

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 11, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Request to Fly the Norwegian Flag. CITY CLERK
 - C. Liquor License Request – Great Lakes Entertainment, LLC, 441 W. Western Avenue. CITY CLERK
 - D. Title V Grant Application. LEISURE SERVICES
 - E. Sale of Buildable Vacant Lot at 1275 Dudley Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - F. Health Care Opt-Out. FINANCE
 - G. Approval of Resolution to Sell 503 Octavius. COMMUNITY & NEIGHBORHOOD SERVICES
 - H. Appointment to Housing Board of Appeals. PUBLIC SAFETY
- ❑ PUBLIC HEARINGS:
 - A. Request to Establish an Obsolete Property District – PCJ Enterprises, LLC. PLANNING & ECONOMIC DEVELOPMENT
 - B. Request to Issue an Obsolete Property Certificate – PCJ Enterprises, LLC. PLANNING & ECONOMIC DEVELOPMENT
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:

❑ **UNFINISHED BUSINESS:**

A. Rezoning Request for Property Located at 407 Marquette Avenue (SE Corner of Marquette Ave. and Wood St.) PLANNING & ECONOMIC DEVELOPMENT

B. Request for Extension of Deadlines for Former Lakos Property. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS:**

A. Liquor License Request – Mason Street Market, 248 Mason Street. CITY CLERK

B. Graffiti Ordinance. LEISURE SERVICES

C. Request to Establish a Pay Range - Police Records Supervisor. PUBLIC SAFETY

❑ **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 GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: May 11, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 27, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 11, 2004

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 11, 2004.

Mayor Warmington opened the meeting with a prayer from Reverend Piggue from Emmanuel Tabernacle Church of God in Christ 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 Bill Larson, Commissioners Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2004-44 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 27, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Fly the Norwegian Flag. CITY CLERK

SUMMARY OF REQUEST: The Sons of Norway request permission to fly the Norwegian Flag outside City Hall on Monday, May 17th to celebrate Norwegian Independence Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

D. Title V Grant Application. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Title V Planning Committee to submit a grant application for the Delinquency Prevention Program.

FINANCIAL IMPACT: Local \$45,000 match to come from in-kind services from the City and two other agencies.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

E. Sale of Buildable Vacant Lot at 1275 Dudley Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1275 Dudley Avenue (designated as parcel number 24-610-000-0145-00) to Kenyatta & Cynthia Drones of 760 Emerald Street, Apt. F, Muskegon, MI. The lot is 143 x 132 ft. and is being offered to the Drones for \$9,000. They plan to use the land for the construction of a 2,562 sq. ft. single-family home with a 3-stall attached garage. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee (LRC) recommended approval of this request at their April 27, 2004, meeting.

F. Health Care Opt-Out. FINANCE

SUMMARY OF REQUEST: Last fall, in response to employee suggestions, we explored the possibility of generating additional savings through the healthcare opt-out program. Under the opt-out program employees who do not need City health coverage receive a cash payment. The City, in turn, saves by not having to pay premiums for the employee. Last fall, not enough new participants could be found to reach the break-even point of 8 new employees. However, higher healthcare premiums have pushed the break-even point down to 6 new enrollees and several employees have requested that we reconsider this program. This revised proposal is to increase the opt-out payment amount from \$1,300 per year to \$3,000 per year provided that six new participants enroll to make it at least a break-even proposition for the city.

FINANCIAL IMPACT: Healthcare savings will depend on the number of new program participants. Six new participants are required for the City to "break-

even".

BUDGET ACTION REQUIRED: If enough new participants enroll in the program, budget adjustments may be needed in the departmental budgets where program participants are located.

STAFF RECOMMENDATION: Authorize an increase in the annual opt-out payment from the current \$1,300 to \$3,000 effective June 1 provided six new opt-out participants have signed up for the program. If there are not enough new participants signed up by June 1, the program will remain at its current level.

H. Appointment to Housing Board of Appeals. PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission approve the appointment of Ed Simmons to the Housing Board of Appeals.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Due to the withdrawal of Edward Sheard from the Housing Board of Appeals, the appointment of Ed Simmons is recommended.

Motion by Commissioner Davis, second by Commissioner Carter to approve the Consent Agenda minus items g and c.

ROLL VOTE: **Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro**

Nays: None

MOTION PASSES

2004-45 ITEMS REMOVED FROM CONSENT AGENDA

C. Liquor License Request – Great Lakes Entertainment, LLC, 441 W. Western Avenue. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Great Lakes Entertainment, to transfer ownership of the 2000 Class C-SDM licensed business located in escrow at 1679 E. Sherman Blvd., from Bill Knapp's to 441 W. Western Avenue. They are also requesting a new Dance-Entertainment Permit and additional Bar Permit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval as long as license holder completes renovations and obtains occupancy permit from the City.

Motion by Commissioner Carter, second by Vice Mayor Larson to approve the Liquor License request from Great lakes Entertainment, to transfer ownership of

the 2000 Class C-SDM from licensed business located in escrow at 1679 E. Sherman Blvd., from Bill Knapp's to 441 W. Western Ave, as long as compliance are met.

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

Nays: None

MOTION PASSES

G. Approval of Resolution to Sell 503 Octavius. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services Department to complete the sale of the structure located at 503 Octavius to Mr. Monte Griggs to be used as an owner-occupied single family residence.

FINANCIAL IMPACT: The HOME fund will receive approximately \$70,000 in program income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and instruct the Mayor and Clerk to sign the quit claim.

COMMITTEE RECOMMENDATION: The City Commission and Land Reutilization Committee both approved this project.

Motion by Commissioner Shepherd, second by Commissioner Gawron to approve the resolution to sell 503 Octavius to Mr. Monte Griggs and instruct the Mayor and Clerk to sign the quit claim.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shephed, Spataro, Warmington

Nays: None

MOTION PASSES

2004-46 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – PCJ Enterprises, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, PCJ Enterprises, LLC, 749 Moulton Avenue, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 441 W. Western Avenue, Muskegon, MI, the former Brunswick Building. Total capital investment for this project is \$800,000. The project will result in the creation of 40 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property

taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 441 W. Western Avenue, Muskegon, MI.

The Public Hearing opened at 5:44pm to hear comments from the public. Comment was heard from Peter Johnson, 749 W. Western, Muskegon.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:51 and to approve the resolution establishing an Obsolete Property District for PCJ Enterprises of 441 W. Western Ave.

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

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate – PCJ Enterprises, LLC.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, PCJ Enterprises, LLC, 749 Moulton Avenue, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 441 W. Western Avenue (former Brunswick Building), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for a restaurant/bar in one half of the building and the other half of the building used for commercial or retail opportunities. Total capital investment for this project is \$800,000. The project will result in bringing 40 jobs to the City of Muskegon. Because of these new jobs and the amount of investment, the applicant is eligible for a twelve (12) year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 441 W. Western Avenue, Muskegon, MI for a term of twelve (12) years.

The Public Hearing opened at 5:52pm to hear comments from the public. No comments were heard at this time.

Motion by Vice Mayor Larson, second by Commissioner Spataro to close the Public Hearing at 5:54 and to approve the request to issue an Obsolete Property Certificate to PCJ Enterprises, LLC, 441 W. Western Ave.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis,

Gawron

Nays: None

MOTION PASSES

2004-47 UNFINISHED BUSINESS:

A. Rezoning Request for Property Located at 407 Marquette Avenue (SE Corner of Marquette Ave. and Wood St.) PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 1/15 meeting. Commissioners Spataro, Aslakson, Johnson and Sartorius voted for denial, Commissioners Michalski and Smith voted against denial, and Commissioners Mazade and Warmington abstained. T. Harryman was absent.

Motion by Vice Mayor Larson, second by Commissioner Carter to return the rezoning request for property at 407 Marquette Ave. back to the Planning Commission for rehearing.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Larson

Nays: Shepherd, Spataro, Gawron

MOTION PASSES

B. Request for Extension of Deadlines for Former Lakos Property. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: At the April 13, 2004 meeting, the City Commission requested that staff prepare an extension agreement with the Holiday Inn for the former Lakos property. The extension agreement allows for the owner of the property to have until October 1, 2004 to present plans for the development of the property to the City. Construction must then begin by April 1, 2005 and be completed by September 1, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Amendment Agreement, granting

an extension of time to the owners of the former Lakos property, and authorize the Mayor and Clerk to sign.

Motion by Vice Mayor Larson, second by Commissioner Davis to approve the Amendment Agreement granting an extension of time to the owners of the former Lakos property and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

2004-48 NEW BUSINESS:

A. Liquor License Request – Mason Street Market, 248 Mason Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Ben Roberts, Jr., for a New Specially Designated Distributor License (SDD) to be held in conjunction with a proposed New Specially Designated Merchant License (SDM).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Denial.

Motion by Commissioner Spataro, second by Vice Mayor Larson to deny the liquor license request for Mason Street Market, 248 Mason St.

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

Nays: None

MOTION PASSES

B. Graffiti Ordinance. LEISURE SERVICES

SUMMARY OF REQUEST: To adopt the graffiti ordinance that would allow the City to enter private property to remove graffiti.

FINANCIAL IMPACT: Estimated at \$10,000 to be allocated from the City's contingency account.

BUDGET ACTION REQUIRED: Budget will be adjusted for the next quarterly report.

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Shepherd, second by Vice Mayor Larson to adopt the graffiti ordinance that would allow the City to enter private property to remove graffiti.

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

Nays: None

MOTION PASSES

C. Request to Establish a Pay Range - Police Records Supervisor. PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff requests that the Commission consider our request for an increase in the pay grade for the Police Records Supervisor position. As a result of organizational changes within the department, the position of Administrative Aide was eliminated and has been replaced with that of the Police Records Supervisor. The new job description has been approved by the Civil Service Commission. The requested pay-grade change is as follows:

Administrative Aide: \$27,538 - \$36,720

Police Records Supervisor \$33,698 - \$44,933

FINANCIAL IMPACT: As a result of salary savings from open positions, funds are available for this pay grade change.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of this request.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to refer item back to staff for further consideration.

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

Nays: None

MOTION PASSES

D. Agreement with the County of Muskegon - Ferry Project CITY MANAGER

SUMMARY OF REQUEST: To enter into an agreement with the county of Muskegon for financial participation (\$200,000) for the ferry project.

FINANCIAL IMPACT: \$200,000 from the County of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement.

Motion by Commissioner Spataro, second by Commissioner Gawron to enter into an agreement with the County of Muskegon for financial participation (\$200,000) for the ferry project.

ROLL VOTE: **Ayes:** Gawron, Larson, Shepherd, Spataro, Warmington, Carter,
 Davis

Nays: None

MOTION PASSES

The Regular Commission meeting for the City of Muskegon was adjourned at 7:23pm.

Respectfully submitted,

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

Gail A. Kunderger, MMC

City Clerk

Date: May 11, 2004
To: Honorable Mayor and City Commissioners
From: Gail Kundinger, City Clerk
RE: Request to Fly the Norwegian Flag

SUMMARY OF REQUEST: The Sons of Norway request permission to fly the Norwegian Flag outside City Hall on Monday, May 17th to celebrate Norwegian Independence Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Sons of Norway

Sognefjord Lodge No. 523



420 Harvey Street, Muskegon, Michigan 49442, (231) 777-1451

April 26, 2004

City of Muskegon
Clerk's Office

On behalf of Sognefjord Lodge 523 (Sons of Norway), I am requesting that our lodge be able to fly the flag of Norway on Monday, May 17, 2004. May 17th is Norwegian Independence Day. If it is possible we would like to display the flag in the front of City Hall, facing Terrace Street.

Our lodge officers are as follows:

President: Larry Bringedahl, 2358 Spruce St., Muskegon, MI 49444

Vice President: Gordon Gutowski, 5130 Davis Rd., Muskegon, MI 49441

Secretary: Louise Engle, 4235 Doral Dr., Muskegon, MI 49442

Fin. Secretary: Jordis Hutchins, 2734 Patricia Dr., Muskegon, MI 49445

Our lodge is located at 420 Harvey Street, Muskegon, MI 49442, we are a Fraternal Benefit Organization, and have our 501(C)3 designation as a non-profit organization. I, Larry Bringedahl, will be responsible for the flags condition and presentation.

Thank you for your consideration in this matter.

Sincerely,

Larry Bringedahl
President, Sognefjord Lodge 523



BRUNSWICK EMPLOYEES FEDERAL CREDIT UNION

460 West Laketon Avenue • Muskegon, Michigan 49441
Phone: 231 / 725-3312 • Fax: 231 / 725-4694 www.befcu.net

FROM: Larry Bringedahl

TITLE: Assistant Manager

DELIVER TO:

Linda Potter

COMPANY/DEPT:

City of Muskegon, Clerks Office

FAX NUMBER:

724-4178

NUMBER OF PAGES: 2
INCLUDING COVER SHEET

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HAVE RECEIVED IT IN ERROR, PLEASE TREAT IT WITH
CONFIDENTIALITY AND FORWARD IT TO THE CORRECT FAX
NUMBER OR RETURN IT TO THE ORIGINATOR AS SOON AS
POSSIBLE.**

COMMENTS:

Date: May 3, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Title V Grant Application

SUMMARY OF REQUEST:

To authorize the Title V planning Committee to submit a grant application for the Delinquency Prevention Program

FINANCIAL IMPACT:

Local \$45,000 match to come from in-kind services from the city and two other agencies

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Dept.
(231)724-6792
FAX: (231)724-6985

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

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

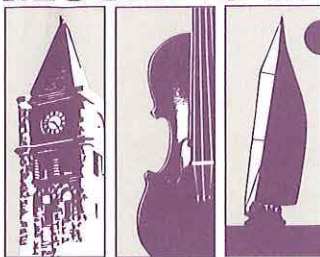
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

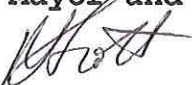
MUSKEGON



West Michigan's Shoreline City

Date: May 3, 2004

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Title V Grant Application

The Planning Committee for the Title V Delinquency Prevention Program is requesting that they submit a grant for \$90,000 to the Juvenile Justice Department. The grant is to improve the student's perception of school and to get the students to go to school.

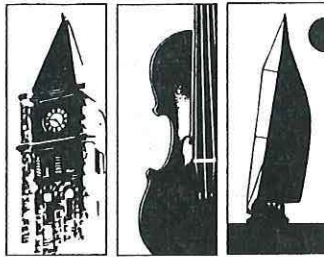
The program model will be service learning. The students will actually develop a community service project or projects that will help to improve their perception of their school.

A \$45,000 local match is required. The match will be provided by in-kind services such as the playground staff's time devoted to this project. Several groups will be involved in the project including the Girl Scouts, Volunteer Muskegon, and the Leisure Services Department.

I would ask that you authorize the committee to submit the application and to have the mayor sign the attached compliance letter. The committee has already established that the City of Muskegon complies with these standards. If funded the money would be available in October of this year.

Thank you for your consideration.

MUSKEGON



West Michigan's Shoreline City

2004-44(d)

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Dept.
(231)724-6792
FAX: (231)724-6985

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

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 Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

STATEMENT OF COMPLIANCE FOR LOCAL UNITS OF GOVERNMENT PARTICIPATING IN THE TITLE V DELINQUENCY PREVENTION PROGRAM

May 3, 2004

Jeanette Scroggins
Juvenile Justice Specialist
Federal Grants Unit
Bureau of Juvenile Justice
235 S. Grand Ave. Suite 403
Lansing, MI 48909

Dear Ms. Scroggins:

Re: Statement of Compliance with the Juvenile Justice and Delinquency
Prevention Act (JJDPa) core requirements for the Title V Delinquency
Prevention Initiative

The City of Muskegon is participating in the Juvenile Justice and Delinquency
Prevention Act Title V Delinquency Prevention Initiative. This letter is our local
unit of government's indication that we meet the four JJDPa core requirements
necessary required to participate:

- Deinstitutionalization of status offenders and non-offenders (neglect and abuse victims).
- Separation of adults from juveniles in adult jails and police lockups.
- The removal of juveniles from jails and police lockups.
- Minority over-representation in the juvenile justice system

We understand that the Michigan Committee on Juvenile Justice will be considering
this request for certification of compliance at one of its regularly scheduled meetings.

Sincerely,

Steve Warmington, Mayor

City of Muskegon

Commission Meeting Date: May 11, 2004

Date: April 28, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Sale of Buildable Vacant Lot – 1275 Dudley Ave.

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1275 Dudley Avenue (designated as parcel number 24-610-000-0145-00) to Kenyatta & Cynthia Drones of 760 Emerald Street, Apt. F, Muskegon, MI. The lot is 143 x 132 ft. and is being offered to the Drones for \$9,000. They plan to use the land for the construction of a 2,562 sq. ft. single-family home with a 3-stall attached garage. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended approval of this request at their April 27, 2004 meeting.

Resolution No. 2004-44(e)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1275 DUDLEY AVENUE IN MARQUETTE NEIGHBORHOOD FOR \$9,000.

WHEREAS, Kenyatta & Cynthia Drones have placed a \$400 deposit for the parcel designated as parcel number 24-610-000-0145-00, located at 1275 Dudley Avenue; and

WHEREAS, the price for parcel number 24-610-000-0145-00 is set by the City at \$9,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs; and

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots, as recommended by the Land Reutilization Committee (LRC).

NOW THEREFORE BE IT RESOLVED, that parcel number 24-610-000-0145-00, located at 1275 Dudley Avenue be sold to Kenyatta & Cynthia Drones for \$9,000.

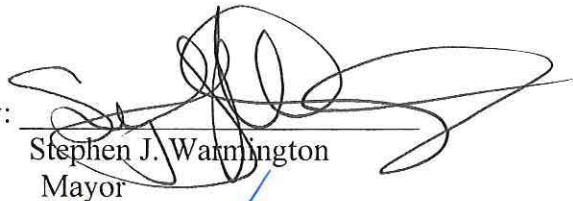
CITY OF MUSKEGON URBAN RENEWAL PLAT NO 1, LOTS 145 & 146

Adopted this 11th day of May, 2004

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

Nays: None

Absent None

By: 
Stephen J. Warmington
Mayor

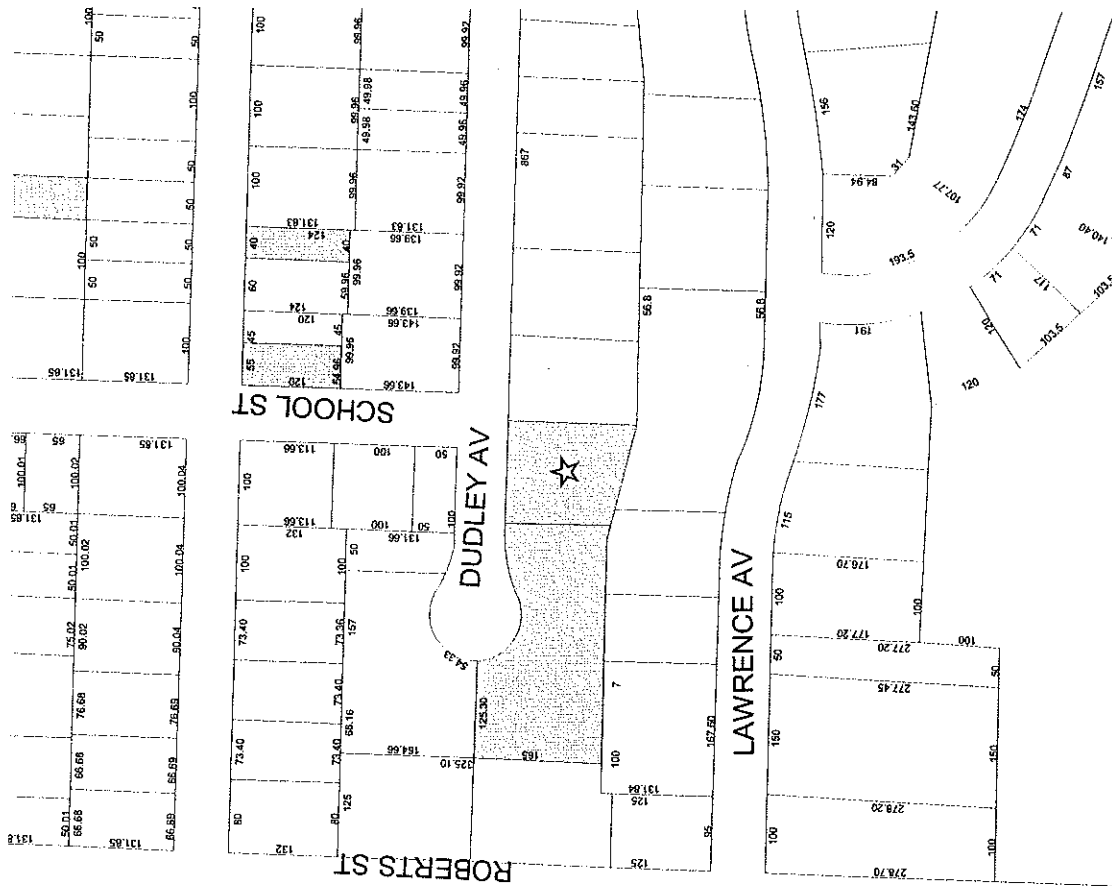
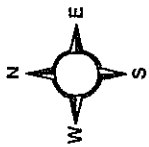
Attest: 
Gail Kunderger, MMC
City Clerk

CERTIFICATION

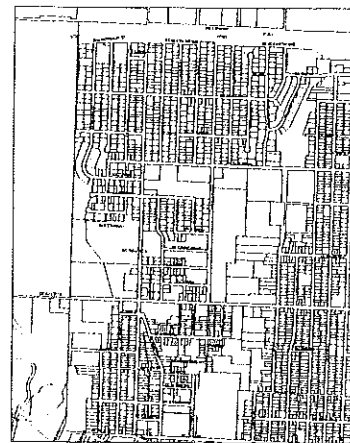
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on May 11, 2004.

By: Gail Kunding
Gail Kunding, MMC
City Clerk

Vacant Buildable City-Owned Lot 275 Dudley Avenue



☆ = Subject Property(ies)
to be sold



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made May 11, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **KENYATTA and CYNTHIA DRONES**, husband and wife, of 760 Emerald Street, Apt. F, Muskegon, Michigan 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

CITY OF MUSKEGON URBAN RENEWAL PLAT
NO. 1, Lots 145 & 146

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Nine Thousand and no/100 Dollars (\$9,000.00).

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Land America Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this

transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within eighteen (18) months and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

8. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

9. **Closing.** The closing date of this sale shall be on or before _____, 200__ ("Closing"). The Closing shall be conducted at Land America Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

11. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

12. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

13. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

14. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Linda S. Potter
Linda S. Potter

John Krukowski
John Krukowski

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

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

BUYER:

Dawn Mitchell

Kenyatta Drones
Kenya Drones
SS No.: 371-92-6488

Dawn Mitchell

Cynthia R. Drones
Cynthia Drones
SS No.: 371-Dic-5897

QUIT-CLAIM DEED

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

QUIT CLAIMS to **KENYATTA & CYNTHIA DRONES**, husband and wife, of 760 Emerald Street, Apt. F, Muskegon, MI 494424, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 1,
Lots 145 and 146

for the sum of Nine Thousand and no/100 Dollars (\$9,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 14th day of May, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By Stephen J. Warmington, Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on May 14, 2004, by
STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY
OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

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

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

LANDAMERICA TRANSNATION TITLE INSURANCE
570 Seminole Road
Muskegon MI 49444

Date: May 18, 2004
Escrow Number: 433394

Property Address: 1275 Dudley
Muskegon, Michigan 49440

SELLER'S STATEMENT			
		DEBIT	CREDIT
Purchase Price	\$		\$ 9,000.00
EXISTING LOAN			
Deposit of earnest money		400.00	
CLOSING FEES		200.00	
OWNERS PREMIUM		190.00	
Real Estate Commission			
Sub Total	\$	790.00	\$ 9,000.00
Amount due Seller	\$	8,210.00	
TOTALS	\$	9,000.00	\$ 9,000.00

The undersigned Sellers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and ratifies the disbursement of the funds as stated therein.

Seller(s) Signature(s):

City of Muskegon

BY

Lonna Anguilm, Assistand Planner

SURVEY WAIVER

Date: May 18, 2004

RE: 433394

To: LANDAMERICA TRANSNATION TITLE INSURANCE

570 Seminole Road

Muskegon MI 49444

Property Address:

1275 Dudley

Muskegon, Michigan 49440

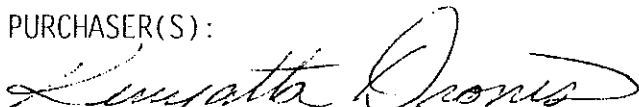
County: Muskegon

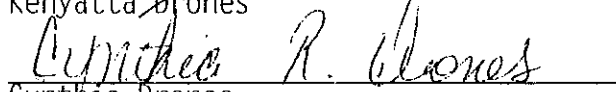
We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

We have decided, completely of our own volition, not to obtain a survey and wish to complete the transaction without the recommended survey.

We hereby release LANDAMERICA TRANSNATION TITLE INSURANCE, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):


Kenyatta Drones


Cynthia Drones

SELLER(S):

City of Muskegon

BY


Lonna Anguillm, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 433394

That City of Muskegon being first duly sworn on oath says that she is the true and lawful owner(s) of the premises located at:

1275 Dudley
Muskegon, Michigan 49440

AND

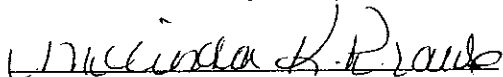
1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.
3. That the parties in possession other than the affiant(s) are bona fide tenants only and have no other interest in the premises whatsoever.
4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.
5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.
6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills, mortgage deficiencies, etc. shall be immediately paid by affiant(s) as soon as informed of such.

Seller(s):

City of Muskegon

BY 
Donna Angulin, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 18th day of May, 2004


Notary Public _____ County

My Commission Expires: _____

MELINDA K. FRAUSE
Notary Public, Muskegon County, Michigan
Acting in Muskegon County
My Commission Expires 05/08/07

FILE # 433394
DATE: May 18th 2004
PROPERTY ADDRESS: 1275 Dudley

The undersigned hereby acknowledge receipt of a Request to Rescind/Withdraw Homestead Exemption form (Michigan Department of Treasury Form No. 2602) as same is required by Public Act 237 of 1994.

Please check one of the following:

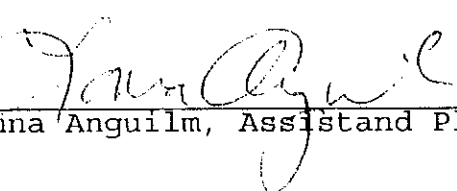
☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

☐ The undersigned have fully and properly completed the forms and request that Transnation Title Insurance Company file the form with the appropriate local tax collecting unit. The undersigned acknowledge and agree that the Company will mail the form by first class mail, and that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event that said form is not received or properly processed by the local tax collecting unit.

SELLER(S) :

City of Muskegon

BY


Lonna Anguilm, Assistant Planner

Date: May 11, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Health Care Opt-Out

SUMMARY OF REQUEST: Last fall, in response to employee suggestions, we explored the possibility of generating additional savings through the healthcare opt-out program. Under the opt-out program employees who do not need city health coverage receive a cash payment. The city, in turn, saves by not having to pay premiums for the employee. Last fall, not enough new participants could be found to reach the break-even point of 8 new employees. However, higher healthcare premiums have pushed the break-even point down to 6 new enrollees and several employees have requested that we reconsider this program. This revised proposal is to increase the opt-out payment amount from \$1,300 per year to \$3,000 per year provided that six new participants enroll to make it at least a break-even proposition for the city.

FINANCIAL IMPACT: Healthcare savings will depend on the number of new program participants. Six new participants are required for the City to "break-even".

BUDGET ACTION REQUIRED: If enough new participants enroll in the program, budget adjustments may be needed in the departmental budgets where program participants are located.

STAFF RECOMMENDATION: Authorize an increase in the annual opt out payment from the current \$1,300 to \$3,000 effective June 1 provided six new opt participants have signed up for the program. If there are not enough new participants signed up by June 1, the program will remain at its current level.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

DATE: April 5, 2004
TO: Honorable Mayor and Commissioners
FROM: Robert B. Grabinski, Deputy Director of Public Safety
RE: Appointment to Housing Board of Appeals

SUMMARY OF REQUEST: This is to request that the City Commission Approve the appointment of Ed Simmons to the Housing Board of Appeals.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

Staff Recommendation: Due to the withdrawal of Edward Sheard from the Housing Board of Appeals, the appointment of Ed Simmons is recommended.

Date: 2-5-04

**CITY OF MUSKEGON
TALENT BANK APPLICATION**

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Ed Simmons DOB: 8/23/55

HOME ADDRESS: 973 W. Forest Ave Muskegon, MI 49441
(Street, City, State, Zip)

HOME PHONE #: (231) 727-9613 WORK PHONE #: (231) 773-9131

OCCUPATION: Custodial
(If retired, give former occupation)

EDUCATION: 12th grade

PERSONAL & COMMUNITY ACTIVITIES: Home Ownership

Why would you be a good member of this committee? What do you bring to the committee?

I bring honesty and a feeling like everybody should be treated equally. Building codes are for everyone.

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Pat Williams</u>	<u>(616) 844-3334</u>
(Name)	(Phone Number)
2. <u>Lori Muttart</u>	<u>(616) 786-9653</u>
(Name)	(Phone Number)
3. _____	_____
(Name)	(Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|---|
| ☐ Board of Canvassers | ☒ Housing Code Board of Appeals |
| ☐ Board of Review | ☐ Housing Commission |
| ☐ Cemetery Committee | ☐ Income Tax Board of Review |
| ☐ Citizen's Police Review Board | ☐ Land Reutilization Committee |
| ☐ City Employees Pension Board | ☐ Leisure Services Board |
| ☐ Civil Service Commission | ☐ Loan Fund Advisory Committee |
| ☐ CDBG-Citizen's District Council | ☐ Local Develop. Finance Authority |
| ☐ Construction Board of Appeals | ☐ Local Officer's Compensation Com. |
| ☐ District Library Board | ☐ Planning Commission |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Police/Fireman's Pension Board |
| ☐ Election Commission | ☐ Public Relations Committee |
| ☐ Equal Opportunity Committee | ☐ Zoning Board of Appeals |
| ☐ Historic District Commission | |
| ☐ Hospital Finance Authority | |

Are you willing to serve on other boards/committees not checked off above? YES NO (Circle one)

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Clerk's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

Date: May 11, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Great Lakes Entertainment, LLC
441 W. Western Avenue

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Great Lakes Entertainment, to transfer ownership of the 2000 Class C-SDM licensed business located in escrow at 1679 E. Sherman Blvd., from Bill Knapp's to 441 W. Western Avenue. They are also requesting a new Dance-Entertainment Permit and additional Bar Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval as long as license holder completes renovations and obtains occupancy permit from the City.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

April 5, 2004

Clerk
724-6705

Engineering
724-6707

To: City Commission through the City Manager

From: *Anthony L. Kleibecker*
Anthony L. Kleibecker, Director of Public Safety

Finance
724-6713

Re: Liquor License Request – SDM Transfer & New Dance -
Entertainment Permit

Fire Dept.
724-6792

C. N. Services
724-6717

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Great Lakes Entertainment LLC of 441 W. Western Avenue in Muskegon. Great Lakes Entertainment LLC is comprised of the following individuals: Hobart Thrasher, Peter Johnson, Brian Johnson, Mark Vandermeulen, and Brian Boersema.

Inspections
724-6715

Leisure Service
724-6704

Great Lakes Entertainment requests to transfer ownership of 2000 Class C-SDM licensed business located in escrow at 1679 E. Sherman Blvd, Muskegon MI 49444 from Bill Knapp's Michigan, Inc. to 441 W. Western Avenue. Muskegon MI 49440. They also request a new Dance-Entertainment Permit and additional Bar Permit. Most parties involved in this transfer have prior experience in the alcohol-serving industry.

Manager's Office
724-6724

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

Mayor's Office
724-6701

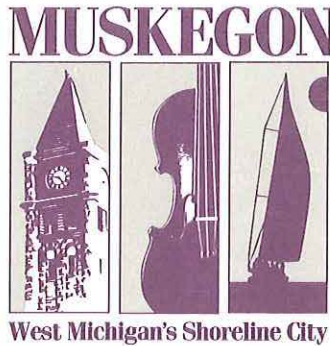
Planning/Zoning
724-6702

ALK/dl

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720



Water Dept.
724-6718

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 04-01-04

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Great Lakes Entertainment L.L.C. of 441 W. Western Ave. Muskegon, MI. 49440. Great Lakes Entertainment L.L.C. is comprised of the following individuals: Hobart Thrasher, Peter Johnson, Brian Johnson, Mark Vandermeulen and Brian Boersema.

Great Lakes Entertainment requests to transfer ownership of 2000 Class C-SDM licensed business located in escrow at 1679 E. Sherman, Muskegon, MI. 49444 from Bill Knapp's Michigan, Inc. to 441 W. Western, Muskegon, MI. 49440 and requests New Dance-Entertainment Permit and additional Bar Permit. Most parties involved in this transfer have prior experience in the alcohol serving industry.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal flourish extending to the right.

Det. Kurt Dykman

data/common/GreatLakes

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

To: MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET
PO BOX 536
MUSKEGON, MI 49443-0536

Date: July 31, 2003
REF#: 217932

3-15-04 - JFS

Chief Law Enforcement Officer

Applicant:

L.L.C.

GREAT LAKES ENTERTAINMENT, ~~LLC~~ REQUESTS TO TRANSFER OWNERSHIP OF 2000 CLASS C-SDM LICENSED BUSINESS ~~LLC~~, LOCATED IN ESCROW AT 1679 E. SHERMAN, MUSKEGON, MI 49444, FRUITPORT TOWNSHIP, MUSKEGON COUNTY, FROM BILL KNAPP'S MICHIGAN, INC., MARCIA R. MEOLI, TRUSTEE; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY; AND REQUESTS NEW DANCE-ENTERTAINMENT PERMIT, ADDITIONAL BAR PERMIT, ~~LLC~~ CONNECTION (STEP II).

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 9/17
4880-1658

sfs

3-15-04 JFS

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 217932

Date: July 31, 2003

To: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

Applicant: GREAT LAKES ENTERTAINMENT, ~~LLC~~ L.C.C.

Home Address And Phone No:

PETER C. JOHNSON, 749 WEST WESTERN AVENUE, NORTH MUSKEGON, MI 49445

H(231)744-6500/B(231)722-6966

HOBART A. THRASHER, 414 BAY LANE, NORTH MUSKEGON, MI 49445 H(231)744-1466/B(231)578-5373

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

sfs

3-15-04 JCS

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 217932

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

GREAT LAKES ENTERTAINMENT, 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY L.L.C.

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2000 CLASS C-SDM LICENSED BUSINESS (IN ESCROW) FROM BILL KNAPP'S MICHIGAN, INC., MARCIA R. MEOLI, TRUSTEE; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) FROM 1679 E. SHERMAN, MUSKEGON, MI 49444, FRUITPORT TOWNSHIP, MUSKEGON COUNTY; AND REQUEST NEW DANCE-ENTERTAINMENT PERMIT, ADDITIONAL BAR PERMIT,

Section 1.

APPLICANT INFORMATION

APPLICANT #1: **NO FINGERPRINTS REQUIRED** member *
PETER C. JOHNSON - ~~REDACTED~~

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
749 WEST WESTERN AVENUE
NORTH MUSKEGON, MI 49445
H(231)744-6500/B(231)722-6966

DATE OF BIRTH: 7-22-68
If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No

Does the applicant have a Visa? Enter status:
Date fingerprinted: N/A

APPLICANT #2: **NO FINGERPRINTS REQUIRED** member *
HOBART A. THRASHER - ~~REDACTED~~

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
414 BAY LANE
NORTH MUSKEGON, MI 49445
H(231)744-1466/B(231)578-5373

DATE OF BIRTH: 9-14-51
If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No

Does the applicant have a Visa? Enter status:
Date fingerprinted: N/A

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.

Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3.

Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No
3. Should the Commission grant this request? ☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

[Signature]
Signature (Sheriff or Chief of Police)

4-6-04
Date

MUSKEGON POLICE DEPARTMENT

3-15-04
[Signature]

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 217932 (Authorized by MCL 436.1217)

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

GREAT LAKES ENTERTAINMENT, 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY LLC.

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2000 CLASS C-SDM LICENSED BUSINESS (IN ESCROW) FROM BILL KNAPP'S MICHIGAN, INC., MARCIA R. MEOLI, TRUSTEE; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1)) FROM 1679 E. SHERMAN, MUSKEGON, MI 49444, FRUITPORT TOWNSHIP, MUSKEGON COUNTY; AND REQUEST NEW DANCE-ENTERTAINMENT PERMIT, ADDITIONAL BAR PERMIT,

Section 1. APPLICANT INFORMATION	
APPLICANT #1: FINGERPRINTS REQUIRED <u>Brian L. Boersma</u>	APPLICANT #2: FINGERPRINTS REQUIRED
HOME ADDRESS AND AREA CODE/PHONE NUMBER: <u>231-777-2681 Business</u> <u>231-744-2874 Home</u>	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: <u>5-26-58</u> If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted: <u>3-26-04</u>	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted:
Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.	
ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed
Does applicant intend to have dancing or entertainment? ☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit
Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations
Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation
From your investigation: 1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No 2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No 3. Should the Commission grant this request? ☒ Yes ☐ No 4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

J. L. K. K. K.
Signature (Sheriff or Chief of Police)

4-6-04
Date

MUSKEGON POLICE DEPARTMENT

3-15-04
Joe

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Seq ID # 217932 (Authorized by MCL 436.1217)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

GREAT LAKES ENTERTAINMENT, 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON
COUNTY LLC.

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2000 CLASS C-SDM LICENSED BUSINESS (IN
ESCROW) FROM BILL KNAPP'S MICHIGAN, INC., MARCIA R.
MEOLI, TRUSTEE; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) FROM 1679
E. SHERMAN, MUSKEGON, MI 49444, FRUITPORT TOWNSHIP, MUSKEGON COUNTY; AND
REQUEST NEW DANCE-ENTERTAINMENT PERMIT, ADDITIONAL BAR PERMIT, .

Section 1.

APPLICANT INFORMATION

APPLICANT #1: FINGERPRINTS REQUIRED

MARK J. VANDERMEULEN

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

231-777-2681 Business

231-799-2134 Home

DATE OF BIRTH: 4-1-50

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 3-26-04

APPLICANT #2:

FINGERPRINTS REQUIRED

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.

Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit
Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3.

Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

x A. L. Klebun
Signature (Sheriff or Chief of Police)

4-6-04
Date

MUSKEGON POLICE DEPARTMENT

3-15-04

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 217932 (Authorized by MCL 436.1217)

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

GREAT LAKES ENTERTAINMENT, 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY LLC.

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2000 CLASS C-SDM LICENSED BUSINESS (IN ESCROW) FROM BILL KNAPP'S MICHIGAN, INC., MARCIA R. MEOLI, TRUSTEE; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) FROM 1679 E. SHERMAN, MUSKEGON, MI 49444, FRUITPORT TOWNSHIP, MUSKEGON COUNTY; AND REQUEST NEW DANCE-ENTERTAINMENT PERMIT, ADDITIONAL BAR PERMIT, .

Section 1. APPLICANT INFORMATION	
APPLICANT #1: BRIAN K. JOHNSON FINGERPRINTS REQUIRED	APPLICANT #2: FINGERPRINTS REQUIRED
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 231-777-2681 Business 231-798-9357 Home	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 7-5-1956 If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted: 3-26-04	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted:
Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.	
ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed
Does applicant intend to have dancing or entertainment? ☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit
Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations
Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation
From your investigation: 1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No 2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No 3. Should the Commission grant this request? ☒ Yes ☐ No 4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

R. L. Skelton
Signature (Sheriff or Chief of Police)

4-6-04
Date

MUSKEGON POLICE DEPARTMENT

3-15-04
Jew



STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

REQ ID: 217932

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

GREAT LAKES ENTERTAINMENT,
APPLICANT/LICENSEE L.L.C.

PHONE NUMBER

441 W. Western Ave Muskegon Muskegon 49440
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☒ TOPLESS ACTIVITY ☐

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐
- Describe the type of entertainment applicant/licensee will provide: N/A ☐
Music
- Will this entertainment include topless activity? YES ☐ NO ☒ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☒	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☒

REMARKS:

04-01-2004

DATE SUBMITTED

* B.L. Kelen
OFFICER'S SIGNATURE

Muskegon Police
DEPARTMENT NAME

231.724-6750
PHONE NUMBER

980 Jefferson St.
ADDRESS

Muskegon
CITY

3-15-04
JLS

LIQUOR LICENSE REVIEW FORM

Business Name: Great Lakes Entertainment, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Peter C. Johnson andBusiness Address: Hobart A. Thrasher441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☒

or Class C

Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☒ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Great Lakes Entertainment, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Peter C. Johnson andBusiness Address: Hobart A. Thrasher441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☒
of Class CDrop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☒ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Compliance ☐ Remaining Defects _____
Services

Department Signature _____

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Great Lakes Entertainment, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Peter C. Johnson andBusiness Address: Hobart A. Thrasher441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☒
of class CDrop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☒ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature

Phil L. ConGail A. Kundering, City Clerk
Liquor License Coordinator

2-26-09

LIQUOR LICENSE REVIEW FORM

Business Name: Great Lakes Entertainment, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Peter C. Johnson and

Business Address: Hobart A. Thrasher

441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☒
or Class C

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☒ Amount: 4.1.4 not registered

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature _____

Gail A. Kunding, City Clerk
Liquor License Coordinator

3-26-07

LIQUOR LICENSE REVIEW FORM

Business Name: Great Lakes Entertainment, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Peter C. Johnson and

Business Address: Hobart A. Thrasher

441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☒
or Class C

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects Permit for
this project has expired
approval (Denied)

Department Signature

Mary Metcalfe

Gail A. Kundering, City Clerk
Liquor License Coordinator

per Mayor
4-26-07
OK pending
final steps

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Great Lakes Entertainment, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Peter C. Johnson and

Business Address: Hobart A. Thrasher

441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☒
or Class C

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects Will require
completion of all construction
w/inspection approval prior to
issuing a certificate of occupancy.

Department Signature Robert B. Lebrun 4/5/04

Gail A. Kunding, City Clerk
Liquor License Coordinator

PCJ ENTERPRISE, LLC

1041

74-005/724

DATE 04-15-04

PAY TO THE ORDER OF City of Muskegon \$ 250⁰⁰

Two Hundred Fifty and ⁰⁰/₁₀₀ DOLLARS



Fifth Third Bank
(WESTERN MICHIGAN)
GRAND RAPIDS, MICHIGAN

FOR Liquor License Transfer Fee

mael j. Vandermonden

⑈001041⑈ ⑆072400052⑆ 7161200022⑈

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

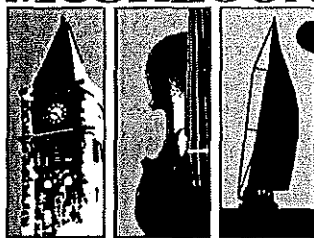
Public Works
(231)724-4100
FAX (231)722-4188

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 5, 2004

Great Lakes Entertainment LLC
Hobart Thrasher
Peter Johnson
Brian K. Johnson
Mark J. Vandermeulen
Brian L. Boersema

Dear Sirs:

This letter is to inform you that your request to transfer ownership of the 2000 Class C-SDM Licensed Business located in escrow at 1679 E. Sherman Blvd., will be presented to the City Commission on May 11, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Deputy Clerk

Mr. Hobart Thrasher
414 Bay Lane
N. Muskegon, MI 49445

Mr. Peter C. Johnson
749 W. Western Avenue
N. Muskegon, MI 49445

Mr. Brian Boersema
386 E. Chadwick
Muskegon, MI 49445

Mr. Brian K. Johnson
388 Churchill Drive
Muskegon, MI 49441

Mr. Mark J. VanderMeulen
4821 Rambling Creek Drive
Muskegon, MI 49441

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

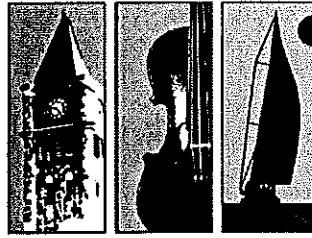
Public Works
(231)724-4100
FAX (231)722-4188

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 5, 2004

Ms. Mary Jo McCann, President
Nelson Neighborhood Association
461 W. Webster
Muskegon, MI 49440

Dear Ms. McCann:

We have received a request from the Liquor Control Commission reference a request from Great Lakes Entertainment, to transfer ownership of the 2000 Class C-SDM licensed business located in escrow at 1679 E. Sherman Blvd. (the old Bill Knapp's) to 441 W. Western. A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. A SDM license permits the sale of beer and wine for consumption off the premises. On Tuesday, May 11, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on May 11, 2004, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

2004-45(c)

At a Regular meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on May 11, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Larson

L.C.C.

That the request from GREAT LAKES ENTERTAINMENT, ~~INC.~~ **TO TRANSFER OWNERSHIP OF 2000 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 1679 E. SHERMAN, MUSKEGON, MI 49444, FRUITPORT TOWNSHIP, MUSKEGON COUNTY, FROM BILL KNAPP'S MICHIGAN, INC., MARCIA R. MEOLI, TRUSTEE; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY; AND REQUEST A NEW DANCE-ENTERTAINMENT PERMIT (STEP II).**

be considered for Approval contingent on license holder completing renovations and obtaining occupancy permit from City: Approval or Disapproval

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended

(Recommended or not Recommended)

for issuance

State of Michigan _____)

§

County of Muskegon _____)

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 Board, City or Village Council) (Regular or Special)

meeting held on May 11, 2004.
(Date)

SEAL

(Signed) Gail A. Kundering
(Township, City or Village Clerk)

Gail A. Kundering, MMC, City Clerk

933 Terrace, Muskegon, MI 49440

(Mailing address of Township, City or Village)

3-15-04 Arc

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(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

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
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FAX: (231)724-6790

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

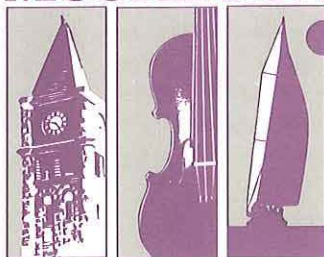
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(231)724-4100
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FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

May 14, 2004

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: #217932
Great Lakes Entertainment LLC
441 W. Western
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, print cards, and form LC-1800 for Great Lakes Entertainment LLC that was recommended for approval at the May 11, 2004, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter
Deputy Clerk

Enc.

Commission Meeting Date: May 11, 2004

Date: April 28, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Public Hearing - Request to Establish an Obsolete Property District – PCJ Enterprises, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, PCJ Enterprises, LLC, 749 Moulton Avenue, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 441 W. Western Avenue, Muskegon, MI, the former Brunswick Building. Total capital investment for this project is \$800,000. The project will result in the creation of 40 new jobs in the City.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 441 W. Western Avenue, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2004-46(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

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

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

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

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on May 11, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderger, MMC

Clerk

ATTACHMENT A

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 5 & THAT PORTION LOT 4
BLK 313 DESC AS FOLS:

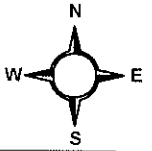
COM AT SELY COR SD LOT 5 TH N 41D 55M 22S W ALNG ELY LN SD LOT 5, A
DIS OF 140.05 FT NELY COR SD LOT 5 TH N 48D 10M 43S E ALNG NLY LN LOT
4, A DIS OF 26.04 FT TH S 42D 03M 01S E ALNG FACE OF EXISTING BRICK &
BLOCK WALL, A DIS OF 139.96 FT TO SLY LN SD LOT 4 TH S 47D 58M 26S
ALNG SD SLY LN LOT 4, A DIS OF 26.35 FT TO POB

SUBJ TO ESMTS RECOR'D 3361/537

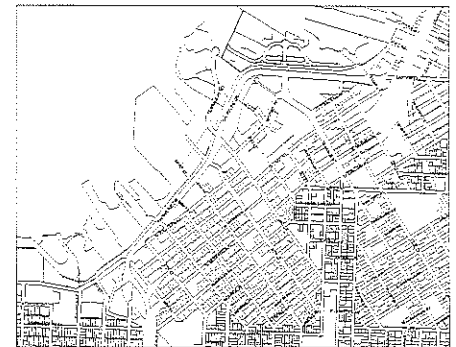
SBJT TO ESMTS RECOR'D 3473/376

SBJT TO ESMTS RECOR'D 3473/385

Proposed Obsolete Property District 441 W. Western Avenue



☆ = Subject Property(ies)
to be designated as an
Obsolete Property District



Commission Meeting Date: May 11, 2004

Date: April 28, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – PCJ Enterprises, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, PCJ Enterprises, LLC, 749 Moulton Avenue, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 441 W. Western Avenue (former Brunswick Building), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for a restaurant/bar in one half of the building and other half of the building used for commercial or retail opportunities. Total capital investment for this project is \$800,000. The project will result in bringing 40 jobs to the City of Muskegon. Because of these new jobs and the amount of investment, the applicant is eligible for a twelve (12) year certificate.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property Certificate for 441 W. Western Avenue, Muskegon, MI for a term of twelve (12) years.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2004-46(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by PCJ ENTERPRISE, L.L.C.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from PCJ Enterprise, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on May 11, 2004, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on May 11, 2004, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, PCJ Enterprises, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for twelve (12) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will

be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by May 11, 2005, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

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

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on May 11, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. **This application should be filed after the district is established.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires one copy of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT. Clerk must also complete sections 14, 15 and 17 on page 2.		THIS SECTION FOR USE BY THE STATE TAX COMMISSION	
Signature <i>Dail A. Kundingin</i>		Application No.	
Date This Application Was Received <i>April 27, 2004</i>		Date Received	
TO BE COMPLETED BY APPLICANT (Applicant, do not write above this line. Begin entries at 1a below.)			
1a. Applicant (Company) Name (Applicant must be the OWNER of the facility) <i>PCS Enterprise, LLC.</i>		Important Note: If this application form (3674) is not fully completed, it will be returned by the Property Tax Division prior to any processing being done by the State Tax Commission	
b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) <i>749 Moulton Ave.</i>			
c. Location of Obsolete Facility (No. and Street, City, State, ZIP) <i>441 W. Western Ave.</i>		d. City/Twp./Village <i>Muskegon</i>	e. County <i>Muskegon</i>
2. Date of Commencement of Rehabilitation <i>1-1-05</i>	3. Planned Date of Completion of Rehabilitation <i>6-1-05</i>	4. School District Where Facility is Located <i>Muskegon</i>	a. School Code <i>61010</i>
5. Estimated Cost of Rehabilitation <i>\$800,000</i>		6. How Many Years of Exemption Requested? <i>12</i>	
7. Project will have the reasonable likelihood to: (Check one or more) ☒ increase commercial activity ☒ create employment ☐ retain employment ☐ prevent a loss of employment ☒ revitalize urban areas ☒ increase the number of residents in the community in which the facility is situated 7a. Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment: <i>40</i>		8. Legal Description of Obsolete Property <i>Please see Attachment #8</i>	
9. The following must be provided to the local governmental unit as attachments to this application: (a) General description of the obsolete facility, (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.			
10. The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Please check the following box if you wish to be considered for this exclusion: ☒			
11. 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 of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information which it provides is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy. The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate. It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, 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 Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.			
12. Name of Person to Contact for Further Information <i>Peter C. Johnson</i>		Title <i>Member</i>	Telephone Number <i>(231) 744-6500</i>
Mailing Address <i>749 Moulton Ave. N. Muskegon, Mi. 49445</i>			
13. Type Name of Company Officer <i>Peter C. Johnson</i>		Title <i>Member</i>	Telephone Number <i>(231) 744-6500</i>
Signature <i>P.C.J.</i>		Date	

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

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application.

14. Action Taken
☒ Date of Action: May 11, 2004
☒ EXEMPTION APPROVED FOR 12 Years

 Ending December 31, 2016 (not to exceed 12 years)

☐ DISAPPROVED
15. RESOLUTION MUST CONTAIN THE FOLLOWING.

- ☐ A statement that the local unit is a Qualified Local Governmental Unit.
- ☐ A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of P.A. 146 of 2000.
- ☐ A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.
- ☐ If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operating of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.
- ☐ A statement that the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 including the date of the hearing.
- ☐ A statement that the applicant is not delinquent in any taxes related to the facility.
- ☐ A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.
- ☐ A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

A copy of the resolution must be furnished to the State Tax Commission.

- ☐ A statement that all of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.
- ☐ A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.
- ☐ A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district.
- ☐ A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.
- ☐ A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(i) of P.A. 146 of 2000.
- ☐ A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

16. ASSESSOR:

Taxable Value

State Equalized Value (SEV)

 Current Taxable
Value and State
Equalized Value of
obsolete properties
broken down for:

	Taxable Value	State Equalized Value (SEV)
Land	<u>25,000</u>	<u>25,000</u>
Buildings	<u>90,600</u>	<u>90,600</u>
Buildings on Leased Land	<u>0</u>	<u>0</u>
Other Personal Property	<u>0</u>	<u>0</u>
Year of Values	<u>2004</u>	<u>2004</u>

17. Name of Local Government Body
City of Muskegon

Date of Action on This Application

5-11-04
CLERK'S CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

Signature of Clerk <u>Dail G. Kundergei</u>	Date <u>7-12-04</u>	Telephone Number <u>(231) 724-6705</u>
Clerk's Mailing Address <u>933 Terrace</u>	City <u>Muskegon</u>	ZIP Code <u>49440</u>

**Applications received after October 31 may not be acted upon in the current year.
This application is subject to audit by the State Tax Commission.**

Mail completed Application and copy of Resolution to:

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

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

Regarding: PCJ Enterprise, LLC.

Attachment for: Application for Obsolete Property Rehabilitation Exemption Certificate
Section " 9"

Question (a): General description of the obsolete property.

The property is located at 441 W. Western Ave. in the City of Muskegon. It consists of roughly 9,100 square feet of usable space on the main level. There is an additional 2,000 square feet along the backside of the property that is set up as a loading dock facility. There is also approximately 2,500 square feet of usable space in the basement.

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

PCJ Enterprises, LLC. proposes to use the building for developing a restaurant/bar utilizing 50 percent of the space available on the main level of the building and in the basement. The proposed restaurant would also utilize the loading dock facility currently located on the backside of the property.

The other half of the property would be used for other commercial or retail opportunities envisioned in the City of Muskegon's master plans for the downtown area.

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

The current building would receive a complete rehabilitation in all areas. All electrical work, plumbing, heating and cooling systems, floors, walls, ceilings, interior design and decoration, etc. would be new. The entire front façade would be completely refurbished. The main infrastructure (brick walls/wood support truces) and roof of the building are in good condition and would be used, as is, with minor changes to meet the needs of the development.

Question (d): A descriptive list of the fixed building equipment that will be part of the rehabilitated facility.

The building's current condition is that of a shell.

- 1) Heating/cooling systems (new)

- 2) Plumbing for entire facility including new bathroom facilities and general plumbing throughout the entire building
- 3) Electrical for entire facility including all wires, light fixtures, emergency lighting, etc.
- 4) All interior floors, ceilings and walls including new studs, drywall, plywood and paint.
- 5) New front façade.
- 6) New emergency sprinkler system throughout the main level of building.

Question (e): A time schedule for undertaking and completing the rehabilitation of the facility.

PCJ Enterprise, LLC. envisions the rehabilitation of the facility beginning on or near the first of January 2005 and being completed within six months. If a tenant were acquired prior to this time development would commence at an earlier date.

Question (f): A statement of the economic advantages expected from the exemption.

PCJ Enterprise, LLC. would like to create a facility, in the downtown area, that would be enticing for businesses to establish or relocate in. The tax exemption would provide PCJ Enterprise, LLC. a key incentive to offer interested businesses that might be considering locating in the Muskegon area. These new businesses would add to the commercial viability and overall vitality in the downtown area immediately surrounding the development. These new businesses will also employ a number of people from the surrounding area and expand the future tax base for the city.

The proposed bar/restaurant would employ 25 – 40 new people in the Muskegon area and provide the type of entertainment /attraction, sought by the city, to add to the allure of the developing Arts and Entertainment District. The tax exemption will assist PCJ Enterprise, LLC. in minimizing the buildings overall operating expenses and thus helping to insure the long-term success of this development.

REAL ESTATE SUMMARY SHEET

Attachment #8

Parcel: 61-24-205-313-0005-00

Owner's Name: PCJ ENTERPRISE LLC

Property Address: 441 W WESTERN AVE

Map #: 24-31-19-458-001

Cur. Class : 201 Gov. Unit: 24 24.CITY OF MUSKEGON School: 61010 MUSKEGON SCHOOLS
Prev. Class: 201 Neighborhood: C19 C19.04 CENTRAL BUSINESS
Public Impr.: Paved Road, Storm Sewer, Sidewalk, Water, Sewer, Electric, Gas,
Curb
Topography: Level, Landscaped

Legal Description:

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 5 & THAT PORTION LOT 4 BLK 313 DESC
AS FOLS:

Mailing Address:

749 MOULTON
NORTH MUSKEGON MI 49445

COM AT SELY COR SD LOT 5

TH N 41D 55M 22S W ALNG ELY LN SD LOT 5, A DIS OF 140.05 FT TO NELY COR SD LOT 5

TH N 48D 10M 43S E ALNG NLY LN LOT 4, A DIS OF 26.04 FT

TH S 42D 03M 01S E ALNG FACE OF EXISTING BRICK & BLOCK WALL, A DIS OF 139.96 FT TO SLY LN SD LOT 4

TH S 47D 58M 26S W ALNG SD SLY LN LOT 4, A DIS OF 26.35 FT TO POB

SBJT TO ESMTS RECOR'D 3361/537.

SBJT TO ESMTS RECOR'D 3473/376.

SBJT TO ESMTS RECOR'D 3473/385.

----- Most Recent Sale Information -----

Sold on 08/14/2002 for 210,000 by COMMUNITY FOUNDATION OF MUSKEGON CO.

Terms of Sale: Arms-Length

Liber/Page: 3473/379

----- Most Recent Permit Information -----

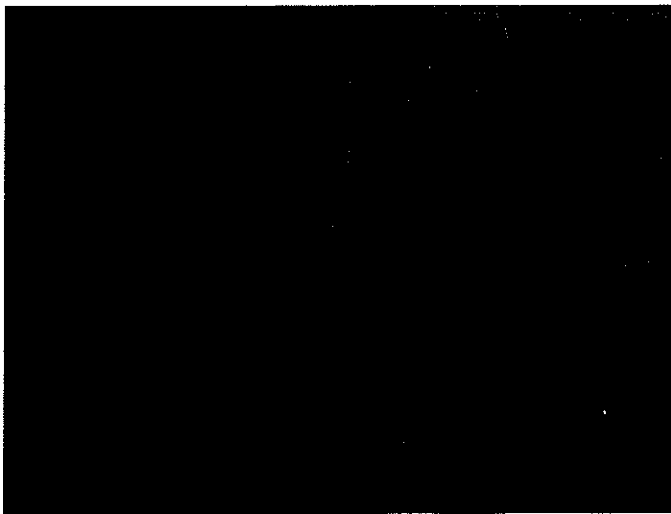
Permit PL-01-5970 on 09/04/2001 for \$0 category PLUMBING.

----- Physical Property Characteristics -----

2005 S.E.V.: 115,500	Taxable: 115,500	Lot Dimen: 90' X 140'
2004 S.E.V.: 115,600	Taxable: 115,600	Acreage: 0.29
Zoning: B-3	Land Value: 50,000	Frontage: 90.0
Homestead: 0.000%	Land Impr. Value: 11,330	Average Depth: 140.0

----- Improvement Data -----

# of Residential Buildings: 0	# of Ag. Buildings: 0
Year Built: 0	Est. TCV:
Occupancy: Single Family	
Class: D	# of Commercial Buildings: 1
Style: 1 STORY	Type: Store, Retail
Exterior:	Desc:
% Good (Physical): 0	Class: C
Heating System: Forced Air w/o Ducts	Quality: Average
Electric - Amps Service: 0	Built: 0 Remodeled: 0
# of Bedrooms: 0	Overall Building Height: 14
Full Baths: 0 Half Baths: 0	Floor Area: 9,270
Floor Area:	Sale Price/Floor Area: 22.65
Ground Area:	Est. TCV: 169,675
Garage Area:	Cmts:
Basement Area:	
Basement Walls:	
Est. TCV:	



Commission Meeting Date: May 11, 2004

Date: May 4, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Approval of Resolution to Sell 503 Octavius

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sale of the structure located at 503 Octavius to Mr. Monte Griggs to be used as an owner-occupied single family residence.

FINANCIAL IMPACT: The HOME fund will receive approximately \$70,000 in program income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and instruct the Mayor and Clerk to sign the quit claim.

COMMITTEE RECOMMENDATION: The City Commission and Land Reutilization Committee both approved this project.

MUSKEGON CITY COMMISSION

2004-45(g)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 503 OCTAVIUS

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

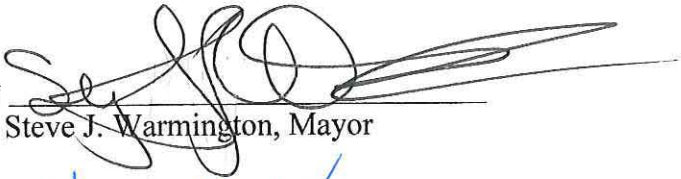
WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

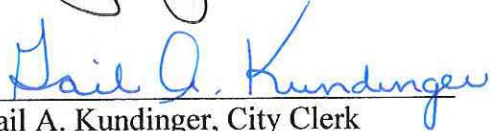
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the totally rehabilitated home for \$86,000 which is located at 503 Octavius to be used as a single family owner-occupied home to Monte Griggs with a subsidy of \$16,000 in its current rehabilitated condition.

Adopted this 11th day of May, 2004

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

Nays: None

By 
Steve J. Warmington, Mayor

By 
Gail A. Kunder, City Clerk

CERTIFICATION
2004-45(g)

This resolution was adopted at a regular meeting of the City Commission, held on May 11, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

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

QUIT-CLAIM DEED

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

QUIT CLAIMS TO: **Monte Griggs** of 671 Marquette, Muskegon, Michigan 49441,

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

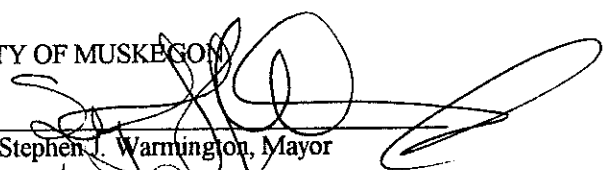
City of Muskegon Revised Plat of 1903 N1/2 Lot 9 and S1/2 Lot 10

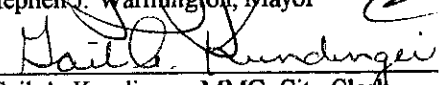
for the sum of Eighty Six Thousand and no/100 Dollars (\$86,000.00)

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

Dated this 14th day of May, 200 4.

CITY OF MUSKEGON

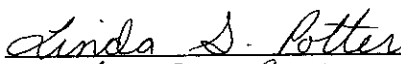
By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunderger, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 14th day of May, 200 4, by Stephen J. Warmington and Gail A. Kunderger, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621


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

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



Commission Meeting Date: May 11, 2004

(Rehearing of January 27, 2004 case)

Date: May 4, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBU*
RE: Rezoning request for property located at 407 Marquette Ave.
(SE corner of Marquette Ave. and Wood St.)

SUMMARY OF REQUEST:

Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 1/15 meeting. Commissioners Spataro, Aslakson, Johnson and Sartorius voted for denial, Commissioners Michalski and Smith voted against denial, and Commissioners Mazade and Warmington abstained. T. Harryman was absent.

CITY OF MUSKEGON

RESOLUTION #2004-

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 407 Marquette Ave., at SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on January 15, 2004, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map and Master Land Use Plan;

NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 11th day of May, 2004.

Ayes:

Nays:

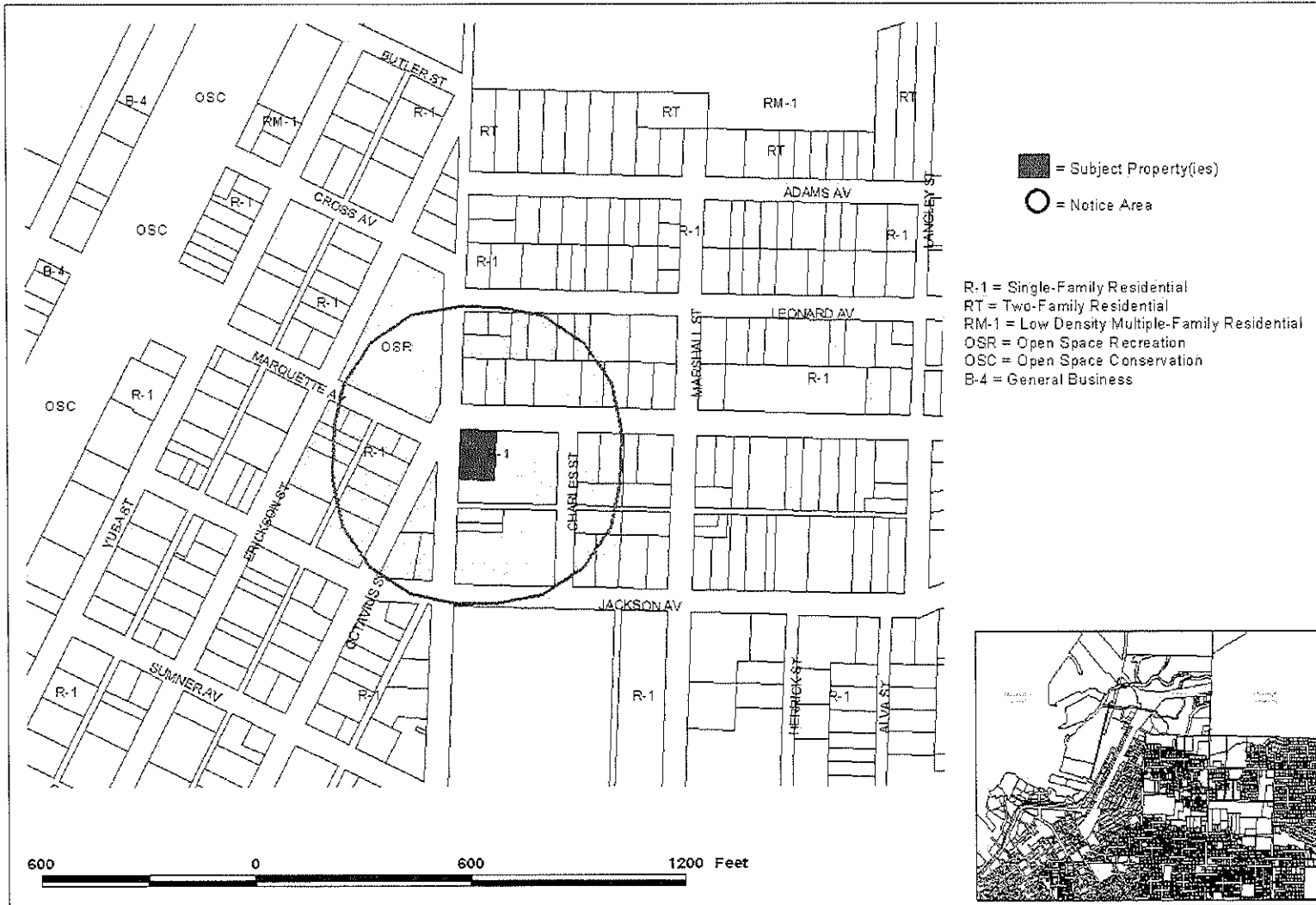
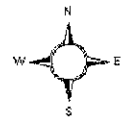
Absent:

By: _____
Stephen J. Warmington, Mayor

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on May 27, 2004.

Gail A. Kunding, MMC, City Clerk

City of Muskegon
Planning Commission
Case # 2004-01



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
January 15, 2004

Hearing; Case 2004-1: Request to rezone the property located at 407 Marquette Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Ray Reasonover.

BACKGROUND

1. This request includes the property at the southeast corner of Marquette Ave. and Wood St. The property currently contains a small 'corner store' type of mini-mart and additional vacant space. There are two special use permits in place on this property – one for the mini-mart and a second for a youth recreational center which has never materialized.
2. The subject property is currently zoned R-1, Single-Family Residential. The Zoning Ordinance was amended several years ago to allow existing previously nonconforming commercial structures in residential districts to be used for various low-scale commercial uses. This language is how the special use permits on the subject property were approved. The intent of this language is to allow some practical use for these buildings which would not likely be either renovated or torn down for residential uses and would otherwise sit vacant. The language also allows small scale, low intensity uses, similar to those allowed in the B-1, Limited Business zoning district, in or near neighborhoods. This helps to promote the idea of 'neighborhood businesses'.
3. When the language was included that allowed these commercial buildings to be used commercially in residential zones, several conditions were also included. One of these conditions is that certain types of uses are prohibited under this language, *"Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; uses serving or selling alcohol, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property."*
4. When the Special Use Permit was approved for the mini-mart in August of 2001, one of the conditions of the permit reinforced the prohibition against selling alcohol on the site. At the time, the property owner stated that he had no intention of selling alcohol in the store. However, since that time the property has changed hands and the store has a new owner/operator. The current owner would like to sell alcohol in the store.
5. As the sale of alcohol is prohibited on this site both by the ordinance language allowing the property to be re-used commercially and by the approved Special Use Permit for this property, the applicant is asking that the property be rezoned to a commercial designation. The prohibition against alcohol sales does not appear in the B-1 district language – it was added specifically to the special use permit language for commercial buildings in residential districts. If the property were to be rezoned to B-1 and the Special Use Permit were dissolved (since the use of the property as a

store would be allowed in the B-1 district by right, the Special Use Permit would no longer be necessary), then the applicant would be free to seek a liquor license in order to sell alcohol on the property.

6. The City owns several vacant parcels of property directly adjacent to the subject property. This corner is a somewhat busy one since Marquette Ave. and Wood St. each carry a heavier load of traffic than a minor residential street. To the south of the subject property is an existing church. Although this general area is entirely zoned for single-family residential, this particular block does not contain any existing homes. However, given the recent level of increased interest in the Jackson Hill neighborhood for single-family building projects, there is a good likelihood that the City-owned parcels may be in demand in the near future for single-family residential purposes.
7. The closest area to the subject property which is already currently zoned for commercial use is at the corner of Marquette Ave. and Getty St., where there is some B-1 zoning. There is not much commercial zoning existing within the Jackson Hill neighborhood. The subject property is located at probably the busiest corner in this neighborhood. If any commercial zoning were to be located in this neighborhood, the subject property would probably be the most practical spot for it. However, the zoning ordinance does permit small scale commercial use on this property without it needing to be rezoned, and the special use permit language is even more restrictive than the B-1 district, which helps to further protect the surrounding neighborhood.
8. The Future Land Use Map shows the subject property as "Single & Two-Family".
9. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion.
 - ◆ Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area.
10. The Master Plan recommends for this sub-area:
 - ◆ Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.

PHOTOS



ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

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

SECTION 400: PRINCIPAL USES PERMITTED

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

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
- ...
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

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

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

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
- ...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
- ...
3. Churches and other facilities normally incidental thereto subject to the following conditions:
- ...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
- ...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

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

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

...

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

...

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

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

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

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

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
...
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

...

SECTION 1003: AREA AND BULK REQUIREMENTS [amended 4/00]

...

RECOMMENDATION

B-1 is intended as a 'neighborhood' commercial zoning designation, and only allows small scale, low intensity commercial uses. The square footage of most permitted uses in the B-1 district is limited to 2,500 square feet. If the Planning and City Commissions were inclined to approve a rezoning for this property to a commercial designation, staff would feel most comfortable with the B-1 district there. However, since the existing ordinance language and special use permit do allow small scale commercial uses (including the current use) at this site without a rezoning, staff would recommend denial of this request.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City.**
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**

461 Yuba Street
Muskegon, MI 49442
April 30, 2004

Mr Brian Poyer
Acting Zoning Administrator
City Commission
P.O. Box 536
Muskegon, MI 49443
Sir:

I am writing in reference to the rezoning a Parcel of Land at 407 Marquette to a limited Business. The answer is No! The reason, we have Churches, schools, children taking the bus in the area to school.

WE have college children traveling Marquette to the two (2) colleges that set off Marquette.

WE have senior in the area. Our park is across the street from the area in question.

This would downgrade our neighborhood and the community.

WE have improved our neighborhood. I would like to keep it that way. Please do not pass this or even consider passing this issue
Thank you
Mrs. Dickerson

Shirley and Howard Calloway – 417 Yuba (phone call)

- Do not want 407 Marquette to have liquor license. They wish they could get rid of the one on summit at Yuba.

PARMENTER O'TOOLE*Attorneys at Law*175 West Apple Avenue ■ P.O. Box 788 ■ Muskegon, Michigan 49443-0786
www.Parmenterlaw.com**Fax Transmittal**

TO:	Gail A. Kunding	FROM:	John C. Schrier
COMPANY:	City of Muskegon	DATE:	5/11/04
FAX NUMBER:	231.724-4178	TOTAL NO. OF PAGES INCLUDING COVER:	5
PHONE NUMBER:	231.724-6705	SENDER'S DIRECT DIAL NUMBER:	231.722.5401
RE:	Rezoning Request: 407 Marquette Ave.	SENDER'S FAX NUMBER:	231.728.2206

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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PARMENTER O'TOOLE*Attorneys at Law*

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1821 ■ Fax 231.722.7886 or 231.728.2206
www.Parmenterlaw.com

May 3, 2004

Mayor and City Commission
c/o Bryon Mazade - City Manager
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Re: Rezoning Request: 407 Marquette Avenue

Dear Mayor and Commission:

It is my understanding that some members of the City Commission desire to reevaluate the rezoning request for 407 Marquette Avenue. This letter is provided in anticipation of procedural issues, should the City Commission decide it wishes to take further action on the rezoning request.

Background

Pursuant to the City and Village Zoning Act, prior to the City Commission considering a rezoning request, the request must first be evaluated by the planning commission, after a public hearing. The City of Muskegon Planning Commission held a public hearing on the rezoning request for 407 Marquette Avenue on January 15, 2004. A motion was adopted by the Planning Commission to deny the request. (Planning Commissioners Spataro, Aslakson, Johnson, and Sartorius voted to deny the request; Planning Commissioners Michalski and Smith voted for the request; Planning Commissioners Mazade and Warmington abstained; Planning Commissioner Harriman was absent.¹) The Planning Commission's recommendation was forwarded to the City Commission for its consideration.

On January 27, 2004, the City Commission considered the rezoning request. At that time, Commissioner Spataro made, and Commissioner Gawron seconded, a motion to deny the rezoning request at 407 Marquette Avenue from R-1, Single Family Residential to B-1, Limited Business. Commissioners Gawron, Shepherd, and Spataro voted in favor of the motion; Mayor Warmington, Vice Mayor Larson, and Commissioners Carter and Davis voted against the motion. As such, the motion failed. Immediately thereafter, Vice Mayor Larson made, and Commissioner Davis seconded, a motion to approve the rezoning request for property located at 407 Marquette Avenue from R-1, Single Family Residential to B-1, Limited Business. Mayor Warmington, Vice Mayor Larson, and Commissioners Carter and Davis voted in favor of the

¹ Planning Commissioners Mazade and Warmington abstained because they were not present during the entire public hearing.

Mayor and City Commiss.
May 3, 2004
Page 2

motion; Commissioners Gawron, Shepherd, and Spataro voted against the motion. The minutes reflect that the motion passed, but required a second reading.

The requirement of a second reading is mandated by the City of Muskegon Charter, which provides that:

"No ordinance shall be adopted at the same meeting at which it is proposed except by unanimous consent of all members of the commission then in office."

Muskegon City Charter, Chapter VII, Section 2.

On February 10, 2004, the City Commission undertook the second reading of the proposed ordinance. The applicant was unaware of the need for a second reading and, thus, was not present at the City Commission meeting. At that meeting, Vice Mayor Larson made, and Commissioner Davis seconded, a motion to approve the rezoning of 407 Marquette Avenue from R-1, Single Family Residential to B-1, Limited Business. Vice Mayor Larson and Commissioners Davis voted in favor of the motion; Mayor Warmington and Commissioners Carter, Gawron, Shepherd, and Spataro voted against the motion. The motion failed.

If the City Commission desires to consider the request to rezone the property located at 407 Marquette, there are two options:

1. Start the process over again;
2. Rescind the City Commission action of February 10, 2004.

The first is straight forward and for more legally defensible. The second is procedurally awkward.

Commence New Case

The City and Village Zoning Act provides the statutory process to amend a zoning ordinance. In the case of Muskegon,

"the legislative body shall not amend the ordinance ... until the proposed amendment has been submitted to the [planning] commission and it [planning commission] has held at least 1 hearing and made report thereon."

MCL Section 125.584(3). The courts require strict compliance with the statute when adopting and amending zoning ordinances.

The safest course is to begin again. The City Commission could ask the Planning Commission to consider a rezoning request. The applicant's confusion on the need for a second reading would warrant the request.

Mayor and City Commission
May 3, 2004
Page 3

By commencing this matter anew, hopefully, a greater number of members of the Planning Commission can review this matter and make a recommendation. Regardless of that recommendation, the City Commission could then deal with the issue based upon a fresh recommendation from the Planning Commission. By treating this as a new request to be processed fully and completely, a number of procedural issues are avoided and may reduce the number of complaints from citizens, both those in favor and opposed to the rezoning.

Renew Matter Before the City Commission

Normally, the City Commission could deal with this as a Motion to Reconsider. However, the City of Muskegon City Commission Rules and Procedures, which was adopted May 25, 1999, provides that the most recent edition of Roberts Rules of Order shall govern the commission in all cases in which they are applicable so long as they are not in conflict with commission rules, City Ordinance, or Charter. Both Roberts Rules of Order and the City Commission Rules and Procedures permit a reconsideration of a motion only at the same meeting or at the next regularly scheduled meeting. As such, a motion for reconsideration is not appropriate.

If the City Commission desires to bring this matter before it again, the City Commission would need to consider a motion to rescind its motion to approve the rezoning request of February 10, 2004. The motion would be:

"Motion to rescind the action of the City Commission Motion which failed at the February 10, 2004 City Commission meeting to Approve the Rezoning of 407 Marquette Avenue from R-1, Single Family Residential to B-1, Limited Business."

That motion can be made and seconded by any member of the City Commission. The motion is debatable and can be amended. Pursuant to Roberts Rules of Order, if there is notice of intent to make that motion, then the motion to rescind may be adopted by simple majority.

If the motion to rescind fails, no additional action will be taken on the underlying substantive motion. If the motion to rescind is adopted, then the City Commission could consider a motion to rezone the property. At that point, the motion should be:

Motion to Approve the Rezoning of 407 Marquette Avenue from R-1, Single Family Residential to B-1, Limited Business.

That motion may be made and seconded by any member of the City Commission.

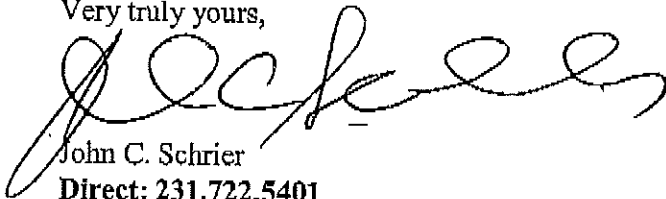
The City does not appear to have a practice as to whether a vote to amend the zoning ordinance would be considered a first or second reading. Given the lack of clear procedure or interpretive guidance, I would recommend that if the motion for rezoning is adopted on May 11, 2004 by fewer than all of the Commission, that a second reading be held at the next City Commission meeting. While this may delay implementation of the ordinance, it provides greater legal ability

Mayor and City Commissi
May 3, 2004
Page 4

to defend the ordinance if a court challenge is forthcoming. It also allows the citizens adequate notice of the proposed action.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. Schrier", written over a horizontal line.

John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

Commission Meeting Date: May 11, 2004

Date: May 4, 2004

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *CBC*

**RE: Request for Extension of Deadlines for Former
Lakos Property**

SUMMARY OF REQUEST: At the April 13, 2004 meeting, the City Commission requested that staff prepare an extension agreement with the Holiday Inn for the former Lakos property. The extension agreement allows for the owner of the property to have until October 1, 2004 to present plans for the development of the property to the City. Construction must then begin by April 1, 2005 and be completed by September 1, 2005.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Amendment Agreement, granting an extension of time to the owners of the former Lakos property, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

SECOND AMENDMENT AGREEMENT

2004-47(b)

THIS AGREEMENT is made, effective May 11, 2004 by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **DESIREE ENTERPRISES, INC.** of 939 Third Street, Muskegon, Michigan 49440 ("Buyer"). This agreement constitutes an amendment to a certain Real Estate Purchase Agreement between the parties dated February 8, 2000, and a Land Contract between the parties dated March 1, 2000, a memorandum of which was recorded on March 6, 2000, at Liber 3020 Page 817, Muskegon County Register of Deeds and Amendment Agreement dated January 22, 2002. In all other respects the said agreements shall remain in full force and effect.

1. **Extension of Time for Completion of Improvements.** The Buyer shall have an extended period of time within which to construct the improvements contemplated by Section 9 of the Real Estate Purchase Agreement, so that the time for commencement of construction shall be April 1, 2005 and completion of construction shall now be September 1, 2005. This extension is made on the following conditions. The failure of the Buyer to observe any one of these conditions shall result in immediate reversion of the property to Seller as set forth in paragraph 9 of the Real Estate Purchase Agreement and further in this agreement:

- 1.1 The parking lot which has been constructed on the property shall be landscaped in compliance with a landscaping plan to be submitted to and approved by the City (Planning Department).
- 1.2 All zoning ordinance requirements, including variances, if granted, shall be complied with, including without limitation landscaping, setbacks, layout, lighting, and any other site plan requirements.
- 1.3 The entrance(s) and exit(s) for the parking area shall be on the alley.
- 1.4 Maintenance, repairs and cleaning of the parking lot shall be the responsibility of the Buyer or its successors or assigns.
- 1.5 The Buyer shall deposit with the City a written schedule of the construction activities and completion of buildings and structures appropriate for commercial uses permitted on the property, the said

schedule to be filed with the City no later than October 1, 2004. Construction shall commence by April 1, 2005. Completion of the said improvements shall be accomplished by September 1, 2005, and the schedule shall so require.

- 1.6 **Reversion.** Failure to timely submit the appropriate plan, or if submitted, without **timely** commencement by April 1, 2005 and completion by September 1, 2005, shall result in reversion to the City. Reversion to the City shall mean that without any further action by the City, the entire title to the property shall pass to the City without compensation to Buyer for the improvements or partial improvements made, including without limitation all parking, lighting, landscaping, infrastructure, ground cover, seeding, planting, fences or other installations, or for any expense of any kind. This reversion right of the City is supported by consideration, reflected in the original purchase price. **This reversion right survives delivery of a deed pursuant to the Land Contract.**

2. **Recording and Enforcement.** The provisions of this agreement shall constitute amendments to the Land Contract at paragraph 19 thereof, and the incorporated Real Estate Purchase Agreement at paragraph 9 thereof. This agreement may be recorded, and shall constitute record evidence of the City's right to reversion and enforcement of the agreement. The legal description of the property is:

Lot 8, EXCEPT the Easterly four inches thereof, and all of Lots 9, 10 and 11; also Lot 12, EXCEPT the Southwesterly 6/10ths of a foot, of Block 566 of the Revised Plat of the City of Muskegon.

3. In all other respects the agreements between the parties shall remain in full force and effect. It is binding on the parties and their successors and assigns.

WITNESSES:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

SELLER: CITY OF MUSKEGON

By Stephen J. Warmington
Stephen J. Warmington, Mayor

By Gail A. Kundergen
Gail A. Kundergen, Clerk

BUYER: DESIREE ENTERPRISES, INC..

By GAMH Elkhoury

Its GAM/Owner

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 17th day of May, 2004 by Stephen J. Warmington and Gail A. Kunding, Mayor and Clerk respectively, for and on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter, Notary Public
State of Michigan, County of Muskegon
My commission expires: 9-25-06
Acting in the County of Muskegon

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this _____ day of _____, 2004 by _____, _____, for and on behalf of Desiree Enterprises, Inc., Inc.

_____, Notary Public
State of Michigan, County of Muskegon
My commission expires: _____
Acting in the County of Muskegon

Drafted by and return to:
PARMENTER O'TOOLE
BY: John C. Schrier

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

Date: May 11, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Mason Street Market
248 Mason Street

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Ben Roberts Jr. for a New Specially Designated Distributor License (SDD) to be held in conjunction with a proposed New Specially Designated Merchant License (SDM).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Denial.

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
DAVID C. HOLLISTER, DIRECTOR

KAR
10-9-03
JUDITH ALLEN
LIQUOR COMMISSION
CHAIRWOMAN

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1(4)]

Muskegon Police Department
Chief of Police
1990 E. Apple
Muskegon, Michigan 49442

September 18, 2003

Request I.D.#231502

Chief of Law Enforcement Office

Applicant: BEN ROBERTS JR. requesting a New Specially Designated Merchant License located at 248 Mason, Muskegon Michigan, 49441, Muskegon County.

Contact: William R. Sininger, Attorney, 120 W. Apple, Muskegon MI, 49443 B.P.(231)727-2107

Please make an investigation of this application. If you do not believe that the applicant(s) are qualified for licensing, give your reasons in detail. Complete the Police Inspection report on Liquor License Request, LC-1800, or for Detroit Police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

- () Please include Fingerprint Card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission
- (X) No Fingerprints Necessary

If you have any questions, contact the Licensing Division at (517)322-1400

Jr
LC-1972 Rev 01/02

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

KAR
10-9-03

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

Muskegon Police Department
Chief of Police
1990 E. Apple
Muskegon, Michigan 49442

September 18, 2003

Request I.D.#231503

Chief of Law Enforcement Office

Applicant: BEN ROBERTS JR. requesting a New Specially Designated Distributor License, located at 248 Mason, Muskegon Michigan, 49441, Muskegon County, to be held in conjunction with Proposed New Specially Designated Merchant License (R.I.D.#231502).

CONTACT:

Ben Roberts Jr.
864 Emerald
Muskegon, Michigan 49442

ATTORNEY:

William R. Sininger
120 W. Apple Avenue, P.O. Box 599
Muskegon, Michigan 49443-0599

Business Phone: (231)727-2107

Please make an investigation of the application. If you do not **believe** that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

(X) NO FINGERPRINTS NECESSARY

() PLEASE INCLUDE FINGERPRINT CARDS AND \$30.00 FOR EACH CARD, AND MAIL TO THE MICHIGAN LIQUOR CONTROL COMMISSION.

If you have any questions, contact the Licensing Division at (517) 322-1400.

jr



CITY OF MUSKEGON

DIVISION OF PUBLIC SAFETY

Anthony L. Kleibecker
Director of Public Safety



TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: May 3, 2004

SUBJECT: Liquor License Application – 248 Mason Street
(Mason Street Market)

The Liquor Control Commission has received an application from Ben Roberts Jr. requesting a New Specially Designated Distributor License (SDD) to be located at 248 Mason Street (Mason Street Market). This license would be held in conjunction with a Proposed New Specially Designated Merchant License (SDM).

Per our internal procedures, Detective Kurt Dykman has conducted a check of department and state records as they pertain to Ben Roberts Jr. City records indicate that in 1989 Ben Roberts Jr. acquired 248 Mason and remains as the current owner. Until April 28, 2003, when a business license application was submitted, the City Clerk's Office had no record of a business license having been issued for this location. A business license application was submitted by Anthony Jones of Antinique Enterprises LLC, 1712 Ray Street, Muskegon. The start date of the business was to be June 1, 2003. A review of police calls to that address revealed that officers were dispatched to the business on April 9, 2003 and in doing so, discovered that the store was open. Officers have had contacts with individuals at 248 Mason at other times prior to June 1, 2003.

Reviews of department records indicate numerous arrests of Anthony Jones. Department records also reveal a number of arrests and contacts with Mr. Roberts ranging from 1969 through 2003.

The Fire Department is denying this request due to the fact that the business is not in compliance with the International Fire Code for commercial operations. The Inspection Department is denying this request as the business has failed to schedule an inspection and has yet to obtain a Certificate of Occupancy.

In addition to my concerns with the individuals involved with this application and the failure to meet the requirements set forth by the Fire Department and Inspection Department, I am concerned with the nature of crime in the vicinity of 248 Mason Street. This business sits at the corner of Fifth Street and Mason. We have had continual problems with street-level drug dealing and other disorder crimes. My greatest concern is that adding a store that sells liquor into this environment will make it all the more difficult to deal with these issues and to maintain the safety of those residents who live in this neighborhood.

Generally, I have not opposed the issuance or renewal of liquor license applications in the city. However, in this present case I am recommending that you deny this request for a SDD and SDM license for 248 Mason Street.

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2000-004215-I	VIOLATION OF CO	02/18/2000	5TH/MASON
MUPD	2000-009572-I	GENERAL NON-CRI	04/14/2000	5TH/MASON
MUPD	2000-011607-I	WEAPONS OFFENSE	05/04/2000	5TH/MASON
MUPD	2000-014441-I	VIOLATION OF CO	05/31/2000	5TH/MASON
MUPD	2000-017025-I	DISORDERLY COND	06/22/2000	5TH/MASON
MUPD	2000-017044-I	DRUNKENNESS - E	06/23/2000	5TH/MASON
MUPD	2000-017923-I	GENERAL ASSISTA	06/30/2000	5TH/MASON
MUPD	2000-018376-I	TRAFFIC VIOLATI	07/04/2000	5TH/MASON
MUPD	2000-025837-I	DISORDERLY COND	09/08/2000	5TH/MASON
MUPD	2000-026894-I	NON-AGGRAVATED	09/19/2000	5TH/MASON
MUPD	2000-028026-I	NON-AGGRAVATED	10/01/2000	5TH/MASON
MUPD	2000-028660-I	NON-AGGRAVATED	10/08/2000	5TH ST/MASON AV
MUPD	2000-031238-I	MOTOR VEHICLE T	11/05/2000	5TH/MASON
MUPD	2000-031669-I	MISCELLANEOUS C	11/10/2000	5TH/MASON
MUPD	2000-032882-I	UNAUTHORIZED DU	11/27/2000	5TH/MASON

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2001-002028-I	MISDEMEANOR TRA	01/27/2001	5TH/MASON
MUPD	2001-004725-I	DISORDERLY COND	03/06/2001	5TH/MASON
MUPD	2001-007744-I	GENERAL NON-CRI	04/11/2001	5TH/MASON
MUPD	2001-009274-I	INCAPICATION	04/27/2001	5TH/MASON
MUPD	2001-011566-I	AGGRAVATED/FELO	05/20/2001	5TH/MASON
MUPD	2001-011619-I	MOTOR VEHICLE T	05/21/2001	5TH/MASON
MUPD	2001-012974-I	OBSTRUCTING JUS	06/04/2001	5TH/MASON
MUPD	2001-014442-I	PUBLIC PEACE -	06/17/2001	5TH/MASON
MUPD	2001-016080-I	MISDEMEANOR TRA	07/01/2001	5TH/MASON
MUPD	2001-016424-I	PUBLIC PEACE -	07/04/2001	5TH/MASON
MUPD	2001-022456-I	SUSPICIOUS SITU	09/03/2001	5TH/MASON
MUPD	2001-024219-I	DAMAGE TO PROPE	09/22/2001	5TH/MASON
MUPD	2001-024316-I	LARCENY - OTHER	09/24/2001	5TH/MASON
MUPD	2001-028805-I	PUBLIC PEACE -	11/16/2001	5TH/MASON
MUPD	2001-032170-I	MISCELLANEOUS C	12/31/2001	5TH/MASON

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2002-000950-I	AGGRAVATED/FELO	01/14/2002	5TH/MASON
MUPD	2002-003593-I	NON-AGGRAVATED	02/19/2002	5TH/MASON
MUPD	2002-004042-I	WEAPONS OFFENSE	02/25/2002	5TH/MASON
MUPD	2002-005565-I	DAMAGE TO PROPE	03/18/2002	5TH/MASON
MUPD	2002-005572-I	BAD REPORT #	03/18/2002	5TH/MASON
MUPD	2002-005573-I	MISCELLANEOUS C	03/18/2002	5TH/MASON
MUPD	2002-006453-I	SUSPICIOUS SITU	03/30/2002	5TH/MASON
MUPD	2002-009080-I	INTIMIDATION/ST	04/30/2002	5TH/MASON
MUPD	2002-009172-I	VIOLATION OF CO	05/01/2002	5TH/MASON
MUPD	2002-011519-I	DISORDERLY COND	05/29/2002	5TH/MASON
MUPD	2002-017942-A	TRAFFIC ACCIDEN	08/03/2002	5TH/MASON
MUPD	2002-027149-I	SUSPICIOUS SITU	11/10/2002	5TH/MASON
MUPD	2002-028330-I	NON-AGGRAVATED	11/25/2002	5TH/MASON
MUPD	2002-028357-I	PUBLIC PEACE -	11/26/2002	5TH/MASON

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2003-005492-I	SUSPICIOUS SITU	03/18/2003	5TH/MASON
MUPD	2003-009092-I	SUSPICIOUS SITU	05/01/2003	5TH/MASON
MUPD	2003-009552-I	PROPERTY	05/07/2003	5TH/MASON
MUPD	2003-009951-I	DISORDERLY COND	05/12/2003	5TH/MASON
MUPD	2003-010094-I	DISORDERLY COND	05/14/2003	5TH/MASON
MUPD	2003-011489-I	DISORDERLY COND	05/31/2003	5TH/MASON AV
MUPD	2003-011625-I	GENERAL ASSISTA	06/02/2003	5TH/MASON
MUPD	2003-011711-I	GENERAL ASSISTA	06/03/2003	5TH/MASON
MUPD	2003-011979-I	LOST & FOUND PR	06/06/2003	5TH/MASON
MUPD	2003-012024-I	DISORDERLY COND	06/07/2003	5TH/MASON
MUPD	2003-012390-I	VIOLATION OF CO	06/11/2003	5TH/MASON
MUPD	2003-012658-I	CURFEW-UNDER AG	06/14/2003	5TH/MASON
MUPD	2003-012668-I	SUSPICIOUS SITU	06/14/2003	5TH/MASON
MUPD	2003-012992-I	DISORDERLY COND	06/17/2003	5TH/MASON
MUPD	2003-013712-I	DISORDERLY COND	06/24/2003	5TH/MASON
MUPD	2003-014963-I	GENERAL NON-CRI	07/07/2003	5TH/MASON
MUPD	2003-015858-I	DISORDERLY COND	07/17/2003	5TH/MASON
MUPD	2003-021856-I	ASSIST OTHER AG	09/26/2003	5TH/MASON
MUPD	2003-021997-I	ROBBERY	09/28/2003	5TH/MASON
MUPD	2003-026039-I	SUSPICIOUS SITU	11/20/2003	5TH/MASON
MUPD	2003-026687-I	MISDEMEANOR TRA	11/29/2003	5TH/MASON

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2004-001650-I	SUSPICIOUS	SITU 01/26/2004	5TH/MASON
MUPD	2004-005229-I	SUSPICIOUS	SITU 03/16/2004	5TH/MASON

INCIDENT LIST:

Agcy Case #	Offense	Rpt Date	Location
MUPD 2003-007249-I	DISORDERLY COND	04/09/2003	248 MASON AV
MUPD 2003-011639-I	GENERAL NON-CRI	06/02/2003	248 MASON AV
MUPD 2003-016126-I	SUSPICIOUS SITU	07/21/2003	248 MASON AV
MUPD 2003-016778-I	SUSPICIOUS SITU	07/27/2003	248 MASON AV
MUPD 2003-017411-I	DISORDERLY COND	08/02/2003	248 MASON AV
MUPD 2003-026055-I	JUNK VEHICLE OR	11/20/2003	248 MASON

William R. Sininger
Attorney at Law, PLLC
One East Apple Avenue, Suite B, Muskegon, MI 49442
Telephone (231) 728-9023 Fax (231) 726-3148



March 31, 2004

City of Muskegon
Clerk's Office
Michael E. Kobza Hall of Justice
990 Terrace
Muskegon, MI 49442

RE: Investigation--Ben Roberts Jr., requesting a New Specially Designated
Merchant License, located at 248 Mason, Muskegon, MI 49441

Dear Ladies and Gentlemen:

Enclosed please find \$250 which represents the inspection fee for the above captioned matter. I have enclosed a copy of the LCC investigation form for your file. Please refer this over to the Police Department to commence the investigation. If you have any questions please contact me immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "William R. Sininger", with a large, stylized flourish extending to the right.

William R. Sininger

WRS/hb

Enclosures

cc: Kurt

JENNIFER M.
GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
DAVID C. HOLLISTER, DIRECTOR

JUDITH ALLEN
LIQUOR COMMISSION
CHAIRWOMAN

NOTICE: IMPENDING INVESTIGATION
[Authorized MCL 1217]

COPY

TO: Ben Roberts Jr.
864 Emerald
Muskegon, Michigan 49442

September 18, 2003
Request I.D.#231502

Reference: BEN ROBERTS JR. requesting a New Specially Designated Merchant License, located at 248 Mason, Muskegon Michigan, 49441, Muskegon County.

Your request has been placed under investigation. Investigations are conducted by an investigator from the Michigan Liquor Control Commission, the local law enforcement agency and in some instances the local legislative body.

You will be contacted by a Commission Investigator from:
District Office: Grand Rapids District Office
Telephone Number: (616)447-2647

You may contact that office regarding any appointments or questions, until your file is returned to the Lansing Office. After the Commission's investigator has contacted you, it is your responsibility to contact the police agency having jurisdiction at the business location, for their portion of the investigation. If you do not provide requested information or keep your appointments, your file will be returned to the Lansing Office which will delay the processing of your application.

If you are to be fingerprinted, a \$30.00 fee must be paid to the police agency for each person printed. Fingerprint fees must be paid by check or money order and made out to the State of Michigan.

When all reports are received, your file is then submitted to the Administrative Offices of the Commission for presentation to the Commission for consideration. You will be notified in writing of the Commission's decision. Any outstanding fees and closing papers will be requested only after the Commission has approved your request.

WARNING

Do not invest any money in improvements or bind yourself in any agreements until you have been officially notified by the Michigan Liquor Control Commission that your request has been approved.

OUTSTANDING VIOLATIONS

Any pending violations by the licensee and/or applicant must be resolved prior to Commission consideration and/or final processing of your application.

jr
cc: William R. Sininger, Attorney

LC-1975 Rev. 01/02

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
P.O. BOX 30005
LANSING, MICHIGAN 48909-7505

NOTICE: IMPENDING INVESTIGATION
[Authorized MCL 436.1215]

COPY

September 18, 2003

Ben Roberts Jr.
864 Emerald
Muskegon, Michigan 49442

Request I.D.#231503

Reference: BEN ROBERTS JR. requesting a New Specially Designated Distributor License with Sunday Sales Permit, located at 248 Mason, Muskegon Michigan, 49441, Muskegon County, to be held in conjunction with Proposed New Specially Designated Merchant License (R.I.D.#231502).

Your request has been placed under investigation. Investigations are conducted by an investigator from the Michigan Liquor Control Commission, the local law enforcement agency and in some instances the local legislative body.

You will be contacted by a Commission investigator from our Grand Rapids District Office. You may contact that office at (616)447-2647 any appointments or questions, until your file is returned to the Lansing Office. After the Commission's investigator has contacted you, it is your responsibility to contact the police agency having jurisdiction at the business location, for their portion of the investigation. If you do not provide requested information or keep your appointments, your file will be returned to the Lansing office which will delay the processing of your application.

If you are to be fingerprinted, a \$30.00 fee must be paid to the police agency for each person printed. Fingerprint fees must be paid by check or money order and made out to the State of Michigan.

When all reports are received, your file is then submitted to the Administrative Offices of the Commission for presentation to the Commission for consideration. You will be notified in writing of the Commission's decision. Any outstanding fees and closing papers will be requested only after the Commission has approved your request.

WARNING

Do not invest any money in improvements or bind yourself in any agreements until you have been officially notified by the Michigan Liquor Control Commission that your request has been approved.

OUTSTANDING VIOLATIONS

If you are buying a license from a current licensee, and that licensee has a violation pending during the time the application for transfer is being processed, final papers will not be released until disposition of violation.

Jr
cc: William R. Sininger, Attorney

WILLIAM R. SININGER ATTY AT LAW PLLC 02-04
TRUST ACCOUNT
1 E APPLE AVE. SUITE B PH. 231-728-9023
MUSKEGON, MI 49442

9-91
720 740
628582261

1008

DATE 3-30-04

PAY TO THE
ORDER OF

City of Muskegon

\$ 250.00

Two hundred Fifty Dollars

250 DOLLARS



Security Features
Included
on Back

National City.

National City Bank of Michigan/Illinois
Kalamazoo, Michigan

MEMO

Roberts - LOC Inv. 62

[Signature]

MP

⑆072000915⑆

628582261⑈

1008

Affirmative Action
616/724-6705
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

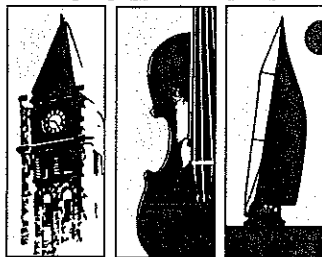
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

December 18, 2003

Mr. Ben Roberts, Jr.
864 Emerald
Muskegon, MI 49442

Dear Mr. Roberts:

I have received a letter from the Liquor Control Commission reference your request for a new SDD and SDM License at 248 Mason. This request has been recommended for denial by the Fire Department because the building is not in compliance with the International Fire Code for commercial cooking operations. The Inspection Department has also recommended denial of the request because the building needs an inspection and to be issued a certificate of occupancy with the "Deli" addition.

Please contact the Inspection Department at 724-6715 and the Fire Department at 724-6792 to schedule the inspections. This request will then be presented to the City Commission for their recommendation.

If you have any questions, please contact me at 724-6915.

Thank you,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter, CMC
Deputy Clerk

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

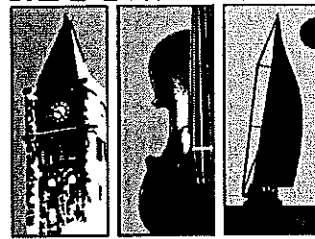
Public Works
(231)724-4100
FAX (231)722-4188

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 5, 2004

Mr. Ben Roberts, Jr.
864 Emerald
Muskegon, MI 49442

Dear Mr. Roberts:

This letter is to inform you that your request for a new SDM and SDD license located at 248 Mason, Muskegon, MI, will be presented to the City Commission on May 11, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Deputy Clerk

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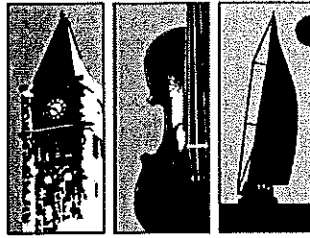
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Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

May 5, 2004

Mr. William R. Sininger, Attorney
120 W. Apple
Muskegon, MI 49441

Dear Mr. Sininger:

This letter is to inform you that Ben Roberts request for a new SDM and SDD license located at 248 Mason, Muskegon, MI, will be presented to the City Commission on May 11, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Deputy Clerk

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FAX (231)722-1214

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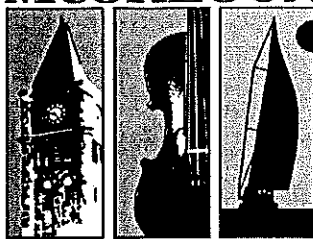
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Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

May 5, 2004

Ms. Mary Jo McCann, President
Nelson Neighborhood Association
461 W. Webster
Muskegon, MI 49440

Dear Ms. McCann:

We have received a request from the Liquor Control Commission reference a request from Mr. Ben Roberts, Jr. for a new SDD and SDM license located at 248 Mason Street. A SDD license permits the sale of alcoholic liquor, other than beer and wine for consumption off the licensed premises. A SDM license permits the sale of beer and wine for consumption off the licensed premises. On Tuesday, May 11, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on May 11, 2004, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

Request I.D.#231502
and #231503

RESOLUTION
2004-48(a)

At a Regular meeting of the City Commission
(Regular, or Special) (Township Board, City or Village Council)

called to order by Mayor Warnington on May 11, 2004 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Spataro and Supported by Vice Mayor Larson

That the request from Ben Roberts, Jr., for a new SDD License to be held in conjunction with proposed new SDM License located at 248 Mason, Muskegon, MI 49441, Muskegon County

be considered for Disapproval
(Approval or Disapproval)

Approval

Yeas:

Nays:

Absent:

Disapproval

Yeas: 7

Nays: 0

Absent: 0

It is the consensus of this legislative body that the application be not recommended
(Recommended or
not Recommended) for issuance.

State of Michigan)
County of Muskegon) SS

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
(Regular or Special)

meeting held on the 11th of May, 2004
(Date)

(Signed)

Gail A. Kunderinger
(Township, City, or Village Clerk)

Gail A. Kunderinger, MMC, City Clerk
933 Terrace, Muskegon, MI 49440
(Address of Township, City or Village Board)

SEAL

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services
MICHIGAN LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

KAR-9-03
10-9-03

RID: 231502

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**

BEN ROBERTS JR.
248 Mason, Muskegon Michigan, 49441, Muskegon County

REQUEST FOR: A New Specially Designated Merchant License

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER:	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted: NONE NEEDED	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?
☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?	☐ Yes	☒ No
2. Is the proposed location satisfactory for this business?	☐ Yes	☒ No
3. Should the Commission grant this request?	☐ Yes	☒ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)
See Attached

B. L. K. [Signature]
Signature (Sheriff or Chief of Police)
MUSKEGON POLICE DEPARTMENT

11-18-03
Date

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

KAR
10-9-03

RID: 231503

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**

BEN ROBERTS JR.

248 Mason, Muskegon Michigan, 49441, Muskegon County

REQUEST FOR: A New Specially Designated Distributor License, to be held in conjunction with Proposed New Specially Designated Merchant License (R.I.D.#231502)

Section 1. APPLICANT INFORMATION	
APPLICANT #1:	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER:	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted: NONE NEEDED	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted:
Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.	
ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed
Does applicant intend to have dancing or entertainment? ☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit
Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations
Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No
If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation
From your investigation:
1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☒ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☒ No
3. Should the Commission grant this request? ☐ Yes ☒ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed) See Attached

R. L. Kleen
Signature (Sheriff or Chief of Police)
MUSKEGON POLICE DEPARTMENT

11-18-03
Date

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

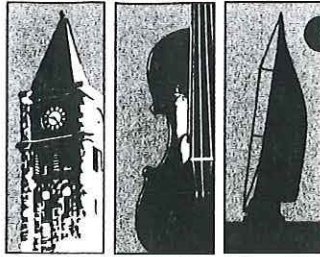
Public Works
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Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

May 18, 2004

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: #231502 & 231503
Ben Roberts, Jr.
248 Mason
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution and form LC-1800 that was recommended for denial at the May 11, 2004, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you!
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

2. Article Number 7000 0520 0014 3747 7333
(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

JEREMY HALL

C. Date of

DELIVERY REQUIRED, GENERAL STATE OF MICHIGAN
If YES, enter delivery address below:

MAY 19 2004

POST OFFICE BOX 30026
LANSING, MICHIGAN 48909

3. Service Type

- ☒ Certified Mail
- ☐ Express Mail
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Insured Mail
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ YES

Domestic Return Receipt

102595

Date: May 4, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Graffiti Ordinance

SUMMARY OF REQUEST:

To adopt the attached graffiti ordinance that would allow the city to enter private property to remove graffiti

FINANCIAL IMPACT:

Estimated at \$10,000 to be allocated from the City's contingency account

BUDGET ACTION REQUIRED:

Budget will be adjusted for the next quarterly report

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Date: May 4, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
Re: Graffiti Ordinance

One of the issues being discussed with the Blight Fight Committee is the graffiti that can be seen throughout the city. The person we met with about contracting out the Marina made a comment about how we need to deal with the graffiti issue and suggested we look at the Chicago model.

The attached graffiti ordinance is taken from the Chicago model that has been in place for over 10 years. While our attorney staff has drafted the ordinance, they do have some minor concerns. A letter from John Schrier about those concerns is also attached.

It is staff's intent to work with Volunteer Muskegon, Leisure Services Staff, and possibly a contractor to work on removing all the graffiti within the community. The ordinance will give a tool to get on private property to remove the graffiti.

Staff recommends adoption of the ordinance.

Thank you for your consideration.

PARMENTER O'TOOLE*Attorneys at Law*

175 West Apple Avenue ■ P.O. Box 788 ■ Muskegon, Michigan 49443-0788
Phone 231.722.1621 ■ Fax 231.722.7886 or 231.728.2206
www.Parmenterlaw.com

May 5, 2004

Via Fax

Mr. Ric Scott
Director of Leisure Services
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, MI 49443-0536

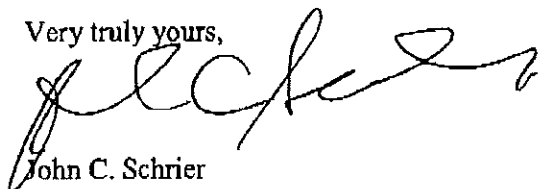
Re: Proposed Graffiti Ordinance

Dear Mr. Scott:

The ordinance that is being proposed to the City Commission is identical to that currently adopted by the City of Chicago. I have reservations concerning the city's right to enter private property and remove "graffiti" without the consent of the property owner. The City of Chicago has taken a very practical approach of correcting any problem when a property owner complains about the city's action. In lieu of litigating, the City of Chicago attempts to improve the situation, sometimes by repainting walls, or making other reasonable improvements.

Recognizing that the potential economic injury to a property owner is minimal, I would encourage city staff to be accommodating to any property owner that complains about the city's removal of graffiti.

Very truly yours,



John C. Schrier

Direct: 231.722.5401**Fax: 231.728.2206****E-Mail Address: jcs@parmenterlaw.com**

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2131

The City Commission of the City of Muskegon hereby ORDAINS:

Chapter 10-336 of the Code of Ordinances of the City of Muskegon concerning the removal of graffiti is amended, as follows:

1. Section 10-336 shall be amended to read, as follows:

Adoption.

Sec. 10-336. Graffiti removal—Nuisance abatement

(a) As defined in this section, graffiti is hereby declared to be a public nuisance. The owner of record, or the person in charge, possession or control of any building or structure upon which graffiti is placed or affixed shall, upon the appearance of the graffiti: (i) cause such graffiti to be removed or concealed or (ii) place on file a written statement authorizing the presence of the graffiti at the Department of Leisure Services. Whenever any nuisance in the form of graffiti shall be found on any building or other structure, the department of Leisure Services, or its agent or contractor shall attempt to obtain consent from the owner for the city's graffiti removal services. If such attempt to contact the owner is not successful, the department shall post a notice in a prominent place upon the building or structure where the graffiti is found shall state that, if the graffiti is not removed or concealed or if a written statement authorizing the presence of the graffiti is not filed with the department within five days after the notice is posted, excluding Saturdays, Sundays and legal holidays, the department or its agent or contractor shall have authority to enter or access the property and abate the nuisance by removing or concealing the graffiti.

(b) Nothing in this section shall prevent the city from taking any other enforcement action authorized by law.

(c) "Graffiti" means an inscription, drawing, mark or design that is painted, sprayed or drawn directly upon the exterior of any building or other structure and is visible from the public way; provided that, graffiti shall not include any sign permitted by the Zoning Code or any decoration that is part of the architectural design of the building or structure.

This ordinance adopted:

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

Nays: None

Adoption Date: May 11, 2004

Effective Date: May 28, 2004

First Reading: May 11, 2004

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, 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 11th day of May, 2004, 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 11, 2004


Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

CITY COMMISSION MEETING
Tuesday May 11, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: May 3, 2004

SUBJECT: Request to Establish a Pay Range-Police Records Supervisor.

SUMMARY OF REQUEST:

Police Department staff request that the Commission consider our request for an increase in the pay grade for the Police Records Supervisor position. As a result of organizational changes within the department, the position of Administrative Aide was eliminated and has been replaced with that of the Police Records Supervisor. The new job description has been approved by the Civil Service Commission. The requested pay-grade change is as follows:

Administrative Aide:	\$27,538 - \$36,720
Police Records Supervisor	\$33,698 - \$44,933

FINANCIAL IMPACT:

As a result of salary savings from open positions, funds are available for this pay grade change.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of this request.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 5/11/04

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: May 11, 2004
RE: Agreement with the County of Muskegon – Ferry Project

SUMMARY OF REQUEST:

To enter into an agreement with the County of Muskegon for financial participation (\$200,000) for the ferry project.

FINANCIAL IMPACT:

\$200,000 from the County of Muskegon.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached agreement.

COMMITTEE RECOMMENDATION:

None.

ACCOMMODATIONS TAX AGREEMENT
BETWEEN THE COUNTY OF MUSKEGON
and
THE CITY OF MUSKEGON

This Grant Agreement is entered into as the 15th day of May, 2004, by and between the County of Muskegon, a Michigan municipal corporation, hereinafter referred to as “Grantor”, and the City of Muskegon, a Michigan municipal corporation, hereinafter referred to as “Grantee”.

RECITALS

WHEREAS, the City of Muskegon has agreed to expend upwards of \$1.2 million toward the establishment of berthing and “port” facilities at Great Lakes Marina for the accommodation of a Milwaukee to Muskegon cross lake ferry service to be operated by Lake Express, LLC, a Wisconsin limited liability company; and,

WHEREAS, the County, by and through its Board of Commission has, pursuant to MCL 141.861 et. seq., established an accommodation or excise tax on businesses providing accommodations; and,

WHEREAS, Section 7 of that statute provides that revenues generated from such taxes may be utilized in the financing of physical facilities relating to convention and/or entertainment offerings; and,

WHEREAS, the County Board has determined that utilization of such funding for the purpose of providing assistance to the City of Muskegon in its efforts to develop berthing facilities for a cross lake ferry is consistent with such statute; and,

WHEREAS, the City, in cooperation with the owners of such facility have demonstrated a need for assistance in the completion of cross lake ferry project; and,

WHEREAS, the County, through its Board of Commission has determined that a cross lake ferry will have beneficial effects upon tourism activity within the County;

NOW THEREFORE, in consideration of such facts, the County does hereby grant unto the City of Muskegon in accordance with the terms and conditions set forth hereafter.

AGREEMENT

The County and City do hereby respectively agree, in their respective capacities as Grantor and Grantee, as follows:

Section 1: Grants

The County of Muskegon does hereby, pursuant to the foregoing recitals, and based upon formal approval issued on April 13, 2004, grant the sum of Two Hundred Thousand Dollars (\$200,000.00) to the City of Muskegon for the purpose of investing capital dollars into the ferry passenger loading/unloading dock ramp. City agrees to utilize such funding for such purposes and for no other purpose, except with the express written approval of the County, by and through its Board of Commission.

Section 2: Source of Funding

The parties hereto acknowledge that the grant amount shall ultimately be paid for by the County through accommodation or excise taxes collected on businesses providing accommodations pursuant to MCL 141.861 et. seq.

Section 3: Timing of Payment

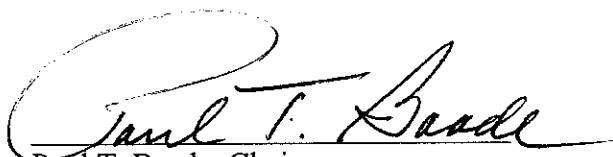
County agrees to disburse full payment of grant amount, within thirty (30) days, as set forth above upon documentation from City as to expenditures in excess of \$1,200,000 having

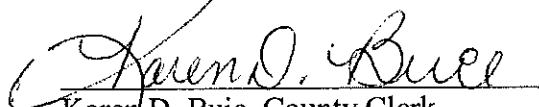
been made by City pursuant to the November 25, 2003 Cross Lake Ferry Development Agreement, including at least \$200,000 on the passenger loading/unloading dock ramp.

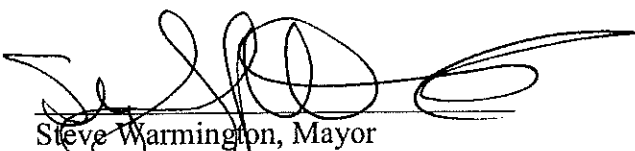
Section 4: Ultimate Ownership of Passenger Loading/Unloading Dock Ramp

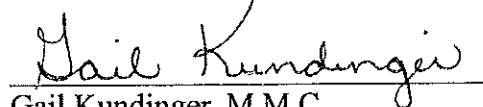
The City hereby represents that pursuant to its Lease and Development Agreements with Great Lakes Marina and Lake Express, LLC that ultimate ownership of ramps for which funding is hereunder being provided, shall be with City, which in its sole discretion, may remove the "ramps" at its own expense. City and County hereby agree that City shall not make the decision as whether the City shall remove the ramps without prior consultation with the County. In the event City does elect to remove ramps upon the tenant vacating the premises, or in the event the City is under any circumstances enabled to sell and/or dispose of such ramps, then it is agreed as between the City and County, in consideration of the County's commitment of funding therefore, that ownership rights to ramps shall be equal between City and County and that sale or disposal proceeds shall be equally divided between County and City, exclusive of cost of sale.

IN WITNESS WHEREOF, the parties have hereto entered into this agreement by and through their respective Board and Commission.


Paul T. Baade, Chairperson,
Muskegon County Board of Commission


Karen D. Buie, County Clerk
Muskegon County


Steve Warmington, Mayor
City of Muskegon


Gail Kunding, M.M.C.
City Clerk