

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 22, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION: Introduction of Mike Franzak, Planner II
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Resolution for Millionaire Party License. CITY CLERK
 - C. Official Termination of Consideration of Fisherman's Landing Land Swap Proposal. FINANCE
 - D. FIRST READING: Ordinance Amendment – Control and Restraint of Animals. CITY MANAGER
 - E. 2007-2008 Michigan Municipal League (MML) Membership. CITY MANAGER
 - F. Use of Grant Funds Agreement – Weed & Seed. PUBLIC SAFETY
 - G. Memorandum of Understanding – Justice Assistance Grant. PUBLIC SAFETY
 - H. Set Public Hearing for Amendment to Brownfield Plan – Sidock Properties, LLC. PLANNING & ECONOMIC DEVELOPMENT
 - I. FIRST READING: Rezoning Request for Properties Located Within the H, Heritage District. PLANNING & ECONOMIC DEVELOPMENT
 - J. FIRST READING: Amendment to the Zoning Ordinance – Remove H, Heritage District Language. PLANNING & ECONOMIC DEVELOPMENT
 - K. FIRST READING: Amendment to the Zoning Ordinance – B-3, Central Business, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT

L. FIRST READING: Amendment to the Zoning Ordinance – R-1, One Family Residential Districts, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT

M. FIRST READING: Amendment to the Zoning Ordinance – B-3, Central Business District. PLANNING & ECONOMIC DEVELOPMENT

N. FIRST READING: Amendment to the Zoning Ordinance – Permitted Signs. PLANNING & ECONOMIC DEVELOPMENT

O. FIRST READING: Amendment to the Zoning Ordinance – Residential Parking Requirements Downtown. PLANNING & ECONOMIC DEVELOPMENT

❑ PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – Re-Source Industries. PLANNING & ECONOMIC DEVELOPMENT

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

A. FIRST READING: Ordinance Amendment - Vehicles for Hire. CITY CLERK

B. Building Permit Moratorium - Subsidized Housing. COMMISSIONERS DAVIS & WIERENGO

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

500 Amity – Area 11

856 Fork – Area 11

318 Merrill – Area 10

790 Terrace

1178 Chestnut – Area 13

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ ADJOURNMENT:

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

Date: May 22, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the May 7th Commission Worksession, and the May 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 22, 2007

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 5:30 p.m., Tuesday, May 22, 2007.

Mayor Warmington opened the meeting with a prayer from Dr. Gordon Aikin, from the Central Assembly of God after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Kevin Davis, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker

INTRODUCTIONS/PRESENTATION: Introduction of Mike Franzak, Planner II

2007-41 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the May 7th Commission Worksession, and the May 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. Official Termination of Consideration of Fisherman's Landing Land Swap Proposal. FINANCE

SUMMARY OF REQUEST: Discussion of the Fisherman's Landing "land-swap" idea has not been active for several years. However, formal action to terminate consideration of the idea has not been taken and there is some indication that state grant officials are uncertain of the City's direction in this regard. To clarify matters for the state, it is recommended the City Commission officially terminate consideration of the Fisherman's Landing land swap proposal and authorize staff to send a letter to the Michigan Department of Natural Resources.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to send a letter to the Michigan Department of Natural Resources.

F. Use of Grant Funds Agreement – Weed & Seed. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director to enter into a Use of Grant Funds Agreement with the Muskegon/Muskegon Heights Weed and Seed Corporation. This agreement will designate services that the Muskegon Police Department will provide as a member of this collaborative effort. This agreement will be administered within the provisions of the policies and procedures set forth by the Weed and Seed Steering Committee and the United States Department of Justice.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

G. Memorandum of Understanding – Justice Assistance Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2006 Justice Assistance Grant. The money in this grant is shared by the three entities. The \$75,564 in this grant will allow for the continuation of the community prosecution program.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

H. Set Public Hearing for Amendment to Brownfield Plan – Sidock Properties, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Sidock Properties, LLC, located at 379 W. Western Avenue, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a commercial

development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on May 15, 2007 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for June 12, 2007.

L. FIRST READING: Amendment to the Zoning Ordinance – R-1, One Family Residential Districts, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 401 (Special Land Uses Permitted) of Article IV (R-1, One Family Residential Districts) to allow bed and breakfast facilities as an additional special land use.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to allow bed and breakfast facilities as an additional special land use in the R-1 zoning district, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

M. FIRST READING: Amendment to the Zoning Ordinance – B-3, Central Business District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1200 (Principal Uses Permitted #1) of Article XII (B-3, Central Business District) to clarify allowed retail sales.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to clarify the allowed retail uses in the B-3 zoning district, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended

approval of the request at their May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

N. FIRST READING: Amendment to the Zoning Ordinance – Permitted Signs. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs, #8) of Article XXIII (General Provisions) to remove the reference to the Heritage District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to remove the reference to the Heritage District from the sign ordinance, with the condition that City Commission approves the H, Heritage District rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Motion by Commissioner Carter, second by Commissioner Davis to approve the Consent Agenda as read minus items B, D, E, I, J, K, and O.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2007-42 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Resolution for Millionaire Party License. CITY CLERK

SUMMARY OF REQUEST: Nutritional Services/Meals on Wheels is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Millionaire Party license. A Millionaire Party license is a Las Vegas style event where bets are placed using imitation money or chips in games associated with a gambling casino, such as Black Jack, roulette, or Texas Hold'em. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Davis to approve the resolution for a Millionaire Party License for Nutritional Services/Meals on Wheels.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

D. FIRST READING: Ordinance Amendment – Control and Restraint of Animals. CITY MANAGER

SUMMARY OF REQUEST: To amend Section 6-1 of the Code of Ordinances of the City of Muskegon to better define the requirement to restrain animals by their owners. The amendment now requires that all dogs and cats are on a leash no greater than six feet (6') in length.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposed ordinance amendment.

COMMITTEE RECOMMENDATION: This proposed change was recommended at the April, 2007 City Commission Worksession.

Motion by Commissioner Davis, second by Commissioner Carter to approve the ordinance amendment for control and restraint of animals.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

E. 2007-2008 Michigan Municipal League (MML) Membership. CITY MANAGER

SUMMARY OF REQUEST: To obtain authorization from the City Commission to remit MML annual membership dues of \$9,634, in accordance with City of Muskegon Purchasing Policies and Procedures governing expenditures exceeding \$8,000.

FINANCIAL IMPACT:	MML Membership Dues	\$7,896
	Environment Affairs Assessment	\$ 948
	Legal Defense Fund	\$ 790
	Total	\$9,634

BUDGET ACTION REQUIRED: None, expense will be applied to proper budget line items.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Davis, second by Commissioner Carter to approve the renewal membership with the Michigan Municipal League.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

O. FIRST READING: Amendment to the Zoning Ordinance – Residential Parking Requirements Downtown. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2326 (Off Street Parking, #12) of Article XXIII (General Provisions) to reduce the residential parking requirement in the Downtown Parking Overlay District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to reduce the residential parking requirement in the Downtown Parking Overlay District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the amendment to the Zoning Ordinance regarding residential parking requirements downtown.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Gawron, Shepherd, and Spataro

Nays: Davis

MOTION PASSES

Requires Second Reading

I. FIRST READING: Rezoning Request for Properties Located Within the H, Heritage District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone multiple properties located within the H, Heritage District (roughly bounded by Western Ave., Ninth St., Muskegon Ave., and Second St.).

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 May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Item I, J and K were voted on together.

J. FIRST READING: Amendment to the Zoning Ordinance – Remove H, Heritage District Language. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article XX (H, Heritage Districts) to remove the language from the Zoning Ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to remove the language for the H, Heritage Districts, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Item I, J and K were voted on together.

K. FIRST READING: Amendment to the Zoning Ordinance – B-3, Central Business, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1202 (Special Land Uses Permitted) of Article XII (B-3, Central Business District) to allow additional special land uses.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to allow additional special land uses in the B-3 zoning district, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 10th meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the rezoning request for properties located within the H, Heritage District; the amendment to the Zoning Ordinance to remove H, Heritage District Language; and the amendment to the Zoning Ordinance to the B-3, Central Business, Special Land Uses Permitted.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2007-43 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – Re-Source Industries. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Re-Source Industries, 1485 S. Getty, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1485 S. Getty, Muskegon. The total capital investment is approximately \$159,134 in personal property. This request qualifies Re-Source Industries for a six-year exemption for personal property. Re-Source Industries current workforce is 35.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of six years for personal property.

The Public Hearing opened to hear and consider any comments from the public.

Motion by Commissioner Shepherd, second by Commissioner Spataro to close the Public Hearing and approve the request for an Industrial Facilities Exemption Certificate for Re-Source Industries.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

2007-44 NEW BUSINESS:

A. FIRST READING: Ordinance Amendment - Vehicles for Hire. CITY CLERK

SUMMARY OF REQUEST: To repeal Chapter 102 of the Muskegon Code of Ordinances concerning Vehicles for Hire.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: The Commission recommended approval at the May 7th Worksession.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the ordinance amendment to repeal Chapter 102 of the Muskegon Code of Ordinances concerning Vehicles for Hire.

Motion by Commissioner Spataro, second by Commissioner Shepherd to table this item until the June 12th Commission Meeting.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION TO TABLE PASSES

B. Building Permit Moratorium - Subsidized Housing. COMMISSIONERS DAVIS & WIERENGO

SUMMARY OF REQUEST: To consider a moratorium on building permits for government-financed subsidized housing complexes in the City of Muskegon.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

Motion by Commissioner Davis, second by Commissioner Wierengo to approve the moratorium.

ROLL VOTE: Ayes: Davis, Shepherd

Nays: Carter, Gawron, Spataro, Warmington, and Wierengo

MOTION FAILS

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

500 Amity – Area 11 REMOVED PER STAFF REQUEST

856 Fork – Area 11

318 Merrill – Area 10

790 Terrace

1178 Chestnut – Area 13

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

FINANCIAL IMPACT: General Funds.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Shepherd, second by Commissioner Spataro to concur with the Housing Board of Appeals notice and order to demolish 318 Merrill, 856 Fork, and 1178 Chestnut.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 790 Terrace.

ROLL VOTE: Ayes: Gawron, Spataro, and Warmington

Nays: Wierengo, Carter, Davis, and Shepherd

MOTION FAILS

D. Travel Writers Visit - Special Event Request. CITY MANAGER

SUMMARY OF REQUEST: Muskegon has been selected for a visit by travel writers on June 9th. It is requested that they have an event at Pere Marquette Park and they would like to serve alcohol (beer and wine), which is prohibited in City parks unless approved by the City Commission.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the special event request.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Davis, Gawron, and Shepherd

Nays: None

Absent: Carter (stepped out of the room)

MOTION PASSES

ANY OTHER BUSINESS:

Commissioner Shepherd thanked City Manager Bryon Mazade for his work on the Muskegon Summer Celebration Board.

Commissioner Davis attended the West Michigan Shoreline Regional Meeting in Baldwin. He also encouraged everyone to be an organ donor.

PUBLIC PARTICIPATION: Various comments were heard from the public.

2007-45 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Spataro to go into Closed Session at 7:32 p.m.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Davis to go into Open Session at 7:55 p.m.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Vice Mayor Gawron to concur with the City Attorney's opinion.

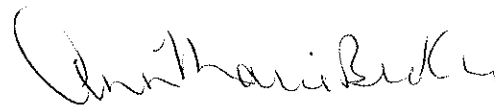
ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ann Marie Becker".

Ann Marie Becker, MMC
City Clerk

Date: May 22, 2007

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Official Termination of Consideration of Fisherman's Landing Land Swap Proposal

SUMMARY OF REQUEST: Discussion of the Fisherman's Landing "land-swap" idea has not been active for several years. However, formal action to terminate consideration of the idea has not been taken and there is some indication that state grant officials are uncertain of the City's direction in this regard. To clarify matters for the state, it is recommended the City Commission officially terminate consideration of the Fisherman's Landing land swap proposal and authorize staff to send the attached letter to the Michigan Department of Natural Resources.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to send the attached letter to the Michigan Department of Natural Resources

COMMITTEE RECOMMENDATION: None.

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
(231)724-6783
FAX (231)726-5617

City Manager
(231)724-6724
FAX (231)722-1214

Civil Service
(231)724-6716
FAX (231)724-4405

Clerk
(231)724-6705
FAX (231)724-4178

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

Engineering
(231)724-6707
FAX (231)727-6904

Finance
(231)724-6713
FAX (231)724-6768

Fire Department
(231)724-6792
FAX (231)724-6985

Income Tax
(231)724-6770
FAX (231)724-6768

Info. Technology
(231)724-4126
FAX (231)722-4301

Inspection Services
(231)724-6715
FAX (231)728-4371

Leisure Services
(231)724-6704
FAX (231)724-1196

Mayor's Office
(231)724-6701
FAX (231)722-1214

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

Police Department
(231)724-6750
FAX (231)722-5140

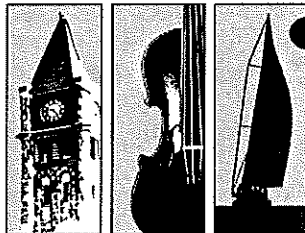
Public Works
(231)724-4100
FAX (231)722-4188

Treasurer
(231)724-6720
FAX (231)724-6768

Water Billing
(231)724-6718
FAX (231)724-6768

Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

May 23, 2007

Ms. Judy Chamberlain
Grant Analyst
Michigan Department of Natural Resources
PO Box 30425
Lansing, MI 48909-7925

Re: Fisherman's Landing

Dear Ms. Chamberlain:

Several years ago the City entertained a development proposal that called for the conversion of use of the City's Fisherman's Landing campground and recreational facility. I am writing to let you know that this concept is no longer being pursued and that the City Commission took official action to terminate consideration of the conversion proposal at their meeting on May 22, 2007.

Earlier this year, the City entered into a seven-year management agreement with Fisherman's Landing, Inc. for continued operation of the facility. It is the City's goal to see Fisherman's Landing be developed further as a camping and recreational fishing facility uniquely situated in the center of Muskegon. We request and encourage the state's continued participation in helping achieve this goal.

Thank you and should you have any questions please contact me at (231) 724-6724.

Regards,

Bryon L. Mazade
City Manager

Cc: City Commission
Fisherman's Landing, Inc.

Subj: **Fisherman's Landing**
Date: 3/1/07 8:11:19 AM Eastern Standard Time
From: chambej1@michigan.gov
To: TroutManJack@aol.com
Sent from the Internet (Details)

Mr. Harrington,
I work with the Department of Natural Resources' federal Land and Water Conservation Fund (LWCF) program. The LWCF is a federal grant program through the National Park Service. This program provided a grant to the City of Muskegon to develop Fisherman's Landing in 1976. I spoke with Tom Hamilton at a recent conference we both attended regarding this project. He sent me an article from the Muskegon Chronicle that states the operation of the site will be done by Fisherman's Landing, Inc. under a seven year agreement between the city and the organization.

Our office had been contacted a few years back regarding the possible sale of the property to a developer. This would have resulted in what we refer to as a conversion of use. When the city received the grant, they agreed to keep the property in public outdoor recreation in perpetuity.

In light of this agreement with Fisherman's Landing, Inc., has the city dropped the proposed sale of the land? If so, how would I get a copy of the agreement? Since there were federal funds used to develop this site, we will also need to send the agreement to the National Park Service for their review.

Thank you for your assistance. If you have any questions, please feel free to contact me.

Judy Chamberlain
Grant Analyst
Grants Management
Michigan Department of Natural Resources
P.O. Box 30425
Lansing, MI 48909-7925
(517) 373-9443
(517) 335-6813 fax
email: chambej1@michigan.gov

CITY COMMISSION MEETING
Tuesday, January May 22, 2007

TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker
Director of Public Safety
DATE: May 14, 2007
SUBJECT: Use of Grant Funds Agreement-Weed & Seed

SUMMARY OF REQUEST:

The Director of Public Safety requests that the Commission authorize the Director to enter into a Use of Grant Funds Agreement with the Muskegon/Muskegon Heights Weed and Seed Corporation. This agreement will designate services that the Muskegon Police Department will provide as a member of this collaborative effort. This agreement will be administered within the provisions of the policies and procedures set forth by the Weed and Seed Steering Committee and the United States Department of Justice.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of this request.

USE OF GRANT FUNDS AGREEMENT

THIS AGREEMENT is made effective on the 1st day of August, 2006 between **MUSKEGON/MUSKEGON HEIGHTS OPERATION WEED AND SEED** of Muskegon, Michigan ("Weed & Seed") and **THE MUSKEGON POLICE DEPARTMENT** of 980 Jefferson Street, Muskegon, MI 49440 the Muskegon Heights Police Department, 2715 Baker St **Muskegon Heights**, Michigan 49444 ("Police Departments").

Preliminary Statement

Weed & Seed is an organization, funded in majority by federal grants, whose purpose is to improve the lives of the residents and business owners in a community by working with local law enforcement to identify and correct problem areas in the community and to provide assistance to residents through the implementation of social programs. Weed & Seed has two target areas: one is located in Muskegon Heights and includes census tracts 12 and 13. The second target area is located in Muskegon and includes census tracts 2,3,4,5,6.01,6.02 and 7. ("Communities"). Residents, businesses, and community-based organizations identified several areas of concern in their neighborhoods. Foremost among these concerns are reducing loitering and juvenile crime, reducing recidivism rates of offenders.

Based upon the priorities identified, Weed & Seed submitted a grant proposal requesting federal funds to be used to assist the Police Department in addressing the law enforcement concerns of the Community. Weed & Seed was awarded a grant in the amount of Two Hundred Thousand Dollars (\$200,000.) Weed & Seed has agreed to designate Ninety Seven Thousand (\$97,000) for the Weed component implemented by the Police Departments for Fiscal Year 2006/07. This amount will be divided equality between Muskegon and Muskegon Heights.

The Police Departments and community proposed several initiatives geared toward addressing the residents' concerns. They include **Juvenile Crime, Recidivism, Increased Police Presence** (the "Initiatives"). The Weed & Seed grant monies will address the above initiatives and other areas that fall within the Department of Justice guidelines for grant monies as determined by the members of the Steering Committees. Weed & Seed and the Police Departments desire to document the terms under which the proceeds shall be applied towards the implementation of the Initiatives, in a manner that will comply with the federal restrictions on the use of grant proceeds.

Agreement

IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL COVENANTS OF THE PARTIES, THE PARTIES AGREE AS FOLLOWS:

1. **Monthly Report and Reimbursement from Grant Proceeds.** During each of the twelve (12) months following the execution of this Agreement the Police Departments shall provide Weed & Seed with a monthly report summarizing the steps taken towards accomplishing the Initiatives and detailing the costs incurred by the Police Departments in pursuit of the Initiatives (the "Monthly Report"). Weed & Seed shall review the Monthly

Report and shall reimburse the Police Departments for all costs, which, in Weed & Seed's discretion, are incurred in furtherance of the Initiatives as provided in this Agreement. All reimbursements shall be made from the grant proceeds, up to Ninety Seven Thousand Dollars (\$97,000) (the "Grant"). Weed & Seed shall make all reimbursement payments by check.

2. **Police Departments Initiatives.** The Police Department shall implement the Initiatives as designated in the Official Recognition and subsequent applications for funding to the Department of Justice.

3. **Use of Grant.** Use of the Grant monies shall be at the discretion of the Police Departments and Weed & Seed towards the accomplishment of the Initiatives, within the criteria established in this Agreement. The majority shall be used to bring officers into the Community on an overtime basis working towards accomplishment of the Initiatives. The Grant shall be expended by the Police Departments within the twelve (12) months following the date of this Agreement. Any monies that will not be expended in the twelve (12) month period will automatically revert to funds that are administered by Weed & Seed.

4. **Restrictions on Source of Police Department Manpower.** When possible, officers regularly assigned to the Service Areas with Weed & Seed sites shall be used for the overtime due to their familiarity with the area. Officers from other units such as Vice and the Detective Unit, as well as from the entire Police Departments, may be used during enforcement activities as deemed necessary by the Police Departments.

**MUSKEGON/MUSKEGON HEIGHTS WEED
AND SEED CORPORATION**

By _____

Its _____

**MUSKEGON AND MUSKEGON HEIGHTS
POLICE DEPARTMENTS**

By _____

By _____

CITY COMMISSION MEETING
Tuesday May 22, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: May 14, 2007

SUBJECT: Memorandum of Understanding-Justice Assistance Grant

SUMMARY OF REQUEST:

The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2006 Justice Assistance Grant. The money in this grant is shared by the three entities. The \$75,564 in this grant will allow for the continuation of the community prosecution program.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of this request.

GMS Application Number: 2007-F2672-MI - DJ

**2007 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
INTERLOCAL AGREEMENT BETWEEN
CITY OF MUSKEGON
AND
CITY OF MUSKEGON HEIGHTS
AND
COUNTY OF MUSKEGON**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program, through the Office of Justice Programs, has awarded Muskegon County, City of Muskegon and City of Muskegon Heights a joint award in the amount of \$75,564 to be utilized for law enforcement and justice initiatives targeting specific geographic areas within the City of Muskegon and the City of Muskegon Heights, Muskegon County, Michigan.

The Muskegon County Prosecutor's Office will submit an on-line application for the total joint award for continuation of the community prosecution program entitled Project Cornerstone II. The Muskegon County Prosecutor's Office will act as fiduciary for the coalition.

Interest/Intent Regarding JAG Award

I/we, the undersigned, hereby agree to direct our JAG allocation and be part of a coalition and request that these funds be awarded and expended for our benefit by the fiscal agent listed below:

Muskegon County Prosecutor's Office

this Agreement is made and entered into this _____ day of _____, 2007 by and between the County of Muskegon, City of Muskegon, City of Muskegon Heights and Muskegon County, Michigan.

For the City of Muskegon:

Tony Kleibecker, Chief of Police

Bryon Mazade, City Manager

For the City of Muskegon Heights

Clifton Johnson, Chief of Police

James Stibitz, Interim City Manager

For Muskegon County:

Tony Tague, Prosecuting Attorney

James Derezinski, Chairman of the
Board

Commission Meeting Date: May 22 2007

Date: May 14, 2007

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *CB*

**RE: Set Public Hearing for Amendment to Brownfield
Plan- Sidock Properties, LLC**

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Sidock Properties, LLC, located at 379 W. Western Avenue, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a commercial development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on May 15, 2007 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for June 12, 2007.

**RESOLUTION NOTIFYING TAXING UNITS
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY**

2007-41(h)

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 offices, on the 22nd day of May, 2007, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter.

ABSENT: None.

The following preamble and resolution were offered by Member Carter and supported by Member Davis:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include Sidock Properties, LLC on the DMDC site, and

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

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below].

2. A public hearing is hereby called on the 12th of June, 2007 at 5:30 p.m., prevailing Eastern Time, in the City Hall Commission Chambers to consider adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the

City, twice before the public hearing. The first publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON AN AMENDMENT TO THE MUSKEGON BROWNFIELD
PLAN, AS APPROVED BY THE CITY OF MUSKEGON BROWNFIELD
REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on June 12, 2007, at 5:30 p.m., prevailing Eastern Time in the City Hall Commission Chambers located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

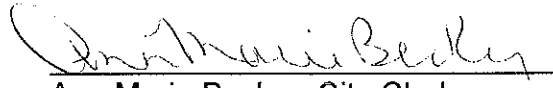
Sidock Properties, LLC
379 W. Western Avenue
Muskegon, Michigan

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.

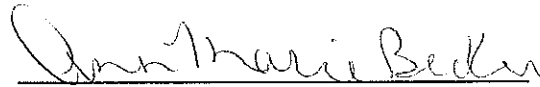

Ann Marie Becker, City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

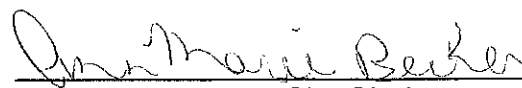
AYES: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

NAYS: None

RESOLUTION DECLARED ADOPTED.


Ann Marie Becker, 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 22, 2007, 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.


Ann Marie Becker, City Clerk

Commission Meeting Date: May 22, 2007

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *UBC*
RE: Amendment to the Zoning Ordinance – R-1, One Family Residential Districts, Special Land Uses Permitted

SUMMARY OF REQUEST:

Request to amend Section 401 (Special Land Uses Permitted) of Article IV (R-1, One Family Residential Districts) to allow bed and breakfast facilities as an additional special land use.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to allow bed and breakfast facilities as an additional special land use in the R-1 zoning district, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

May 10, 2007

Hearing; Case 2007-14: Staff initiated request to amend Section 401, (Special Land Uses Permitted), Article IV, (R-1, One Family Residential Districts) of the zoning ordinance to add bed and breakfast facilities as a special land use (in the Clay-Western and National Register historic districts) in an R-1 district, with conditions.

BACKGROUND

Similar to the previous case, the H, Heritage District, allows for bed and breakfast facilities with a special land use permit. There are some already existing in this area, and it seems to be a good use to be located near our downtown. Short of allowing them in all R-1 zoning districts, which could trigger a barrage of requests to Planning Commission, staff would recommend that they be allowed only in the Clay-Western and National Register historic districts. The same conditions presently imposed in the H district are recommended, except condition "a." was added.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

7. **Bed & Breakfast facilities, under the following conditions:**
- a. **The home must be located in the Clay-Western or National Register Historic District, as identified by the City of Muskegon Historic District Commission map.**
 - b. **The owner or operator of the tourist home shall live full-time on the premises.**
 - c. **No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.**
 - d. **Breakfast may be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.**
 - e. **No long-term rental of rooms for more than fourteen (14) consecutive**

days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.

- f. There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.**
- g. Signage shall conform to that which is permitted for home occupation businesses only.**
- h. Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.**
- i. The property shall meet all local and state code requirements regarding bed and breakfast facilities.**

DELIBERATION

I move that the amendment to Section 401, (Special Land Uses Permitted), of Article IV, R-1, One Family Residential Districts, of the City of Muskegon Zoning Ordinance to allow bed and breakfast facilities under certain conditions, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2219

An ordinance to amend Section 401 (Special Land Uses Permitted) of Article IV (R-1, One Family Residential Districts), to allow bed and breakfast facilities as an additional special land use.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 401 (Special Land Uses Permitted) of Article IV (R-1, One Family Residential Districts) is amended to allow bed and breakfast facilities as an additional special land use, as follows:

7. **Bed & Breakfast facilities, under the following conditions:**
 - a. **The home must be located in the Clay-Western or National Register Historic District, as identified by the City of Muskegon Historic District Commission map.**
 - b. **The owner or operator of the tourist home shall live full-time on the premises.**
 - c. **No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.**
 - d. **Breakfast may be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.**
 - e. **No long-term rental of rooms for more than fourteen (14) consecutive days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.**
 - f. **There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.**
 - g. **Signage shall conform to that which is permitted for home occupation businesses only.**
 - h. **Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.**

- i. **The property shall meet all local and state code requirements regarding bed and breakfast facilities.**

This ordinance adopted:

Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro,
and Warmington

Nayes: None

Adoption Date: May 22, 2007

Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

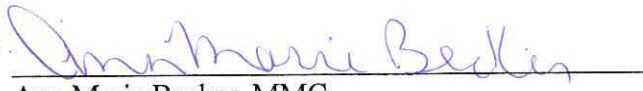
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 401 (Special Land Uses Permitted) of Article IV (R-1, One Family Residential Districts) adding language to allow bed and breakfast facilities as an additional special land use in the R-1, One Family Residential Districts.

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 May 30, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 22, 2007

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Amendment to the Zoning Ordinance – B -3, Central Business District

SUMMARY OF REQUEST:

Request to amend Section 1200 (Principal Uses Permitted #1) of Article XII (B-3, Central Business District) to clarify allowed retail sales.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to clarify the allowed retail uses in the B-3 zoning district, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

May 10, 2007

Hearing; Case 2007-15: Staff initiated request to amend Section 1200, (Principal Uses Permitted #1), of Article XII, (B-3. Central Business District), of the zoning ordinance to clarify allowed retail sales.

BACKGROUND

A question was raised to staff as to whether the sale of “merchandise” included “commodities”. Since other sections of the ordinance (B-1, ad B-2), call out “commodities”, staff felt it might be prudent to clarify the B-3 language so the intent of this section of the ordinance is clear, and make the language more consistent with other Business zonings. The intent of the B-3 district is “to create a shopping, living, cultural, governmental, office, heritage and institutional focal point for the City of Muskegon and Muskegon area”.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

1. Retail sales of new merchandise **and commodities**, provided that all sales are made from a completely enclosed building except that this section shall not prohibit the sales of antique collector items, this section shall prohibit the operation of a store whose primary sales are previously used products, except as further regulated.

DELIBERATION

I move that the amendment to Section 1200 (Principal Uses Permitted, #1), of Article XII, B-3, Central Business District, of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2220

An ordinance to amend Section 1200 (Principal Uses Permitted, #1) of Article XII (B-3, Central Business District), to clarify allowed retail sales.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1200 (Principal Uses Permitted, #1) of Article XII (B-3, Central Business District) is amended to clarify allowed retail sales, as follows:

1. Retail sales of new merchandise **and commodities**, provided that all sales are made from a completely enclosed building except that this section shall not prohibit the sales of antique collector items, this section shall prohibit the operation of a store whose primary sales are previously used products, except as further regulated.

This ordinance adopted:

Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro,
and Warmington

Nays: None

Adoption Date: May 22, 2007

Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

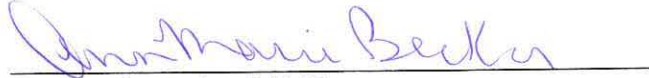
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007.



Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1200 (Principal Uses Permitted, #1) of Article XII (B-3, Central Business District) clarifying allowed retail sales.

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 May 30, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 22, 2007

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Permitted Signs

SUMMARY OF REQUEST:

Request to amend Section 2334 (Signs, #8) of Article XXIII (General Provisions) to remove the reference to the Heritage District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to remove the reference to the Heritage District from the sign ordinance, with the condition that City Commission approves the H, Heritage District rezoning.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

May 10, 2007

Hearing; Case 2007-16: Staff initiated request to amend Section 2334, (Signs, #8) of Article XXIII, General Provisions, to remove H, Heritage, zoning from “Permitted Signs” in the sign ordinance.

BACKGROUND

If Case 2007-11 is recommended for approval by the Planning Commission, and approved by the City Commission, there will not be an H district left in the City. Therefore, reference to it in the sign ordinance needs to be removed.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in bold:

8. Permitted signs in the B-1, Waterfront Marine Zone, Open Space Conservation, Open Space Recreation, and Lakefront Recreation and Heritage Districts.

DELIBERATION

I move that the amendment to Section 2334 (Signs, #8), of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to remove the reference to Heritage zoning, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2221

An ordinance to amend Section 2334 (Signs, #8) of Article XXIII (General Provisions), to remove the reference to the Heritage District.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (Signs, #8) of Article XXIII (General Provisions) is amended to remove the reference to the Heritage District, as follows:

8. Permitted signs in the B-1, Waterfront Marine Zone, Open Space Conservation, Open Space Recreation, and Lakefront Recreation and Heritage Districts.

This ordinance adopted:

Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro,
and Warmington

Nays: None

Adoption Date: May 22, 2007

Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

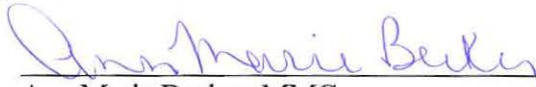
CITY OF MUSKEGON

By: Ann Marie Becker
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007.



Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs, #8) of Article XXIII (General Provisions) to remove the reference to the Heritage District.

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 May 30, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Date: May 22, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Resolution for Millionaire Party License

SUMMARY OF REQUEST: Nutritional Services/Meals on Wheels is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Millionaire Party license. A Millionaire Party license is a Las Vegas style event where bets are placed using imitation money or chips in games associated with a gambling casino, such as Black Jack, roulette, or Texas Hold'em. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



CHARITABLE GAMING DIVISION
101 E. HILLSDALE, BOX 30023
LANSING, MICHIGAN 48909
(517) 336-6780
www.state.mi.us/mlottery

2007-42(b)

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

MILLIONAIRE PARTY LICENSE

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Warmington on May 22, 2007
DATE

at 5:30 ~~XXX~~ p.m. the following resolution was offered:
TIME

Moved by Commissioner Carter and supported by Commissioner Davis

that the request from Nutritional Services/ Meals on Wheels of Muskegon,
NAME OF ORGANIZATION CITY

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

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

gaming license, be considered for Approval.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas:

Nays:

Absent:

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

adopted by the City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on May 22, 2007.
DATE

SIGNED: Ann Marie Becker
TOWNSHIP, CITY, OR VILLAGE CLERK

Ann Marie Becker, City Clerk

PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440

ADDRESS



Nutritional Services

MEALS ON WHEELS

Sharon TerHaar, Executive Director

May 7th, 2007

City Clerks Office
Muskegon City-City Hall
933 Terrace
Muskegon, MI 49440

Nutritional Services/Meals on Wheels is a non-profit agency that host several fundraisers throughout the year to raise funds to supplement the cost of our meals for homebound seniors.

We are in the process of applying for a Millionaire Party License and one of the qualifications is to submit a copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit in the community.

Enclosed is a check in the amount of \$30.00 for the processing fee and a copy of our nonprofit status. If you have any questions please contact Mary Beth at 231-755-0434.

Sincerely,

Mary Beth Werner
Community Service Manager

NUTRITIONAL SERVICES
FOR OLDER AMERICANS, INC.
1540 W. SHERMAN BLVD.
MUSKEGON, MI 49441



24157

24157

74-347/724

****Thirty and 00/100 Dollars

DATE
4/11/2007

AMOUNT
\$30.00

PAY
TO THE
ORDER
OF

City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

VOID AFTER 90 DAYS

[Signature]

AUTHORIZED SIGNATURE

Security features. Details on back.

⑈024157⑈ ⑆072403473⑆ 01172027046⑈

XXXXXXXXXXXXXXXXXXXX
YOUR RECEIPT
THANK YOU
CALL AGAIN
XXXXXXXXXXXXXXXXXXXX
BUSREG 30.00
ITEM CT 1
CHECK
30.00
01=44PM05-21-2007
7682 LINDA

Internal Revenue Service
District Director

Department of the Treasury

P.O. Box 2508
Cincinnati, OH 45201

Date: November 3, 1989

Person to Contact:

Lois Parrott

Telephone Number:

513-684-3957

Refer Reply to:

EP/EO

Employer Identification Number:

38-2033822

Nutritional Services for Older
Americans Inc
Attn: Sharon Ter Haar
315 West Webster Avenue
Muskegon, MI 49440

Dear Sir or Madam:

This is in response to your request for a copy of your exemption letter.

Our records show that we issued a determination letter November 5, 1973, which recognized your organization as exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. You are classified as a publicly supported organization, and not a private foundation, because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi) of the Code. Donors may deduct contributions to you as provided in section 170 of the Code.

Our determination letter issued November 5, 1973 is still in effect.

Subsequent to the date the letter was issued, various filing requirements have changed as follows:

As of January 1, 1984, all exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more they pay to each of their employees during a calendar year. If you meet this criteria, you must file Form 941, Employer's Quarterly Federal Tax Return, quarterly. This return is due by the last day of the month following each calendar quarter.

You are required to file Form 990, Return of Organization Exempt from Income Tax. That return must be filed only if your annual gross receipts are normally more than \$25,000. It must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

Nutritional Services for Older Americans Inc

We are not able to send you a copy of your original letter because we do not have a copy of it in our files.

If you have any questions concerning this matter, you may contact us at the address or telephone number shown in the heading of this letter.

Sincerely yours,

Lois Parrott

Taxpayer Service Representative

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 11, 2007

RE: Ordinance Amendment – Control & Restraint of Animals

SUMMARY OF REQUEST:

To amend Section 6-1 of the Code of Ordinances of the City of Muskegon to better define the requirement to restrain animals by their owners. The amendment now requires that all dogs and cats are on a leash no greater than six feet (6') in length.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached proposed ordinance amendment.

COMMITTEE RECOMMENDATION:

This proposed change was recommended at the April, 2007 City Commission work session.

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2222

THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 6-1 of the Code of Ordinances of the City of Muskegon concerning the definition of Control and Restraint of Animals is amended to state as follows:

Section 6-1. Definitions

Control means having an animal in confinement as described or required by this chapter, or restrained by its owner on a leash no greater than six feet in length and of sufficient strength to confine the animal, or in certain cases where specified in this chapter, a shorter leash. The term "control" shall not mean allowing an animal to go unleashed outside of its confinement or pen.

Restraint. A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by its owner on a leash or lead no greater than six feet in length and of sufficient strength to confine the animal. Any other animal is considered restrained only if it is effectively prevented from escape by appropriate means.

This ordinance adopted:

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis
Nays: None

Adoption Date: May 22, 2007

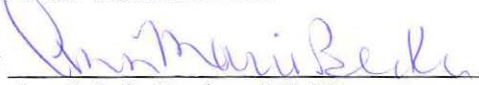
Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

CITY OF MUSKEGON

By


Ann Marie Becker, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007



Ann Marie Becker
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an amendment to Section 6-1 regarding the definition of Control and Restraint under the Animals ordinance of the City of Muskegon, summarized as follows:

Section 6-1. Definitions

Control means having an animal in confinement as described or required by this chapter, or restrained by its owner on a leash no greater than six feet in length and of sufficient strength to confine the animal, or in certain cases where specified in this chapter, a shorter leash. The term "control" shall not mean allowing an animal to go unleashed outside of its confinement or pen.

Restraint. A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by its owner on a leash or lead no greater than six feet in length and of sufficient strength to confine the animal. Any other animal is considered restrained only if it is effectively prevented from escape by appropriate means.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: May 30, 2007

By _____
Ann Marie Becker, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 16, 2007

RE: 2007-2008 Michigan Municipal League (MML) Membership

SUMMARY OF REQUEST:

To obtain authorization from the City Commission to remit MML annual membership dues of \$9,634, in accordance with City of Muskegon Purchasing Policies and Procedures governing expenditures exceeding \$8,000.

FINANCIAL IMPACT:

MML Membership dues	\$7,896
Environment Affairs Assessment	\$ 948
Legal Defense Fund	<u>\$ 790</u>
<i>Total</i>	<i>\$9,634</i>

BUDGET ACTION REQUIRED:

None; expense will be applied to proper budget line items.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.



5-23-07
5-23-07

**MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE
2007 - 2008**

RECEIVED
MAY 15 2007
MUSKEGON
CITY MANAGER'S OFFICE

CITY OF MUSKEGON

Id: 347

Date: May 4, 2007

Membership Period: July 1, 2007 - June 30, 2008

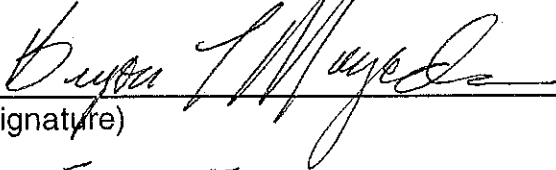
	2007-2008 Dues
* Michigan Municipal League Dues	\$7,896
** Environment Affairs Assessment	948
*** Legal Defense Fund	790
	\$9,634

Total due by July 1, 2007

\$9,634

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)

5-23-07
(Date)

- * For a detailed analysis of your MML dues, go to www.mml.org/pdf/dues05.pdf or call 734-669-6350. MML dues include annual subscriptions to the Michigan Municipal Review for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.
- ** The purpose of the EAA is to fund the Environmental Affairs Service (EAS) and its advocacy for the municipal point of view on environmental, public works and infrastructure issues at the state and federal level. The EAS Limited one-on-one assistance to MML members concerning environmental protection mandates, transportation and public works activities is also available.
- *** The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

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

Commission Meeting Date: May 22, 2007

*Requires
2nd Reading*

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Residential Parking Requirements Downtown

SUMMARY OF REQUEST:

Request to amend Section 2326 (Off Street Parking, #12) of Article XXIII (General Provisions) to reduce the residential parking requirement in the Downtown Parking Overlay District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to reduce the residential parking requirement in the Downtown Parking Overlay District.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Commission Meeting Date: May 22, 2007

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ab c*
RE: Rezoning request for properties located within the H, Heritage District

SUMMARY OF REQUEST:

Request to rezone multiple properties located within the H, Heritage District (roughly bounded by Western Ave., Ninth St., Muskegon Ave., and Second St.).

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 5/10 meeting. The vote was unanimous, with T. Michalski and T. Harryman absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2223

An ordinance to amend the zoning map of the City to provide for zoning changes for certain properties within the area roughly bounded by Western Ave., 9th St., Muskegon Ave., and Second St.

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 properties as follows (see attached map):

All properties located within the Revised Plat of 1903 of the City of Muskegon to be rezoned from H, Heritage District to R-1, One Family Residential District:

- ❖ Block 314, Lots 7-10
- ❖ Block 315, Lots 11 & 12, and the NE ½ Lot 10
- ❖ Block 322, Lots 1 and Lots 9-12
- ❖ Block 323, Lots 1-5 and Lots 7-12
- ❖ Block 324, Lots 1-12
- ❖ Block 325, Lots 7-9
- ❖ Block 336, Lots 1-12
- ❖ Block 337, Lots 1-12
- ❖ Block 338, Lots 1-12

All properties located within the Revised Plat of 1903 of the City of Muskegon to be rezoned from H, Heritage District to B-3, Central Business District:

- ❖ Block 314, Lots 1-6, and Lots 11 & 12.
- ❖ Block 315 Lots 1-9, and SW ½ of Lot 10
- ❖ Block 316, Lots 1-18
- ❖ Block 317, Lots 1-14
- ❖ Block 318, NE ½ Lot 1
- ❖ Block 322, Lot 2
- ❖ Block 323, Lot 6
- ❖ Block 325, Lots 1-6 and Lots 10-12
- ❖ Block 326, All lots
- ❖ Block 327, All lots
- ❖ Block 334, Lots 1-12
- ❖ Block 335, All lots
- ❖ Block 568, All lots
- ❖ Block 570, All lots

This ordinance adopted: May 22, 2007

Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nayes: None

Adoption Date: May 22, 2007

Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

CITY OF MUSKEGON

By: Ann Marie Becker
Ann Marie Becker, MMC, City Clerk

CERTIFICATE (City Commission Date: May 22, 2007 Rezoning of H, Heritage District)

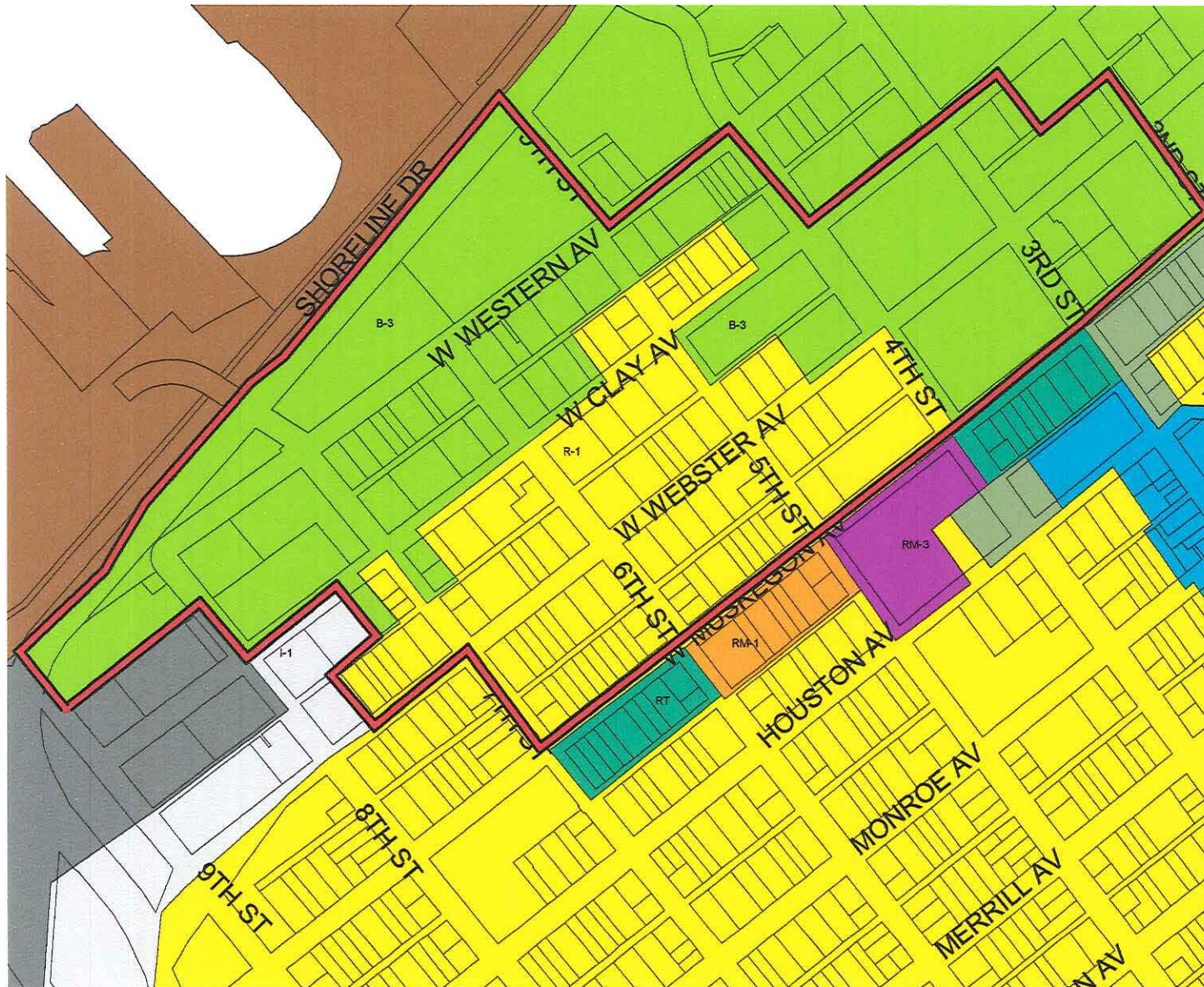
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007.

Ann Marie Becker
Ann Marie Becker, MMC
Clerk, City of Muskegon

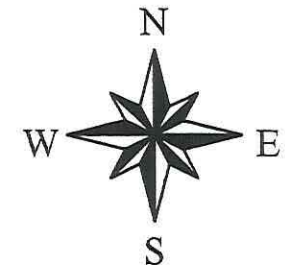
Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Proposed Elimination of H District



 Existing H, Heritage

- Text Street
Parcel
Hgone.shp
- R-1, Single-Family Residential
 - RT, Two-Family Residential
 - RM-1, Low Density Multiple-Family Residential
 - RM-2, Medium Density Multiple-Family Residential
 - RM-3, High Density Multiple-Family Residential
 - PUD Overlay
 - MC, Medical Care
 - B-1, Limited Business
 - B-2, Convenience & Comparison Business
 - B-3, Central Business
 - B-4, General Business
 - B-5, Governmental Services
 - I-1, Light Industrial
 - I-2, General Industrial
 - WI-PUD, Waterfront Industrial Planned Unit Development
 - OSC, Open Space Conservation
 - OSR, Open Space Recreation
 - LR, Lakefront Recreation
 - WM, Waterfront Marine
 - H, Heritage



CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to change the zoning of the following described properties as follows:

All properties roughly bounded by Western Ave., 9th St., Muskegon Ave., and Second St., as described below:

All properties located within the Revised Plat of 1903 of the City of Muskegon to be rezoned from H, Heritage District to R-1, One Family Residential District:

- ❖ Block 314, Lots 7-10
- ❖ Block 315, Lots 11 & 12, and the NE ½ Lot 10
- ❖ Block 322, Lots 1 and Lots 9-12
- ❖ Block 323, Lots 1-5 and Lots 7-12
- ❖ Block 324, Lots 1-12
- ❖ Block 325, Lots 7-9
- ❖ Block 336, Lots 1-12
- ❖ Block 337, Lots 1-12
- ❖ Block 338, Lots 1-12

All properties located within the Revised Plat of 1903 of the City of Muskegon to be rezoned from H, Heritage District to B-3, Central Business District:

- ❖ Block 314, Lots 1-6, and Lots 11 & 12.
- ❖ Block 315 Lots 1-9, and SW ½ of Lot 10
- ❖ Block 316, Lots 1-18
- ❖ Block 317, Lots 1-14
- ❖ Block 318, NE ½ Lot 1
- ❖ Block 322, Lot 2
- ❖ Block 323, Lot 6
- ❖ Block 325, Lots 1-6 and Lots 10-12
- ❖ Block 326, All lots
- ❖ Block 327, All lots
- ❖ Block 334, Lots 1-12
- ❖ Block 335, All lots
- ❖ Block 568, All lots
- ❖ Block 570, All lots

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 May 30, 2007

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
Its Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 22, 2007

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance - Remove H, Heritage District Language

SUMMARY OF REQUEST:

Request to amend Article XX (H, Heritage Districts) to remove the language from the Zoning Ordinance.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to remove the language for the H, Heritage Districts, with the condition that the City Commission approve the rezoning of the H. Heritage District..

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

May 12, 2007

Hearing; Case 2007-12: Staff initiated request to amend Article XX of the zoning ordinance to remove H, Heritage District zoning from the ordinance.

BACKGROUND

Providing that the previous request to rezone all properties in the H, Heritage district to either R-1, One Family Residential or B-3, Central Business is recommended to City Commission for approval, and subsequently approved by Commission, it will be necessary to removed this section of the zoning ordinance.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in bold.

ARTICLE XX ~~-H HERITAGE DISTRICTS-~~ - [RESERVED]

PREAMBLE

The "H" Heritage District is intended to permit land uses which promote a historic atmosphere, cultural and educational values, stabilize and improve property values, foster community beauty and pride by permitting the following land uses.

SECTION 2000: PRINCIPAL USES PERMITTED

In an H Heritage District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. One (1) and two (2) family dwellings.

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

a. ——— The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.

b. ——— The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.

~~c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each door of building that exceeds the maximum height required.~~

~~3. 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]~~

~~4. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]~~

~~a. Art and craft studios, lessons may be given to one client at a time~~

~~b. Hair and nail salons, limited to one client at a time~~

~~c. Dressmaking and tailoring~~

~~d. Tutoring, limited to one student at a time~~

~~e. Typing or clerical services~~

~~f. Teaching of music or dancing or similar instruction, limited to one client at a time~~

~~g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.~~

~~h. All home occupations are subject to the following:~~

~~i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.~~

~~ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.~~

~~iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.~~

~~iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.~~

~~v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.~~

vi) ~~_____~~ The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.

vii) ~~_____~~ Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

viii) ~~_____~~ All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.

ix) ~~_____~~ There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]

x) ~~_____~~ No goods shall be kept, or sold which are made or assembled off site, except as incidental to services rendered.

xi) ~~_____~~ The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.

xii) ~~_____~~ There shall be no outside storage or processing.

xiii) ~~_____~~ The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.

xiv) ~~_____~~ Activities specifically prohibited (but not limited to) include:

(1) ~~_____~~ A service or repair of motor vehicles, appliances and other large equipment

(2) ~~_____~~ A service or manufacturing process which would normally require industrial zoning

(3) ~~_____~~ A commercial food service requiring a license

(4) ~~_____~~ A limousine service

(5) ~~_____~~ A lodging service including but not limited to, a tourist home, motel or hotel

(6) ~~_____~~ A tattoo parlor

(7) ~~_____~~ An animal hospital or kennel

(8) ~~_____~~ A lawn service

xv) ~~————— No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.~~

~~5. In addition, for those lots abutting Western Avenue between Fourth and Ninth Streets only, the following uses are permitted:~~

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

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

c. ~~———— Restaurants, or other places serving food.~~

d. ~~———— Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.~~

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

~~6. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.~~

~~7. Uses similar to the above Principal Uses Permitted.~~

SECTION 2001: 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 review of the Historic District Commission, and after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission:~~

~~1. Retail business or service establishments as Principal Uses Permitted in the B-1 District, subject to the regulations of this District.~~

~~2. Restaurants, lounges and clubs, except drive-in restaurants.~~

3.Craft shops.

4.~~Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, and similar professions.~~

5.Outdoor displays.

6.Hotels and motels.

7.Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.
[amended 4/06]

1.Indoor Theaters [amended 4/06]

a.——— Parking must be either on site or with an irrevocable shared parking agreement.

2.Antique Shops. [amended 4/06]

3.~~Multiple family residential uses of various types and densities provided, however, that any existing structure originally constructed for one or two family use shall not be further divided into additional dwelling units unless it can be demonstrated to the satisfaction of the Historic District Commission and the Planning Commission that the essential form and integrity of the structure and its site and surroundings can be maintained. Any new multiple family construction shall be compatible and/or complementary to the character of the surrounding area as determined by the Historic District Commission and the Planning Commission. Multiple family uses as described under this subsection may be allowed as part of a building containing other allowable Principal or Special Uses in this district.~~

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

5.~~Uses similar to the above Special Land Uses Permitted.~~

SECTION 2002: PLANNED UNIT DEVELOPMENTS

~~Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the H Heritage Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.~~

SECTION 2003: AREA AND BULK REQUIREMENTS [amended 4/00]

1.Minimum lot size: 4,000 sq. feet.

2.Maximum lot coverage:

Buildings: 100%

Pavement: 25%

~~3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).~~

~~4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.~~

~~5. Height limit:~~

~~Maximum height: 6 stories or 90 feet~~

~~Minimum height: 2 stories or 35 feet.~~

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.

Clay Avenue; from Seventh Street to Fourth Street.

Pine Street; from Western Avenue to Apple Avenue.

~~Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).~~

~~6. Front Setbacks: [amended 1/05]~~

~~Minimum:~~

~~Expressway or Arterial Street: 30 feet~~

~~Collector or Major Street: 20 feet~~

~~Minor Street: 10 feet~~

~~Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the setback is below the minimum required.~~

~~7. Rear setback: 10 feet~~

~~8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).~~

~~9. Side setbacks: no requirement~~

~~—~~

~~Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]~~

~~10. — Zero lot line option: New principal buildings may be erected on the rear lot line provided: [amended 10/02]~~

a. ~~———— The building has an approved fire rating for zero lot line development under the building code.~~

b. ~~———— The building has adequate fire access preserved pursuant to fire code requirements.~~

c. ~~———— The zero lot line side is not adjacent to a street.~~

d. ~~———— A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.~~

e. ~~———— It is not adjacent to wetlands, or waterfront.~~

11. ~~———— All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero lot line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right of way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]~~

DELIBERATION

I move that the amendment to remove Article XX, H, Heritage District, of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2224

An ordinance to amend of Article XX (H, Heritage District) to remove the language from the Zoning Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XX (H, Heritage Districts) is amended to remove the language from the Zoning Ordinance, as follows:

Changes to Article XX: H, Heritage Districts

Hearing; Case 2007-12: Staff initiated request to amend Article XX of the zoning ordinance to remove H, Heritage District zoning from the ordinance.

BACKGROUND

Providing that the previous request to rezone all properties in the H, Heritage district to either R-1, One Family Residential or B-3, Central Business is recommended to City Commission for approval, and subsequently approved by Commission, it will be necessary to removed this section of the zoning ordinance.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in bold.

ARTICLE XX -~~H~~HERITAGE DISTRICTS - [RESERVED]

PREAMBLE

~~The "H" Heritage District is intended to permit land uses which promote a historic atmosphere, cultural and educational values, stabilize and improve property values, foster community beauty and pride by permitting the following land uses.~~

SECTION 2000: PRINCIPAL USES PERMITTED

~~In an H Heritage District no building or land shall be used and no building shall be erected,~~

~~structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:~~

~~8. One (1) and two (2) family dwellings.~~

~~9. Churches and other facilities normally incidental thereto subject to the following conditions:~~

~~d. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.~~

~~e. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.~~

~~f. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each door of building that exceeds the maximum height required.~~

~~10. 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]~~

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

~~i. Art and craft studios, lessons may be given to one client at a time~~

~~j. Hair and nail salons, limited to one client at a time~~

~~k. Dressmaking and tailoring~~

~~l. Tutoring, limited to one student at a time~~

~~m. Typing or clerical services~~

~~n. Teaching of music or dancing or similar instruction, limited to one client at a time~~

~~o. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.~~

~~p. All home occupations are subject to the following:~~

~~xvi) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.~~

- ~~xvii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.~~
- ~~xviii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.~~
- ~~xix) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.~~
- ~~xx) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.~~
- ~~xxi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.~~
- ~~xxii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.~~
- ~~xxiii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.~~
- ~~xxiv) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]~~
- ~~xxv) No goods shall be kept, or sold which are made or assembled off site, except as incidental to services rendered.~~
- ~~xxvi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.~~
- ~~xxvii) There shall be no outside storage or processing.~~
- ~~xxviii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.~~
- ~~xxix) Activities specifically prohibited (but not limited to) include:
 - ~~(1) A service or repair of motor vehicles, appliances and other large~~~~

equipment

(2) — ~~A service or manufacturing process which would normally require industrial zoning~~

(3) — ~~A commercial food service requiring a license~~

(4) — ~~A limousine service~~

(5) — ~~A lodging service including but not limited to, a tourist home, motel or hotel~~

(6) — ~~A tattoo parlor~~

(7) — ~~An animal hospital or kennel~~

(8) — ~~A lawn service~~

~~xxx) — No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.~~

~~12. — In addition, for those lots abutting Western Avenue between Fourth and Ninth Streets only, the following uses are permitted:~~

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

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

~~c. — Restaurants, or other places serving food.~~

~~d. — Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.~~

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

~~13. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.~~

~~14. Uses similar to the above Principal Uses Permitted.~~

SECTION 2001: 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 review of the Historic District Commission, and after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission:~~

~~8. Retail business or service establishments as Principal Uses Permitted in the B-1 District, subject to the regulations of this District.~~

~~9. Restaurants, lounges and clubs, except drive-in restaurants.~~

~~10. Craft shops.~~

~~11. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, and similar professions.~~

~~12. Outdoor displays.~~

~~13. Hotels and motels.~~

~~14. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls. [amended 4/06]~~

~~6. Indoor Theaters [amended 4/06]~~

~~a. Parking must be either on site or with an irrevocable shared parking agreement.~~

~~7. Antique Shops. [amended 4/06]~~

~~8. Multiple family residential uses of various types and densities provided, however, that any existing structure originally constructed for one or two family use shall not be further divided into additional dwelling units unless it can be demonstrated to the satisfaction of the Historic District Commission and the Planning Commission that the essential form and integrity of the structure and its site and surroundings can be maintained. Any new multiple family construction shall be compatible and/or complementary to the character of the surrounding area as determined by the Historic District Commission and the Planning Commission. Multiple family uses as described under this subsection may be allowed as part of a building containing other allowable Principal or Special Uses in this district.~~

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

10. ~~Uses similar to the above Special Land Uses Permitted.~~

SECTION 2002: PLANNED UNIT DEVELOPMENTS

~~Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the H Heritage Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.~~

SECTION 2003: AREA AND BULK REQUIREMENTS [amended 4/00]

12. ~~Minimum lot size: 4,000 sq. feet.~~

13. ~~Maximum lot coverage:~~
~~Buildings: 100%~~
~~Pavement: 25%~~

14. ~~Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).~~

15. ~~Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.~~

16. ~~Height limit:~~
~~Maximum height: 6 stories or 90 feet~~
~~Minimum height: 2 stories or 35 feet.~~

~~Minimum heights are in the form of an "overlay district" on the following street corridors:~~

~~Western Avenue; from Ninth Street to Pine Street.~~
~~Clay Avenue; from Seventh Street to Fourth Street.~~
~~Pine Street; from Western Avenue to Apple Avenue.~~

~~Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).~~

17. ~~Front Setbacks: [amended 1/05]~~
~~Minimum:~~

Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet

~~Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the setback is below the minimum required.~~

18. ~~Rear setback: 10 feet~~

19. ~~Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).~~

20. ~~Side setbacks: no requirement~~

~~Note, setback measurement: All required setbacks shall be measured from the right of way line to the nearest point of the determined drip line of buildings. [amended 10/02]~~

21. ~~Zero lot line option: New principal buildings may be erected on the rear lot line provided: [amended 10/02]~~

f. ~~The building has an approved fire rating for zero lot line development under the building code.~~

g. ~~The building has adequate fire access preserved pursuant to fire code requirements.~~

h. ~~The zero lot line side is not adjacent to a street.~~

i. ~~A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.~~

j. ~~It is not adjacent to wetlands, or waterfront.~~

22. ~~All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero lot line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right of way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]~~

DELIBERATION

I move that the amendment to remove Article XX, H, Heritage District, of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).
This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter,
Davis, and Gawron

Nays: None

Adoption Date: May 22, 2007

Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

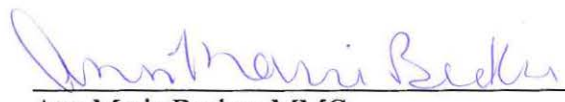
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Article XX (H- Heritage Districts) to remove the language from the Zoning Ordinance.

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 May 30, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 22, 2007

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – B-3. Central Business, Special Land Uses Permitted

SUMMARY OF REQUEST:

Request to amend Section 1202 (Special Land Uses Permitted) of Article XII (B-3, Central Business District) to allow additional special land uses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to allow additional special land uses in the B-3 zoning district, with the condition that the City Commission approve the rezoning of the H, Heritage District.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

May 10, 2007

Hearing; Case 2007-13: Staff initiated request to amend Section 1202, (Special Land Uses Permitted), Article XII, (B-3 Central Business District), of the zoning ordinance to allow additional special uses.

BACKGROUND

If the properties in the H, Heritage District are rezoned, as recommended in the previous case, some uses previously allowed in the H district would no longer be allowed in the downtown area, even under a special land use permit. In addition, Galleries and museums are presently only allowed in OSR, Open Space Recreation, and therefore, the Muskegon Museum would continue to be nonconforming. Staff believes our downtown is an appropriate place for galleries and museums, and so proposes adding them as special uses.

Also included in this request are private clubs, lodge halls, social and similar organizations, including assembly or rental halls, as well as antique shops. By allowing these uses through special land use permit, certain properties, such as the Eagles, remain conforming, but requires a special permit for any additional such uses in the future.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**.

- 8. Private clubs, lodge halls, social and similar organizations, including assembly or rental halls.**
- 9. Galleries and museums.**
- 10. Antique shops.**

DELIBERATION

I move that the amendment to Section 1201, (Special Land Uses Permitted), of Article XII, B-3, Central business District, of the City of Muskegon Zoning Ordinance to allow additional special land uses in the district, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2225

An ordinance to amend Section 1201 (Special Land Uses Permitted) of Article XII (B-3, Central Business District), to allow additional special land uses.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1201 (Special Land Uses Permitted) of Article XII (B-3, Central Business) is amended to allow additional special land uses, as follows:

(Renumbered)

8. **Private clubs, lodge halls, social and similar organizations, including assembly or rental halls.**
9. **Galleries and museums.**
10. **Antique shops.**

This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter,
Davis, and Gawron

Nayes: None

Adoption Date: May 22, 2007

Effective Date: June 9, 2007

First Reading: May 22, 2007

Second Reading: N/A

CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2007, 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 22, 2007.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1202 (Special Land Uses Permitted) of Article XII (B-3, Central Business District) adding language to allow additional special land uses in the B-3, Central Business District.

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 May 30, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 22, 2007

Date: May 8, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *abc*
RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate - Re-Source Industries

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Re-Source Industries, 1485 S. Getty, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1485 S. Getty, Muskegon. The total capital investment is approximately \$159,134 in personal property. This request qualifies Re-Source Industries for a 6-year exemption for personal property. Re-Source Industries current workforce is 35.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

COMMITTEE RECOMMENDATION:

None



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

ReSource Industries, an existing manufacturing company located at 1485 S. Getty, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. Due to the fact that the company is investing \$159,000 in personal property it is eligible for a six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:	
White	25
Minority	10
Total	35
Gender Characteristics:	
Male	22
Female	13
Total	35

RECEIVED

MAY 08 2007

MUSKEGON
CITY MANAGER'S OFFICE

Total No. of Anticipated New Jobs: 2

Investment Information:

Real Property:	\$-0-
Personal Property	\$ 159,134
Total:	\$ 159,134

Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$ 4,550	\$ 881
Value of Abatement	\$ 2,275	\$ 441
Total New Taxes Collected	\$ 2,275	\$ 441

Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$666

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	☐ No
Meeting w/ City Affirmative Action Director	☒ Yes	☐ No
Signed Tax Abatement Contract	☒ Yes	☐ No
Taxes Paid In Full	☒ Yes	☐ No
Zoning Conflicts	☐ Yes	☒ No


Lonna Anguilm
Planner III


Dwana Thompson
Affirmative Action Director

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

Signature of Clerk <i>Christina Becken</i>	Date received by Local Unit <i>May 8, 2007</i>
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) RE-SOURCE INDUSTRIES INC.		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3471	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1485 S. GETTY MUSKEGON MI. 49442		1d. City/Township/Village (indicate which) MUSKEGON	1e. County MUSKEGON
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located MUSKEGON	3b. School Code 61010
☐ Transfer (1 copy only) ☐ Rehabilitation (Sec. 3(1))		4. Amount of years requested for exemption (1-12 Years) 6 YEARS	

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

**PRODUCTION MACHINING OF COMPONENTS FOR THE
AUTOMOTIVE, APPLIANCE, FURNITURE & SPORTING INDUSTRIES**

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs 159,134.00
6b. Cost of machinery, equipment, furniture and fixtures. * Attach itemized listing with month, day and year of beginning of installation plus total costs	Personal Property Costs 159,134.00
6c. Total Project Costs * Round Costs to Nearest Dollar	Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements		☐ Owned ☐ Leased
Personal Property Improvements	12/5/06	4/10/07 ☒ Owned ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

9. No. of existing jobs at this facility that will be retained as a result of this project. **6** 10. No. of new jobs at this facility expected to create within 2 years of completion. **2**

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land)	
b. SEV of Personal Property (excluding inventory)	
c. Total SEV	

12a. Check the type of District the facility is located in:
☒ Industrial Development District ☐ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)
May 28, 1996 12c. Is this application for a speculative building (Sec. 3(8))?
☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name PAUL KUYT	13b. Telephone Number 231 728-1155	13c. Fax Number 231 728-1199	13d. E-mail Address PAULK@RE-SOURCEINDUSTRIES.COM
14a. Name of Contact Person SAME	14b. Telephone Number SAME	14c. Fax Number SAME	14d. E-mail Address SAME
15a. Name of Company Officer (No Authorized Agents) PAUL D KUYT			
15b. Signature of Company Officer (No Authorized Agents) <i>Paul Kuyt</i>		15c. Fax Number 231 728-1199	15d. Date 5-7-2007
15e. Mailing Address (Street, City, State, ZIP Code) 1485 S. GETTY MUSKEGON MI 49442		15f. Telephone Number 231-728-1155	15g. E-mail Address SAME

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit ☒ Abatement Approved for <u>6</u> Years (1-12) After Completion ☒ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☒ 1. Original Application plus attachments, and one complete copy ☒ 2. Resolution establishing district ☒ 3. Resolution approving/denying application. ☒ 4. Letter of Agreement (Signed by local unit and applicant) ☒ 5. Affidavit of Fees (Signed by local unit and applicant) ☒ 6. Building Permit for real improvements if project has already begun ☒ 7. Equipment List with dates of beginning of installation ☒ 8. Form 3222 (if applicable) ☒ 9. Speculative building resolution and affidavits (if applicable)	
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☒ 1. Notice to the public prior to hearing establishing a district. ☒ 2. Notice to taxing authorities of opportunity for a hearing. ☒ 3. List of taxing authorities notified for district and application action. ☒ 4. Lease Agreement showing applicants tax liability.		16c. LUCI Code 16d. School Code 61010	
17. Name of Local Government Body City of Muskegon		18. Date of Resolution Approving/Denying this Application May 22, 2007	

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk <i>Ann Marie Becker</i>	19b. Name of Clerk Ann Marie Becker	19c. E-mail Address ann.becker@postman.org
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 933 Terrace, Muskegon, MI 49440		
19e. Telephone Number (231) 724-6705	19f. Fax Number (231) 724-4178	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

1. LUCI Code	2. Begin Date Real	3. Begin Date Personal	4. End Date Real	5. End Date Personal
--------------	--------------------	------------------------	------------------	----------------------

*Transferred to
Re-Source*

Resolution No. 96-69 (c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING ESTABLISHMENT OF AN
INDUSTRIAL DEVELOPMENT DISTRICT
Burgess-Norton Mfg. Co.

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

WHEREAS, Burgess-Norton Mfg. Co., 660-668 Nims Street, Muskegon, Michigan 49442, has requested the City of Muskegon to establish an Industrial Development District on its property located in the City of Muskegon hereinafter described; and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility 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 28, 1996, at the regular City Commission meeting at the Muskegon County Museum at which all of the owners of real property within the proposed district and all residents and taxpayers of the City of Muskegon were afforded an opportunity to be heard thereon; and

WHEREAS, the City Commission deems it to be in the best interest of the City of Muskegon to establish the Industrial Development District as proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Commission 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:

1) That part of Block 98 of the Revised Plat of the City of Muskegon, Muskegon County, Michigan described as beginning at the Southeast corner of said Block 98 for a point of beginning, thence North 50°25'00" West along the northerly line of the Chesapeake and Ohio Railroad right-of-way 918 feet; thence North 37° 55'00" East 81.0 feet; thence South 50°25'00" East 10.23 feet; thence North 39°32'00" East 523.35 feet; thence North 32° 05'00" East 161.0 feet; thence North 57°55'00" West 427.8 feet; thence South 32°05'00" West 140.0 feet; thence South 57°55'00" East 140 feet; thence South 32°05'00" West 591 feet more or less to North line of the Chesapeake and Ohio Railroad right-of-way, thence South 50°25'00" East 201 feet, to the point of beginning.

2) That part of Block 98 of the Revised Plat of the City of Muskegon, Muskegon County,

Michigan described as Lot 9 of Block 2 of Valley Furniture Subdivision Block 98.

3) That part of Block 98 of the Revised Plat of the City of Muskegon, Muskegon County, Michigan, described as beginning at the Northeast corner of Lot 15 Block 2, Plat of Muskegon Valley Furniture Company Subdivision as recorded in Liber 6 of Plats on Page 15, thence South 32°05'00" West along the Southerly line of said Lot 15, 110.5 feet; thence North 57°55'00" West 174.0 feet; thence South 32°05'00" West 161.0 feet; thence South 80°04'58" East 202.84 feet; thence North 00°25'00" West along the West right-of-way line of Getty Street 393.12 feet; thence North 57°55'00" West along the Southerly line of Louis Avenue 15.0 feet to the point of beginning.

be and here is established as an Industrial Development District pursuant to the provisions of Act 198 of the Public Acts of 1974 to be known as Burgess-Norton Industrial Development District No. 96-69(c).

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: Commissioners Smith, Pruim, Shepherd, Pleimling, Aslakson, Nielsen, Michalski

Nays: None

Absent: None

BY

Blanche M. Smith
Blanche M. Smith, Mayor

ATTEST:

Gail Kunding
Gail Kunding, Clerk

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 28, 1996.

Gail Kunding
Gail Kunding, Clerk

Michigan Department of Treasury, STC
1012 (Rev. 8-98)

TRANSFER OF CERTIFICATE NO. 96-741

L-4380

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. The application should be filed after the district is established and no later than (within) six months after the commencement of the project. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. (The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature <i>Gail A. Kundingai</i>		Application No.	
Date Received <i>2-9-04</i>		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) <i>Re-Source Industries, Inc.</i>		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code <i>33</i> <i>3471</i>	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) <i>1485 S. Getty St., Muskegon MI</i>		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) <i>1485 S. Getty St.</i>	(Attach Legal Description)	e. City/Twp./Village <i>City of Muskegon</i>	f. County <i>Muskegon</i>
2. Type of Approval Requested ☐ NEW (SEC. 2(4)) ☐ REHABILITATION (SEC. 3(1)) ☒ SPECULATIVE BUILDING (SEC. 3(1)) ☒ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(3))		3. School District Where Facility is Located <i>Muskegon</i> 4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") <i>remaining</i>	
5. Explain Applicant's Principal Type of Business (Detailed description of operations) <i>High Volume production machining. Primarily value added operations to customer owned parts. (example: drilling, tapping, turning)</i>			
6a. Rehabilitation Applicants Only. General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)			
b. Explain Degree and Type of Obsolescence Affecting Existing Facility.			
7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility <i>Transfer of exemption for existing building</i>			
8a. Cost of land improvements (Itemize) Excluding cost of land		\$ a.	
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)		b.	
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)		c.	
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)		d.	
TOTAL PROJECT COST <i>Original exemption cost</i>		\$ <i>1,080,000.00</i>	

Continue on Page 2

1012 (page 2)

9. List Time Schedule for Start and Finish of Construction Stages and Equipment Installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before this application is filed. Estimate dates when applicable.

THIS SECTION MUST BE COMPLETED WITH ACTUAL DATES. (REFERENCE TO SEE ATTACHMENTS NOT ACCEPTABLE.)

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Not Applicable

Personal Property Improvements:

10a. Are the Buildings Owned or Leased by the Operator of the Facility?

☒ OWNED☐ LEASED (Attach copy of lease.)

b. Is Applicant Liable for Payment of Ad Valorem Taxes on This Property?

☒ YES☐ NO

c. Are Machinery and Equipment, Furniture and Fixtures Owned or Leased by the Operator of this Facility?

☒ OWNED☐ LEASED (Attach a copy of the lease.)

11. Will the Property for Which This Application is Filed be Included in an:

a. State Enterprise Zone or State Renaissance Zone

☐ YES☒ NO

b. 307 Site Contaminated Property File Number _____

Clerk's Certification

☐ YES☒ NO

12. If State Education Taxes are abated, attach Michigan Jobs Commission Letter of Commitment.

a. Enter total number of employees at site prior to start of project. _____

b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? _____

c. Number of new jobs at this site expected to be created within 2 years of project completion? _____

13. Has the project caused or will it cause, a relocation of employment from one or more Michigan governmental units to the unit in which the project is or will be located?

a. ☐ YES☒ NO

b. Number of Jobs Involved in Facility Relocation _____

c. Previous Location of Facility (City, Township, Village) _____

d. Attach a certified copy of the resolution passed by the governmental unit from which employment is to be transferred consenting to the transfer of employment. Date resolution was adopted _____

14. Rehabilitation applications: Complete a, b and c. Attach assessor's statement of valuation for the entire plant rehabilitation district.

a. SEV of Real Property (Exclude Land) _____

b. SEV of Personal Property (Exclude Inventory) _____

c. Total SEV _____

as of Dec. 31, 19 _____

15a. The Facility is Located in the following Type of District Established by the Local Governing Unit:

☒ INDUSTRIAL DEVELOPMENT DISTRICT☐ PLANT REHABILITATION DISTRICT

b. Name of Governing Unit that Established District

City of Muskegon

c. Date District was Established

5-28-1996

Attach certified copy of resolution and drawing of district.

NOTICE AFTER DEC. 31, 1983: Section 9(2)(b) provides that a written request (Date stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16a. Is This Application for a Speculative Building (Sec. 2(8))?

☒ NO - Go to 17 below☐ YES - Complete b, c and d

b. Name of Governmental Unit Which Passed Resolution to Establish a Speculative Building.

c. Date of Resolution (Attach copy)

d. Date of Construction Commenced (See page 4, item 4)

e. Attach a Certified statement from the building owner and assessor that the building has not been occupied since completion of construction. (See page 4, item 13.)

☐ Owner☐ Assessor

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

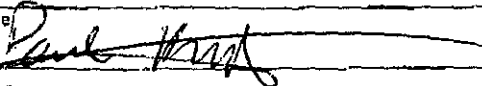
Not Applicable

1012 (Page 3)

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information Paul Kuyt	Title President	Phone 231-728-1155
Mailing Address 1485 S. Getty St., Muskegon, MI 49442		
Type Name of Company Officer Paul Kuyt	Signature 	
Title President	Date 2-9-04	

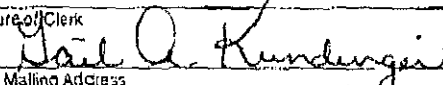
LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken	DOCUMENTS REQUIRED
☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, <u>2008</u> (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed.	☐ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☐ 8. 3222 (formerly T-1044A) (if applicable). ☐ 9. Speculative building resolution & affidavits.
☐ DISAPPROVED	

20. Name of Local Government Body City of Muskegon	Date of Action on This Application 2-24-04
--	--

Attached hereto is a copy of the application and all documents required.

Signature of Clerk 	Date 3-11-04	Phone (231) 724-6705
Clerk's Mailing Address 933 Terrace, P.O. Box 536	City Muskegon	ZIP Code 49440

State Tax Commission Rule Number 57:

Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971

*Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information Request is filed.

If you have any questions, please call (517) 373-2408 or 373-3302.

Client#: 69976

EMPLOYRAD1

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
02/09/04

PRODUCER

WAUSAU INSURANCE COMPANIES
13101 TELECOM DRIVE
SUITE 200
TAMPA, FL 33637-0914THIS 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

EMPLOYMENT TRADITIONS
8980 N RODGERS COURT SE
CALEDONIA, MI 49316

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: WAUSAU BUSINESS INSURANCE COMPANY

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.

INSTR ADD'L LTR INBRD	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- JECT ☐ LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ☐ ANY AUTO				ALTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AGG \$
	EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	WCJY91429038014	01/01/04	01/01/05	X WC STATU- TORY LIMITS E EACH ACCIDENT \$500,000 E DISEASE - EA EMPLOYEE \$500,000 E DISEASE - POLICY LIMIT \$500,000

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

Coverage is provided for only those employees leased to but not
subcontractors of Re-source Industries Inc. SIC Code 3471

CERTIFICATE HOLDER

Re-source Industries Inc.
1485 S Getty Street
MUSKEGON, MI 49442

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

Maxine M. Hall, Commissioner

Resolution No. 2004-23(a)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING REQUEST
FOR TRANSFER OF INDUSTRIAL DEVELOPMENT CERTIFICATE
Re-Source Industries, Inc.

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

WHEREAS, Burgess-Norton Mfg. Co., the previous applicant for the certificate, has ceased operations and sold the property to Re-Source Industries, Inc.; and

WHEREAS, Re-Source Industries, Inc., 1485 S. Getty Street, Muskegon, Michigan, has requested the City of Muskegon to transfer Industrial Development Certificate No. 96-741 for real property located at 1485 S. Getty Street, Muskegon, hereinafter described; and

WHEREAS, Re-Source Industries, Inc. presently owns a production facility within the Industrial Development 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 transfer of the proposed certificate; and

WHEREAS, before acting on said request the Muskegon City Commission held a public hearing on February 24, 2004, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were afforded an opportunity to be heard on said application.

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

1. The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.

2. The application of Re-Source Industries, Inc., for the transfer of an Industrial Facilities Tax Exemption Certificate is with respect to real property only for the following described parcel situated within the City of Muskegon to wit:

See Attachment A

3. The Industrial Facilities Exemption Certificate is transferred and shall remain in force and effect for the remaining period of the original certificate, which took effect October 22, 1996, and was issued for twelve (12) years.

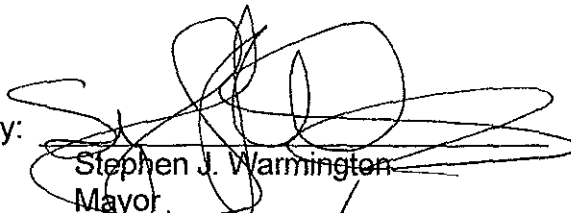
Adopted this 24th day of February 24, 2004.

Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

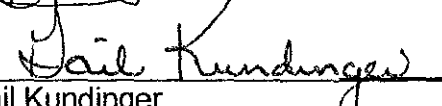
Nays: None

Absent: None

By:


Stephen J. Warmington
Mayor

Attest:


Gail Kunding
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 February 24, 2004.

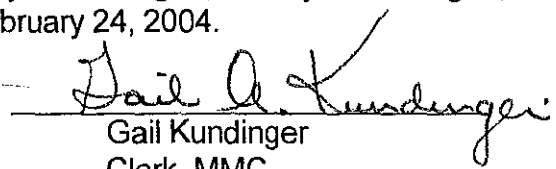

Gail Kunding
Clerk, MMC

EXHIBIT A

LEGAL DESCRIPTION

That part of Block 98 of the Revised Plat of the City of Muskegon, Muskegon County, Michigan, described as beginning at the Northeast corner of Lot 15 Block 2, Plat of Muskegon Valley Furniture Company Subdivision as recorded in Liber 6 of Plats on Page 15; thence South 32°05'00" West along the Southerly line of said Lot 15, 110.50 feet; thence North 57°55'00" West 174.00 feet; thence South 32°05'00" West 161.00 feet; thence South 39°32'00" West 113.45 feet; thence South 50°09'32" East 228.02 feet; thence South 80°04'58" East 202.84 feet; thence North 00°25'00" West along the West right-of-way line of Getty Street 393.12 feet; thence North 57°55'00" West along the Southerly line of Louis Avenue 15.00 feet to the point of beginning. Containing 2.40 acres. Together with and subject to easements of record. The flood plain is located in Zone "C" per Community No. 260161 B, Panel H and I, Page 1 of 2.

Resolution No. 2007-43 (a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*RESOURCE INDUSTRIES***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 25, 2005, this Commission by resolution established an Industrial Development District as requested by Re-Source Industries, 1485 S. Getty, Muskegon, Michigan 49441; and

WHEREAS, Re-Source Industries has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion and new machinery and equipment to be installed within said Industrial Development District ; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on May 22, 2007, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

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

CITY OF MUSKEGON REVISED PLAT 1903 MUSKEGON VALLEY FURNITURE COMPANY SUB
DIV THAT PT OF BLK 98 DESC AS BEG AT THE NE COR OF LOT 15 BLK 2 TH S 32D 05M 00S W
ALG SLY LN OF SD LOT 110.50 FT TH N 57D 55M 00S W 174 FT TH S 32D 05M 00S W 161 FT TH S
39D 32M 00S W 113.45 FT TH S 50D 09M 32S E 228.02 FT TH S 80D 04M 58S E 202.84 FT TH N 00D
25M 00S W ALG W ROW OF GETTY ST 393.12 FT TH N 57D 55M 00S W ALG THE SLY LN OF LOUIS
AVE 15 FT TO THE POB ALSO BEG AT THE SLY COR LOT 15 BLK 2 TH N 57D 53M 22S W 174 FT
ALG SWLY LN SD SUBDIV FOR POB TH S 32D 31M 15S W 161 FT TH S 39D 19M 14S W 106.32 FT
TH N 10D 09M 56S E 297.29 FT TO SWLY LN BLK 2 TH S 57D 53M 22S E 121.86 ALG SWLY LN BLK
2 TO POB

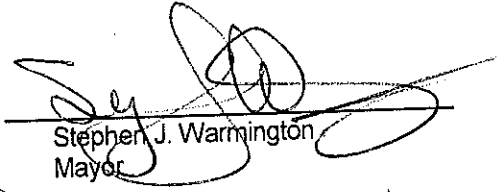
- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of six (6) years on personal property.

Adopted this 22nd Day of May 2007

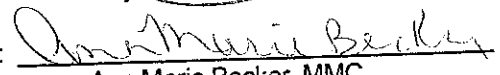
Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron,
and Shepherd

Nays: None

Absent: None

BY: 

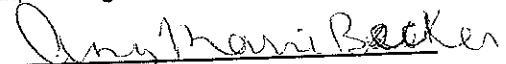
Stephen J. Warmington
Mayor

ATTEST: 

Ann Marie Becker, MMC
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on May 22, 2007.



Ann Marie Becker, MMC
Clerk

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and RESOURCE INDUSTRIES, 1485 S. Getty Street, Muskegon, MI 49442 ("Company").

Recitals:

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company's subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City's determination whether or not to create the district.

C. The Company intends to install the project set forth in its application ("project") which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation, stabilization or increase of economic activity, planning and zoning considerations and the City's general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company's proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

E. This contract shall become effective upon the issuance of an Industrial Facilities Tax Exemption Certificate.

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

- 1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, subject to the provisions of section 3.4 of this agreement.
- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, subject to the provisions of section 3.4 of this agreement.
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, subject to the provisions of section 3.4 of this agreement.
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$159,134 in the equipment and improvements as shown in the application, subject to the provisions of section 3.4 of this agreement.
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY.** Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to whether to create the district and whether to receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and/or approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, unless the company can show that there has been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of

equipment shall be placed on the regular tax roll, unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less than expected).

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statute, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

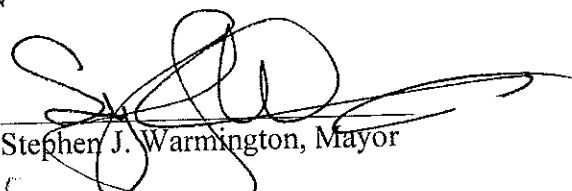
5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

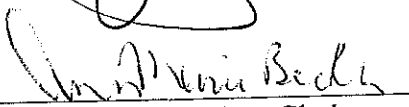
6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

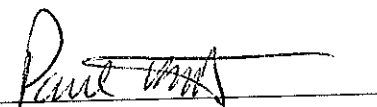
7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

and 
Ann Marie Becker, Clerk

By 
Paul Kuyt
Its PRESIDENT

and _____
Its _____

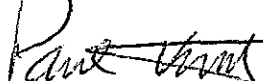
INDUSTRIAL FACILITIES EXEMPTION APPLICATION AFFIDAVIT OF FEES

We do swear and affirm by our signatures below that "no payment of any kind in excess of the fee allowed, by PA Act 198 of 1974, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application."

City of Muskegon, Michigan

Signed 
Print Name Lonna Aquilino
Title Planner III
Dated 5-8-07

Applicant: ReSource Industries

Signed 
Print Name PAUL KOTT
Title PRESIDENT
Dated 5/2/07

Re-Source Industries Inc.
1485 S. Getty
Muskegon, MI 49442

EQUIPMENT LIST

HAAS VF-4 SUPER SPEED	-	New - \$104,134.00	12-18-06
HAAS VF-3	-	Used - \$25,000.00	12-7-06
HAAS VF-3	-	Used - \$8,000.00	2-8-07
HITACHI SEIKI CNC LATHE	-	Used - \$22,000.00	12-5-06

Applicant Name

Re-Source Industries Inc

Fiscal Statement (to be completed by local unit)

YES

NO

Is this project:

Real Property?

☐
☒

Personal Property?

☒
☐

Both Real and Personal Property - New Facility?

☐
☒

Both Real and Personal Property - Rehabilitation Facility?

☐
☒

Both New and Replacement Facility?

☐
☒

Estimated Project Investment (not assessed value):

Real Property	Personal Property	Total
---------------	-------------------	-------

YES

NO

REMARKS

1. A. Has the proper local authority reviewed the plan?

☒
☐

B. Is the project located in a certified industrial park?

☐
☒

C. Is this a renovation or expansion of an existing building?

☐
☒

2. Will this project require improvement of your road service?

☐
☒

3. Will this project require improvement of your sanitary sewer services?

☐
☒

4. Will this project require improvement of your storm sewer services?

☐
☒

5. Will this project require improvement of your water services?

☐
☒

6. Will this project require additional police personnel, police equipment or a need for new police building expansion?

☐
☒

7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?

☐
☒

8. Will this project require other costs?

☐
☒

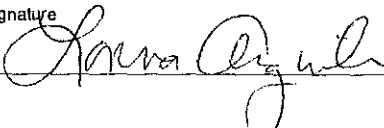
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?

☐
☒

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

Signature 	Name and Title of Local Governmental Unit Official Lonna Anguilm Planner III City of Muskegon
--	---

Date: May 22, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Ordinance Amendment – Vehicles for Hire

SUMMARY OF REQUEST: To repeal Chapter 102 of the Muskegon Code of Ordinances concerning Vehicles for Hire.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Commission recommended approval at the May 7th Worksession.

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

THE CITY OF MUSKEGON HEREBY ORDAINS:

Sections 102-201 through 102-260 of Chapter 102 of the Code of Ordinances of the City of Muskegon concerning Vehicles for Hire are hereby repealed in their entirety.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the _____ day of _____, 2007, 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: _____, 2007

Ann Marie Becker
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2007, the City Commission of the City of Muskegon adopted an ordinance repealing in their entirety Sections 102-201 through 102-260 of Chapter 102 of the Code of Ordinances of the City of Muskegon concerning Vehicles for Hire.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: _____, 2007

By _____
Ann Marie Becker, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Kevin Davis, City Commissioner
Sue Wierengo, City Commissioner

DATE: May 16, 2007

RE: Building Permit Moratorium – Subsidized Housing

SUMMARY OF REQUEST:

To consider a moratorium on building permits for government-financed subsidized housing complexes in the City of Muskegon.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

None.

COMMITTEE RECOMMENDATION:

None.

DATE: May 11, 2007

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050110.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 500 Amity- Area 11 is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050110 – 500 Amity

Location and ownership: This structure is located on Amity between Williams and Scott Streets and is owned by Roger/Tracy Verway, 7089 E. Farr, Nunica, MI 49448.

Staff Correspondence: A dangerous building inspection was conducted on 09/02/05. The Notice and Order to Repair was issued on 09/22/05. A interior inspection was conducted 10/20/05. On 12/1/05 the HBA tabled case until March 2006 to allow owner time to obtain permits, schedule monthly progress inspections. Case came back before the HBA 03/01/06 and declared the structure substandard and dangerous. A letter was sent to the owners 07/21/06 stating no permits had been issued and asking the intention of owners to complete repairs.

Owner Contact: Tracy and Roger Verway were present for the HBA meeting dated 12/01/05 and stated they had acquired the property from parents. Mrs. Verway called the Inspections Department on 03/03/06 stating she did not receive the notice in time for the HBA meeting dated 03/01/06 because of a change of address. The owners called Don LaBrenz stating they were trying to get financing to complete repairs in May 2006. The owners came in a met with Don LaBrenz and submitted timeline to complete repairs by January 2007. A building permit was issued 10/06/06, electrical permit issued 11/29/06 and extended to 3/01/07, mechanical permit issued 09/15/06 expired 03/24/07. All rough-in inspections have been approved but no final inspections scheduled and no owner contact since January 2007.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$13,800

Estimated cost to repair: \$20,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

INSPECTION SUMMARY

FOR : 500 Amity

The home is a two story, wood frame, single family dwelling and is currently unoccupied. This building has had the exterior siding removed and the building sheeting is exposed to the weather. The interior of this building has been gutted out and some work has been done on the exterior.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Thursday, September 8, 2005

Enforcement # EN050110 **Property Address** 500 AMITY AVE
Parcel #24-205-047-0011-00 **Owner** VERWAY ROGER A/TRACY L

Inspector: Henry Faltinowski

Date completed: 09/02/2005

DEFICIENCIES:

Uncorrected

1. Building permit on work at home has expired 9/29/03. No progress/no inspections have been scheduled.
2. Home has exposed weather barrier with no siding or permits for siding.
3. Appears work is being done on home with no permits.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

CITY OF MUSKEGON
DANGEROUS BUILDING PROGRESS INSPECTION REPORT

500 AMITY AVE
10/20/2005

Inspection noted:

Uncorrected

1. One egress window per bedroom.
2. Fire block - where required.
3. All stairs must meet MRC 2003 Code 8 1/4" may rise/ 9" run tread..
4. Handrails, guardrails, frame stair opening to code.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

City of Muskegon
933 Terrace St., P.O. Box 536, Muskegon, MI 49443
(231) 724-6715

Tuesday, August 15, 2006

DANGEROUS BUILDING INTERIOR INSPECTION REPORT

Property Address: 500 AMITY AVE **Parcel #** 24-205-047-0011-00

Owner: VERWAY ROGER A/TRACY L

Inspection Type: DB Interior Inspection **Inspector:** Henry Faltinowski

Date completed: 10/20/2005

DEFICIENCIES:

Uncorrected – Exterior 09/02/05

1. Building permit on work at home has expired 9/29/03. No progress/no inspections have been scheduled.
2. Home has exposed weather barrier with no siding or permits for siding.
3. Appears work is being done on home with no permits.

Uncorrected-10/20/05 Progress Inspection

1. Bathroom 20 amp circuits to stay within bathroom.
2. Support NM Cable Properly.
3. Range & dryer outlets to be 4 wire.
4. Lights in closet to be above door.
5. Need Smoke Alarms.
6. All bedroom outlets to be ARC-Fault Pro.
7. Need electric service.
8. Rough electric is approx 60% done.
9. Recessed lights in insulation to be rated for use.

Uncorrected –10/20/05 Progress Inspection

1. Draft stop penetrations thru floors.
2. Must have gas pressure test.
3. Outside faucets to be vac breaker style.

*Note - Mech 80% rough complete
Plumbing - 80% rough complete

Uncorrected –10/20/05 Progress Inspection

1. One egress window per bedroom.
2. Fire block - where required.
3. All stairs must meet MRC 2003 Code 8 1/4" max rise/ 9" run tread..

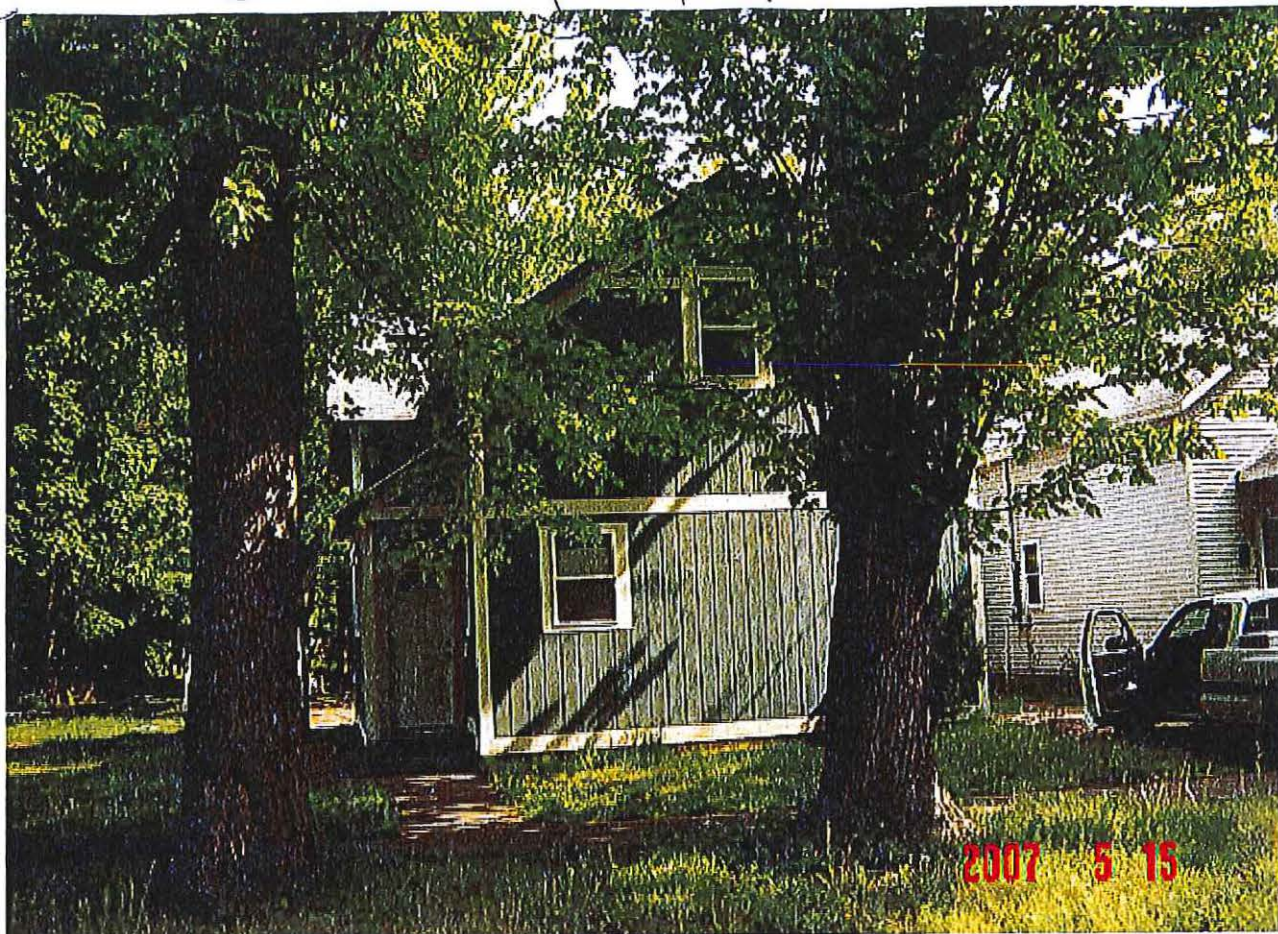
4. Handrails, guardrails, frame stair opening to code.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

HENRY FALTINOWSKI BUILDING INSPECTOR

DATE

500 Amity 5/15/2007



DATE: May 11, 2007

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050097

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **856 Fork – AREA 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050097– 856 Fork

Location and ownership: This structure is located on Fork between Amity and Allen and is owned by Tammie Robinson.

Staff Correspondence: A fire interior inspection was conducted 04/13/04. A dangerous building inspection was conducted on 03/28/05. The Notice and Order to Repair was issued on 04/15/05. A building permit was issued 04/22/04 was extended 06/13/05 and expired 11/03/05. Electrical permit issued 06/07/04, expired 09/08/05 with a rough-in approved but no final inspection scheduled. On 08/04/05 the HBA declared the structure substandard and dangerous and a public nuisance. A progress inspection was conducted 09/08/05. A letter was sent 11/18/05 requesting owner to complete repairs and schedule inspection by December 15, 2005. Case was put on Commission agenda January 24, 2006 but was removed, permits were issued and electrical & plumbing have been finalized, but the building permit remains outstanding. Letters have been sent 06/08/06 and 08/25/06 requesting final inspections with no response from owner.

Owner Contact: No one was present to represent case at the HBA meeting. The contractor, related to the owner, did ask for an extension which was granted but no final building inspections have been scheduled. The case was scheduled before City Commission 10/24/06 but was removed from agenda because owner scheduled final inspection but cancelled appointment and there has been no owner contact since that time.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$17,300

Estimated cost to repair: \$5,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

INSPECTION SUMMARY

FOR: 856 FORK

A two story wood frame dwelling. Renovations are about 80% complete. Work on project appears to have stopped. Letters have been sent to homeowner requesting the project be completed and final inspection be scheduled. A final inspection was scheduled right before the City Commission meeting in October 2006 but inspection was cancelled and there has been no further contact from owner.

CITY OF MUSKEGON

DANGEROUS BUILDING PROGRESS INSPECTION REPORT

856 FORK ST

09/08/2005

Inspection noted:

1. Still needs exterior repairs completed - roof, fascia, & soffitt.
2. In process of drywall.
3. Needs floor repair - joist repair.
4. Needs cabinets, finish flooring.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON DANGEROUS BUILDING INSPECTION REPORT

Friday, January 13, 2006

Enforcement # EN050097 **Property Address** 856 FORK ST
Parcel # 24-205-204-0008-00 **Owner** ROBINSON TAMMIE

Inspector: Henry Faltinowski

Date completed: 03/28/2005

DEFICENCIES:

Uncorrected

1. All permits, building, electrical and plumbing have expired. No inspections have been performed.
2. Exterior of home deteriorating more as no work has started.
3. Interior inspection requested by trade inspectors to verify progress.

Progress Inspection Conducted 09/08/05

1. Still needs exterior repairs completed - roof, fascia, & soffitt.
2. In process of drywall.
3. Needs floor repair - joist repair.
4. Needs cabinets, finish flooring.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



856 Fort.

3/28/2005

DATE: May 11, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060465

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **318 Merrill -10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-060465 -318 Merrill (House & Garage)

Location and ownership: This structure is located on Merrill between Sixth and Seventh St and is owned by Huntington National Bank, 41 S. High St., HCO910, Columbus, OH 43215.

Staff Correspondence: A dangerous building inspection was conducted on 12/08/06. The Notice and Order to Repair was issued on 12/19/06. The HBA on 02/01/07 declared the structure dangerous, substandard and a public nuisance.

Owner Contact: No one was present to represent case for the HBA meeting dated 02/01/07. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$19,200

Estimated cost to repair: \$5,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

INSPECTION SUMMARY

FOR: 318 MERRIL

This is a wood frame single family structure with a detached wood frame garage. The garage is in need of a new roof, replacement of windows and some siding repair. The main structure is falling into disrepair and if left unrepaired will continue to deteriorate from exposure to the weather.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Monday, December 11, 2006

Enforcement # EN060465

Property Address 318 MERRILL AVE

Parcel #24-205-377-0009-10

Owner HUNTINGTON NATIONAL BANK

Inspector: Henry Faltinowski

Date completed: 12/08/2006

DEFICIENCIES:

Uncorrected

1. Replace/repair damaged chimney.
2. Replace missing soffit, fascia on roof system.
3. Replace roof shingles on garage -replace missing windows repair siding.
4. Replace damaged doors and windows.
5. Interior requested by trade inspectors.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



318 Merrill



DATE: May 14, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060464

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1178 Chestnut Area -13** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-070007 – 1178 Chestnut

Location and ownership: This structure is located on Chestnut between Catherine and McLaughlin Streets and is owned by Mark James, 2538 Jameswood Ct., Holland, MI 49424.

Staff Correspondence: A dangerous building inspection was conducted on 12/08/06. The Notice and Order to Repair was issued on 12/19/06. The HBA on 02/01/07 declared the structure dangerous, substandard and a public nuisance. The case was scheduled for the City Commission meeting dated April 24, 2007 but was removed from agenda.

Owner Contact: No one was present to represent case for the HBA meeting dated 02/01/07. No permits have been issued, no inspections scheduled and no owner contact. The mortgage holder contacted Mark Kincaid in April and requested more time to assess repairs. There has been no contact since that time.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$12,900

Estimated cost to repair: \$10,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

INSPECTION SUMMARY

1178 Chestnut

This is a single story wood frame single family dwelling. This building has numerous broken windows. The exterior of dwelling is exposed to weather because of missing and damaged siding, the interior walls appear to be damaged from vandalism. Currently the roof system appears to be allowing inclement weather to enter the structure this building is in a general state of disrepair.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Monday, December 11, 2006

Enforcement # EN060464
Parcel #24-205-081-0005-10

Property Address 1178 CHESTNUT ST
Owner JAMES MARK

Inspector: Henry Faltinowski

Date completed: 12/08/2006

DEFICIENCIES:

Uncorrected

1. Repair/replace siding on both home and garage.
2. Repair/replace to code roof covering on home and garage - soffit -fascia.
3. Replace broken out doors and windows on home and garage.
4. Replace landings at back exterior to code MRC 2003.
5. Repair damaged foundation walls.
6. Interior requested.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

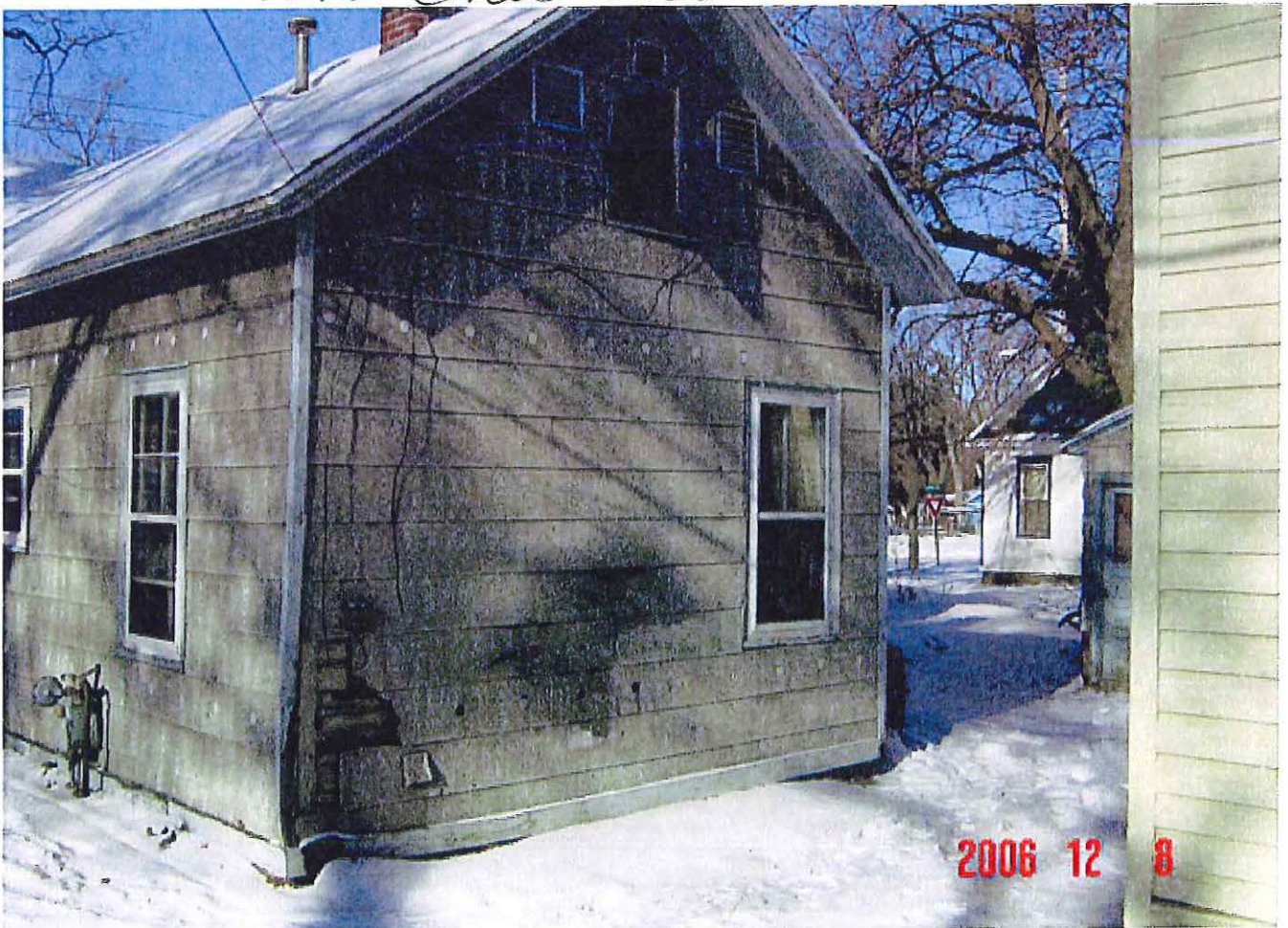
Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



1178 Chestnut



DATE: May 11, 2007

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040065

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **790 Terrace** – is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040065 – 790 Terrace

Location and ownership: This structure is located on Terrace between Western and Clay St and is owned by Promised Land Assoc, 3315 Real St., Houston, TX 77087.

Staff Correspondence: A dangerous building inspection was conducted on 02/16/05. The Notice and Order to Repair was issued on 02/23/05. An interior inspection was conducted 09/22/06. The case was removed from the HBA April 2005 agenda. The case came before HBA board September 2006 and was tabled until October 2006 with an interior inspection to be scheduled and provide timeline. The case came back before the HBA board on October 5, 2006 and was tabled until March 2007 with property owner to obtain engineering study, obtain permits and schedule monthly progress inspections. The HBA meeting dated 03/01/07 declared the structure dangerous, substandard and a public nuisance.

Owner Contact: Ciggzree Morris, Spencer Norman and Roger Nielson were present to represent case at the HBA meeting dated 09/7/06 and submitted an activity log regarding property. An interior inspection was conducted 09/22/06. Ciggzree Morris, Spencer Norman, Roger Nielson and Randy Disselkoen were present for the HBA meeting dated 10/05/06. Mrs. Morris submitted a work schedule and a discussion of required engineering studies and architect drawings to stabilize the interior of building was addressed. The case was tabled until March 2007. A building permit was issued 01/22/07 and extended to April 1, 2007 to complete structural repairs. No architectural drawings have been received for the completion of the project and no other permits issued.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$18,800

Estimated cost to repair: \$15,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

INSPECTION SUMMARY

FOR: 790 TERRACE

This is a two story brick building that was formally used as a restaurant. Since this file was started in February of 2005 there has been little progress towards the renovation of this building. Some structural repairs were completed in March of 2007. Progress on rehabilitation of this structure has been non-existent since the repairs to the main support beam in March. There have been a number of contacts from the architect but no plans have been received and no permits have been issued for the continuation of the project.

City of Muskegon
933 Terrace St., P.O. Box 536, Muskegon, MI 49443
(231) 724-6715

Tuesday, September 26, 2006

DANGEROUS BUILDING INTERIOR INSPECTION REPORT

Property Address: 790 TERRACE ST **Parcel #** 24-205-175-0010-00

Owner: PROMISED LAND ASSOC

Inspection Type: DB Interior Inspection **Inspector:** Don LaBrenz II

Date completed: 09/22/2006

DEFICIENCIES:

Uncorrected

1. Electric Service to be replaced to the code in effect at time of permit.
2. All wiring to comply with the code in effect @ time of permit and use of building.
- Done* 3. Structural column removed - re-transfer load to foundation. Engineer needed.
4. Suppression - fire occupant load.
5. Exit emergency lighting.
6. Exiting - and means of egress will be determined by occupant load.
7. Provide drawings of 1st floor with separations for future building levels.
8. Provide hood system & suppression to suit needs.
9. Need backflow prevention.
10. Bathroom & shower in basement must meet code.
11. Add a drain fixture for condensate tube.
12. New tubing - inspect condensate pump - inspect & certify furnaces & AC -Inspect furnace venting.
13. Repair drain lines for men & women's restroom.
14. Floor drains - support water piping in basement trap primer.
15. Insure bath vent fans work.
16. Insure toilet facilities meets occupancy.
17. Cap off unused drains & water.
18. B venting to have clearance to combustible.
19. Insure all plumbing is connected & works.
20. Insure S air & R air is to code.
21. Inspect & insure walk-in cooler is in working order.
22. Inspect & certify water heaters.
23. Plug open vent at water heater area.
24. Certify chimney.
25. Supply water to water heaters.
26. All plumbing & mechanical to conform with Mich 2003 Codes.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

HENRY FALTINOWSKI BUILDING INSPECTOR

DATE



2005 2 16

Becker, Ann

From: Mazade, Bryon
Sent: Friday, May 18, 2007 11:25 AM
To: Chris Carter; Clara Shepherd; Gawron, Stephen; Kevin Davis; Larry Spataro; Steve Warmington; Sue Wierengo
Cc: Slaughter, Lee; Becker, Ann; Kleibecker, Tony; Kuhn, Bob
Subject: Travel Writers Visit
Attachments: Geiger visit.doc

Jill Foreman from the Conventions and Visitors Bureau (CVB) contacted me yesterday to let me know that Muskegon has been selected for a visit by travel writers on June 9th. Attached is information from Jill about this visit and you will see that this is a very good event for our community. Jill would like the ability to use the beach somewhere in Pere Marquette Park (probably between Captain Jack's and the Coast Guard station) for a small beach party. I think we would be able to accommodate this activity quite easily. However, they would also like to serve alcohol (beer and wine), which is prohibited in City parks unless approved by the City Commission. Because there isn't another City Commission meeting before this event, I would like to add it to the agenda for the meeting this Tuesday. Thank you for your consideration and please contact me if you have any questions.

closed session - possibly