetings. The annual meeting of the General Membership Committee shall be held in April of each year at a time and place to be selected by the Chairperson of the Consortium. Regular meetings may be scheduled for such other dates, times and locations as may be determined by the Chairperson of the Consortium.

2. Quorum; Action to be Taken by Majority Vote. A majority of all members of the General Membership Committee present shall constitute a quorum for the purpose of conducting business. Actions of the General Membership Committee shall be taken by a majority vote of those attending, except as may be otherwise provided for herein.

3. Notice of Meetings. Notice of the date, time and location of all General Membership Meetings, along with an agenda therefore, shall be mailed to each member of the Consortium at least seven (7) days prior to the scheduled meeting date.

ARTICLE VII

PARLIAMENTARY PROCEDURE

1. Robert's Rules of Order. Robert's Rules of Order, Revised, shall govern all matters of consortium procedure not otherwise provided for in these By-Laws.

ARTICLE VIII

AMENDMENT

1. **Amendments.** These By-Laws may be amended by a two-thirds vote of the members of the General Membership Committee.
Proposed changes in the By-Laws shall be transmitted to each member at least seven (7) days prior to the date of the meeting at which the vote will be taken.

2003-43 f)

Date: May 5, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Use of Old City Logo

SUMMARY OF REQUEST:

To authorize staff to send the attached letter to allow Steve Sulley to use the old city logo for use with the Women's Baseball Anniversary.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

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

Lelsure 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

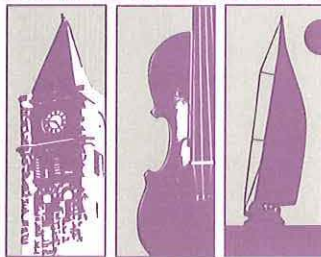
Public Works
231/724-4100
FAX/722-4188

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: May 5, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Use of Old City Logo

Steve Sulley of St. Louis has requested the use of the old city logo for use with memorabilia for the Girls Professional Baseball League. A copy of his letter is attached. A copy of the logo and its intended use is also attached.

Our attorney's have suggested that you authorize staff to sign the attached letter and send it to Mr. Sulley. Staff recommends concurrence with the attorney's recommendation.

Thank you for your consideration.

**Steven A. Sulley
SAS Consulting, llc
4642 Gravois Ave.
St. Louis, MO 63116**

May 2, 2003

City of Muskegon
c/o Mr. Rick Scott
Mayor Stephen Warmington and City Commission members
933 Terrance St.
Muskegon, MI 49443-0536

Dear Mayor Warmington and City Commission members,

This is the 60th Anniversary of the All American Girls Baseball League.
I represent a number of the ladies that played for the Muskegon Lassies.
The team logo for the Lassies is your old city seal modified.
I am requesting to use the old city seal, worn on the Muskegon Lassies baseball uniforms,
A tree, be used once again, in good taste, for baseball memorabilia.

Samples of photos included

Thank you for your consideration,


Steven Sulley
SAS Consulting llc

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
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FAX/724-6790

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

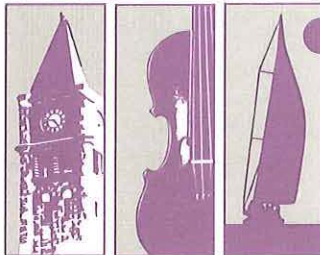
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Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Mr. Steve Sulley
4642 Gravois Ave.
St. Louis, MO 63116

Re: Use of City of Muskegon Seal

Dear Mr. Sulley:

Thank you for your request for permission to use the prior City of Muskegon Seal for baseball memorabilia. As you may know, the City of Muskegon has certain intellectual property rights in its prior official seal, including trademark, service mark, copyright, etc. The City of Muskegon Commission has decided to grant you permission to use the prior Official Seal of the City of Muskegon for baseball memorabilia under the following conditions:

1. The City of Muskegon reserves the right to revoke its permission for use of the Seal at any time and for any reason or no reason at all; and
2. The City of Muskegon reserves all intellectual property rights in the Seal including all copyright, trademark, and service mark rights and you acknowledge and recognize the City's interest in, and the exclusive right to grant to others permission to use the Seal.

By signing the acknowledgement below you are agreeing to these terms for permission to use the prior City of Muskegon Seal for baseball memorabilia. If you have any questions regarding use of the Seal, please contact me.

Sincerely yours,

Ric Scott
Leisure Services
City of Muskegon

Acknowledgement

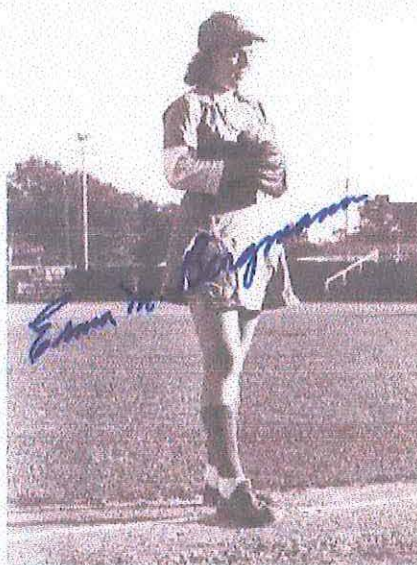
Name: Steve Sulley

Date: _____

60th Anniversary of the All American Girls Professional Baseball League

15th Anniversary of Their Induction to the Baseball Hall of Fame

EXAMPLE



43 i)
2003-~~44~~9)

Commission Meeting Date: May 27, 2003

Date: May 16, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located at 1750 and 1752 Seventh St.

SUMMARY OF REQUEST:

Request to rezone property owned by Keene Lumber Co., located at 1750 and 1752 Seventh St., from R-1, Single-Family Residential to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2104

**An ordinance to amend the zoning map of the City to provide for a zone change for certain property
from R-1 "Single-Family Residential" 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 R-1 "Single-Family Residential" to B-4 "General Business":

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 & 2 & W 1/2 OF VAC ALLEY ABUTTING BLK 461

This ordinance adopted:

Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nayes: None

Adoption Date: May 27, 2003

Effective Date: June 13, 2003

First Reading: May 27, 2003

Second Reading: _____

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC, City Clerk

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on May 27, 2003, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "Single-Family Residential" to B-4 "General Business"

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 & 2 & W 1/2 OF VAC ALLEY ABUTTING BLK 461

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 June 3, 2003

CITY OF MUSKEGON

By



Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

CERTIFICATION

**This resolution was adopted at a regular meeting of the City Commission, held on
May 27, 2003. 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

A handwritten signature in blue ink, reading "Gail A. Kunderger", is written over a horizontal line.

Gail A. Kunderger, City Clerk

CERTIFICATE (Rezoning of 1750 & 1752 7th St. from R-1 to B-4)

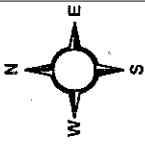
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of May, 2003, 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: _____, 2003.

Gail A. Kunder, MMC
Clerk, City of Muskegon

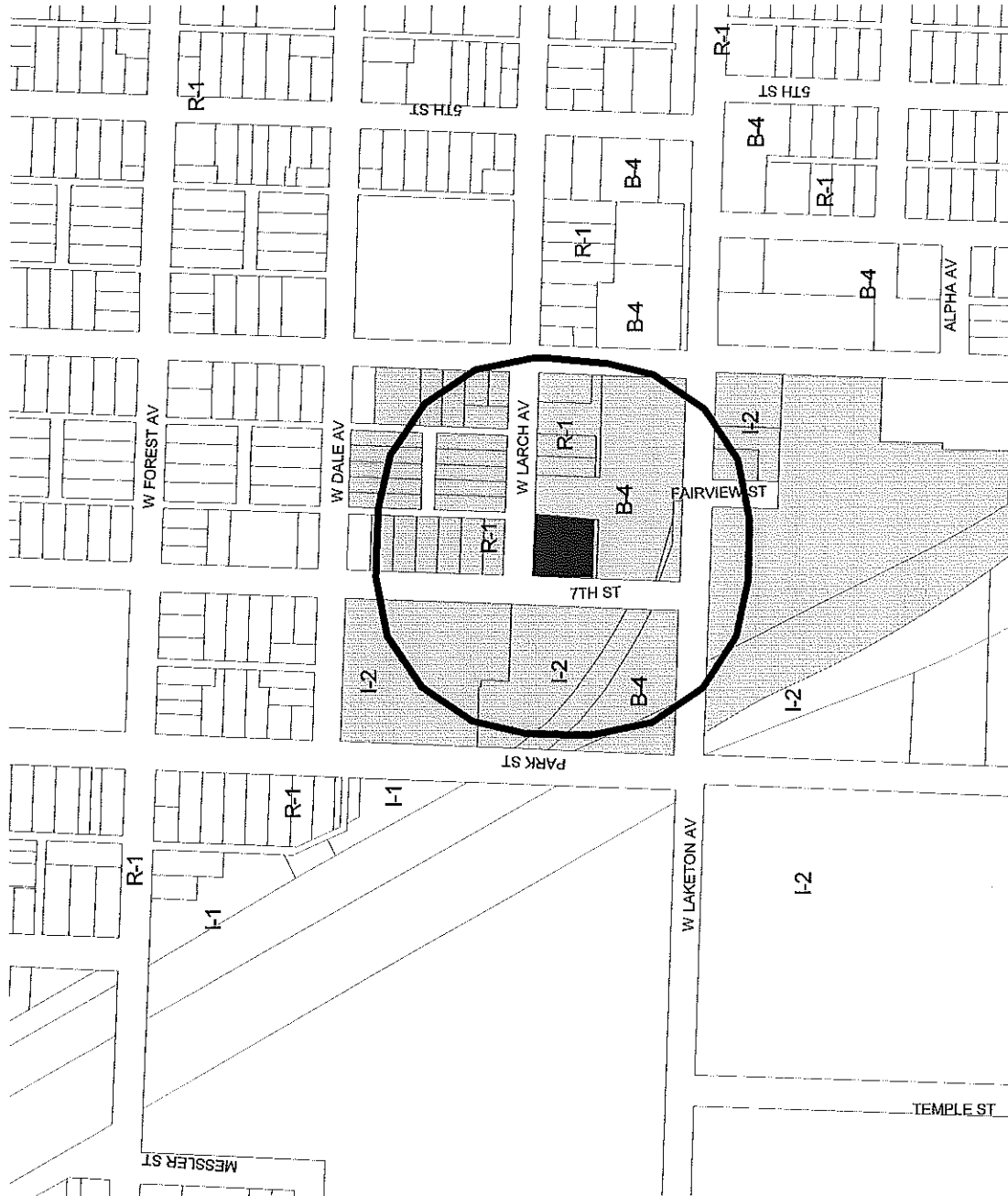
Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

City of Muskegon Planning Commission Case # 2003-12

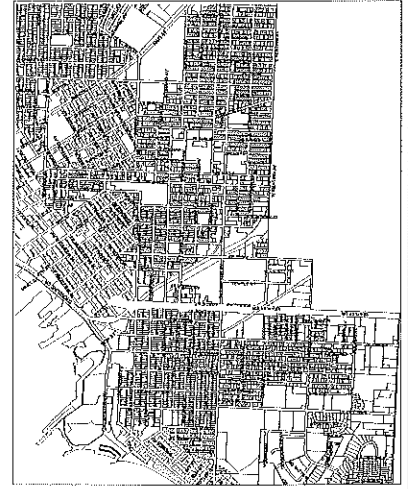


- = Subject Property(ies)
- = Notice Area

R-1 = Single-Family Residential
B-4 = General Business
I-1 = Light Industrial
I-2 = General Industrial



600 0 600 1200 Feet



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 15, 2003

Hearing; Case 2003-12: Request to rezone the property located at 1750 and 1752 Seventh St. from R-1, Single-Family Residential to B-4, General Business, by Keene Lumber Co.

BACKGROUND

Applicant: Keene Lumber Co.

Address/Location of Subject Property: 1750 and 1752 Seventh St.

Current Zoning: R-1, Single-Family Residential

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject properties are located at the SE corner of Seventh St. and Larch Ave. They are currently vacant lots.
2. Keene Lumber has been using the properties to store materials on. As the properties are zoned residentially, this is not permitted. Staff has not begun enforcement action yet, pending the outcome of this rezoning request. If the rezoning is approved, storage would be permitted on the lots, but all materials would have to be either enclosed in a building, or screened from public view.
3. Laketon Ave. contains many commercial uses, but the area to the north is primarily residential. There are several nonconforming commercial buildings and uses scattered throughout the area as well.
4. The south half of this block (fronting Laketon Ave.) is zoned B-4, while the entire north half (fronting Larch Ave.) is zoned R-1.
5. Keene Lumber's property takes up the entire Laketon Ave. frontage (south half) of the block. Also joined with their primary parcel is a small portion of the Larch Ave. frontage, in the center of the block, directly adjacent (east) of the two subject lots. This property is zoned R-1 but contains a commercial building. As such, it is nonconforming. If this rezoning is approved, the adjacent piece should also be rezoned as well so as to be consistent with the rest of Keene's property. The remaining lots fronting Larch Ave. contains residences.
6. The Future Land Use Map shows the subject property to be "Commercial".
7. The Master Land Use Plan states:
 - ◆ Notwithstanding the presence of many quality homes, the sub-area also possesses a number of blocks with units in need of rehabilitation and site maintenance.
8. Sub-Area Stability:

- ◆ The area's stability varies throughout. Residential locations range from mature, well maintained, neighborhoods to those undergoing significant decline and in need of rehabilitation. Most of the industrial development is also mature in age. And, like the area's residential development, ranges from well maintained facilities to those in need of major rehabilitation and/or removal.

9. Sub-Area Issues:

- ◆ There are pockets of housing in need of rehabilitation.
- ◆ Laketon Ave. suffers as a result of several business and property owners who fail to maintain the appearance of their buildings and/or frontage sites.
- ◆ Buffers between residential and industrial development are virtually non-existent.

10. The Master Plan recommends for this sub-area:

- ◆ Implement, through zoning, buffer requirements to mitigate compatibility impacts between residential and non-residential uses.
- ◆ Implement comprehensive streetscape programs along the sub-area's major roadways.
- ◆ Focus residential rehabilitation and site maintenance efforts in this sub-area.

11. If the rezoning is approved, staff will work with the applicant on making sure that the storage is properly screened and that all ordinance requirements for the site are met. If the rezoning is denied, all materials stored on the site must be removed, and only permitted activities in the R-1 district would be allowed on the properties.

12. Keene Lumber received a site plan approval in 1999. There were several conditions placed on the approval, including:

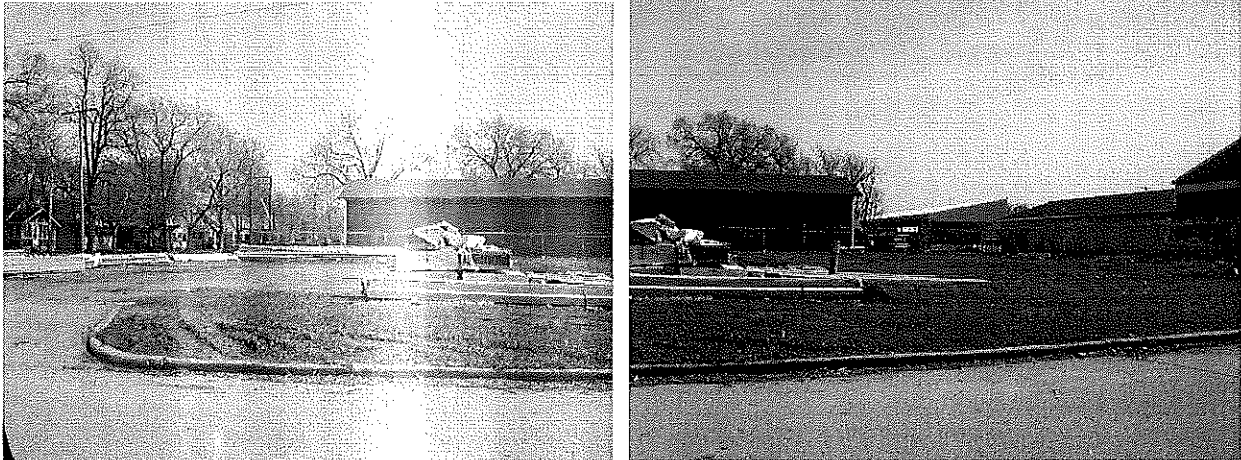
- a. The parking lot needs to be paved and striped with curbing or curb stops.
- b. The north end of the property needs to be cleaned up and screened.
- c. The driveway closest to the intersection of Seventh St. and Laketon Ave. needs to be removed. Although the City owns this property, you still have the right of access, and therefore the driveway does need to be removed.

13. In 2002, Keene Lumber received another site plan approval for construction of a storage building on their existing property. At that time, they were reminded of the requirement to screen from the residential properties to the north, and were given until May 1, 2003 to complete the screening or contact staff to discuss an alternate timeline. Staff has not heard from them regarding this requirement, and the screening is still not in place.

14. Staff agreed to allow Keene to wait to pave their parking lot until the City's bike path was constructed along this stretch of Laketon Ave. The bike path is currently under construction at this time.

15. Staff has not received any phone calls or letters regarding this case.

PHOTOS



ORDINANCE EXCERPTS

(See next case, #2003-13 for excerpts of the R-1 and B-4 districts)

RECOMMENDATION

Staff recommends approval of the request only if the conditions of the 1999 site plan approval are met and provided that the remaining portion of R-1 zoned property will be applied to be rezoned in the near future as well.

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.**

7. Is the proposed zoning change a “**Spot Zone**”?

- a. Is the parcel **small in size relative to its surroundings?**
- b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
- c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
- d. A spot zone is **appropriate if it complies with the Master Plan.**

2003-43-j)

Commission Meeting Date: May 27, 2003

Date: May 16, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *B*
RE: Rezoning request for property located at 986 E. Keating Ave.

SUMMARY OF REQUEST:

Request to rezone property owned by Robert Edward Hickel, located at 986 E. Keating Ave., from B-4, General Business to R-1, Single-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2105

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from B-4 "General 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-4 "General Business" to R-1 "Single-Family Residential":

CITY OF MUSKEGON CONTINENTAL ADD W 1/2 LOTS 16-17 & 18 BLK 10

This ordinance adopted:

Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Larson, Gawron

Nays: None

Adoption Date: May 27, 2003

Effective Date: June 13, 2003

First Reading: May 27, 2003

Second Reading: _____

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC, City Clerk

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on May 27, 2003, 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-4 "General Business" to R-1 "Single-Family Residential":

CITY OF MUSKEGON CONTINENTAL ADD W 1/2 LOTS 16-17 & 18 BLK 10

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 June 3, 2003

CITY OF MUSKEGON

By

Gail A. Kunderger
Gail A. Kunderger, MMC
City Clerk

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

Account No. 101-80400-5354

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on May 27, 2003. 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. Kunding

Gail A. Kunding, City Clerk

CERTIFICATE (Rezoning of 986 E. Keating Ave. from B-4 to R-1)

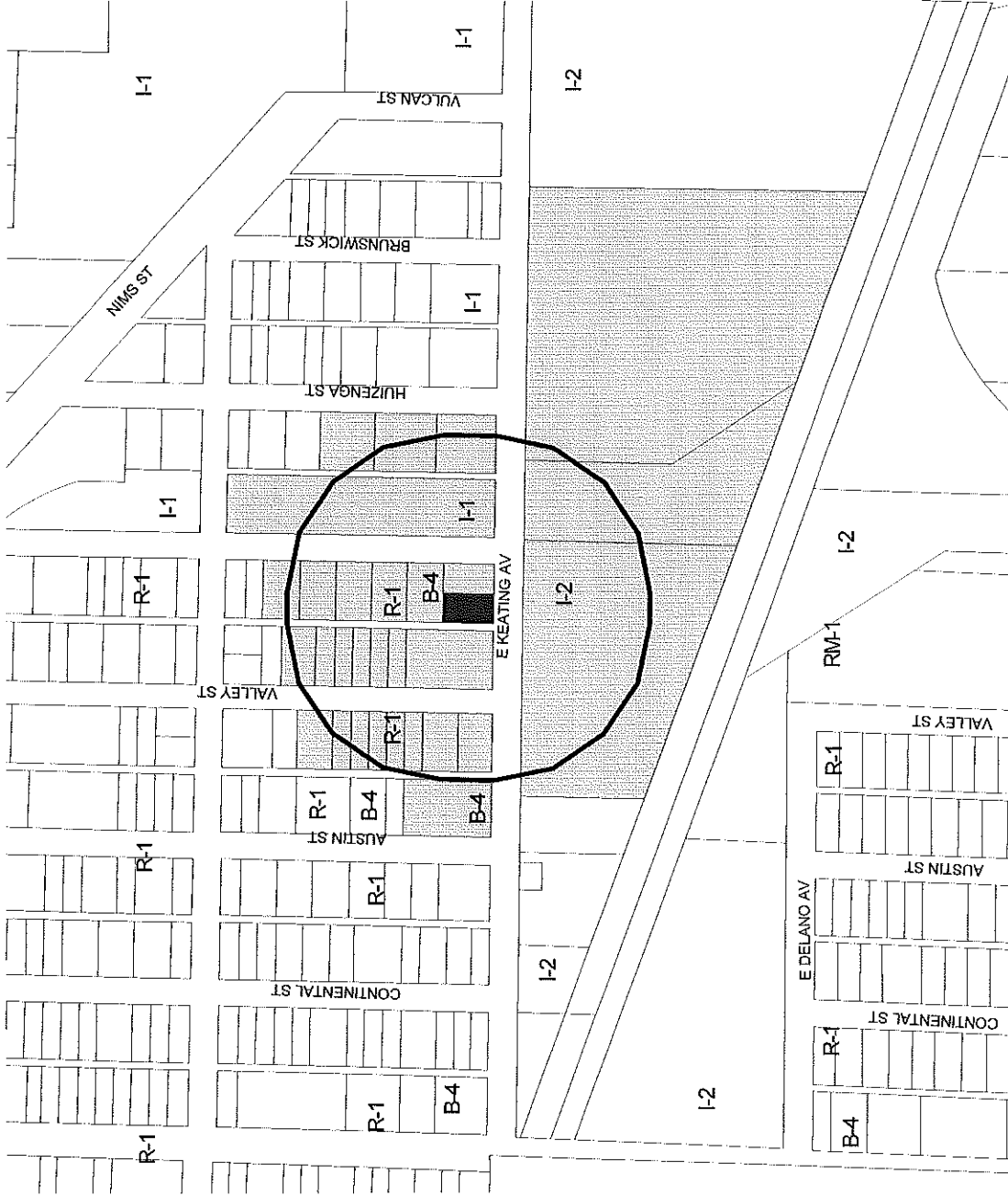
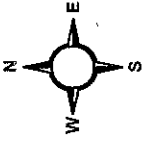
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of May, 2003, 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: _____, 2003.

Gail A. Kunding, MMC
Clerk, City of Muskegon

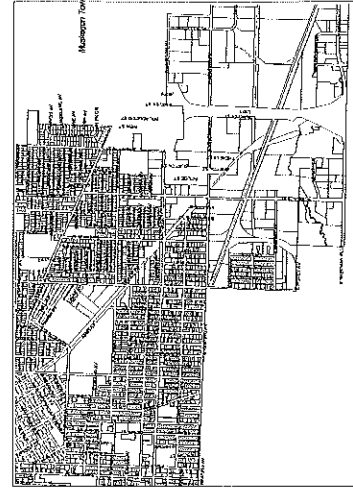
Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

City of Muskegon Planning Commission Case # 2003-13



■ = Subject Property(ies)
○ = Notice Area

R-1 = Single-Family Residential
RM-1 = Low Density Multiple-Family Residential
B-4 = General Business
I-1 = Light Industrial
I-2 = General Industrial



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 15, 2003

Hearing; Case 2003-13: Request to rezone the property located at 986 E. Keating Ave. from B-4, General Business to R-1, Single-Family Residential, by Robert Edward Hickel.

BACKGROUND

Applicant: Robert Edward Hickel

Address/Location of Subject Property: 986 E. Keating Ave.

Current Zoning: B-4, General Business

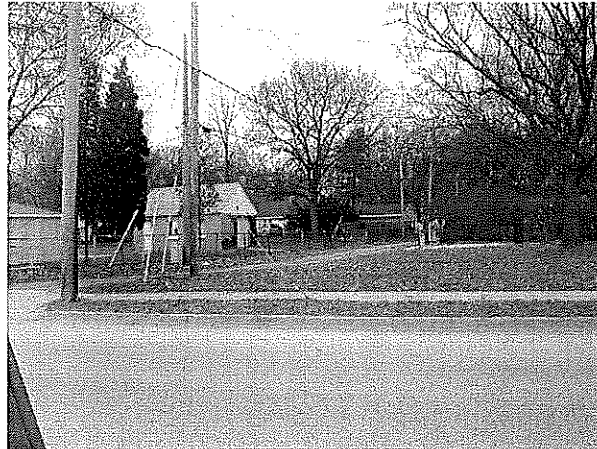
Proposed Zoning: R-1, Single-Family Residential

STAFF OBSERVATIONS

1. This request was on the April PC agenda as Case 2003-8. At the applicant's request, the case was withdrawn at the meeting. Since that time, the applicant has determined that the owners of the property he was looking at on Fleming Ave. are not willing to sell it to him. Therefore, he has re-applied to rezone his property on Keating Ave. The request has been re-noticed and re-advertised.
2. The subject property is located on Keating Ave., north of the City's Medendorp Industrial Park, between Valley and Madison Streets.
3. The entire north side of Keating St. in this area is zoned B-4, including the subject property. The area is a mix of residential and industrial uses in general.
4. The applicant has stated "I would like to move the house at 957 Broadway in Norton Shores to 990 Keating...in East Muskegon. This home will blend in with the houses in this area. Dan Deitz moved a house for me to 1331 Ada also one to 1882 McLaughlin, he will also move this one for me".
5. The Future Land Use Map shows the subject property to be "Single & Two-Family Residential".
6. The Master Land Use Plan states:
 - ◆ Single and multiple family housing are found in the sub-area's northwest quadrant.
7. Sub-Area Stability:
 - ◆ Reinvestment in existing single-family, housing units is minimal. Housing located in the interior portions of the sub-area is undergoing replacement by new and/or expanding industries. In some instances, homes (home sites) are being assembled to accommodate industrial development.
8. Sub-Area Issues:

- ◆ Designation and use of the sub-area for industrial development will require the removal of single-family housing.
 - ◆ The combination of land uses (e.g., housing, medical, commercial, and industrial) may result in land use compatibility conflicts unless development is carefully regulated.
 - ◆ In several instances, non-residential “spot” development has been allowed to encroach upon residential locations.
9. The Master Plan recommends for this sub-area:
- ◆ The area north of East Barney Avenue, west of Madison Street, and south of East Delano Street should be retained as mixed use residential.
 - ◆ Any commercial or industrial development bordering residential should provide high quality buffering in the form of architectural screening and landscaping.
10. Given the Master Plan recommendation and the mostly residential nature of this area, staff is planning on looking into a wider-scale rezoning of more of the commercially zoned properties in this area, north of the industrial park.
11. Staff has not received any phone calls or letters regarding this case.

PHOTOS



ORDINANCE EXCERPTS

SECTION 1103: 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]

...

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 occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]

...
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

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:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]

...
2. 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:

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

...
4. 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.
5. Cemeteries.
6. 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]:

...

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

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

...

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

...

RECOMMENDATION

Given that the area is predominantly residential and that the Master Plan recommends that this area remain residential, Staff recommends approval of the request.

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.**

7. Is the proposed zoning change a “**Spot Zone**”?

- a. Is the parcel **small in size relative to its surroundings?**
- b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
- c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
- d. A spot zone is **appropriate if it complies with the Master Plan.**

2003-43K)

Commission Meeting Date: May 27, 2003

Date: May 16, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located at the SW corner of Division St. & Western Ave.

SUMMARY OF REQUEST:

Request to rezone property owned by P&G Holdings located at the SW corner of Division St. and Western Ave. (former Shaw-Walker complex), along with an associated parking lot across Division St., from I-2, General Industrial to I-1, Light Industrial.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2106

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 I-1 "Light Industrial"

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 I-1 "Light Industrial":

ENTIRE BLOCKS 467, 468 AND 474; TOGETHER WITH THE C & O RAILWAY COMPANY RIGHT OF WAYS IN SAID BLOCKS; VACATED HUDSON STREET BETWEEN SAID BLOCKS 467 AND 468; VACATED MICHIGAN AVENUE BETWEEN SAID BLOCKS 467 AND 474; THE VACATED ALLEY IN SAID BLOCK 468 AND THE 2 VACATED ALLEYS IN SAID BLOCK 474 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON (AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY RECORDS), MUSKEGON COUNTY, MICHIGAN. ALSO THAT PART OF BLOCKS 466 AND 475; VACATED MICHIGAN AVENUE AND VACATED CLAY AVENUE OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN; ALSO PART OF THE PARCEL OF LAND FORMERLY KNOWN AS BLOCK 5 OF BEIDLER MANUFACTURING COMPANY" SUBDIVISION OF BLOCK 332, 333 AND 334 OF THE CITY OF MUSKEGON, INCLUDED IN THE FOLLOWING DESCRIPTION: COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 475 FOR POINT OF BEGINNING; THENCE NORTH ALONG THE EAST LINE OF DIVISION STREET 337.47 FEET; THENCE NORTH 89 DEGREES 40' 00" EAST 427.35 FEET TO THE WEST LINE OF HENRY STREET; THENCE SOUTH 05 DEGREES 18' 10" WEST ALONG SAID WEST LINE 144.97 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 475; THENCE SOUTH 00 DEGREES 28' 45" WEST ALONG SAID WEST LINE 194.75 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 475; THENCE SOUTH 89 DEGREES 52' 30" WEST ALONG THE SOUTH LINE OF SAID BLOCK 412.33 FEET TO THE POINT OF BEGINNING.

This ordinance adopted:

Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

Adoption Date: May 27, 2003

Effective Date: June 13, 2003

First Reading: May 27, 2003

Second Reading: _____

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC, City Clerk

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on May 27, 2003, 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 I-1 "Light Industrial"

ENTIRE BLOCKS 467, 468 AND 474; TOGETHER WITH THE C & O RAILWAY COMPANY RIGHT OF WAYS IN SAID BLOCKS; VACATED HUDSON STREET BETWEEN SAID BLOCKS 467 AND 468; VACATED MICHIGAN AVENUE BETWEEN SAID BLOCKS 467 AND 474; THE VACATED ALLEY IN SAID BLOCK 468 AND THE 2 VACATED ALLEYS IN SAID BLOCK 474 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON (AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY RECORDS), MUSKEGON COUNTY, MICHIGAN. ALSO THAT PART OF BLOCKS 466 AND 475; VACATED MICHIGAN AVENUE AND VACATED CLAY AVENUE OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN; ALSO PART OF THE PARCEL OF LAND FORMERLY KNOWN AS BLOCK 5 OF BEIDLER MANUFACTURING COMPANY" SUBDIVISION OF BLOCK 332, 333 AND 334 OF THE CITY OF MUSKEGON, INCLUDED IN THE FOLLOWING DESCRIPTION: COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 475 FOR POINT OF BEGINNING; THENCE NORTH ALONG THE EAST LINE OF DIVISION STREET 337.47 FEET; THENCE NORTH 89 DEGREES 40' 00" EAST 427.35 FEET TO THE WEST LINE OF HENRY STREET; THENCE SOUTH 05 DEGREES 18' 10" WEST ALONG SAID WEST LINE 144.97 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 475; THENCE SOUTH 00 DEGREES 28' 45" WEST ALONG SAID WEST LINE 194.75 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 475; THENCE SOUTH 89 DEGREES 52' 30" WEST ALONG THE SOUTH LINE OF SAID BLOCK 412.33 FEET 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 June 3, 2003

CITY OF MUSKEGON

By


Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on
May 27, 2003. 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. Kunding
Gail A. Kunding, City Clerk

CERTIFICATE (Rezoning of Division/Western from I-2 to I-1)

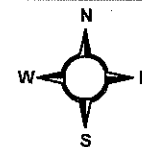
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of May, 2003, 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: _____, 2003.

Gail A. Kunding, MMC
Clerk, City of Muskegon

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

City of Muskegon Planning Commission Cases # 2003-14, 2003-15, & 2003-16

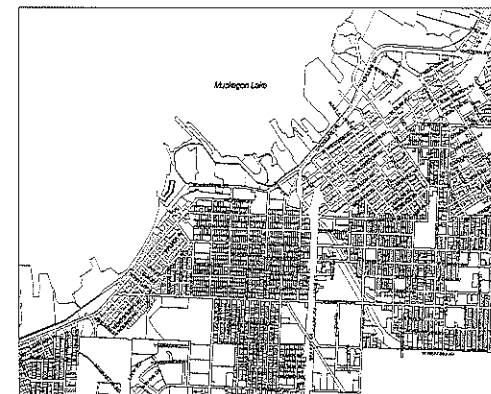


■ = Subject Property(ies)

○ = Notice Area

R-1 = Single-Family Residential
RT = Two-Family Residential
RM-1 = Low Density Multiple-Family Residential
H = Heritage
B-2 = Convenience & Comparison Business
LR = Lakefront Recreation
VM = Waterfront Marine
I-1 = Light Industrial
I-2 = General Industrial

1000 0 1000 2000 Feet



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 15, 2003

Hearing; Case 2003-14: Request to rezone the property located at the SW corner of Division St. and Western Ave. (former Shaw-Walker property) from I-2, General Industrial to I-1, Light Industrial, by P&G Holdings.

BACKGROUND

Applicant: P & G Holdings

Address/Location of Subject Property: SW corner of Division St. and Western Ave., also associated parking lot across Division.

Current Zoning: I-2, General Industrial

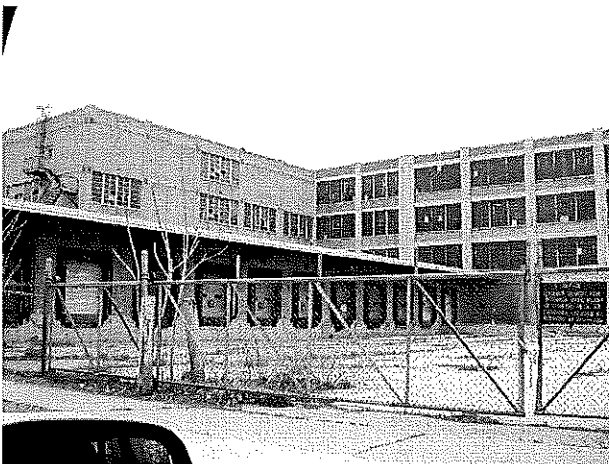
Proposed Zoning: I-1, Light Industrial

STAFF OBSERVATIONS

1. The subject property is located at the SW corner of Division St. and Western Ave. The property also contains an unimproved parking lot on the east side of Division St.
2. The property contains a large former industrial complex. This site has quite a long history of industrial and commercial uses. A previously approved PUD for the property has since expired and the property has changed hands since that time.
3. There is one existing industrial use on the property, Knoll. They do machining work, and have been determined to fit within the I-1 zoning district.
4. A new PUD for the property is being applied for (see cases 2003-15 and 2003-16) for a mixed-use residential and commercial development. Knoll is also to remain on the site as well.
5. The Future Land Use Map shows the subject property to be "Industrial".
6. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to retain the residential orientation of Sub-Area 10 while restricting the expansion of commercial and industrial development to infill locations.
7. Sub-Area Stability:
 - ◆ The sub-area is relatively stable. Prior investments have been made along the waterfront and will likely continue into the future. Housing condition is generally good.
8. Sub-Area Issues:
 - ◆ The interior of the sub-area, which is residential in use, experiences several pockets/parcels of commercial development. Given the sub-area's close proximity to the Core Downtown and the commercial development along Laketon Avenue, interior commercial development is not desired.

9. The Master Plan recommends for this sub-area:
- ◆ Other than neighborhood businesses directly linked to the area, prohibit further encroachment of commercial development within the interior portions of the sub-area. Work toward the long-term elimination of commercial development on Beidler Street with reuse oriented to residential development.
 - ◆ Incorporate, through zoning, buffering requirements between residential and non-residential uses.
 - ◆ Restrict industrial expansion to infill locations, internal to existing industrial development.
10. By rezoning this property to a less intense industrial zoning, the City is protected from potentially having a heavy industrial user move onto this site if the current mixed-use development is not successful. The existing industrial use on the site is also protected as they do fit within the proposed I-1 zoning district.
11. Staff has received one phone call regarding this case. The caller did not leave a name or address but stated that she has no objections as long as the rezoning is not for her property.

PHOTOS



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 acetylene, 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

...

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

...

ARTICLE XIV - I-1 LIGHT INDUSTRIAL DISTRICTS

PREAMBLE

The I-1 Light Industrial Districts are designed so as to permit wholesale, warehousing, and manufacturing facilities whose external, physical effects have a minimum detrimental effect on the adjacent districts. It is the intent of this article to permit, in addition to specific uses enumerated, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. The uses permitted are those which meet a higher standard of restrictions than those imposed in the I-2 Zoning District, and shall be of a type other than those which produce hazardous material as defined in the Fire Code.

SECTION 1400: PRINCIPAL USES PERMITTED

All principal uses of land and buildings which are erected or structurally altered or occupied shall be those specified in this article:

1. The manufacture, compounding, processing of food, and pharmaceuticals.
2. The manufacture, compounding, or assembly of products from previously prepared materials, including but not limited to fabrics, glass, leather, paper, metal, or plastics.
3. Machine shops and metal finishing shops, including the incidental of casting of metal products and alloying of furnace ready non-ferrous metals which are free of paint, oils or other organic substances.
4. Crematories.
5. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as: lumber yards or motor vehicle, boat, or implement sales.
6. Storage yards.
7. Warehousing of materials not highly hazardous as defined in the Fire Code.
8. Veterinary clinics and outdoor kennels.
9. Lumber and planing mills.
10. Municipal buildings, public service buildings, auto equipment repair shops doing major repair.
11. Accessory buildings and uses customarily incidental to the above Principal Uses Permitted.
12. Uses similar to the above.

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

SECTION 1401: 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 the applicable conditions imposed by Ordinance and other reasonable conditions imposed by the Planning Commission:

1. Railway or truck freight terminals located more than two hundred (200) feet from any residential district.
2. Freestanding commercial radio, television, and similar transmission towers greater than 175 feet and their attendant facilities.
3. Paint manufacturing.
4. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
5. Prisons and other similar correctional facilities.
6. Adult bookstores, adult indoor and outdoor motion picture theaters, and cabarets. Recognizing that because of their nature some uses have objectionable operational characteristics, especially when concentrated in small areas and recognizing that such uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are as follows:

...

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

SECTION 1402: PLANNED UNIT DEVELOPMENTS

...

SECTION 1403: AREA AND BULK REQUIREMENTS [amended 4/00]

...

SECTION 1404: BUSINESS CONDUCT LIMITATION

...

RECOMMENDATION

Staff recommends approval of the request.

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**.
7. Is the proposed zoning change a "**Spot Zone**"?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

2003-43 l)

Commission Meeting Date: May 27, 2003

Date: May 16, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request for preliminary Planned Unit Development approval for the SW corner of Division St. and Western Ave.

SUMMARY OF REQUEST:

Request for preliminary Planned Unit Development approval for the former Shaw Walker property, for a mixed-use commercial and residential development, in five phases. The request is from P & G Holdings.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends preliminary approval of the PUD provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the attached resolution, at their 5/15 meeting. The vote was unanimous.

CITY OF MUSKEGON

RESOLUTION #2003- 43 (1)

RESOLUTION FOR PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL FOR THE SW CORNER OF DIVISION ST. AND WESTERN AVE. (former Shaw Walker site)

WHEREAS, a petition for a planned unit development was received from P & G Holdings and,

WHEREAS, a planned unit development will allow a mixed-use commercial and residential development; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the preliminary Planned Unit Development and associated conceptual site plan with conditions as follows:

1. The applicant must apply for a final PUD approval including review of a complete site plan for each phase as it is developed.
2. A general description of each phase, the uses proposed and a general timeline for the development needs to be provided to staff.
3. Approval is conditioned upon MDEQ approval of a RAP which allows residential uses on the property, and upon removal of the restrictive covenant prohibiting residential development.
4. The Phase 5 building needs to be brought up in-line with the existing buildings along Western Ave. The building needs to be similar in appearance, scope and scale to the existing buildings on the site.
5. Paving of the lot on the east side of Division St. must be included on the site plan for any phase of the development which proposes to use the lot for parking.
6. The applicant will work with the Police, Fire and Inspections Departments to ensure site security.
7. All remaining wall signs from businesses no longer located on the premises will be removed.

NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the preliminary planned unit development is hereby approved with conditions.

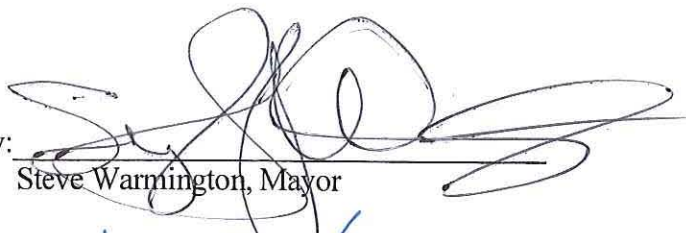
Adopted this 27th day of May, 2003

Ayes: 7

Nays: 0

Absent: 0

By:


Steve Warmington, Mayor

Attest:


Gail A. Kunding, MMC, City Clerk

CERTIFICATE (Preliminary PUD for the SW corner of Division St. and Western Ave.

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 a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of May, 2003, 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: May 27, 2003.


Gail Kunding, MMC
Clerk, City of Muskegon

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 15, 2003

Hearing; Case 2003-15: Request for preliminary Planned Unit Development approval for a mixed-use, commercial and residential development at the SW corner of Division St. and Western Ave. (former Shaw-Walker property), by P&G Holdings.

Hearing; Case 2003-16: Request for final Planned Unit Development approval for a portion of a mixed-use, commercial and residential development at the SW corner of Division St. and Western Ave. (former Shaw-Walker property), by P&G Holdings.

BACKGROUND

Applicant: P&G Holdings

Request: Preliminary PUD approval for a mixed-use, commercial and residential development and Final PUD approval for Phase 1 of the mixed-use development.

Present Land Use: Vacant industrial buildings and one current industrial use

Zoning: I-2, General Industrial (Case 2003-14 proposes change to I-1, Light Industrial)

STAFF OBSERVATIONS

1. The subject property is just over 21 acres and houses 39 buildings that total approximately 920,000 square feet. Larger buildings in the complex are 5 stories high. The construction dates of buildings in the complex range from 1894 to 1984.
2. A preliminary PUD was previously approved for this site in 1998 for a mixed-use development which included office, warehousing, retail and recreational uses. A final PUD approval was never applied for at that time, however. The preliminary PUD has since expired and the property has changed hands.
3. Reuse of such a massive complex is a challenge for developers because of its size, multiple buildings and usefulness for modern industrial processes. The owners have found a mixed-use market for the complex which includes residential and commercial uses. The concept of this PUD is to allow flexibility in uses as long as fire separation and access requirements are adhered to.
4. The site is a brownfield and there is an approved Remedial Action Plan (RAP) by the MDEQ for clean-up of the site. Any and all development proposed for the site must be in accordance with the approved (or an amended) RAP. The RAP approved in 1999 did not include clean-up for residential use. A higher level of clean-up must be provided on site in order for residential uses to be allowed by the MDEQ and the City.
5. The current owners of the site are currently working with the MDEQ for removal of the restrictive covenant on the property which prohibits residential development. Any approval

of the request for a preliminary or final PUD for the site should be conditional upon MDEQ approval of residential uses for the site.

6. The site has been granted a Renaissance Zone designation by the City. As a Renaissance Zone the site is virtually tax-free until the designation's expiration in 2014. The only required tax payments are for voter-approved millages and special assessments. The City's purpose in granting the Renaissance Zone designation was to stimulate re-development of this site.
7. This site has a great deal of visibility, due to its size and location across from the newly renovated Harshorn Center, the City's Hartshorn Marina, and the YMCA. This proposed development is exciting to see and will have a strong impact on the Muskegon area as new residential and commercial tenants move in. The development should help create a certain amount of synergy between the existing Hartshorn Center uses, the proposed relocation of Fisherman's Landing on the Hartshorn Center property, the completion of Shoreline Dr. East and the transformation of Shoreline Dr. into the new business route through downtown, and the Edison Landing (Smartzone) site. With the Shaw Walker development and the Edison Landing development as anchors on opposite sides of the traditional 'downtown' area, the entire downtown and lakefront area should benefit.
8. The developers are proposing a phased development. The separate phases are outlined on the enclosed conceptual site plan (Phases 1 through 5). They are asking for preliminary approval of the PUD in general and also for final PUD and site plan approval of Phase 1.
9. Phase 1 of the development is proposed to have 5,000 square feet of commercial space, 7,200 square feet of parking, and 67,800 square feet of residential and common area. The residential unit mix is proposed to be 30 one-bedroom units, 19 two-bedroom units, and 4 three-bedroom units, for a total of 53 units.
10. Although the enclosed conceptual site plan is color-coded by phases, no information is given about Phases 2 through 5, in terms of the proposed uses for those phases, or any kind of timeline for when they would be developed. The applicant has stated to staff that the final plans for these phases will be determined by the market and what reaction to Phase 1 is. Generally, staff has been told that Phase 2 will likely consist solely of commercial uses, and Phases 3 and 4 will be similar to Phase 1 with commercial and parking on the first floor and the rest residential, although there may be commercial uses on the second floors of these buildings as well. The applicant is also looking in to the possibility of a fitness center for the site at some point, as well as possible marina spaces as well if something could be worked out with a lakefront property owner.
11. The conceptual site plan for the entire PUD shows that Phase 5 would consist of a new building shown to be placed set back from Western Ave. with a parking area in front of it. The rest of the complex is built right up to the street along both Western Ave. and Division St. Staff would suggest that this building be brought in-line with the other existing buildings, with any associated parking areas behind it, along Michigan Ave.
12. The Phase 5 building should be designed as similar in appearance to the existing buildings on the site in order to blend in with the existing development. No proposed height has been shown for the building.
13. No timeline has been given either for the completion of Phase 1 or for the remaining phases

of the proposed development. A general timeline for each phase should be provided along with an estimated date for final completion of the project.

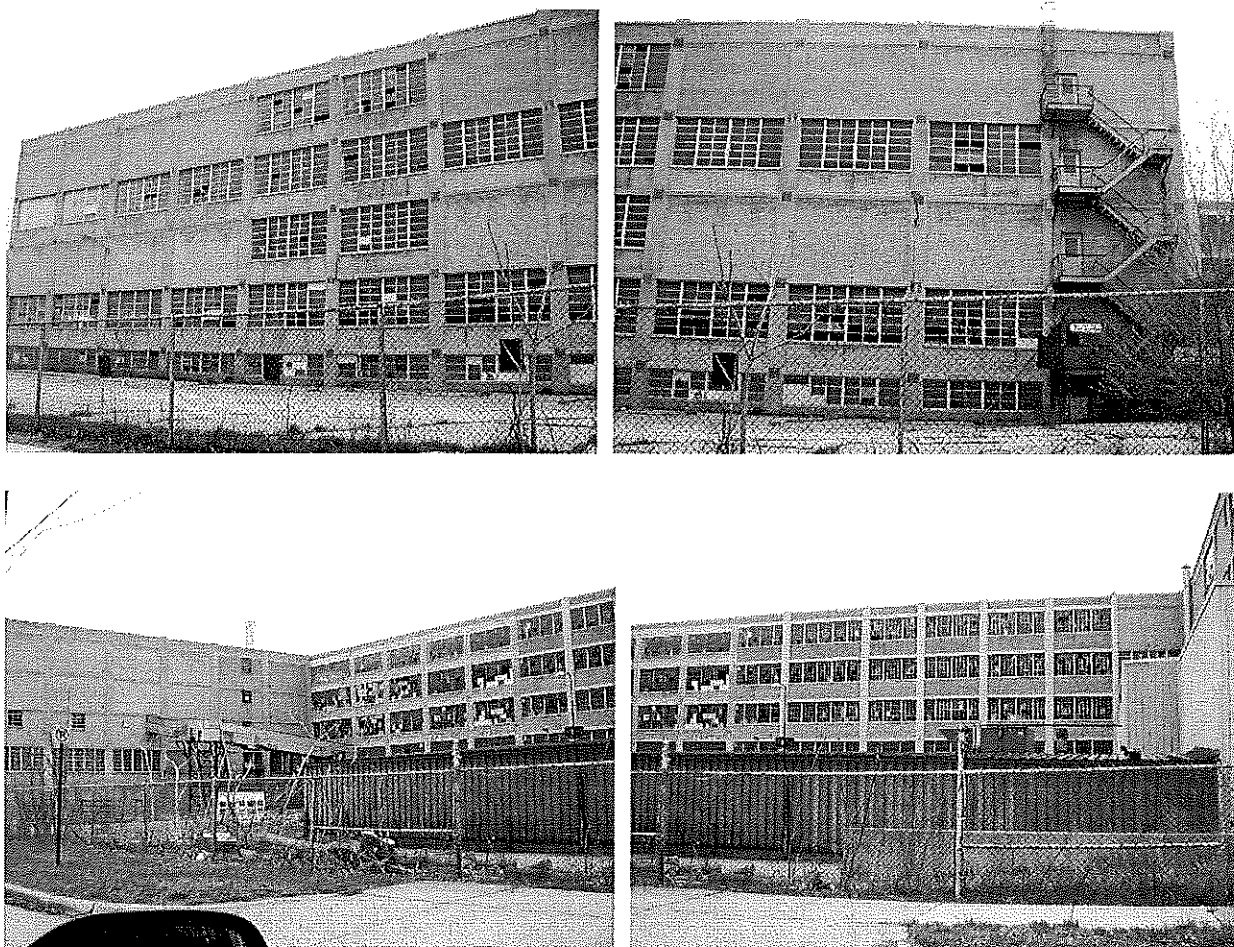
14. The associated parking area across Division St. is currently unimproved. There is no information provided as to which phase this parking will be associated with. Whenever this area will be required as parking for one of the phases of development, it will be required to be paved, landscaped and striped in accordance with ordinance requirements at that time.
15. The buildings have been abandoned for some time. Many windows are currently broken and security is a concern on the site. The applicant should provide information as to what is being proposed to keep the site secure until all phases have been developed.
16. There are several remaining signs from previous businesses which were located in the various buildings on the site. These signs should be removed to reduce clutter, blight and confusion.
17. Staff has reviewed the submitted final site plan for Phase 1 and has the following comments:
 - a. The site plan shows Phase 1 to be a 5-story brick building near the southwest corner of the site, at the corner of Hudson St. and Washington Ave. The site plan shows the first floor to contain 5,000 square feet of retail space and an indoor parking area, containing 18 parking spaces. Forty-six hundred square feet of utility and common area is also provided. The remaining four stories would all contain residential units.
 - b. The building floor plans (Page Z200) appear to be color-coded but no key to the color coding is given. The areas shown as yellow on the first floor appear to be the proposed retail spaces, while the areas shown as red appear to be stairways and utility closets. The nature of the areas shown in green and tan is unknown.
 - c. The site plan shows the building footprint and relation to other adjacent existing buildings. Two proposed parking areas are also shown, along with associated landscaping. The site plan appears to be conceptual in nature and does not indicate specific information such as dimensions of the parking areas, maneuvering lanes and parking spaces, building and parking area setbacks, or specifics of the proposed landscaping (sizes and species of proposed landscape materials). It also is not to scale. A full and complete site plan and landscaping plan (to scale) needs to be provided for this phase.
 - d. As best as staff can determine, the setbacks shown appear to be adequate. Information (numbers, size and species) about the proposed landscaping materials need to be given on a more detailed landscape plan.
 - e. The number of parking spaces shown appears to meet ordinance requirements. Residential uses are required to have two off-street parking spaces per unit. With 53 total units, this would require 106 parking spaces for the residents. Commercial uses (general retail) are required to have one space for every 300 square feet of usable floor area. Only the gross floor area is given for the proposed commercial areas, but using this figure would require 17 parking spaces, for a total of 123 spaces required for the site. The site plan shows 121 spaces, but staff is sure that if the actual figures for usable square footage of the retail areas were used instead of gross, the site would easily meet the parking requirements.
 - f. No dimensions of the proposed parking areas or of the parking spaces or maneuvering

aisles are given. Several landscape islands and bump-outs are shown, which should meet ordinance requirements for parking area landscaping. However, this information needs to be provided on a final, complete site plan.

- g. Proposed building elevations have been provided. They appear to retain the character of the original building. The developer should be held to the proposed design for the building.
- h. There are existing structures on the site such as a rusted, 6-foot chain-link fence around the perimeter, a shed in the southwest corner of the property, some above-ground piping, and additional structures, a conveyor and a loading bay in the courtyard shown to be parking to the north of the building. These items are shown in light gray on the overall plan for the entire property, but no details are given as to their removal or retention on the site. Staff assumes that these structures will all be removed as they do not appear on the site plan for Phase 1, but something should be stated to clarify this. The fence should be removed as well, or replaced.
- i. The existing parking area to the south of the building is in poor condition and should be repaved or sealed. The parking area must also be striped.
- j. The west side of the building labeled as Phase 3 faces the courtyard proposed as parking for Phase 1, north of the Phase 1 building. Currently the side of the building contains many broken windows and is generally unattractive. The applicant may want to consider ways to improve the appearance of this side of the Phase 3 building when Phase 1 is developed. At a minimum, the broken windows should be replaced in the interests of security, as well as aesthetics.
- k. The Engineering Dept. has reviewed the site plan and states, "Work within the public right-of-way must be permitted by Engineering. No new storm sewer or connections to the City's lines will be allowed." (Comments received 5/2).
- l. The Fire Marshal has reviewed the site plan and states, "A flow test for water supply shall be conducted. Current fire pump shall be tested and evaluated per licensed fire protection contractor or pump testing agency. Results shall be forwarded to the Fire Marshal. Hydrant locations shall be shown on the site plan and fire lanes shall be designated. Fire Department access shall be created and maintained, and surface grade shall be able to support fire apparatus' weight." (Comments received 5/5).
- m. The Department of Public Works has reviewed the site plan and has approved it with no additional comments (Comments received 4/29).

18. Staff has not received any phone calls or letters regarding these cases.

PHOTOS



DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage

- f. adequate traffic control and maintenance services
- g. preserves property values to related or adjoining properties.

2003-43 m)

Commission Meeting Date: May 27, 2003

Date: May 16, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request for final Planned Unit Development approval for Phase I of the proposed development at the SW corner of Division St. and Western Ave.

SUMMARY OF REQUEST:

Request for final approval for Phase I of the Planned Unit Development and associated site, and landscape plans for the former Shaw Walker complex at Division St. and Western Ave., for a mixed-use commercial and residential development. The request is from P & G Holdings.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends final PUD approval for Phase I and approval of the associated plans provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended final approval of Phase I of the PUD and associated plans, with the conditions listed on the attached resolution, at their regular meeting on 5/15. The vote was unanimous.

CITY OF MUSKEGON

RESOLUTION #2003-43 (m)

RESOLUTION FOR FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR PHASE I
OF THE PROPOSED DEVELOPMENT AT THE SW CORNER OF DIVISION ST. AND
WESTERN AVE. (former Shaw Walker complex)

WHEREAS, a petition for a planned unit development was received from P & G Holdings and,

WHEREAS, a planned unit development will allow a mixed-use commercial and residential development; and,

WHEREAS, the planned unit development received preliminary approval from this City Commission on May 15, 2003; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the final Planned Unit Development and associated site, landscaping and utility plans for Phase I only, with conditions as follows:

1. A key to the color coding on the site plan will be provided to staff. At a minimum, a description of the proposed uses of the areas shown in green and tan on the plan must be provided.
2. The final elevation design of the building may not differ from what was submitted to staff (pages Z201 and Z202, dated 4/24/03).
3. The existing parking area to the south of the building will be either repaved or sealed.
4. A revised site plan shall be submitted which contains the following:
 - a. The plan must be complete, to scale, and include all information and measurements for setbacks, and dimensions of the parking areas, maneuvering lanes, and parking spaces.
 - b. The plan needs to indicate that the parking areas will be paved and striped with either curbing or curb stops provided for all spaces.
 - c. Landscaping must be shown on the site plan (or on a separate landscaping plan) including details on location, size and species for all proposed landscape materials. All landscaped areas are required to be irrigated.
 - d. The existing fence around the perimeter of the property will be either removed or replaced. No barbed wire will be permitted. Any fencing for the property may not be higher than 4 feet if chain-link or wrought iron, or 3 feet if privacy or brick wall.
 - e. The metal shed in the southwest corner of the property, the above-ground piping, and all

structures located in the courtyard north of the building will be removed from the site. The existing loading ramp in the courtyard will be brought up to the average grade of the site. The site plan will indicate these changes.

- f. All fire hydrant locations will be shown, as well as locations of designated fire lanes. Fire Department access will be created and maintained and the surface grade must be able to support fire apparatus' weight.
5. The applicant will obtain permits from the Engineering Department for any work within the public right-of-way.
6. No new storm sewer or connections to the City's lines are allowed.
7. The applicant will conduct a flow test for water supply. The current fire pump will be tested and evaluated per licensed fire protection contractor or pump testing agency. Results will be forwarded to the Fire Marshal.
8. The sidewalk shown in front of the south side of the building will be extended to meet the street sidewalk.

NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the final planned unit development is hereby approved with conditions for Phase I of the development.

Adopted this 27th day of May, 2003

Ayes: 7

Nays: 0

Absent: 0

By:


Stephen J. Warmington, Mayor

Attest:


Gail A. Kunderger, MMC, City Clerk

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 a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of May, 2003, 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: May 27, 2003.


Gail A. Kunderger, MMC
Clerk, City of Muskegon

2003-43 n)

Commission Meeting Date: May 27, 2003

Date: May 16, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request for amendment to Planned Unit Development for Edison Landing (Smartzone).

SUMMARY OF REQUEST:

Request to amend the Planned Unit Development for Edison Landing (Smartzone), to change the locations and scale of various proposed buildings and to change use mix and quantity.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request, with the conditions outlined in the resolution.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/15 meeting. The vote was unanimous.

CITY OF MUSKEGON

RESOLUTION #2003- 43 (n)

RESOLUTION FOR AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR EDISON LANDING (Smartzone)

WHEREAS, a petition for a planned unit development amendment was received from Lakefront Development, LLC; and

WHEREAS, a planned unit development amendment will allow changes in the locations and scale of various proposed buildings and in the use mix and quantity for parcels A, B, J, K, L, and M of the Edison Landing (Smartzone) PUD; and

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission has recommended approval of the Planned Unit Development amendment with conditions as follows:

1. The changes to the Gillespie development on parcels 'J', 'K', 'L', and 'M' are approved as shown, provided that the proposed design and elevation are approved, and that sufficient stacking spaces will be in place for the drive-thru buildings and that the proposed traffic flow around these two buildings is shown and approved.
2. Approval of the condominium units is conditional upon approval of proposed elevations for the buildings and associated parking deck, including the rear (streetward) elevations.
3. Sidewalk will be provided between the proposed condominium development and the proposed Gillespie development on Terrace St.

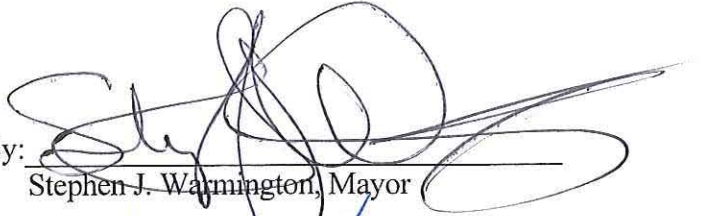
NOW, THEREFORE, BE IT RESOLVED that the recommendation by the City Planning Commission be accepted and the planned unit development amendment is hereby approved with conditions.

Adopted this 27th day of May, 2003

Ayes: 0

Nays: 0

Absent: 0

By: 

Stephen J. Warrington, Mayor

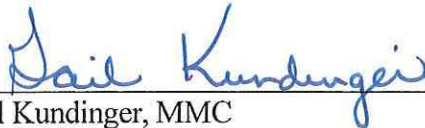
Attest: 

Gail A. Kunderger, MMC, City Clerk

CERTIFICATE (Edison Landing PUD Amendment)

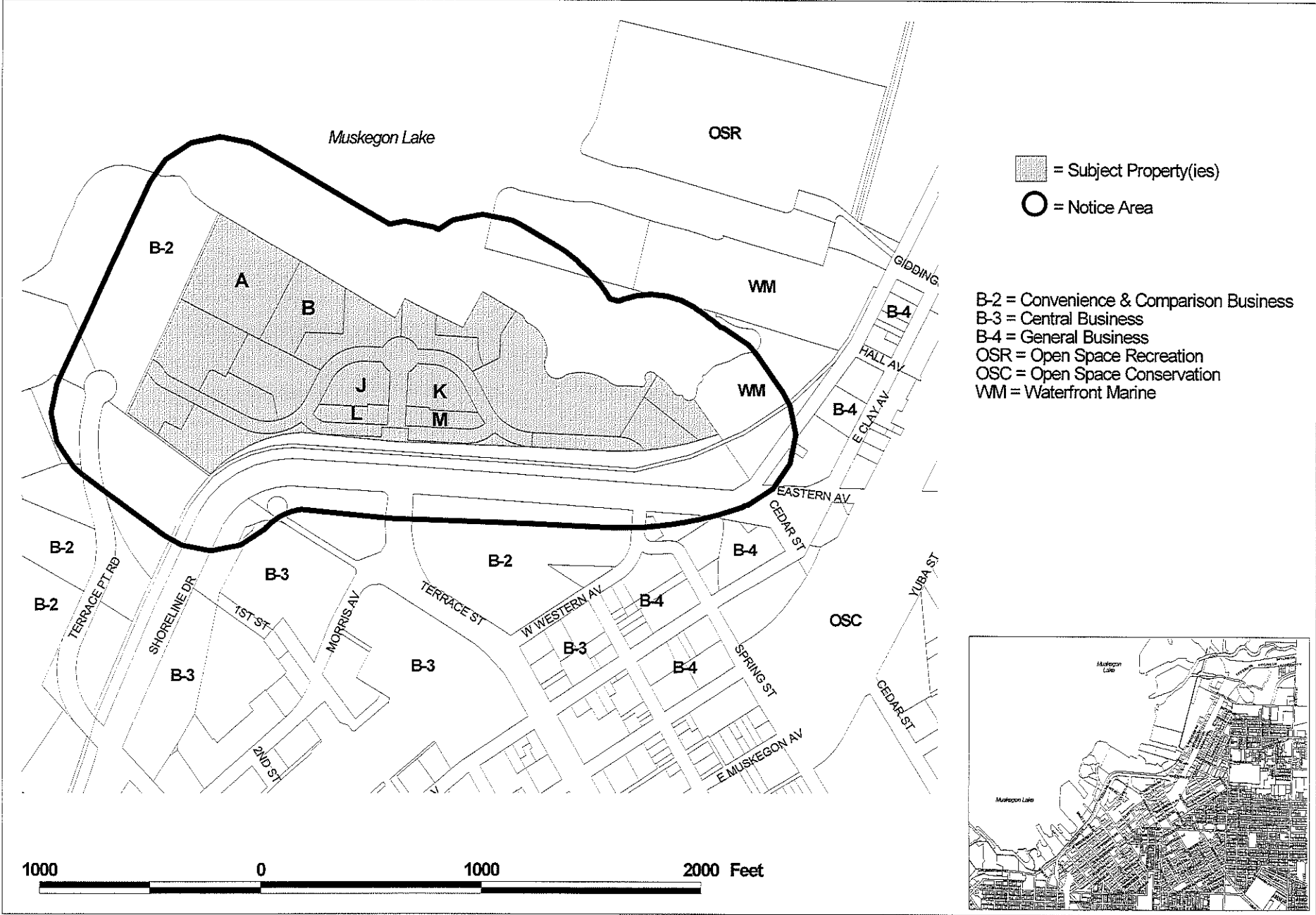
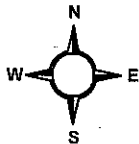
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of May, 2003, 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: May 27, 2003.



Gail Kunding, MMC
Clerk, City of Muskegon

City of Muskegon Planning Commission Case # 2003-17



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 15, 2003

Hearing; Case 2003-17: Request to amend the Planned Unit Development for the Smartzone (Edison Landing) to change the locations and scale of various proposed buildings and to change use mix and quantity, by Lakefront Development, LLC.

BACKGROUND

Applicant: Lakefront Development, LLC

Request: To amend the existing PUD to change the locations and scale of various proposed buildings and to change use mix and quantity.

Present Land Use: Vacant & GVSU Workstage building under construction.

Zoning: B-2, Convenience & Comparison Business

STAFF OBSERVATIONS - BACKGROUND

1. The subject property is the remainder of the former Teledyne property left, after the City condemned a portion for the Shoreline Dr. East road project. The site contains 34.2 acres on Muskegon Lake.
2. A PUD was approved for this site in July of 2000. A copy of the minutes from that case are attached, as well as a copy of the original approved site plan. The PUD included 17 parcels with office, retail, marina and condominium uses. Since the PUD approval, Lakefront Development, LLC has completed their purchase of the property. The Shoreline Dr. East project also has begun this spring as well. The new extension of Shoreline Dr. will run directly adjacent to the site, and is intended to become the new business route through downtown after its completion.
3. In 2001, the site received a Smartzone designation from the State of Michigan. This designation means that, in partnership with Grand Valley State University, the site is being developed as a technology-based business park. Construction of the Michigan Alternative and Renewable Energy Center (GVSU Workstage building) began in early 2003 on parcel 'C' of the site.
4. Construction of the interior roads on the site also began in early 2003. The City is building these roads in conjunction with the Shoreline Dr. extension road project. The proposed roads included relocated Terrace St. (main entrance into the site), Viridian Dr., and O'Toole Way.
5. The site has been re-named Edison Landing.

STAFF OBSERVATIONS – CURRENT REQUEST

1. The applicant is asking to amend the approved PUD for Edison Landing for conceptual approval of two proposed developments, which together will encompass six of the site's

parcels. Each development will then require a final site plan approval as well. The amendment request is being made as one request, but for the sake of clarity, each of the proposed developments will be described separately below.

2. These developments will have a great deal of visibility both from Muskegon Lake and from Shoreline Dr. once the extension has been completed. The Smartzone site is being described by some as the 'new downtown' for Muskegon. It is important that careful review is given to all proposed developments for the site, as visual access to the lake is paramount, as well as maintaining an urban 'main street' character.
3. Given the current construction projects, it is extremely difficult right now to get onto the site or to visualize the proposed layout of the parcels without Shoreline Dr. in place for reference. The only existing structures possible to use for reference are the GVSU and National City buildings currently under construction. Staff has tried to visualize what the location and layout of the proposed developments will be as best as currently possible. The photos shown below were taken from the seventh floor of the Terrace Plaza building.
4. Parcels 'J', 'K', 'L', and 'M' (Gillespie development):
 - a. These four parcels flank relocated Terrace St., and as such are the main entryway into the Smartzone. The original PUD site plan shows one multi-story building to be located on each parcel, along and up close to Terrace St., to be designed as a Main Street, with visual focus being drawn up the street to the cul-de-sac and view of the lake.
 - b. The developer (Gillespie) of these parcels is keeping the general design fairly close to what was originally proposed. However, there are two significant changes. The first is the removal of O'Toole Way (east/west road) as a public street, due to concerns of the City Engineer with the possible stacking of cars across the railroad tracks as cars would wait to turn left from Terrace St. onto O'Toole Way. The City and Gillespie have agreed that this street is not needed as a public right-of-way. Instead, it will become a private drive into parcels 'L' and 'M' with additional parking off of the south side, and will be 'right-in, right-out' only.
 - c. The second change is the addition of two new buildings near the outer edges of parcels 'L' and 'M'. Although the proposed tenants for these buildings are currently unknown, the buildings are proposed to be drive-thrus, possibly either restaurants or banks. The proposed design and elevations of these buildings will be important, as traditional fast food building designs might not fit within a 'downtown' character.
 - d. Case #2003-20 involves the actual site plan review for this proposed development and more details about the proposed layout of the site are available there. This case involves the conceptual approval of the drive-thru buildings and site layout in general.
 - e. The design of the site includes the original four proposed buildings, which are located along Terrace St., with parking to the rear. A proposed ground floor walkway allows pedestrian access to the rear parking areas without requiring pedestrians to walk entirely around the buildings to access the rear.

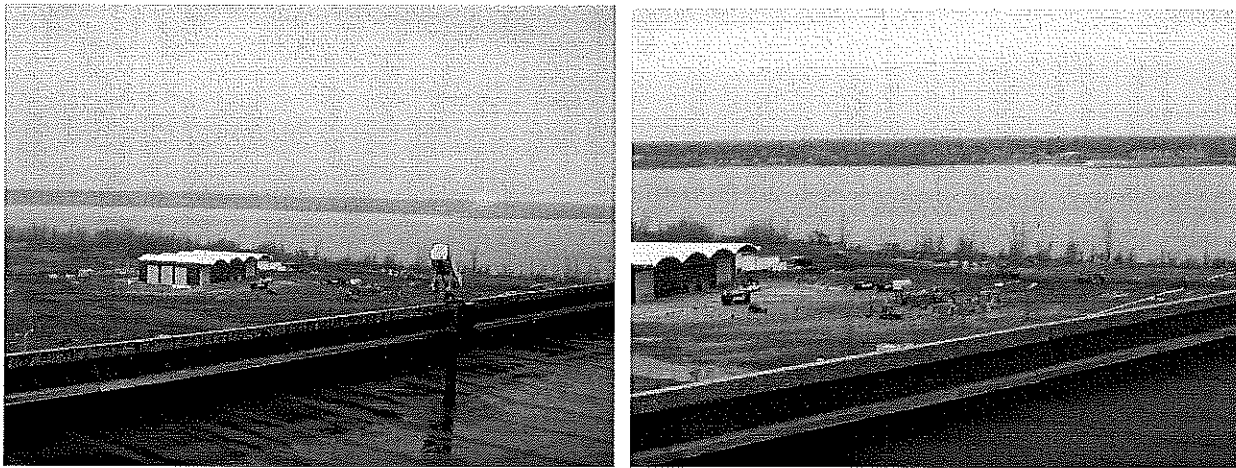
- f. The submitted plan does not clearly show the proposed traffic flow for the site, especially around the proposed drive-thru buildings. The proposed locations for stacking spaces for the drive-thrus are also not shown.
 - g. If the site design, circulation and concept of drive-thru buildings on the site are acceptable to the Planning Commission, staff sees no major concerns with these proposed changes, provided that sufficient stacking spaces for the drive-thrus can be provided which would not block drives or parking spaces. The drive-thru buildings should be one-story and should blend with the rest of the proposed development.
5. Parcels 'A' and 'B':
- a. The originally approved PUD for the site showed one two-story mixed-use building on parcel 'A' (office and residential) and one two-story office building on parcel 'B'. The current request is for four six-story condominium buildings (18 units each) on both parcels together, along with a single-story parking deck with rooftop tennis courts, walking paths, sitting areas and gardens.
 - b. The four buildings are proposed to be spaced apart so as not to completely block the view of the lake from further inland, and to take advantage of the lake views available on these parcels. The development is built 'up' instead of 'out' with the thought that four narrow, taller buildings would block the view less than one or two more massive, shorter structures.
 - c. The original PUD plan submitted showed that the buildings would be 'terraced' with shorter buildings located closer to the lake, and taller ones further inland. This would protect the viewshed of all parcels on the property and keep building heights from getting out-of-hand. Staff wonders that if by starting with 6-story buildings on the lakefront, if subsequent developers of parcels 'D' and 'E', further inland, would then want to go even higher in order to still have uninterrupted lake views.
 - d. If the 6-story condominium buildings are approved as proposed, the Planning Commission may want to consider placing a limit on the total height allowed for buildings on the rest of the site, perhaps 10 stories to keep in line with the height of the Shoreline Inn & Suites.
 - e. Each of the proposed buildings contains 18 residential units, for a total of 54 units. The specific acreage of this site is unknown, but for reference, the RM-1, Low Density Multiple-Family Residential zoning district allows 16 units per buildable acre, and the RM-2, Medium Density Multiple-Family Residential district allows 24 units per buildable acre.
 - f. Staff has discussed other options with the developer, such as considering further shifting the buildings to open up the views up the middle of the site. They may also want to consider situating the buildings more perpendicular to the shoreline as well.
 - g. Staff has some concerns with the proposed parking deck. It is shown on the conceptual plan as a large structure encompassing most of the width of the site. It is difficult to visualize since the final grades for Shoreline Dr. and the interior roads have not yet been established, but staff wonders what the appearance of this structure will be from road

grade. Keeping in mind that parcels 'D' and 'E' have yet to be developed, and will most likely face directly that way, toward the waterfront. On the other hand, the parking deck would keep the surface parking from being as visible on the site.

- h. The roof area of the proposed parking deck is shown to have amenities for the condominium residents such as tennis courts, gardens and possibly a pool. This would appear to meet the 15% usable open space requirement for the site. The developers have stated that the deck is proposed as one large structure so as to maximize the residents' use of the roof area without making it difficult for residents from one building to access amenities on the roofs of parking decks associated with the other buildings.
- i. There are two existing tall buildings in proximity to this site, the Terrace Plaza building (7 stories) and the Shoreline Inn & Suites (10 stories). Staff feels that the location of the proposed condominium buildings on the western side of the Smartzone site will keep the taller structures clustered enough together to perhaps create a more continuous skyline for downtown Muskegon that has been lacking up until now.
- j. The Terrace Plaza building is on a higher elevation than most of the surrounding area. Information from the City Engineer is that the final elevation for Shoreline Dr. will be about four to five feet higher than that of the Smartzone site, closer to the elevation of the National City building. By sitting at the existing corner of Morris Ave. and Terrace St. near National City, staff visually estimated that 6-story buildings might not necessarily block the entire lake view from the roadway. This is just a general visual assessment, but there is no better way to estimate without being able to physically access the site.
- k. There is public access proposed along the waterfront edge of the entire Smartzone site, by means of a walking/bike path. Therefore, the public will still be able to access the waterfront and viewshed, even if the view from the roadways themselves is reduced.
- l. No elevations for the proposed buildings have been provided for the condominium buildings, which also makes it difficult to visualize their appearance on the site. As in the case of Balcom's Cove, staff would stress to the developers that even though the buildings appear oriented toward the lake, the rear (streetward) elevation is of particular concern since this side is what will be visible from Shoreline Dr. No elevations for the proposed parking deck have been provided.
- m. Staff is hesitant to make a recommendation as to the 6-story condominiums, as there are varying opinions regarding the idea. If designed so as to block as little of the view as possible, and to present an attractive elevation toward the downtown area, staff is not necessarily adverse to the idea. However, much care should be taken in the final site layout and design when a final site plan is submitted for this development.
- n. The Fire Marshal has made some comments specifically regarding the proposed condominium buildings (comments received 4/29):
 - i) Information shall be submitted on water availability, flow test and hydrant locations. Contact the City DPW for help.
 - ii) Access to any and all proposed structures shall be continuous around the structures.
 - iii) Access grades – concrete or asphalt – shall be listed on print.

- iv) Access roads shall not be less than 26 feet in width.
6. At the time that the original PUD was approved, it was determined that each parcel could be a staff site plan approval as it was developed. This was the case for the GVSU Workstage building, which received site plan approval in December of 2002. Given the fact that the Gillespie development's site plan is dependent on a PUD amendment which wasn't approved yet, staff felt more comfortable bringing their site plan before the Planning Commission for review (see Case 2003-20).
 7. Staff has not received any phone calls or letters regarding this case.

PHOTOS



DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

AGENDA ITEM NO. 2003-430 (0)

CITY COMMISSION MEETING 05/27/03

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: May 9, 2003
RE: MML – Annual Membership Dues (7/1/03 – 6/30/04)

SUMMARY OF REQUEST:

To obtain permission from the City Commission, in accordance with the Purchasing Policies and Procedures, to pay the MML Annual Membership Dues for July 1, 2003, through June 30, 2004.

FINANCIAL IMPACT:

MML Membership Dues:	\$ 8,689
Environmental Affairs Assessment:	\$ 1,043
Legal Defense Fund Membership:	\$ 869
Total Dues:	<u>\$10,601</u>

BUDGET ACTION REQUIRED:

None. Cost applied to proper budget line items.

STAFF RECOMMENDATION:

Approval.

COMMITTEE RECOMMENDATION:

None.



President
KATE LAWRENCE
Mayor, Brighton

Vice President
MYRON FRASIER
Councilmember, Southfield

Trustees
ALEX ALLIE
City Manager, Huntington Woods

SHEILA COCKREL
Councilmember, Detroit

GRETCHEN DRISKELL
Mayor, Saline

CRAIG GIERKE
Councilmember, Escanaba

BARBARA HOLT
Mayor Pro Tem, Walker

ROBERT JONES
Mayor, Kalamazoo

KURT KIMBALL
City Manager, Grand Rapids

JAMES LEIDLEIN
City Manager, Harper Woods

THOMAS MARKUS
City Manager, Birmingham

SPENCER NEBEL
City Manager, Sault Ste. Marie

FLORENCE SCHRADER
Treasurer, Ubly

MARGENE ANN SCOTT
Councilmember, Madison Heights

JAMES SINCLAIR
Councilmember, Rogers City

JOEL THOMPSON
Mayor, Otsego

MARTY WAZBINSKI
Mayor Pro Tem, Midland

JOSEPH YUCHASZ
Village President, Elk Rapids

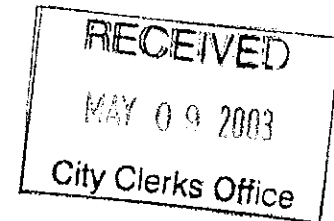
Executive Director
GEORGE D. GOODMAN

RECEIVED

MAY 9 2003

MUSKEGON
CITY MANAGER'S OFFICE

May 2, 2003



Ms. Gail A. Kundering
Muskegon City Clerk
933 Terrace St.
PO Box 536
Muskegon, MI 49443-0536

Dear Ms. Kundering:

Enclosed are your Michigan Municipal League renewal invoice and membership plaque insert that recognizes your continuing membership in the MML. In preparing your invoice, the state shared revenue figures used for the dues calculation are accurate to the best of our knowledge.

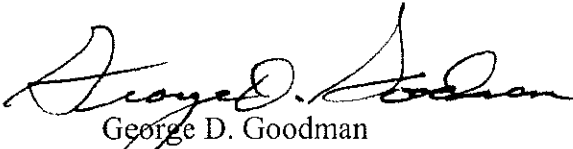
On behalf of the trustees and staff I would like to thank you for your continued support of the League. It is only through the cooperation and participation of our municipal members that the League is in a position to help meet the needs of local government by providing information, education, political involvement and a host of other services tailored especially for member cities and villages.

Your participation in League meetings, conferences, training programs and our miscellaneous services is encouraged as we move into our second century of furthering and strengthening the objectives of local government.

The three League offices are always available to you, as is the MML's Web site (www.mml.org).

Please feel free to call me or any staff member should you have questions.

Sincerely,


George D. Goodman
Executive Director

Enc.

A member of the National League of Cities

Web Address
www.mml.org

Headquarters Office
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487
Phone: 734-662-3246
Fax: 734-662-8083

Lansing Office
320 N. Washington Square, Suite 110
Lansing, MI 48933-1288
Phone: 517-485-1314
Fax: 517-372-7476

Northern Field Office
200 Minneapolis Avenue
Gladstone, MI 49837-1931
Phone: 906-428-0100
Fax: 906-428-0101



**MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE
2003 - 2004**

CITY OF MUSKEGON

Id: 347

Date: May 2, 2003

Membership Period: July 1, 2003 - June 30, 2004

* 2001-2002 State Shared Revenue:	\$5,589,263
* Michigan Municipal League Dues	\$8,689
* Environment Affairs Assessment	1,043
* Legal Defense Fund	869
* Total due by July 1, 2003	\$10,601

Please sign, date and return one invoice copy with your payment.

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

(Signature)

(Date)

* See reverse side

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48106-7409
800.653.2483

Commission Meeting Date: May 27, 2003

2003-44 g)

Date: May 20, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CK*
RE: Sale of North 20' of Buildable lot on Hoyt Street

SUMMARY OF REQUEST:

To approve the sale of portion of a vacant buildable lot described as Terrace Street Addition, North 20 feet of Lot 20, Block 3 (portion of 1938 Hoyt Street) to Lawrence and Ruby Burt, 1916 Hoyt Street, Muskegon, MI 49442. Community and Neighborhood services owns 1938 Hoyt and is willing to sell the North 20' of it to the adjacent property owner. Approval of this sale will allow the adjacent property owner to expand their current yard (see attached map). As is required by City policy, the subject parcel is being offered for \$100 to Lawrence and Ruby Burt.

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 and Quit-Claim Deed.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2003-44 (g)

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

WHEREAS, the City of Muskegon has received \$100 from Lawrence and Ruby Burt, 1916 Hoyt Street, Muskegon, MI 49442 for the purchase of a portion of a vacant, City-owned lot located adjacent to their property at 1938 Hoyt Street. Portion described as Terrace Street Addition, North 20 feet of Lot 20, Block 3;

WHEREAS, the portion of the 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;

NOW, THEREFORE BE IT RESOLVED, that Terrace Street Addition, North 20 feet of Lot 20, Block 3, be sold to Lawrence and Ruby Burt for \$100.

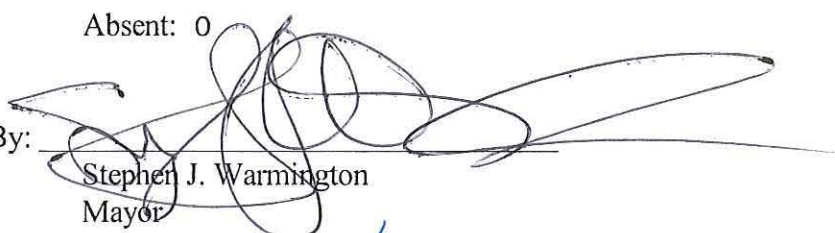
Resolution adopted this 27th day of May, 2003.

Ayes: 7

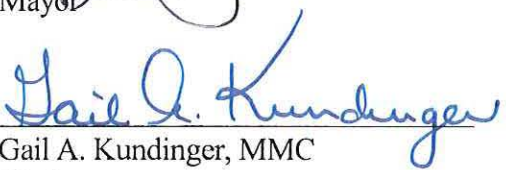
Nays: 0

Absent: 0

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunderinger, MMC
Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on May 27, 2003. 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.

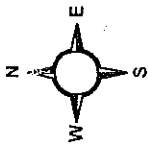
CITY OF MUSKEGON

By



Gail A. Kunderinger, MMC
Clerk

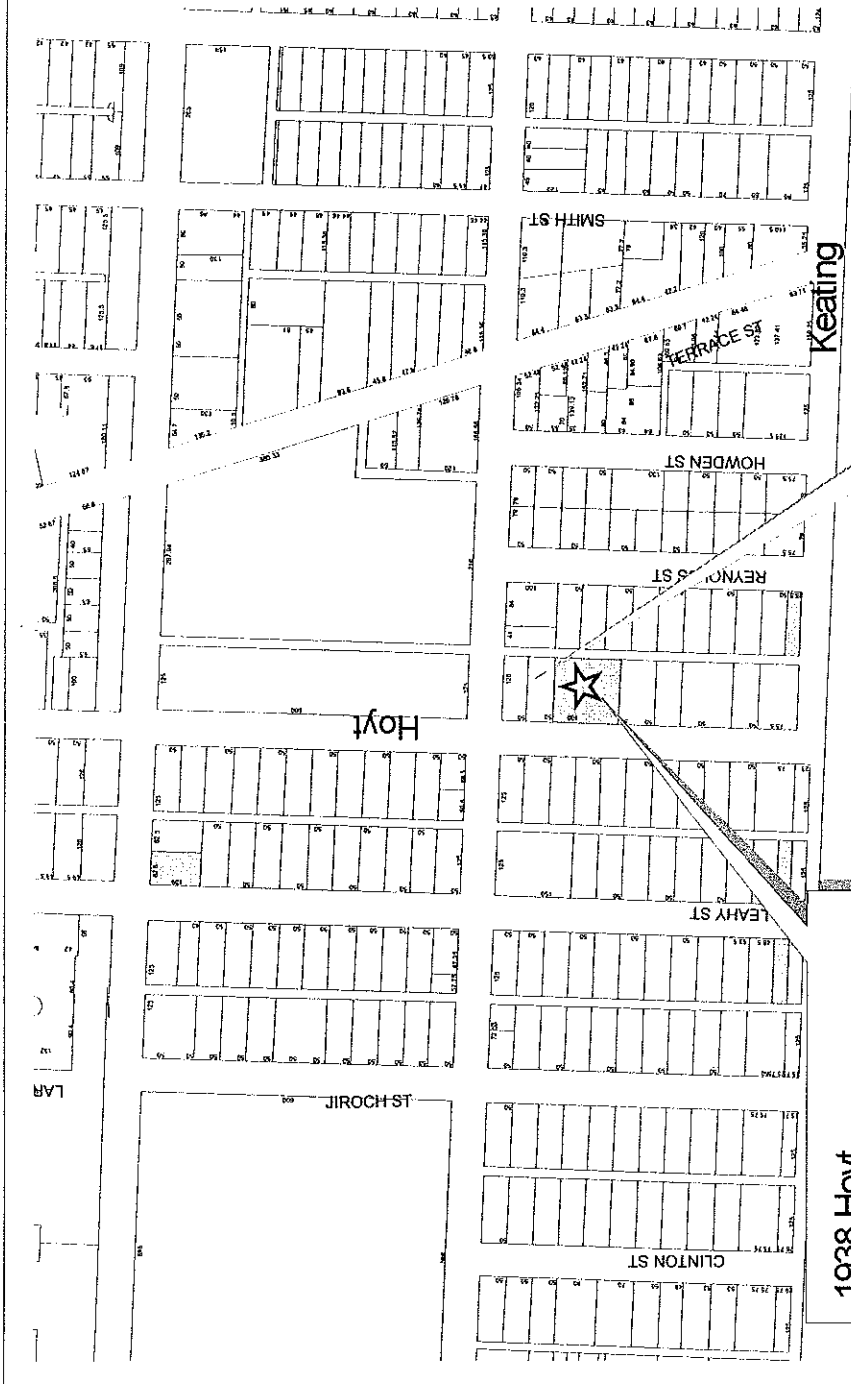
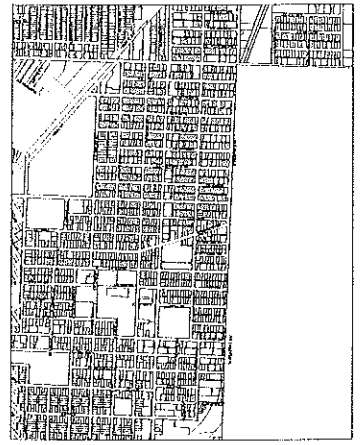
North 20' of Vacant Buildable City-owned Lot 1938 Hoyt



☆ = Subject Property(ies)
to be sold

1916 Hoyt
Lawrence and Ruby Burt

1938 Hoyt
Owned by CNS
to sell north 20' of property



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO: **LAWRENCE BURT AND RUBY BURT**, husband and wife, of 1916 Hoyt Street, Muskegon, Michigan 49442,

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

Terrace Street Addition, North 20 feet of Lot 20, Block 3

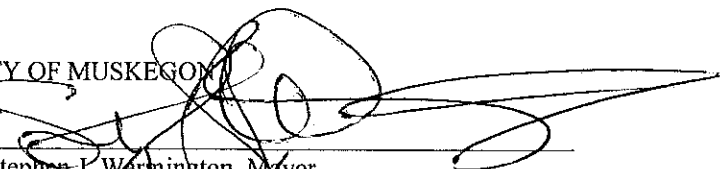
for the sum of: One Hundred and no/100 Dollars (\$100.00)

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).

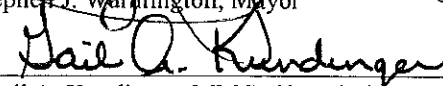
Dated this 27th day of May, 2003

CITY OF MUSKEGON

By


Stephen J. Warmington, Mayor

and

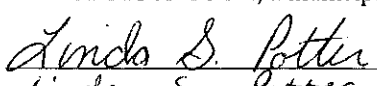

Gail A. Kunding, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 27 day of May, 2003, by Stephen J. Warmington and Gail A. Kunding, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 231-722-1621


Linda S. Potter

Notary Public, Muskegon County, Michigan

My commission expires: 9-25-06

SEND SUBSEQUENT TAX BILLS TO: Grantee
WHEN RECORDED RETURN TO: Grantee

2003-44h)

Commission Meeting Date: May 27, 2003

Date: May 13, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Partial Termination of Lease Agreement- Nelson Park, Parcel B

SUMMARY OF REQUEST: In 1994, the City of Muskegon and the Roman Catholic Diocese of Grand Rapids, entered into a lease for property in the vicinity of the former St. Joseph's Church (see attached map). The City developed a neighborhood park on Parcel A. Parcel B was also included in the lease. The intention for this parcel was to be used for additional parking for the park. This parking area was never developed, and is not needed at this time. Meanwhile, St. Joseph's Church has been demolished and the Diocese is proposing to sell the property in its entirety, including Parcel B. Since the City has no need for this parcel, staff is proposing that the City terminate the lease for Parcel B.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Partial Termination of Lease Agreement" and authorize the Mayor and Clerk to sign the document.

COMMITTEE RECOMMENDATION: None.

WARNER NORCROSS & JUDD LLP

ATTORNEYS AT LAW

900 FIFTH THIRD CENTER
III LYON STREET NW

GRAND RAPIDS MICHIGAN 49503-2487

TELEPHONE (616) 752-2000
FAX (616) 752-2500

JAMES J. RABAUT

(616) 752-2178
DIRECT FAX (616) 222-2178
jrabaub@wnj.com

April 24, 2003

Ms. Cathy Brubaker-Clarke
Director of Planning and Economic Development
City Hall
933 Terrace
Muskegon, Michigan 49443

Re: **Lease of Muskegon Property**

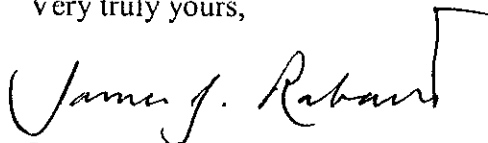
Dear Ms. Brubaker-Clarke:

As you know, pursuant to a Lease dated June 8, 1994 ("Lease") the Diocese of Grand Rapids currently leases two parcels of real estate to the City of Muskegon. Parcel A (Lots 3, 4, and 5 of Block 378 of the revised Plat (of 1903) (of the City of Muskegon)) is leased for "park and playground uses." Parcel B (Lot 11 and the Southerly 1/2 of the adjacent vacated alley and also the Southerly 100 Feet of Lot 12, of Block 368 of the Revised Plat (of 1903) (of the City of Muskegon)) is leased for "parking uses."

As you know, the Diocese has had discussions with Mr. Luroskie Craig regarding the possible sale of Parcel B. If it is acceptable to the City, the Diocese would like to terminate the Lease with respect to Parcel B. The Lease would continue with respect to Parcel A.

Please call me once you have considered this matter.

Very truly yours,


James J. Rabaut

jab

cc: Sister Patrice Konwinski
Mr. Luroskie Craig

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

June 3, 2003

Gail A. Kunding, MMC
City Clerk
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, MI 49443-0536

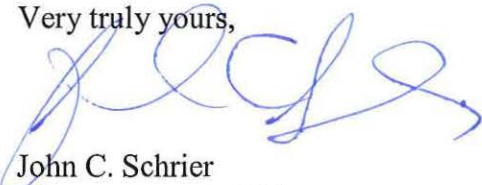
Re: St. Joseph's Church Lease

Dear Ms. Kunding:

Enclosed please find two originals of Partial Termination of Lease Agreement involving the above-referenced matter. Please sign both originals, retaining one copy and returning one original to me.

If you have any questions or concerns, please feel free to contact me.

Very truly yours,



John C. Schrier
Direct: 231.722.5401
Fax: 231.728.2206
E-Mail Address: jcs@parmenterlaw.com

Enclosures

PARTIAL TERMINATION OF LEASE AGREEMENT

THIS PARTIAL TERMINATION OF LEASE AGREEMENT is signed as of May __, 2003, by ROBERT J. ROSE, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF GRAND RAPIDS, MICHIGAN, of 660 Burton Street, S.E., Grand Rapids, Michigan 49507-3290 ("**Landlord**"), and CITY OF MUSKEGON, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49443-0536 ("**Tenant**").

WHEREAS, on June 8, 1994, Landlord and Tenant entered into a Lease ("**Lease**") with respect to two parcels of real estate located in the City of Muskegon, Muskegon County, Michigan (collectively, the "**Property**").

AND WHEREAS, the Property consists of two parcels: (i) Parcel A ("**Parcel A**"), described as:

Lots 3, 4 and 5 of Block 378 of the Revised Plat (of 1903) of the City of Muskegon,

and (ii) Parcel B ("**Parcel B**"), described as:

Lot 11 and the Southerly 1/2 of the adjacent vacated alley, also the Southerly 100 feet of Lot 12, of Block 368 of the Revised Plat (of 1903) of the City of Muskegon, Muskegon County, Michigan.

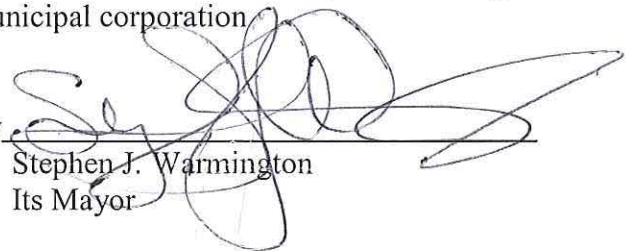
AND WHEREAS, Landlord and Tenant desire to terminate the Lease with respect to Parcel B.

NOW THEREFORE, For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant agree that effective as of the date of this Partial Termination of Lease Agreement, the Lease shall terminate with respect to Parcel B. Except as modified by this Partial Termination of Lease Agreement, the Lease is ratified and affirmed and shall continue in full force and effect.

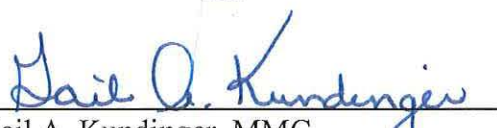
+ Robert J. Rose
Robert J. Rose, Bishop of the Roman
Catholic Diocese of Grand Rapids,
Michigan

Landlord

CITY OF MUSKEGON, a Michigan
municipal corporation

By 
Stephen J. Warmington
Its Mayor

And

By 
Gail A. Kunding, MMC
Its Clerk

Tenant

STATE OF MICHIGAN)
)ss:
COUNTY OF KENT)

The foregoing instrument was acknowledged before me this 27th day of May,
2003, by Robert J. Rose, Bishop of the Roman Catholic Diocese of Grand Rapids, Michigan.


Notary Public, Kent County, Michigan
My commission expires: 7-5-06

JOAN M. BERRY
NOTARY PUBLIC KENT CO., MI
MY COMMISSION EXPIRES Jul 5, 2006

)

)

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-06

)

)

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-06

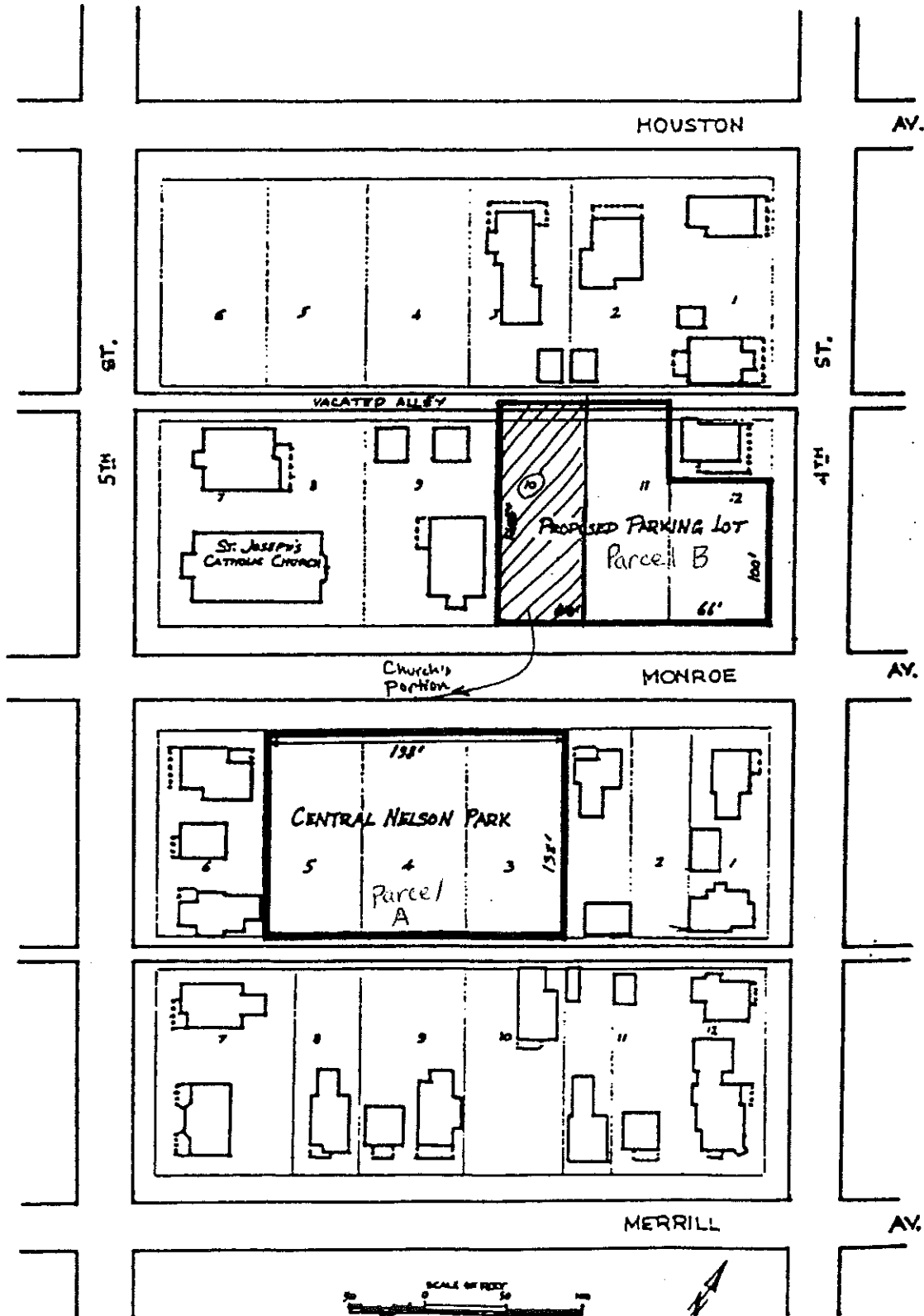
-3-

CITY OF MUSKEGON

CENTRAL NELSON PARK REHABILITATION PROJECT
SITE MAP

PROPOSED IMPROVEMENTS

(Design To Be Coordinated With Neighborhood
Groups And Residents)



2003.45a)

Commission Meeting Date: May 27, 2003

Date: May 14, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
**RE: Public Hearing - Request for the Establishment of an
Industrial Development District – Graphics Unlimited**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Graphics Unlimited, 2304 Olthoff Drive, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 2304 Olthoff Drive, Muskegon, Michigan.

FINANCIAL IMPACT:

None until an Industrial Facilities Exemption Certificate is issued.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing the Industrial Development District for Graphics Unlimited.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING REQUEST
FOR ESTABLISHMENT OF INDUSTRIAL DEVELOPMENT DISTRICT
*Graphics Unlimited***

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to establish an "Industrial Development District" within the City of Muskegon; and

WHEREAS, Graphics Unlimited, 2304 Olthoff Drive, Muskegon, Michigan, has requested the City of Muskegon to establish an Industrial Development District on property located at 2304 Olthoff Drive, Muskegon, hereinafter described; and

WHEREAS, Graphics Unlimited presently operations a production facility within the Industrial Development District; and

WHEREAS, construction, acquisition, alterations, or installation of proposed machinery and equipment has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the Muskegon Chronicle and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, a public hearing on the establishment of an Industrial Development District was held on May 27, 2003, at the regular City Commission meeting at the Muskegon City Hall at which time all of the owners of real property within the proposed district, all residents and taxpayers of the City of Muskegon, and the affected taxing jurisdictions were afforded an opportunity to be heard thereon.

NOW THEREFORE BE IT RESOLVED THAT, the Muskegon City Commission deems it to be in the best interest of the City of Muskegon that the following described land situated in the City of Muskegon, Muskegon County, and the State of Michigan, to wit:

CITY OF MUSKEGON PORT CITY INDUSTRIAL CENTER 4 LOT 41

Be and here established as an Industrial Development District pursuant to the provisions of Act 198 of the Public Acts of 1974 to be known as **Graphics Unlimited Development District No. _____**

BE IT FURTHER RESOLVED that the Industrial Development District will be rescinded following the completion of capital acquisition and/or improvement activities.

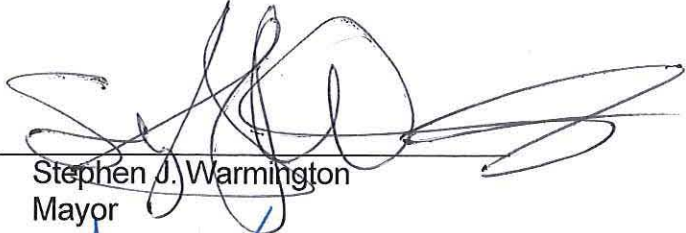
Resolution declared adopted.

Ayes: 7

Nays: 0

Absent: 0

By:


Stephen J. Warmington
Mayor

Attest:


Gail Kunderger
Clerk, MMC

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on May 27, 2003.


Gail Kunderger
Clerk, MMC

2003-45 b)

Commission Meeting Date: May 27, 2003

Date: May 20, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Public Hearing for Amendment to Brownfield
Plan- Verplank Dock Co.

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting an amendment for the Brownfield Plan. The amendment is for the inclusion of property owned by Verplank Dock Co., located at 205 E. Western Avenue, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendment, although the expansion of the current Verplank Dock Co. to the new site will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for May 27, 2003, at their April 22, 2003 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on April 15, 2003 and further recommends that the Muskegon City Commission approve the Plan amendment.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN AMENDMENT

Original Plan Approved by the Board of the City of Muskegon Brownfield
Redevelopment Authority on February 23, 1998.

Original Plan Approved by the City Commission of the City of Muskegon on
April 14, 1998.

Amended by the Board of the City of Muskegon Brownfield Redevelopment
Authority on August 10, 1998

Amended by the City Commission of the City of Muskegon on August 11, 1998

Amended by the Board of the City of Muskegon Brownfield Redevelopment
Authority on April 15, 2003.

Amended by the City Commission of the City of Muskegon on

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

INDEX

I. INTRODUCTION

II. GENERAL PROVISIONS

- A. Costs of the Brownfield Plan
- B. Maximum Amount of Indebtedness
- C. Duration of the Brownfield Plan
- D. Displacement/Relocation of Individuals on
Eligible Properties
- E. Local Site Remediation Revolving Fund

III. SITE SPECIFIC PROVISIONS

- A. Kirksey/Anaconda Property (Approved 4/14/98)
- B. Dilesco Corporation Property (Approved 8/11/98)
- C. Verplank Dock Company (Approved _____)

I. INTRODUCTION

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

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

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

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

II. GENERAL PROVISIONS

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

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

The Authority intends to pay for administrative costs and all of the things necessary or convenient to achieve the objectives and purposes of the Authority including, but not limited to:

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

with any eligible tax increment revenues collected pursuant to the Plan. However, at this time, there are no properties included in this plan that will utilize tax increment financing and therefore there are currently no tax increment revenues to pay for these costs. As noted above, most costs related to the preparation of Plan amendments are borne by the person requesting inclusion of a project within the Plan.

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

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

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

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

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

At this time, *eligible properties* identified in this Plan do not contain residences, nor are there any current plans or intentions by the City for identifying *eligible properties* that will require the relocation of residences. Therefore the provisions of Section 13(1)(i-l) are not applicable at this time.

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

At the time this Plan includes a property for which taxes will be captured through the increment financing authority provided by Act 381, it is the Authority's intent to establish a Local Site Remediation Revolving Fund ("Fund"). The Fund will consist of tax increment revenues that exceed the costs of eligible activities incurred on an eligible property, as specified in Section 13(5) of Act 381. Section 13(5) authorizes the capture of tax increment revenue from an eligible property for up to 5 years after the time that capture is required for the purposes of paying the costs of eligible activities identified in the Plan. It is the intention of the Authority to continue to capture tax increment revenues for 5 years after eligible activities are funded from those properties identified for tax capture in the Plan. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for eligible activities under this Plan. It may also include funds appropriated or otherwise made available from public or private sources.

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

City of Muskegon Brownfield Plan Amendment
April 2003

Authority in facilitating redevelopment of brownfield properties by providing another source of financing for necessary eligible activities.

III. SITE SPECIFIC PROVISIONS

C. Verplank Dock Company

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

Verplank Dock Company is located at 205 E. Western Avenue, Muskegon, Michigan ("Verplank Property"). A Legal Description and map of the Verplank Property is included in Attachment C-1. The Verplank Dock Company recently acquired this 53-acre property, which was formerly used by Consumers Energy as a fly ash disposal site. A Baseline Environmental Assessment, conducted pursuant to Part 201 of Michigan's Natural Resources and Environmental Protection Act, was completed for the property on December 8, 1999. The BEA and an accompanying Section 7a (Due Care) Compliance Analysis was affirmed by the Michigan Department of Environmental Quality on January 3, 2000.

The BEA concludes that the property is a "facility" pursuant to Part 201, and is therefore an *eligible property* pursuant to Act 381. This *eligible property* includes all personal property.

Verplank Dock Company intends to construct a commercial ship canal and loading dock for the delivery and storage of aggregate. The canal will be approximately 30 feet deep and material excavated from the canal will be placed on-site to raise and even elevation. The fly ash from the surface of the excavation will be capped by clean soils as well as by six inches of aggregate. Verplank Dock also plans to construct an office and scale on the northwest portion of the property.

Current plans are to initiate pre-construction activities upon approval of this Plan, with completion in approximately 2 years. Verplank Dock Company has represented that the estimated total capital investment for the project is \$6 million. Two jobs are likely to be transferred to the new dock and an estimated two new jobs created.

Eligible Activities, Financing, Cost of Plan (Sec. 31(1)(a),(b),(c),(d),(g))

Eligible activities that have been conducted on the property include preparation of a Baseline Environmental Assessment and Section 7a (Due Care) Compliance Analysis. Future eligible activities would likely be related to Due Care response activities. The property owner is funding these costs, therefore there are no eligible costs being financed with tax increment revenues. As such,

*City of Muskegon Brownfield Plan Amendment
April 2003*

there are no costs to the City of Muskegon or its taxing jurisdictions as a result of the Verplank property being included in this Plan.

Single Business Tax Credit

The Verplank Property is included in the Plan to enable "qualified taxpayers" as defined by Act 228 of 1975, as amended, to avail themselves of eligibility for a credit against their Michigan single business tax liability for "eligible investments" as defined by P.A. 228. "Eligible investments" include demolition, construction, restoration, alteration, renovation, or improvement of buildings or site improvements on eligible property and the addition of machinery, equipment, and fixtures to *eligible property* after the effective date of this Plan Amendment.

Effective Date of Inclusion in Brownfield Plan

The Verplank Property was added to this Plan on _____2003.

ATTACHMENT C-1

12/18/02 18:13 5177543804
12/18/2002 14:24 10100421000

AKT PEERLESS

JACKSON OFFICE

008/008

PROPERTY TAX DIVISION
P.O. BOX 538
MUSKEGON, MI 49443-0538

2002 Winter Tax for Property Number: 81-24-117-300-0004-

Make check payable to: City of Muskegon

Total Amount Due: \$22,345

Amount Remitted:

Property Addr: 205 E WESTERN AVE

To:

***** AUTOCR**8001
VERPLANK DOCK CO
PO BOX 8
FERRYSBURG, MI 49409-0008

CITY OF MUSKEGON
PROPERTY TAX DIVISION
PO BOX 1825
TROY, MI 48069-1825

Please detach along perforation. Keep bottom portion.

CITY OF MUSKEGON -- 2002 WINTER TAX BILL

MESSAGE TO TAXPAYER

TAXES ARE PAYABLE AT THE MUSKEGON CITY HALL.
8:30 AM - 5:00 PM, MON - FRI. OUR PHONE NUMBER
IS 231-724-6720. CHECKS MUST CLEAR OR RECEIPT
IS VOID. MAKE CHECKS PAYABLE TO "CITY OF MUSKEGON".
TAX IS PAYABLE FEBRUARY 14, 2003. AFTER FEBRUARY 14,
A PENALTY OF 3% WILL BE ADDED. MARCH 1, 2003 &
AFTER, THE REAL ESTATE PROPERTY TAX IS PAYABLE TO
THE MUSKEGON COUNTY TREASURER WITH A 4% PENALTY
PLUS 1% INTEREST PER MONTH UNTIL PAID.

PROPERTY INFORMATION

Property Assessed To: VERPLANK DOCK CO
PO BOX 8
FERRYSBURG, MI 49409

Property # 81-24-117-300-0004-00 School Dist: B1010
Property Addr: 205 E WESTERN AVE
Legal Description:

A PARCEL OF LAND IN SW 1/4 OF SEC 17, SE
1/4 SEC 18, NE 1/4 SEC 19 AND NW 1/4
SEC 20, T10N R10W, INCL ALL OF BLK 547,
ALL BLK 548, AND A PART OF BLKS 549 &
551, MORE PARTICULARLY DESC AS: COM AT P
T WHERE C/L OF GIDDINGS AVE INT E LINE
OF OTTAWA ST TH WLY ALG SD C/L OF GIDDIN
GS AVE EXT TO WLY LINE OF WESTERN AVE
TH N 22 DEG 50 MIN E ALG SD WLY LINE 50
FT TH N 67 DEG 10 MIN W 200 FT TO POB TH
N 10 DEG E 800 FT TO PT A TH CONT N 10 D
EG E 2305.33 FT TO BANK OF MUSKEGON
RIVER, TH CONT N 10 DEG E TO THREAD OF R
IVER TH WLY AND SWLY ALG SD THREAD TO
ELY SHORE OF MUSKEGON LAKE EXT TH SLY AL
G SD SHORE TO A P N 80 DEG W OF PT A TH
S 80 DEG E 1288.21 FT TH S 10 DEG W 600
FT TH S 80 DEG E 110 FT TO POB. EXC THAT
PART TAKEN FOR LAKE SHORE TRAIL BIKE PATH
DESC AS: THAT PT OF SEC 17 & 20, T10N

OPERATING FISCAL YEARS

The taxes on bill will be used for governmental

operations for the following fiscal year(s):

County: 10/01/2002 - 09/30/2003

Twn/Cty: 01/01/2003 - 12/31/2003

School: 07/01/2002 - 06/30/2003

City: 01/01/2002 - 12/31/2003

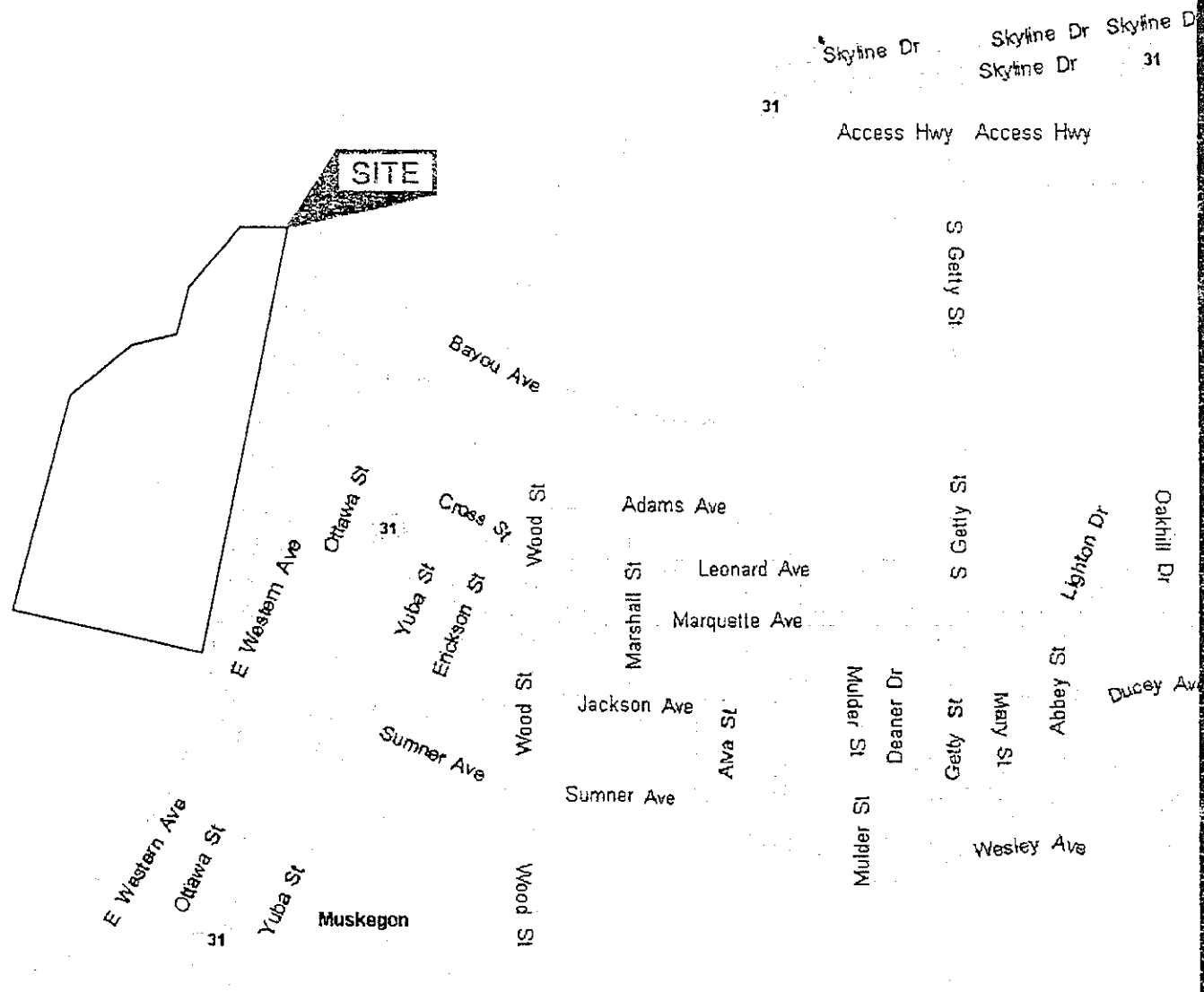
TAX DETAIL

Taxable Value: \$384,803 Class: 202
State Equalized Value: \$1,320,800 Mort Code:

DESCRIPTION	MILLAGE	AMOUNT
COUNTY	8.88840	3513.8
M.A.I.S.D.	3.75880	1484.3
CITY	10.07880	3978.0
MACKLEY LIBRARY	2.40000	947.8
STATE EDUCATION	5.00000	2388.8
MPS OPERATIONS	18.00000	7106.4
MPS DEBT	7.00000	2783.5

Muskegon

Muskegon State Game Area



PROPERTY LOCATION MAP

VERPLANK DOCK COMPANY

205 E. WESTERN AVENUE
MUSKEGON, MICHIGAN
PROJECT NUMBER : 3878J

LEGEND

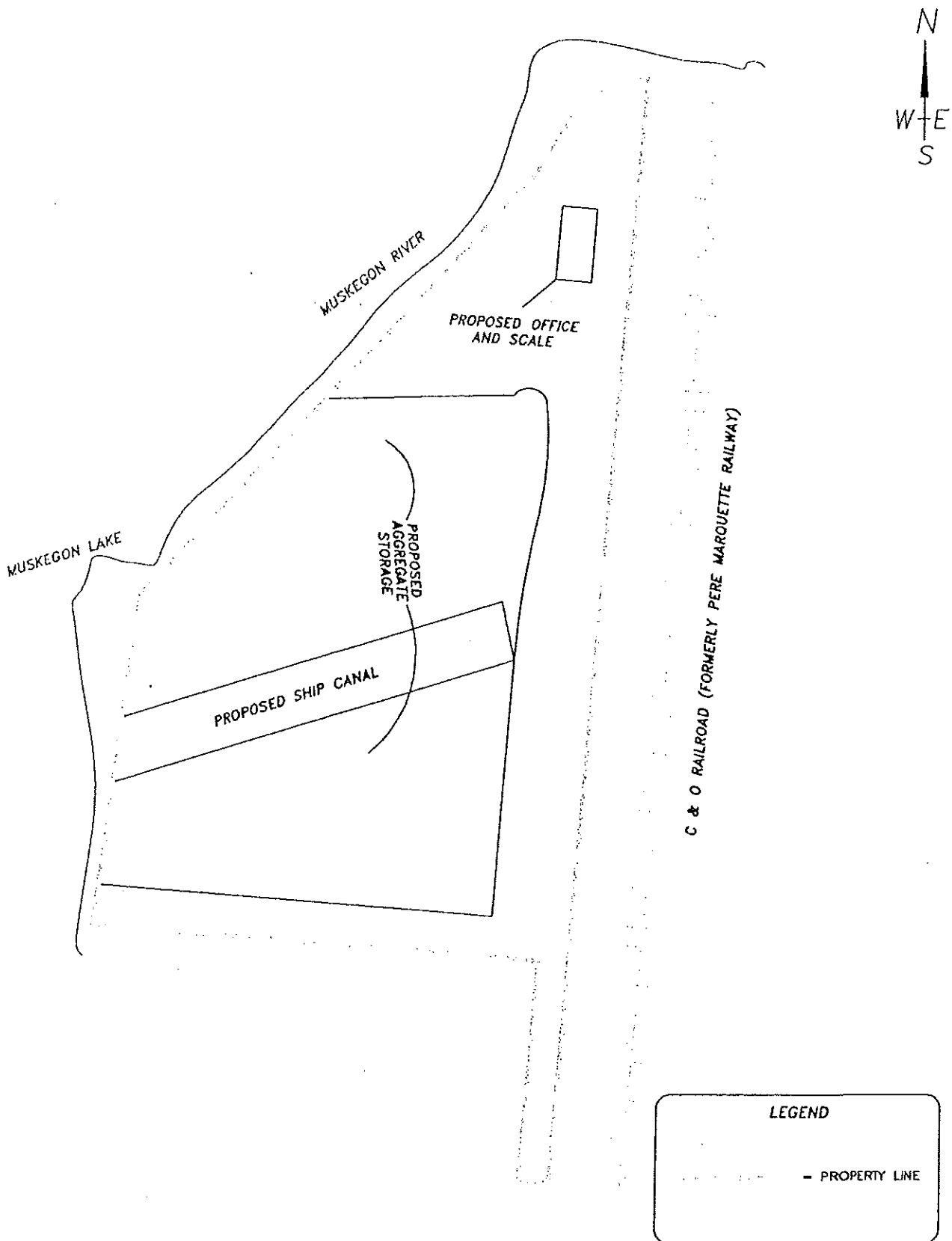


DRAWN BY: JJB
DATE: 03-24-03

FIGURE 1

AKTPEERLESS
environmental services

105 E. Michigan Ave., P.O. Box 655, Jackson, MI 49204
Phone: (517)787-3393 Fax: (517)787-4508



NOTE: Proposed Site Use Map derived from Abonmarchie Environmental, Inc.

AKTPEERLESS
environmental services

105 E. Michigan Ave., P.O. Box 655, Jackson, MI 48204
Phone: (517)787-3393 Fax: (517)787-4508

PROPOSED SITE USE
VERPLANK DOCK COMPANY

205 E. WESTERN AVENUE
MUSKEGON, MICHIGAN
PROJECT NUMBER : 3878J

DRAWN BY: JJB
DATE: 03-24-03

0 200 400
SCALE: 1" = 400'±

FIGURE 2

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

RESOLUTION APPROVING BROWNFIELD PLAN AMENDMENT

Minutes of a regular meeting of the Board of the City of Muskegon Brownfield Redevelopment Authority, County of Muskegon, State of Michigan, held in the City Hall Conference Room 103 on the 15th day of April, 2003, at 4 o'clock p.m., prevailing Eastern Time.

PRESENT: Members: B. Mazade, C. Sawyer, K. Cierpial, R. Taylor, B. Bifoss, M. Plichta, M. Bottomley.

ABSENT: Members: E. Fethke, K. Jackson, W. Stone, L. Wood.

The following preamble and resolution were offered by Member R. Taylor and supported by Member C. Sawyer:

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

WHEREAS, the Authority is authorized to approve an amendment to the Brownfield Plan and recommends the amendment that adds the Verplank property to the Plan for approval to the City of Muskegon, County of Muskegon, State of Michigan (the "City").

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Approval of Brownfield Plan. The Board hereby adopts and approves the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment by the Muskegon City Commission.
2. Public Hearing. The Board hereby requests the Muskegon City Commission to provide a notice of Public Hearing on the proposed Brownfield Plan Amendment, and further requests that such hearing notice be provided to all taxing jurisdictions. Notice of the time and place

of the hearing shall be given by publication twice, the first of which shall be not less than 20 or more than 40 days before the date set for the hearing.

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

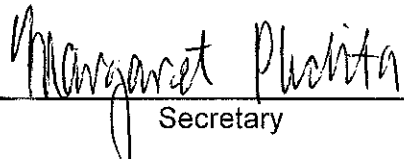
4. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the Authority assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield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

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

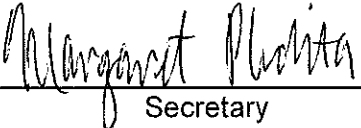
AYES: B. Mazade, C. Sawyer, K. Cierpial, R. Taylor, B. Bifoss, M. Plichta, M. Bottomley.

NAYS: None.

RESOLUTION DECLARED ADOPTED.


Secretary

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of the City of Muskegon Brownfield Redevelopment Authority, County of Muskegon, State of Michigan, at a regular meeting held on April 15, 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Secretary

The logo for Consumers Energy, featuring the company name in a bold, sans-serif font, with a stylized swoosh or arc above the text.

A CMS Energy Company

B. C. Cobb Plant
151 North Causeway
Muskegon, MI 49445

Tel: 231 727 6100
Fax: 231 727 6251

May 22, 2003

The Muskegon Planning Commission
C/O Ms. Brenda Moore
Muskegon City Hall
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Planning Commissioners:

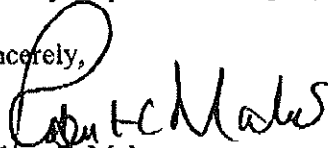
On behalf of Consumers Energy Co. and the B.C. Cobb Generating Plant, I am writing in support of Verplank Dock Co.'s request for brownfield designation for its property along Muskegon Lake immediately to the south of our complex.

Verplank's planned development of this site is in keeping with the city's "Port Node" designation which we have supported since its inception several years ago and compliments other uses on this end of the lake as envisioned by the City's Waterfront Redevelopment Plan.

The state's Brownfield Redevelopment Act is a strong economic development tool to encourage reuse of urban properties. I strongly encourage the Planning Commission to act favorably upon Verplank Dock Co.'s request.

Our Plant Communications Director, Roger Morgenstern, will represent the Company at the May 27 public hearing if you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert C. Malec".

Robert C. Malec
Plant Business Manager

CC
Roger Morgenstern, B.C. Cobb
Joseph Burns, Verplank Dock Co.
File

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 27th day of May, 2003, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Mayor Warmington, Vice Mayor Buie, Commissioners; Gawron, Larson

Schweifler, Shepherd, Spataro

ABSENT: Members

The following preamble and resolution were offered by Member Spataro and supported by Member Buie:

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment; and

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

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan, as required by Act 381; and

WHEREAS, not less than 20 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on May 27, 2003.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Where used in this Resolution the terms set forth below shall have the following meaning unless the context clearly requires otherwise:

"Eligible Property" means the property designated in the Brownfield Plan as the Eligible Property, as described in Act 381.

"Brownfield Plan" means the Brownfield Plan prepared by the Authority, as transmitted to the City Clerk by the Authority for approval, copies of which Brownfield Plan are on file in the office of the City Clerk.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on the Eligible Property.

2. Public Purpose. The City Commission hereby determines that the Brownfield 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 promote the revitalization of eligible properties in the City to proceed with the Brownfield Plan Amendment.

4. Review Considerations. As required by Act 381, the City Commission has, in reviewing the Brownfield Plan Amendment, taken into consideration whether the Brownfield Plan Amendment meets the requirements set forth in Section 13 of Act 381.
5. Approval and Adoption of Brownfield Plan Amendment. The Brownfield Plan Amendment as submitted by the Authority is hereby approved and adopted. A copy of the Brownfield Plan and all amendments thereto shall be maintained on file in the City Clerk's office.
6. No Capture of Tax Increment Revenues by Authority. The Authority shall not capture Tax Increment Revenues on the Eligible Property, as described in the Brownfield Plan Amendment.
7. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the City assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendment. The City makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan.
8. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

Buie, Gawron, Schweifler, Shepherd, Spataro

NAYS:

Members Larson, Warmington

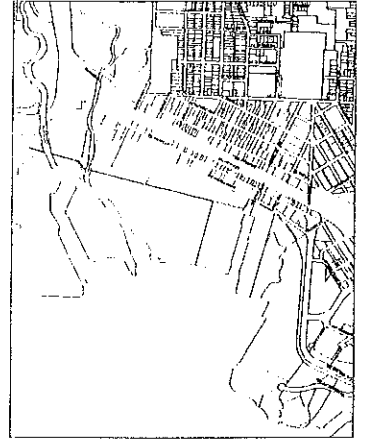
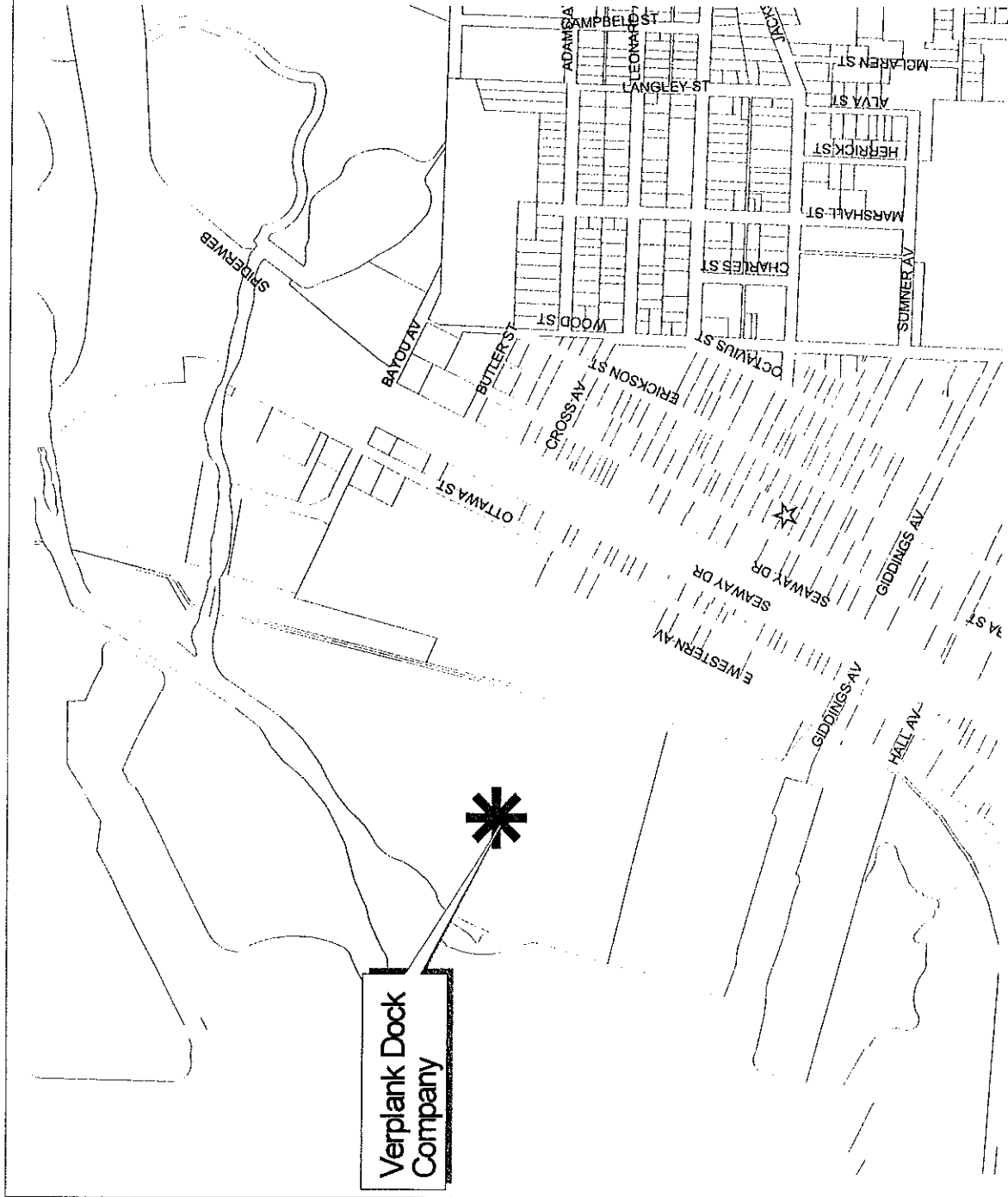
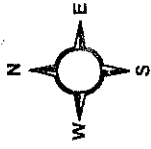
RESOLUTION DECLARED ADOPTED.


Gail A. Kunderinger, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on May 27, 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Gail A. Kunderinger, City Clerk

Property Location Map 205 E. Western Avenue



Verplank Dock
Company

2003-46a)

Commission Meeting Date: May 27, 2003

Date: May 20, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for various properties to the 'MC' Medical Care zoning district

SUMMARY OF REQUEST:

Request to rezone many of the properties located on or near the three hospital campuses within the city from various zoning designations to the new "MC" Medical Care zoning district.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff originally proposed a larger area for rezoning around the Hackley Hospital area, which included the block bounded by Larch, Leahy, Laketon and Hoyt, the block bounded by Larch, Clinton, Laketon and Peck, and several properties south of Laketon Ave.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/15 meeting, with several changes. They voted to approve the properties on or near the Hackley Hospital campus as proposed by staff, with the exception of all properties currently zoned R-1 (block bounded by Larch, Leahy, Laketon and Hoyt, and properties south of Laketon Ave.). That motion passed, with T. Harryman and T. Michalski voting nay. They voted then to exclude all properties from the block bounded by Larch, Clinton, Laketon and Peck which are not owned by Hackley Hospital. That motion passed with B. Mazade, L. Spataro and P. Sartorius voting nay. They voted to approve the properties on or near the Mercy-General Health Partners Sherman Campus as proposed by staff, with the exception of Dr. Kakaty's office at 2525 Roberts S. That motion passed unanimously. They voted to approve the properties on or near the Mercy-General Health Partners Oak Campus as proposed by staff. That motion passed unanimously.

Consumers Energy*A CMS Energy Company**B. C. Cobb Plant
151 North Causeway
Muskegon, MI 49445**Tel: 231 727 6100
Fax: 231 727 6251*

May 22, 2003

The Muskegon Planning Commission
C/O Ms. Brenda Moore
Muskegon City Hall
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Planning Commissioners:

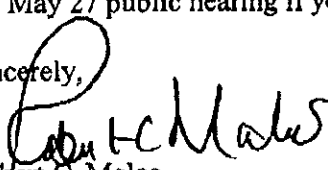
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Verplank's planned development of this site is in keeping with the city's "Port Node" designation which we have supported since its inception several years ago and compliments other uses on this end of the lake as envisioned by the City's Waterfront Redevelopment Plan.

The state's Brownfield Redevelopment Act is a strong economic development tool to encourage reuse of urban properties. I strongly encourage the Planning Commission to act favorably upon Verplank Dock Co.'s request.

Our Plant Communications Director, Roger Morgenstern, will represent the Company at the May 27 public hearing if you have any questions regarding this matter.

Sincerely,



Robert C. Malec
Plant Business Manager

CC
Roger Morgenstern, B.C. Cobb
Joseph Burns, Verplank Dock Co.
File