

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 12, 2020 @ 5:30 P.M.

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

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes** City Clerk
 - B. 2020 Annual Action Plan Budget** Community & Neighborhood Services
 - C. Health and Dental Care Renewal** Finance
 - D. ACT 51 Map Changes – Amendment** Public Works
 - E. Tax Incentive Policy and Guidelines** Economic Development
 - F. Parking Enforcement Ordinance** Public Safety
 - G. Temporary Modification to MERS Benefit Provisions** Finance
- ☐ **PUBLIC HEARINGS:**
 - A. Public Hearing for 2020 Annual Action Plan** Community and Neighborhood Services
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
- ☐ **ANY OTHER BUSINESS:**
- ☐ **PUBLIC COMMENT:**
 - ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
 - ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
 - ▶ Submit the form to the City Clerk.
 - ▶ Be recognized by the Chair.

- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commission.
- ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1-22 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: Approval of Minutes
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: To approve the minutes of the April 28, 2020 Regular City Commission meeting.	
Detailed Summary: N/A	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the minutes.	
For City Clerk Use Only: Commission Action:	

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 28, 2020 @ 5:30 P.M.

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

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, April 28, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2020-23 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the April 14, 2020 Regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

C. Roberts Street – TEDF Application Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to apply for State of Michigan FY 2022 Transportation Economic Development Category F Grant for a project to resurface Roberts Street from Barney Avenue north to Laketon Avenue.

MDOT is requesting applications for FY 2022 projects in the Transportation Economic Development Category F program. Staff reviewed the program requirements and feels that Roberts Street is a good fit for the targeted criteria.

The project is estimated to cost \$600,000. Staff is proposing to request the maximum grant amount and provide matching funds of \$225,000 towards the project. In addition, the City will be responsible to pay for Engineering on the project which is estimated to cost an additional \$50,000. If selected these funds would be allocated from the Major Street budget in FY 21-22 and 22-23.

A formal resolution of support is not required for TEDF – Category F applications.

AMOUNT REQUESTED: \$275,000 FUND OR ACCOUNT: 202-TBD-5346/5355

AMOUNT BUDGETED: \$275,000 FUND OR ACCOUNT: 202-TBD-5346/5355

STAFF RECOMMENDATION: Authorize staff to apply for the Category F grant through the MDOT Transportation Economic Development programs for Roberts Street between Barney Avenue and Laketon Avenue.

D. Nelson Neighborhood Rezoning – SECOND READING

SUMMARY OF REQUEST: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential. SECOND READING.

The Planning Commission unanimously voted to recommend approval to the City Commission.

STAFF RECOMMENDATION: To approve the rezoning's in Nelson Neighborhood as presented.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the consent agenda as presented, except item B.

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

Nays: None

MOTION PASSES

2020-24 ITEMS REMOVED FROM CONSENT AGENDA:

B. Beach Paid Parking Project Public Safety

SUMMARY OF REQUEST: Proposal to amend Ordinance 92-71 and 92-73 to incorporate enforcement of parking violations and fees correlated with the Beach paid Parking Project. The attached Chapter 92 Traffic & Vehicles contains current ordinance language. Outlined on the cover page is how the amended language will be inserted into the existing Article V; 92-71& 92-73.

STAFF RECOMMENDATION: Adopt the amendments to Ordinances 92-71 and 92-73 with additional language to include Beach Paid Parking

Motion by Commissioner Emory, second by Commissioner Johnson, to agree to amend Ordinance 92-71 & 92-73 with additional language to include Beach Paid Parking.

ROLL VOTE: Ayes: Hood, Ramsey, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: German

MOTION PASSES

PUBLIC COMMENT: Public Comments were received.

2020-25 CLOSED SESSION:

A. Pending Litigation

Motion by Vice Mayor Hood, second by Commissioner Rinsema-Sybenga, to go into closed session to discuss settlement strategy in two POLC and City of Muskegon matters concerning grievance number 19-95 and 19-96, and FMCS number 201021-00584.

ROLL VOTE: Ayes: Ramsey, German, Rinsema-Sybenga, Emory, Johnson, Gawron, Hood

Nays: None

MOTION PASSES

Motion by Commissioner Ramsey, second by Commissioner Emory, to come out of closed session.

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

Nays: None

MOTION PASSES

Motion by Commissioner Johnson, second by Commissioner German, to authorize the City Manager to sign the agreement and release of claims as discussed in closed session.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission meeting adjourned at 6:25 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: 2020 Annual Action Plan Budget
Submitted By: Oneata Bailey	Department: Community and Neighborhood Services
Brief Summary: Please review and approve the 2020 Annual Action Plan Budget for CDBG/HOME HUD allocations.	
Detailed Summary: 2020 Budget Spreadsheet for CDBG /HOME Allocations attached for review. Approval of CNS 2020 Budget for CDBG/HOME funding and publication for Release of Funds and Environmental Review process.	
Amount Requested: N/A	Amount Budgeted: CDBG - \$ 994,836 HOME- \$ 343,421
Fund(s) or Account(s):	Fund(s) or Account(s): HUD 2020 Allocation
Recommended Motion: To approve the 2020 Budget for CDBG/HOME Allocation for CNS and direct staff to publish for Release of Funds and Environmental Review.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

CDBG Organization/Agency	Activity	Staff Proposed	Staff/CDC Proposed	COMMISSION
COM - Finance	City Interns	\$ 5,000.00	\$ 5,000.00	
COM - CNS	CDBG Admin	\$ 198,967.00	\$ 198,967.48	
COM - CNS	Priority Home Repair	\$ 190,000.00	\$233,885	
COM - CNS	Services Delivery	\$ 75,000.00	\$ 75,000.00	
COM - CNS	Residential Façade Program	\$ 50,000.00	\$25,000	
COM - Finance	Fire Station Bond Repayment	\$ 251,983.52	\$ 251,983.52	
COM - Inspections	Public Facility/Park	\$ 68,885.48	\$50,000	
COM - Inspections	Interim Neighborhood Cleanup- Jackson Hill	\$ 5,000.00	\$ 5,000.00	
COM - Leisure Services	Youth Recreation	\$ 100,000.00	\$ 100,000.00	
COM - Planning	Econ Development Assistance	\$ 50,000.00	\$ 50,000.00	
			\$ 994,836.00	

HOME Organization/Agency	Activity	Staff Proposed	Staff/CDC Proposed	COMMISSION
CHDO Allocation	Housing Affordable CDHO	\$ 51,514.00	\$ 51,514.00	
CHDO Administration	Administration	\$ -	\$ -	
COM - CNS	HOME Administration	\$ 34,342.00	\$ 34,342.00	
COM - CNS	Rental Rehab	\$ 22,565.00	\$ 22,565.00	
COM - CNS	HOME Rehab Construction	\$ 135,000.00	\$ 135,000.00	
COM - CNS	HOME Infill/MSHDA Modular Home	\$ 100,000.00	\$ 100,000.00	
		\$ 343,421.00	\$ 343,421.00	

BOLD- restricted percent/amounts



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: Health and Dental Care Renewal
Submitted By: Beth Lewis	Department: Finance
Brief Summary: To approve the renewal of Priority Health as the City's fully insured health care provider and the Third Party Administrator for City's self-funded health care plan. And to renewal Delta Dental as the City's dental insurance provider.	
Detailed Summary: The City's health care coverage renews effective June 1, 2020, for the period June 1, 2020 to May 31, 2021. This year's Priority Health renewal premium came in with no increase over last year. Last year our increase was 0.03% and the year before it was 7.64%. The employees copay will remain at 14%. Our employer contribution will remain below the "hard cap limits" set by PA 152. For 2020-21 the City will continue to pay the HRA deductible if the employee and spouse complete the wellness requirements by March 31st. Non-participants in the wellness program will be required to pay the \$1,000 for single coverage or \$2,000 per double or family coverage of the deductible. Our Delta Dental rates will remain the same of FY 2020-21 and FY 2021-22. The annual fee is \$206,292. Attached is the hard cap limits calculation and the outline of our renewal rates.	
Amount Requested:\$2,681,625	Amount Budgeted: \$2,681,625
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approval the renewal of Priority Health as the City's fully insured health care provider and Third Party Administrator for the self-funded health care for 2020-21.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

April 18, 2020

Beth Lewis, Finance Director
City of Muskegon
933 Terrace St
Muskegon, MI 49440

Dear Beth,

I'm sorry we are having to do this renewal via telephone and letter. I look forward to being able to see you all again. I hope you are staying safe and healthy!

As we discussed, your Priority Health and Delta Dental renewals came in very good this year. And if there was ever a year we needed a good renewal, it is this one!

Below are the renewal rates.

Priority Health Fully Insured Plan

Demographic	Rate	Increase/(Decrease)
Single (49)	\$563.93	No change for 2020
Double (47)	\$1,268.84	No change for 2020
Family (82)	\$1,522.61	No change for 2020

Notes regarding Fully Insured Renewal:

1. This renewal has no benefit changes
2. Due to the fact that doctors' offices are not taking appointments and employees were unable to have their physicals, we are moving everyone to the 100% plan effective 6/1/2020, then resume our wellness requirements for 2021.

Priority Health Self Insured Plan

Admin Fee	Enrolled	Current	Renewal	Increase/(Decrease)
Medical & Rx	152	\$40.83	\$41.65	2% Increase
Rx External Coordination	152	\$7.57	\$7.87	3.9% Increase
CIGNA Network Fee	7	\$.55	\$.55	No change for 2020
Aggregate Premium	152	\$12.02	\$12.86	7% Increase
Aggregate Attachment Factors	Single (82)	\$545.66	\$493.83	(9.5%) Decrease
	Double (70)	\$1,500.56	\$1,358.02	(9.5%) Decrease
	Family (152)	\$985.42	\$891.81	(9.5%) Decrease

Notes regarding Self Insured Renewal:

1. The Administration Fee changes result in a \$2,042.00 annual increase.
2. The Aggregate Premium change results in a \$1,533.00 annual increase.
3. This group is getting larger due to all of the early retirees entering the plan. Hopefully this growth will slow down as employees retiring slows down.
4. I still recommend the City implement a \$500,000 lifetime cap on the command officers' plans when their contract is up.

Delta Dental

Basic - 0001	Rate	Increase/(Decrease)
Single	\$28.51	No Change – 2 Year rate guarantee
Double	\$53.62	No Change – 2 Year rate guarantee
Family	\$107.74	No Change – 2 Year rate guarantee
Enhanced – 0002		
Single	\$34.77	No Change – 2 Year rate guarantee
Double	\$65.10	No Change – 2 Year rate guarantee
Family	\$130.05	No Change – 2 Year rate guarantee
Union Enhanced – 0003		
Single	\$33.23	No Change – 2 Year rate guarantee
Double	\$63.12	No Change – 2 Year rate guarantee
Family	\$128.19	No Change – 2 Year rate guarantee

Notes regarding Delta Dental Renewal:

1. No benefit changes to the plans.
2. 2 Year rate guarantee

I have requested new benefit summaries (with the renewal date on them) and enrollment documents to update my orientation packets. Should you have any questions or need anything else from me please do not hesitate.

I appreciate, more than you know, your business. I love this account and helping the employees when they have questions or concerns.

Again, I can't wait to see you all soon!

Best,



Julie R. Balgooyen

PA 152 Hard Cap Limit Calculation for FY2020-21

	2019-20			2019-20		
Monthly Premium	563.93	1268.84	1522.61	563.93	1268.85	15522.61
Rate Change	0.00%	0.00%	0.00%	0.03%	0.03%	0.03%
Annual Premium	6,767.60	15,226.20	18,271.32	6,767.60	15,226.20	18,271.32
Current # Employees	49	47	82	42	35	96
Total Annual Premium	331,612.40	715,631.40	1,498,248.24	284,239.20	532,917.00	1,754,046.72
		\$ 2,545,492.04			2,571,202.92	
Add: HRA Deductible Paid by City		339,000.00			325,000.00	
Less: Employee Premium Copays		(409,159.00)			(409,159.00)	
Equals: Employer Cost		\$ 2,475,333.04			\$ 2,487,043.92	

2019 PA Hard Cap Limits

\$ 6,818.87	\$ 14,260.37	\$ 18,596.96
334,124.63	670,237.39	1,524,950.72
\$ 2,529,312.74		

2019 PA Hard Cap Limits

\$ 6,685.17	\$ 13,980.75	\$ 18,232.31
\$ 280,777.14	\$ 489,326.25	\$ 1,750,301.76
\$ 2,520,405.15		



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY

RACHAEL EUBANKS
STATE TREASURER

March 25, 2019

**PUBLIC EMPLOYER CONTRIBUTIONS TO MEDICAL BENEFIT PLANS
ANNUAL COST LIMITATIONS – CALENDAR YEAR 2020**

For a medical benefit plan coverage year beginning on or after January 1, 2012, MCL 15.563, as last amended by 2018 Public Act 477, sets a limit on the amount that a public employer may contribute to a medical benefit plan.

For medical benefit plan coverage years beginning on or after January 1, 2013, MCL 15.563 provides that the dollar amounts that are multiplied by the number of employees with each coverage type be adjusted annually. Specifically, the dollar amounts shall be adjusted, by October 1 of each year after 2011 and before 2019, by the change in the medical care component of the United States consumer price index for the most recent 12-month period for which data are available. By April 1 of each year after 2018, the dollar amounts shall be adjusted by the change in the medical care component of the U.S. consumer price index for the most recent 12-month period for which data are available. For calendar year 2019, the limit on the amount that a public employer may contribute to a medical benefit plan was set to the sum of the following:

- \$ 6,685.17 times the number of employees and elected public officials with single-person coverage
- \$13,980.75 times the number of employees and elected public officials with individual-and-spouse coverage or individual-plus-1-nonspouse-dependent coverage
- \$18,232.31 times the number of employees and elected public officials with family coverage.

The limits for 2020 equal the 2019 limits increased by **2.0 percent**. The 2.0 percent is the percentage change in the medical care component from the period March 2017-February 2018 to the period March 2018-February 2019.

Thus, for medical benefit plan coverage years beginning on or after January 1, 2020, the limit on the amount that a public employer may contribute to a medical benefit plan equals the sum of the following:

- **\$ 6,818.87** times the number of employees and elected public officials with single-person coverage
- **\$14,260.37** times the number of employees and elected public officials with individual-and-spouse coverage or individual-plus-1-nonspouse-dependent coverage
- **\$18,596.96** times the number of employees and elected public officials with family coverage.


Rachael Eubanks
State Treasurer

March 25, 2019

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: ACT 51 Map Changes (Amendment)
Submitted By: Joel Brookens	Department: Public Works
Brief Summary: Staff is requesting authorization to approve amended letter for the addition of streets on the MDOT ACT 51 Map.	
Detailed Summary: Staff received feedback from the State of Michigan in regards to the MDOT ACT 51 resolutions that we sent them in April 2020. They have requested that we add the centerline description to the two (2) streets that we are adding to the map. Attached is a new letter listing the centerline description of Terrace Marina Drive and Murphy Street, as well as a map/image showing the road that is being added to the ACT 51 map. Staff is asking for approval of the added verbiage and will need a signed Street Add Certification form to submit to MDOT in order to complete changes.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: Approve centerline descriptions and sign Street Add Certification to submit to MDOT, so changes can be completed.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

MDOT ACT 51 MAP CHANGES

(City of Muskegon)

STREET ADD CERTIFICATION

At a regular meeting of the City Commissioners of Muskegon, Michigan, held at the city hall on May 12, 2020, the following AMENDMENT to City of Muskegon City Commission Resolution #2020-17E was supported.

Under the heading "NOW THEREFORE IT IS RESOLVED", add the following:

5. Whereas the center line description distance was obtained by physically measuring, via a measuring wheel, the center line of said streets:

Terrace Marina Drive was measured by starting at the stated end point and measuring along the center line to the actual end point, a distance of 417 feet.

Murphy Street was measured by starting at the stated end point and measuring along the center line to the center of Yuba Street, a distance of 95 feet.

Resolution duly adopted.

(Date) _____

(City/Village Clerk) _____

Certified to be a true copy, _____

(Date) _____

(City, Village Clerk) _____

MDOT ACT 51 MAP CHANGES

(City of Muskegon)

STREET ADD CERTIFICATION

At a regular meeting of the City Commissioners of Muskegon, Michigan, held at the city hall on March 24, 2020, the following resolution was offered by member _____, and supported by member _____.

Whereas the City of Muskegon does wish to add Murphy Street and Terrace Marina Drive as shown in the attached construction documents. The total addition length for Murphy Street is 95 feet and the addition to Terrace Marina Drive is 417 feet. And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the construction documents, attached, accurately represent the construction of said street.
2. That said street is located within a City right-of-way and is under the control of the City of Muskegon.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the municipal street system and is open to the public for public use on or before December 31, 2019.

Resolution duly adopted.

(Date) _____

(City/Village Clerk) _____

Certified to be a true copy, _____

(Date) _____

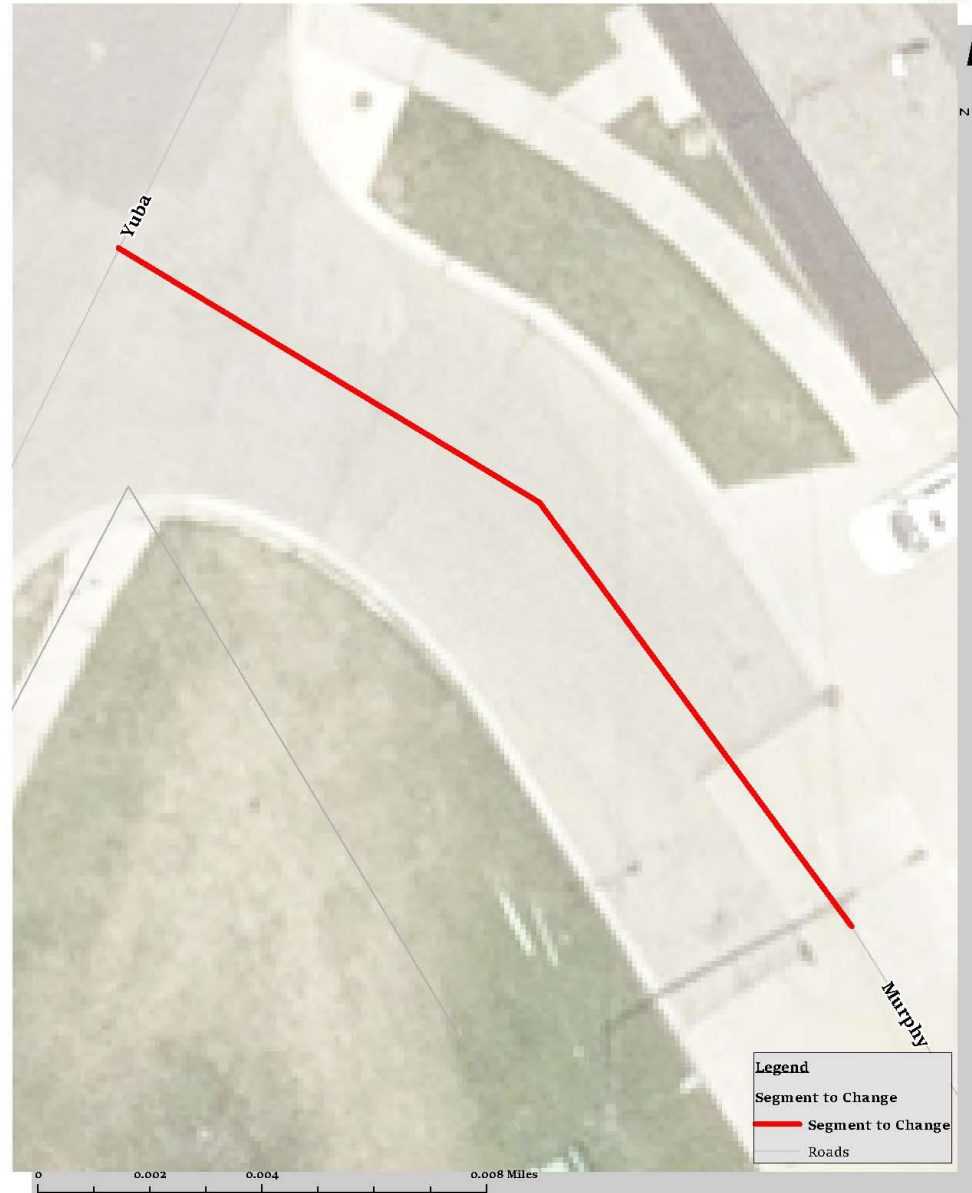
(City/Village Clerk) _____

**PREVIOUSLY SIGNED
LETTER**

CITY OF MUSKEGON ACT 51 MAP CHANGES
ABANDON 417 FT TERRACE MARINA DR



CITY OF MUSKEGON ACT 51 MAP CHANGES
ADD 95 FT MURPHY ST





Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 4/14/2020	Title: Tax Incentive Policy and Guidelines
Submitted By: LeighAnn Mikesell	Department: Economic Development
Brief Summary: The Tax Incentive Committee has created a policy document for Commission approval that reflects the findings and recommendations in the previously reviewed committee report.	
Detailed Summary: In an effort to standardize and control the rate and term of tax abatements granted in the City of Muskegon, the Tax Incentive Committee (comprised of staff from Economic Development, Planning, and Finance) has created the attached policy to guide our recommendations to the City Commission when tax abatements are requested. This system incentivizes companies that reflect community goals and values, while keeping Muskegon competitive in the region for attraction and expansion of business base.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s):	Fund(s) or Account(s): N/A
Recommended Motion: Motion to approve the Tax Incentive Policy and Guidelines as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	



TAX INCENTIVES POLICY

INFORMATION PACKET AND GUIDELINES

OVERVIEW:

A company that is in the planning phase of a major business attraction or expansion project that will include a capital investment in real and/or personal property may be eligible for a number of statutorily provided and locally approved tax incentives or abatements. The City of Muskegon strives to apply these incentives with maximum return on investment for the developer and community. The process for requesting and receiving an eligible tax incentive for a development or expansion project has been simplified in the following policy guidelines and forms.

The City of Muskegon maintains this policy with the objectives of:

- increasing employment opportunities for our residents,
- diversifying and stabilizing the tax base of the community,
- reducing functional obsolescence of existing buildings and lots,
- encouraging expansion of our existing business base,
- providing for improved housing and commercial amenities for the community,
- encouraging attractive, viable building sites and
- enhancing our economic development tools to attract and retain businesses

POLICY ELIGIBILITY CRITERIA:

1. A tax abatement shall not be granted until there is compliance with the associated state statute; and
2. Leasehold property shall not qualify for a real property tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
3. A tax abatement shall be issued for a term reflective of the points earned in the City's scoring matrix; and
4. A tax abatement shall not be issued unless an Applicant completes the attached application form and provides all necessary documents to ensure accurate scoring by the Tax Incentive Review Committee.

APPLICATION PROCESS:

Once a company has determined that it meets the minimum criteria for consideration of a tax abatement, then a company may begin the process of formally applying for the relevant incentive. The process is as follows:

1. Letter of Intent submitted on applicant's letterhead to the Planning Director (No improvements shall be considered for abatement if made or permitted prior to the approval of the abatement application).
2. Complete any relevant Michigan Department of Treasury Forms. Include with the form:
 - a. Cost Sheet for anticipated improvements in real property.
 - b. Lease Agreement showing building terms and applicants' tax liability (if applicable).
3. Submit application form and attachments to the City of Muskegon Planning Department.

4. Tax Incentive Review Committee verifies completion and eligibility of Applicant's documents for submission and makes recommendation to the City Commission regarding approval and length of the requested abatement.
5. City Commission Public Hearings are scheduled.
6. City Commission votes on establishment of the District and approval of the associated abatement (City Commission may also vote to reject any application for abatement).
7. Resolution submitted to State Tax Commission for final approval and issuance of certificates where necessary.
8. Projected investment must be complete within two years or risk liability for any abated values.

LENGTH OF THE TAX ABATEMENT:

The City Commission has approved the use of the following matrices to calculate the length of the associated tax abatement. The points in this scoring system are tied to community goals endorsed by elected officials and staff, thereby rewarding and incentivizing specific development types and values with additional potential years of abatement:

Cognate	Value	Cognate	Value
PA 198		PA 210, 255, 146	
Taxable Value	0-5	Taxable Value	0-5
Job Creation	0-3	Location	0-2
Resident Hiring	0-2	New Business	0-1
		Resident Owned/Managed	0-2
TOTAL	0-10	TOTAL	0-10

PA 198 IFEC Scoring Guide

1-7 Points: 9-Year 50% Abatement

7-10 Points: 12 Year 50% Abatement

PA 210 Tax Abatement Scoring Guide

1-5 Points: 3 Years frozen taxable values

6-8 Points: 6 Years frozen taxable values

9-10 Points: 10 Years frozen taxable values

PA 255 Tax Abatement Scoring Guide

1-5 Points: 4 Year Abatement

6-8 Points: 8 Year Abatement

9-10 Points: 12 Year Abatement

PA 146 Tax Abatement Scoring Guide

1-5 Points: 4 Years frozen taxable values

6-8 Points: 8 Years frozen taxable values

9-10 Points: 12 Years frozen taxable values

TAX ABATEMENT APPLICATION FEE:

The City Commission has authorized the implementation of a non-refundable application fee of \$1,000.00 for Public Act 146, Public Act 255, and Public Act 210 abatement applications. Public Act 198 tax abatement applications carry a non-refundable application fee equal to 2% of the abated taxes, not to exceed \$1,722.

REQUIREMENTS AFTER TAX ABATEMENT IS APPROVED:

By the December 31 that is two years after the December 31 of the year that the abatement is approved, the applicant will supply the Planning Director with a letter confirming that the purchases, employment numbers, renovations, and/or other applicable cognates are complete. If these figures have not been reached, a letter of explanation must be submitted to the Planning Director, for review by City Commission, which may then cancel the abatement, or offer a new abatement with reduced values and years.

For assistance with your business attraction and retention needs, please contact the City Economic Development Office at 231-724-6870. For assistance with the associated process and application, please contact the City Planner's Office at 231-724-6702.

Tax Incentive Policy Scoring Guide

INDUSTRIAL FACILITIES EXEMPTION (PUBLIC ACT 198)

TAXABLE VALUE: The City will consider the estimated additional tax base that the development will generate based on plan review, assessor's analysis and permit fees. 1 point awarded for \$250,000 - \$499,999 in taxable value, 2 points awarded for \$500,000 to \$749,999, 3 points awarded for \$750,000 to \$999,999, and 4 points awarded for taxable value creation over \$1,000,000. Any improvement resulting in \$5,000,000 or more in new taxable value will be recommended for the full 12 year abatement. Additionally, any construction of a new industrial facility will be recommended for the full 12 year abatement.

JOB CREATION: Up to 3 additional points can be earned by creating new full time jobs in the City Limits. 1 point will be earned for 10 newly created jobs, 2 points for 11-24 jobs, and the full 3 points for 25+ jobs. Any development creating 100 or more jobs in the first three years will be recommended for the full 12 year abatement.

RESIDENT HIRING: An additional point will be awarded if the proposed development will commit to employing 10% of its full time staff from within the city limits, and an additional 2 points will be awarded if the proposed development will commit to employing 20% of its full time staff from within the city limits.

COMMERCIAL REHABILITATION TAX ABATEMENT (PUBLIC ACT 210)

COMMERCIAL REDEVELOPMENT DISTRICT ABATEMENT (PUBLIC ACT 255)

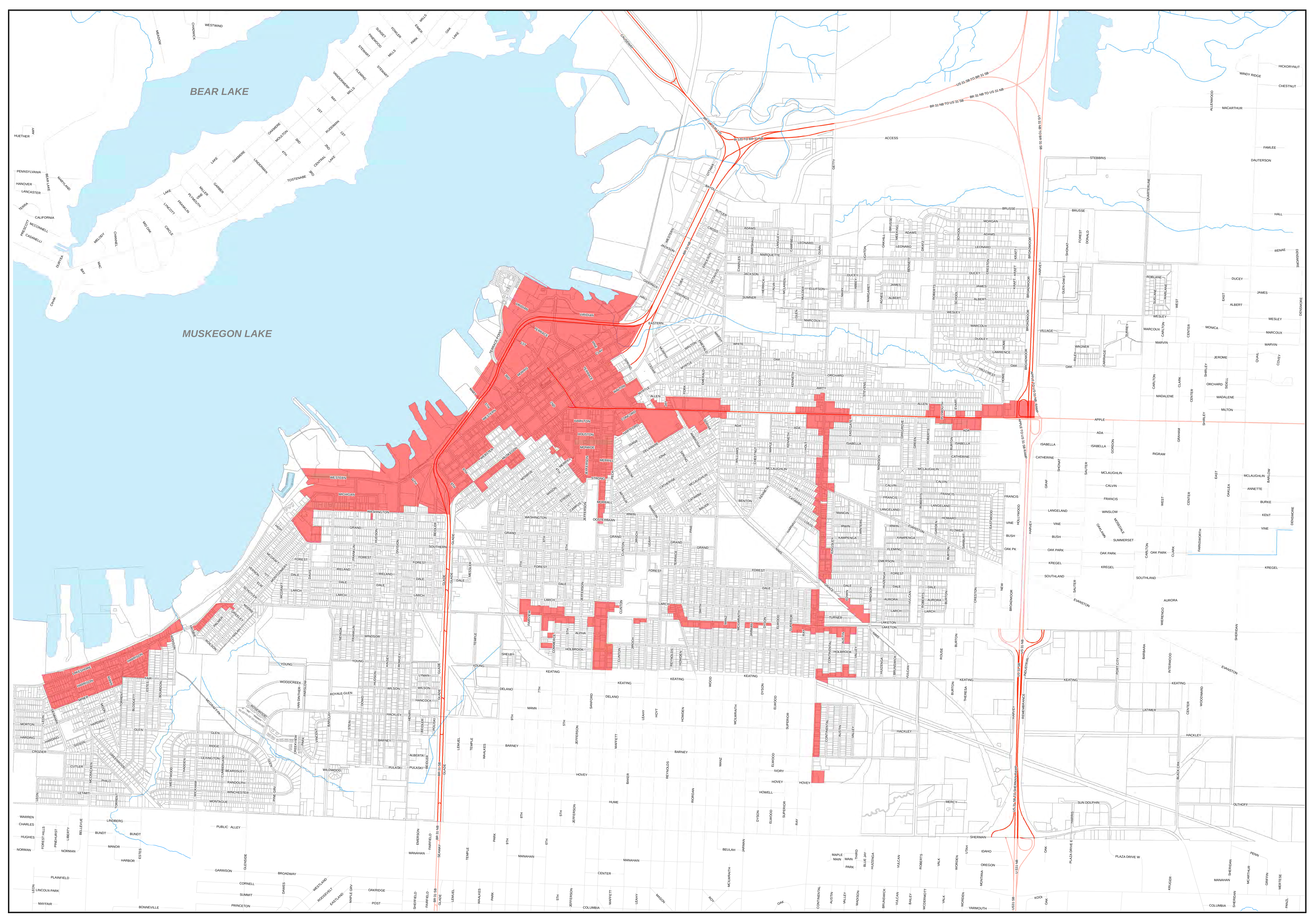
OBSOLETE PROPERTY REHABILITATION ACT (PUBLIC ACT 146)

TAXABLE VALUE: The City will consider the estimated additional tax base that the development will generate based on plan review, assessor's analysis and permit fees. 1 point awarded for \$150,000 to \$249,999 in taxable value, 2 points awarded for \$250,000 to \$499,999, 3 points awarded for \$500,000 to \$749,999, and 4 points awarded for \$750,000 to \$999,999, and 5 points for taxable value creation over \$1,000,000. Any development creating a taxable value over \$5,000,000 will be recommended to receive the full abatement.

LOCATION: An additional two points will be awarded to a development if it is proposed in one of the City's identified Commercial or Residential Redevelopment Areas (map attached).

NEW BUSINESS: An additional point will be awarded if the development is being proposed by a commercial entity or housing developer that has not previously developed in the City of Muskegon.

RESIDENT OWNER: An additional two points will be awarded if the proposed business or development is owned or managed by a City of Muskegon resident.



Environmental Building Standards Committee Recommendation

April 4, 2020

REVIEW

Current energy code standards equate to LEED baseline certification. If we want to incentivize construction that meets a higher standard, we can only include stricter or higher level certification.

Costs to reach higher levels of LEED certification far outweigh any tax abatement we could offer, and therefore would not result in the incentive we were hoping to provide.

LEED construction is 3.3 – 8.5% more than standard construction plus certification fees from \$20,000 to \$60,000. If we average the value of all the IFT abatements currently within the city, a company can count on about \$4,000 per year in reduced taxes paid to the city. If the points awarded to the developer provide another 3 years of abatement, they can expect to save \$12,000. That amount does not cover the certification fees, let alone the additional construction costs.

Only 6 states have municipalities that offer tax refunds/abatements/credit. The Cincinnati program has been under scrutiny and is being redesigned. Chatham County, Georgia offers full property tax abatement for 5 years, then reduces the abatement by 20% for the next 5 years for any commercial building that reaches gold certification. Current incentives given by a municipality within Michigan only apply to municipal buildings. In other local agencies throughout the country, policies are more related to providing faster permit reviews, a density bonus, or cash toward construction costs. A density bonus would not be applicable in Muskegon at this time since we have so much vacant land ready for construction. Any program that offers cash toward construction would be developed outside the tax incentive policy. Ideas related to faster permit reviews and the possibility of adding certain green practices to our building code such as material conservation, use of recycled material, or a requirement to use LED lights were presented to Public Safety.

We can make a larger impact on the environment (reducing carbon emissions) by using proper planning principles and developing a walkable, bikable, transit friendly city. Reducing the need for and use of cars will provide a significant and lasting impact on the environment. An EPA study entitled “Location Efficiency and Building Type – Boiling It Down to BTUs” compared four factors: drivable versus walkable location; conventional construction versus green building; single-family versus multifamily housing; and conventional versus hybrid automobiles. The study made it clear that none of the factors contributed as much as walkability. It showed specifically how, in drivable locations, transportation energy use consistently tops household energy use, in some cases by more than 2.4 to 1. The most green home in sprawl still loses out to the least green home in a walkable neighborhood.

RECOMMENDATION

- **Approve the tax incentive policy without inclusion of points for green building practices.**
- Continue to incorporate good planning principles when guiding potential developers and approving site plans.
- Work with Safebuilt to develop building code modifications to require material conservation, the use of recycled materials when available, and the inclusion of LED lighting.
- Work with Safebuilt to accelerate permit review processes for buildings that are LEED certified.

Environmental Building Standards Supporting Data

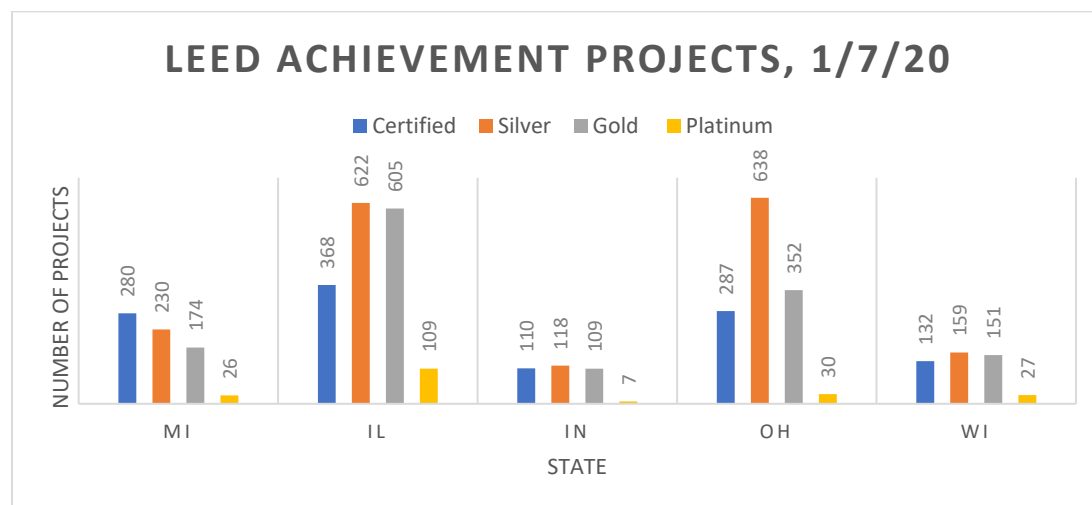
April 4, 2020

Michigan Energy Code

- Incorporates the International Energy Conservation Code (IECC) – this is a model code that regulates minimum energy conservation requirements for new buildings.
- The Michigan Energy Code is intended to provide flexibility to permit the use of innovative approaches and techniques.

LEED (Leadership in Energy Environmental Design program) is a green design mission which promotes design and construction practices with the idea that an increase in energy efficiency will lead to a decrease in expenditure.

- Companies pay LEED to critique a building's green design based off criteria developed by the U.S. Green Building Council (USGBC) and labeling it Certified, Silver, Gold, or Platinum. If the building does not meet the USGBC's criteria, LEED will deny certification.
- USGBC - launched an online data visualization resource that highlights real-time green building data for each state in the U.S. It highlights LEED projects, LEED-credentialed professionals, and USGBC membership in each state.
<https://www.usgbc.org/resources/state-market-brief>
- LEED project data below only includes commercial rating systems. USGBC green building data from each state – LEED-credentialed professionals, member organizations and LEED projects.

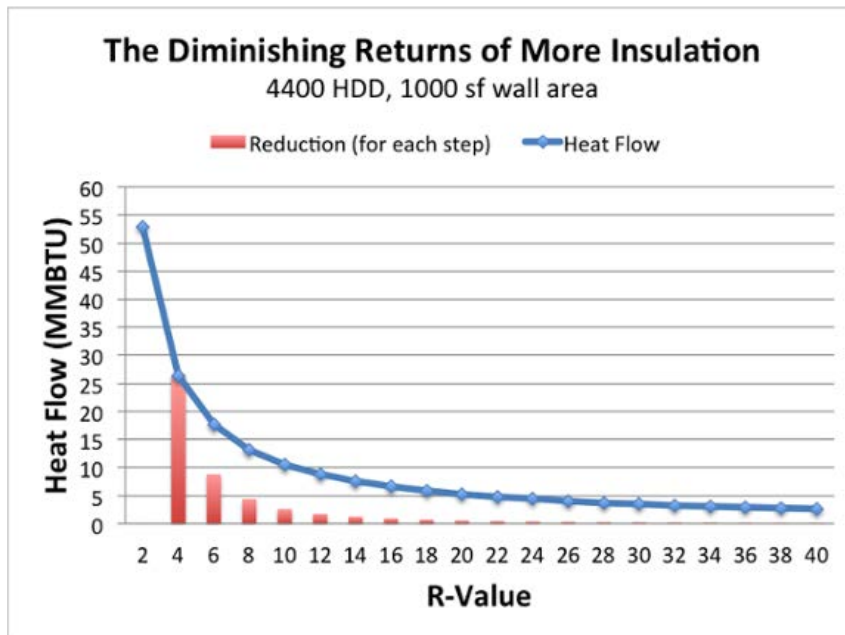


EPA's Energy STAR program

- This program helps to calculate the returns on energy efficiency investments by way of various calculators based on cash flow opportunity, financial value and building upgrade values.

Energy Vanguard

- A diminishing return can take place whereby adding additional energy efficient materials to a structure results in smaller increments of efficiency.



- Examples of incentives offered across the U.S. - Financial incentives / Expedited permitting / Property tax reductions or abatements for significant periods of time / Density bonuses / Accelerated building permit processing / Free publicity
- The cost to obtain LEED certification can depend upon a variety of factors and expectations. The U.S. Green Building Council (USGBC) indicates the cost to obtain LEED certification can depend on factors/expectations:
 - Type and size of project / timing of introduction of LEED as a design goal or requirement / level of LEED certification desired / composition and structure of the design and construction teams / the process used to select LEED credits / clarity of the project implementation documents / base case budgeting assumptions
- Fees charged by the U.S. Green Building Council to earn LEED are expensive - \$20,000 to \$60,000.
- One of the first LEED cost studies was published in October 2003 by KEMA, an energy consulting company. The total project cost LEED certification premiums identified in the KEMA study continue to be among the most commonly cited:
 - LEED Certified – 0-2.5 percent
 - LEED Silver – 0-3.3 percent
 - LEED Gold – 0.3-5.0 percent
 - LEED Platinum – 4.5-8.5 percent

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: Parking Enforcement Ordinance
Submitted By: Jeffrey Lewis	Department: Public Safety
Brief Summary: Amending current parking ordinances 92-71 & 73; Chapter 92, Article V of the Code of Ordinances of the City of Muskegon to include parking restrictions and enforcements for public beach parking. In addition, abandoned vehicle language (LO5) was added to restrict vehicles parked longer than 48 hours on city streets.	
Detailed Summary: See attached amended ordinance.	
Amount Requested: \$0	Amount Budgeted: \$0
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Approval to amend Parking Ordinance 92-71 & 73	
Check if the following Departments need to approve the item first: Police Dept. ☒ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. ____

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 92, Article V of the Code of Ordinances of the City of Muskegon, Michigan, Section 92-71 are amended to read as follows:

Sec. 92-71. Parking restrictions.

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, excluding parking in a Marina, see section 74, in any of the following places:
 - (a) On a sidewalk;
 - (b) In front of a public or private driveway;
 - (c) Within an intersection;
 - (d) Within 15 feet of a fire hydrant;
 - (e) On a crosswalk;
 - (f) Within 20 feet of a crosswalk, or if there is not a crosswalk then, within 15 feet of the intersection of property lines at an intersection of highways;
 - (g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic control signal located at the side of a highway;
 - (h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking;
 - (i) Within 50 feet of the nearest rail of a railroad crossing;
 - (j) Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance if properly marked by an official sign;
 - (k) Alongside or opposite any street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic;
 - (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (m) Upon a bridge or other elevated highway structure or within a highway tunnel;
 - (n) At a place where an official sign prohibits stopping or parking;

(o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village;

(p) In front of a theater;

(q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building;

(r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building;

(s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a of the Michigan Vehicle Code or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following:

(i) A certificate of identification or windshield placard issued under section 675 of the Michigan Vehicle Code to a disabled person.

(ii) A special registration plate issued under section 803d of the Michigan Vehicle Code to a disabled person.

(iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(iv) A similar special registration plate issued by another state to a disabled person.

(v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

(t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities;

(u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities;

(v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision;

(w) In violation of an official sign restricting the period of time for a manner of parking;

(x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, or where controlled by another type of meter, if the allowable time for parking indicated on the meter or other device has expired, unless the vehicle properly displays one or more of the items listed in section 675(8) of the Michigan Vehicle Code;

(y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service;

(z) In a place or in a manner that blocks the use of an alley;

(aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane;

(LO1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings. The front of the vehicle must be nearest the curb or edge of roadway and the rear of the vehicle nearest the travel portion of the roadway or parking area (no backing in);

(LO2) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except otherwise provided in this part;

(LO3) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxi cab in a taxi cab stand when the stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if the stopping does not interfere with any bus or taxi cab waiting to enter or about to enter the zone;

(LO4) On unimproved side or front yards of residential lots;

(LO5) ~~Where a vehicle is abandoned as defined in MCL 257.252a or MCL 257.252b~~~~Reserved~~;

(LO6) Other than between painted lines in designated parking areas;

(LO7) Along or on any unpaved parkway, except where the same is used for a driveway to enter private or public property. Parking on the terrace (i.e., the area between the property line and the street) is permitted from December 1 through March 1 on those streets having allowed parking on only one side of the street, but not on the paved portion of the terrace;

(LO8) In any public park, beach or other public area between the hours of 11:00 p.m. and 5:00 a.m.;

(LO9) From December 1 through March 1 of each year where parking is currently allowed on both sides of the street, on street parking is modified as follows:

- (a) Parking is allowed on the side of the street with even numbered addresses on even numbered calendar days between the hours of 7:00 a.m. and 5:00 p.m.
- (b) Parking is allowed on the side of the street with odd numbered addresses on odd numbered calendar days between the hours of 7:00 a.m. and 5:00 p.m.

- (c) Parking is allowed on both side of the street all days between the hours of 5:00 p.m. and 7:00 a.m.

Where parking is currently allowed on one side of the street only, parking is allowed except between the hours of 2:00 a.m. and 6:00 a.m.

In the downtown business areas

- (a) Bounded by Shoreline Drive heading easterly from Seventh Street to Spring Street, heading southerly on Spring Street from Shoreline Drive to Apple Avenue, heading westerly on Apple Avenue from Spring Street to Muskegon Avenue, heading westerly on Muskegon Avenue from Apple Avenue to Ninth Street, and heading northerly on Ninth Street to Seventh Street, heading northerly on Seventh Street from Western Avenue to Shoreline Drive; and
- (b) on Third Street from Merrill Avenue to Muskegon Avenue

Parking is allowed except between the hours of 2:00 a.m. and 6:00 a.m.

All signed parking restrictions apply all days of the week.

This section applies to every portion of every block of every city street;

(LO10) Commercial vehicle defined: "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn:

1. No commercial vehicle shall be parked upon any street or alley for a period longer than two hours.
2. No commercial vehicle shall be parked at any angle to the line of the street or alley while loading or unloading for a period longer than one hour.
3. No commercial vehicle shall be parked at any angle to the line of the street or alley where such vehicle would prohibit the free flow of traffic.
4. No commercial vehicle shall be parked in residential areas.

(LO11) Special provisions relating to trailers and semitrailers:

1. No unattached trailer or semitrailer shall be parked on any street or alley at any time except when it is necessary to temporarily disconnect such trailer or semitrailer for convenience in loading or unloading.
2. Streets in a business district may be designated on which no trailer shall be stopped, parked or allowed to stand between the hours of 10:00 a.m. and 6:00 p.m.
3. A person who violates this section is responsible for a civil infraction.

(LO12) No vehicle shall display a "for sale" sign while parked on any public street or property;

(LO13) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadways or other such areas so designated for the vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park beach or other public area, except in those areas designated for vehicular travel therein.

(LO14) A person shall not allow a motor vehicle to stand on a highway or places open to the public unattended without engaging the parking brake or placing the vehicle in park, stopping the motor of the vehicle, and removing and taking possession of the ignition key. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway. This section does not apply to a vehicle that is standing in a place and is equipped with a remote start feature, if the remote start feature is engaged.

(LO15) Where a daily or a seasonal pass is required, as indicated in posted signs or notices, for a motor vehicle to park, no motor vehicle shall park in such a location without a daily pass being prominently displayed on the motor vehicle's front dashboard or a seasonal pass being prominently affixed to the front windshield on the driver's side.

(LO16) Where a seasonal pass is required, as indicated in posted signs or notices, for a motor vehicle to park, no motor vehicle shall park in such a location without a seasonal pass being prominently affixed to the front windshield on the driver's side.

- (2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.
- (3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (l)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (l)(n) if the place is posted by and appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.

(4) A person who violated this section is responsible for a civil infraction.

2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

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 _____, 20~~19~~20, at which meeting a quorum was present and remained throughout, and 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.

Date: _____, 20~~20~~19

Ann Marie Meisch, MMC

City Clerk

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 _____, 2020, the City Commission of the City of Muskegon amended Chapter 82, Article II of the Muskegon City Code, summarized as follows:

TO BE COMPLETEED AFTER ADOPTION

~~1. Section 82-51 is amended to provide that the combination of the service charge, which means the payment in lieu of taxes, and the essential services fee shall be not less than 1% nor more than 20% of the contract rents charged for the total of all units in the project, whether the units are occupied or not and whether or not the rents are paid.~~

Formatted: Centered

Formatted: Centered, Indent: Left: 0", First line: 0"

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.

Published: _____, 20~~2019~~

CITY OF MUSKEGON

By _____

Ann Marie Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

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

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 92, Article V of the Code of Ordinances of the City of Muskegon, Michigan, Section 92-73 are amended to read as follows:

Chapter 92, “Local Parking Restrictions” Section 73 “Parking violations bureau; minimum parking fines,” of the Code of Ordinances of the City of Muskegon is amended as follows:

Sec. 73. “Parking violations bureau; minimum parking fines,”

(1) Pursuant to the provisions of state law MCL 600.8395, there is hereby established within the city a parking violations bureau to accept pleas of responsible in motor vehicle parking violation cases and to collect and retain fines and costs as prescribed by ordinance.

(2) Upon pleading responsible or being found responsible by a court, the fines for parking violations shall be as follows:

(2.1) Level 1 parking violations.

<i>Code 92-71(1)</i>	<i>Offense</i>
LO1	Violation of angle parking/backed into space signs
LO2	Too far from curb
LO2	Parking facing traffic
LO3	Loading zone, passenger zone (bus/taxi cab zone)
w	Parking overtime <u>excluding at Pere Marquette Beach</u>
x	Meter parking

The penalties for level 1 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	After 30 days
\$10.00	\$20.00	\$30.00	\$60.00

(2.2) Level 2 parking violations.

<i>Code § 92-71(1)</i>	<i>Offense</i>
a	Parking on sidewalk
b	Blocking driveways
c	Within an intersection
e	In a crosswalk
f	Within 20 feet of a crosswalk or within 15 feet of property lines at intersection
g	Too close to a flashing beacon, stop sign, yield sign, traffic control signal, or other traffic sign
h	In a safety zone
i	Too close to railroad

j	Too close to fire station entrance
k	Parking: obstruct traffic
m	Parking on a bridge or in a tunnel
n	Posted prohibited parking; parking violation of any posted signs
o	Parking within 500 feet of an accident
p	Parking in front of a theater
q	Blocking emergency exits
r	Blocking fire escape
v	Within 500 feet of a fire or fire apparatus (except volunteers and vehicles legally parked before the fire)
y	Obstruct mail delivery
z	Alley parking
LO4	Front and side yard parking
LO7	Parking on terrace or parkway
LO9	2a-6a parking prohibited
LO10	Commercial vehicles
LO11	Unattached trailers and semitrailers
LO12	Display of "for sale" sign while parked on city street or terrace
	Other violations
LO14	Unattended vehicles (running)

The penalties for level 2 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	If paid after 30 days
\$15.00	\$30.00	\$45.00	\$70.00

(2.3) Level 3 parking violations.

Code § 92-71(1)	Offense
d	Too close to a fire hydrant
l	Double parking
LO6	Parking outside the lines
LO8	Parking in a public park after 11:00 p.m. and before 5:00 a.m.
LO13	Prohibited off-road vehicular traffic
	Other violations in any city parks

The penalties for level 3 parking violations are as follows:

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	After 30 days
\$20.00	\$40.00	\$60.00	\$80.00

(2.4) Level 4 parking violations.

Code § 92-71(1)	Offense
LO5	Abandoned Vehicle {Reserved}

If paid within 14 days	If paid after 14 days but before 21 days	If paid after 21 days but before 30 days	If paid after 30 days
\$55.00	\$65.00	\$75.00	\$85.00

(2.5) Any other violation of the parking provisions which are not listed in the above schedules shall be considered level 2 parking violations and shall carry the penalties set forth above for level 2 violations, except that:

- a) Code § 92-71(1)(s)(t)(u). Spaces for disabled persons. Unlawful parking in a space reserved for persons with disabilities as defined in applicable state law shall carry a minimum of \$105.00, which shall increase to \$210.00 after the first 14 days after the violation, and \$315.00 after 30 days; ~~and~~
- b) Code § 92-71(1)(aa). Fire lane. Unlawful parking in a fire lane shall carry a minimum of \$30.00, which shall increase to \$60.00 after the first 14 days, after 21-30 days the violation will be \$90.00 and \$120.00 after 30 days;
- c) Code 92-71(1)(LO15) shall carry a fine of \$30 per calendar day;
- d) Code 92-71(1)(LO16) shall carry a fine of \$20 per calendar day; and
- ~~b)e)~~ Code 92-71(1)(w), limited to parking overtime at Pere Marquette Beach shall carry a fine of \$20 per violation.

2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

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 _____, 2020, at which meeting a quorum was present and remained throughout, and 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.

Date: _____, 2020

Ann Marie Meisch, MMC
City Clerk

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 _____, 2020, the City Commission of the City of Muskegon amended Chapter 82, Article II of the Muskegon City Code, summarized as follows:

TO BE COMPLETEED AFTER ADOPTION

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.

Published: _____, 2020

CITY OF MUSKEGON

By _____
Ann Marie Meisch, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: Temporary Modification to MERS Benefit Provisions
Submitted By: Beth Lewis	Department: Finance
Brief Summary: The City Finance department is requesting a Temporary Modification to the MERS Benefit Provisions for the Defined Benefit employees. This provision would temporarily lower the number of hours an employee would have to work during the month to earn service credit to accommodate those employees taking part in the Work Share furloughs.	
Detailed Summary: Currently employees need to work 150 hours per month to receive service credit for their defined benefit pension. This modification would allow an employee to work 126 hours and still receive service credit for the month. Additionally this would allow for hazard pay and essential duty pay to be pensionable. The temporary provision would be in effect from March 1, 2020 to December 31 2020.	
Amount Requested: n/a	Amount Budgeted: n/a
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the Temporary Modifications to Benefit Provision as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Temporary Modification to Benefit Provisions



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

In recognition of the impact to local units of government and adjustments to their workforce to maintain essential services and comply with the "Stay Home, Stay Safe" directive and the Families First Coronavirus Response Act, MERS will be allowing temporary benefit adjustments to an employer's definition of a day of work/hours in a month to earn service credit, and definition of compensation. These adjustments may be changed to account for workload and schedule changes, as well as for different types of compensation, such as paid leave. The temporary period of adjustment is March 1, 2020 through December 31, 2020.

By signing below, the Employer affirms it is making temporary benefit adjustments in good faith in the effort to continue operations, and that they are within the parameters outlined in the MERS' Plan Document and this agreement. These temporary modifications may not result in a diminishment of benefit for participants.

The Employer agrees to adopt and administer the MERS Defined Benefit, Defined Contribution, and Hybrid Plans provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer name City of Muskegon Municipality number 6116

Eligible Employee Divisions 1, 11, 12, 21, 22, 50

(List all applicable division numbers)

II. Temporary Benefit Adjustments

Service Credit – For this temporary period, enter the minimum number of hours in a day or in a month that employees will work and earn service credit:

☐ An employee shall work 10 _____ hour days.

☒ An employee shall work 126 hours in a month.

☐ This modification may not include laid off employees. To provide service credit to furloughed employees that are still employed but on leave, please check here.

All eligible employees, whether full or part time, who meet this criteria must be reported to MERS. Temporary adjustment to day of work definition cannot be more restrictive than the current definition. (This is applicable to Defined Benefit and Defined Benefit portion of Hybrid only.)

Definition of Compensation for purposes of determining wages and employer/employee contributions under Defined Benefit, Defined Contribution and Hybrid are temporarily defined as:

Bonuses, paid leave or additional pay related to COVID-19: ☒ INCLUDE ☐ EXCLUDE

All other terms and conditions of the Employer's Adoption Agreement and other agreements between the Employer and MERS remain applicable.

By signing this agreement, for months that include discrepancy code of: 'COVID-19' (under Defined Benefit and Defined Benefit portion of Hybrid), MERS will proceed according to the following:

- Full service credit is allowed for all employees reported in the above division for the temporary period.
- MERS may skip months reported as 'COVID-19' when determining an employee's final average compensation for benefit calculation.
- Wages, contributions, and service reported will be treated as an accurate reporting for this period.

III. Authorization by Designee of Governing Body of Municipality or Chief Judge of Court

(Name of Approving Employer) Title: _____

Authorized signature: _____ Date: _____



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: May 12, 2020	Title: Public Hearing for 2020 Annual Action Plan
Submitted By: Oneata Bailey	Department: Community and Neighborhood Services
Brief Summary: Hearing for the City of Muskegon's 2020 Annual Action Plan.	
Detailed Summary: To accept comments about the 2020 Annual Action Plan.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To allow for public comments regarding the city of Muskegon's 2020 Annual Action Plan.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	