

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 11, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL MEETING TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**

a. **Recognize Child Abuse Council's CASA Program.**

- ❑ **CONSENT AGENDA:** Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

a. **Approval of Minutes** CITY CLERK

b. **Liquor License Request – Transfer ownership at 2546 Henry Street.**
CITY CLERK

c. **Annual Taxi Cab License Renewal, Port City Cab Company & Yellow Cab Company.** - CITY CLERK

d. **SECOND READING – Utility Franchise Ordinance.** – CITY CLERK

e. **SECOND READING - Zoning Ordinance Amendments to add Port District Language.** PLANNING & ECONOMIC DEVELOPMENT

f. **SECOND READING - Zoning Ordinance Amendments to Table I and District Language.** PLANNING & ECONOMIC DEVELOPMENT

g. **SECOND READING – Rezoning request for property located at the corner of Laketon Ave. & Park St.** – PLANNING & ECONOMIC DEVELOPMENT

h. **SECOND READING – Rezoning request for property located on Holbrook Ave., between Sixth & Commerce Streets.** PLANNING & ECONOMIC DEVELOPMENT

- i. Purchase of Police Vehicle Radar Units with 1998 Block Grant Money. - POLICE
- j. Appointments & Resolution. COMMUNITY RELATIONS COMMITTEE
- k. Aggregates, Highway Maintenance Materials and Concrete. - PUBLIC WORKS
- l. Public Service Building Roof Repair Project. - PUBLIC WORKS
- m. Reimbursement Resolution for Sidewalks & PSB Improvements. - FINANCE DIRECTOR
- n. Dangerous Building 603 Catherine. - CITY ATTORNEY
- o. 2000-2001 Action Plan. - COMMUNITY NEIGHBORHOOD SERVICES
- p. Concurrence with Housing Board of Appeals Findings and Orders for the following: - INSPECTIONS SERVICES

- 1) 323 W. Grand Ave.
- 2) 1844 Getty Street
- 3) 1479 Jiroch
- 4) 611 Leonard
- 5) 1721 Pine

☐ **PUBLIC HEARINGS:**

☐ **COMMUNICATIONS:**

☐ **CITY MANAGER'S REPORT:**

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

- a. Resolution of Support for the Relocation of the USS Silversides. - PLANNING & ECONOMIC DEVELOPMENT
- b. Approval for the City to sign agreements with Community Housing Development Organizations for funding from 1998-99 fiscal year. - COMMUNITY NEIGHBORHOOD SERVICES
- c. 2000-2004 Consolidated Plan. - COMMUNITY NEIGHBORHOOD SERVICES

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- 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 (616) 724-6705 OR TDD: (616) 724-4172.

AGENDA ITEM

CITY COMMISSION MEETING April 11, 2000

TO: HONORABLE MAYOR AND CITY COMMISSIONERS
FROM: Community Relations Committee
DATE: April 4, 2000
RE: Resolution

SUMMARY OF REQUEST

A resolution was requested to recognize the Child Abuse Council's CASA program. Presentation will take place on April 11, 2000.

FINANCIAL IMPACT

None

BUDGET ACTION REQUIRED

None

STAFF RECOMMENDATION

Approval

COMMITTEE RECOMMENDATION

Approval -- The vote was not unanimous, however, due to the excused absence of Commissioner Aslakson. The resolution has been prepared both ways, in the event that Commissioner Aslakson wishes to support the resolution.



City of Muskegon

State of Michigan

WHEREAS, there are children who are abused and neglected every day in Muskegon County; and

WHEREAS, there are numerous children who are currently under the jurisdiction of the court who need a safe, permanent home where they can thrive; and

WHEREAS, the court appoints CASA advocates to serve as officers of the court, helping to improve the quality of information presented to the court and serve as the voice for these children in court; and

WHEREAS, April of 2000 is recognized as Child Abuse Prevention Month, an observance that reflects the purpose of the Child Abuse Council of Muskegon County and the Muskegon County CASA Program; and

WHEREAS, the City of Muskegon commends the Child Abuse Council who, on April 13, 2000, will hold a ceremony as part of a national movement to light a symbol of hope for the abused and neglected children in Muskegon County; and

WHEREAS, the City of Muskegon realizes the importance of children in our community and believes that every child has the right to an abuse free life:

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby proclaim April 13, 2000 as Light of Hope Day in Muskegon.

IN WITNESS WHEREOF, we hereunto set our hands and cause the seal of the City to be affixed this 13th day of April, 2000.

Fred J. Nielsen, Mayor

Scott Sieradzki, Vice Mayor

Clara Shepherd, Commissioner

John Aslakson, Commissioner

Lawrence O. Spataro, Commissioner

Jone Wortelboer Benedict, Commissioner

Robert Schweifler, Commissioner



City of
Muskegon
State of Michigan

WHEREAS, there are children who are abused and neglected every day in Muskegon County; and

WHEREAS, there are numerous children who are currently under the jurisdiction of the court who need a safe, permanent home where they can thrive; and

WHEREAS, the court appoints CASA advocates to serve as officers of the court, helping to improve the quality of information presented to the court and serve as the voice for these children in court; and

WHEREAS, April of 2000 is recognized as Child Abuse Prevention Month, an observance that reflects the purpose of the Child Abuse Council of Muskegon County and the Muskegon County CASA Program; and

WHEREAS, the City of Muskegon commends the Child Abuse Council who, on April 13, 2000, will hold a ceremony as part of a national movement to light a symbol of hope for the abused and neglected children in Muskegon County; and

WHEREAS, the City of Muskegon realizes the importance of children in our community and believes that every child has the right to an abuse free life:

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby proclaim April 13, 2000 as Light of Hope Day in Muskegon.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 13th day of April, 2000.

Fred J. Nielsen, Mayor

Date: April 11, 2000
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, March 28, 2000.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 11, 2000

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, April 11, 2000.

Mayor Nielsen opened the meeting with a prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioner John Aslakson, Jone Wortelboer Benedict, Robert Schweifler, Clara Shepherd, Lawrence Spataro

Absent: None

2000-40 HONORS AND AWARDS:

a. Recognize Child Abuse Council's CASA Program.

SUMMARY OF REQUEST: A resolution was requested to recognize the Child Abuse Council's CASA program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Approval. The vote was not unanimous, however, due to the excused absence of Commissioner Aslakson. The resolution has been prepared both ways, in the event that Commissioner Aslakson wishes to support the resolution.

Commissioner Benedict read the resolution at 6:03 p.m.

2000-41 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, March 28, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Liquor License Request – Transfer ownership at 2546 Henry Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Small Perch Inc. to transfer ownership of the existing 1999 Class C-SDM license with dance permit and official food permit from Top Spin, Inc. All fees have been paid.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

c. Annual TaxiCab License Renewal, Port City Cab Company & Yellow Cab Company. - CITY CLERK

SUMMARY OF REQUEST: This request is from Thomas Wakefield, owner of Wakefield Leasing, whose office is located at 770 W. Sherman Blvd., Muskegon, MI. Mr. Wakefield is requesting approval of a license to operate 14 taxicabs for both Port City Cab Company and Yellow Cab Company. The Muskegon Police Department has inspected the taxicabs and approves this request.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

d. SECOND READING – Utility Franchise Ordinance. – CITY CLERK

SUMMARY OF REQUEST: To adopt the ordinance granting a non-exclusive franchise to DTE Energy to use local public ways and do local electrical business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

e. SECOND READING - Zoning Ordinance Amendments to add Port District Language. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Text contains minor changes suggested by our attorney. Request to amend Article XV of the Zoning Ordinance to create sections 1504 through 1507, to add the language only for a new Waterfront Industrial Planned Unit Development (WI-PUD) Zoning District. Also, to amend Section 2334 (Signs) of Article XXIII to add "#11, Permitted Signs in the WI-PUD District", and to amend Article II (Definitions) to add definitions related to the new WI-PUD District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request.

f. SECOND READING - Zoning Ordinance Amendments to Table I and District Language. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Text contains minor changes suggested by our attorney. Request to repeal and reserve Section 2308 (Zero Lot Line) and Section 2310 (Method for Determining Setbacks, Yards and Density) of Article XXIII of the Zoning Ordinance; to amend Table I "District Regulations; Bulk and Setback Requirements" and provide table notes and a preamble and; to add bulk and setback requirements to each zoning district (Articles IV through XX, excepting Article V).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request.

g. SECOND READING - Rezoning request for property located at the corner of Laketon Ave. & Park St. - PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at the corner of Laketon Ave. and Park St., from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request on 3/15/00.

h. SECOND READING - Rezoning request for property located on Holbrook Ave., between Sixth & Commerce Streets. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located on Holbrook Ave., between Sixth and Commerce Streets, from I-2, General Industrial to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request on 3/15/00.

j. Appointments & Resolution. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the action of the Community Relation

Committee and approve the appointments.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

k. Aggregates, Highway Maintenance Materials and Concrete. – PUBLIC WORKS

SUMMARY OF REQUEST: Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc. Award bid to supply 20AA and 31A bituminous asphalt to Asphalt Paving, Inc. Award bid to supply polymer modified anionic asphalt emulsion to Koch Materials Company. Award bid to supply sylvax-patching material to Rieth-Riley Construction Company. Award bid to supply limestone chip blend to Stoneco Muskegon Dock. Award bid to supply road slag to Verplank Trucking Company. Award bid to supply concrete to Consumers Concrete.

FINANCIAL IMPACT: \$106,776 based on 1999 usage at 2000 quotes.

BUDGET ACTION REQUIRED: None, monies appropriated in several budgets.

STAFF RECOMMENDATION: To award the various materials to the vendors as requested.

l. Public Service Building Roof Repair Project. – PUBLIC WORKS

SUMMARY OF REQUEST: This project is to repair a portion of the Public Service Building roof that has deteriorated due to corrosion of the steel deck. Repairs will involve an initial area of known deterioration in the vehicle garage and expand to adjacent areas should additional deterioration be found during construction. The initial area was bid as a base price with unit pricing for additional materials if needed. Bids were taken on March 14, 2000 for this project and the low bid of three submitted was \$274,350 from Gale Roofing Co. Our architect, Hooker/DeJong, has reviewed the bid submittals and recommends that we accept the bid from Gale Roofing Co.

FINANCIAL IMPACT: The current budget allocation for roof repair is \$319,000.

BUDGET ACTION REQUIRED: None, this project is included under planned capital improvements in the Public Service Building Fund.

STAFF RECOMMENDATION: Award the roof repair contract to Gale Roofing, Co.

m. Reimbursement Resolution for Sidewalks & PSB Improvements. – FINANCE DIRECTOR

SUMMARY OF REQUEST: Later this year it is expected the City will sell bonds to finance sidewalks and improvements at the Public Service Building. Contracts for the work will be let prior to the issuance of bonds so it is necessary to adopt the "reimbursement resolution". This will allow the City to reimburse itself from bond proceeds for project costs incurred prior to the time bonds are sold.

FINANCIAL IMPACT: Adoption will permit the City to move ahead with the planned projects and reimburse itself from proceeds from bonds issued at a later date.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the resolution.

n. Dangerous Building 603 Catherine. – CITY ATTORNEY

SUMMARY OF REQUEST: To approve the Consent Judgement for 603 Catherine as submitted by the City Attorney. This is required before the judgement will be presented to the court for entry.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

Action by Commissioner Schweifler, second by Commissioner Spataro to approve the Consent Agenda with the exception of item i, o, and p.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

ADOPTED

2000-42 ITEMS REMOVED FROM THE CONSENT AGENDA:

i. Purchase of Police Vehicle Radar Units with 1998 Block Grant Money. - POLICE

SUMMARY OF REQUEST: Purchase twenty-five Pro 1000 radar units with video camera interface. This would allow us to install the new model radars in all regularly assigned Patrol, Community, Traffic, and K-9 police vehicles. We would purchase the radars on the State of Michigan/Kustom Signal contract 071B9000672. These prices are good through May 1, 2000. Cost will likely increase after that date. The cost per radar system is \$1,044.00. Total cost for twenty-five systems is \$26,100.00.

FINANCIAL IMPACT: Expend \$26,100.00 of the money awarded under the 1998 Local Law Enforcement Block Grant #98LBVX3225 and local 10% match money.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

Motion by Commissioner Shepherd, second by Vice Mayor Sieradzki to approve the request.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

Nays: None

ADOPTED

o. 2000-2001 Action Plan. – COMMUNITY NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: City Commission has received the City of Muskegon's 2000-2001 Action Plan. It is the hope of our department that after the Action Plan is reviewed by the Commission, it will be approved for its 30-day comment period. The Action Plan is the document that assures the release of the City's 2000-2001 CDBG and HOME funding after it is approved by the US Department of Housing and Urban Development.

Motion by Commissioner Benedict, second by Commissioner Spataro to approve the 2000-2001 action plan with the stipulation that the housing rehab emergency

repair program location be changed to city wide."

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd

Nays: None

ADOPTED

p. Concurrence with Housing Board of Appeals Findings and Orders for the following: - INSPECTIONS SERVICES

- 1) 323 W. Grand Ave.
- 2) 1844 Getty Street
- 3) 1479 Jiroch
- 4) 611 Leonard
- 5) 1721 Pine

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

FINANCIAL IMPACT: Demolition will be paid for with CDBG funds with the exception of 1844 Getty which will be paid with general funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: (323 W. Grand) A dangerous building inspection was conducted on 11/9/99. The owner is Pamela Warren. A notice and order was sent out 12/10/99. Finding of facts was sent out 2/7/00. Property taxes for winter of 1999 are delinquent. Copies of the housing board of appeals finding of facts and order dated 2/7/00; notice and order dated 12/10/99; dangerous building inspection dated 11/9/99 are available.

STAFF RECOMMENDATION: (1844 Getty) A dangerous building inspection was conducted on 11/30/99. The owner is Edward Houghtaling. A notice and order was sent out 1/25/00. Finding of facts was sent out 3/7/00. Property taxes for winter of 1999 are delinquent. Copies of the Housing Board of Appeals finding of fact and order dated 3/7/00; notice and order dated 1/25/00; dangerous building inspection dated 1/24/00 are available.

STAFF RECOMMENDATION: (1479 Jiroch) A dangerous building inspection was conducted on 12/01/99. A notice and order was mailed 1/21/00. The owner of the structure is Roger Balcom. Property taxes for winter of 1999 are delinquent. Copies of the Housing Board of Appeals findings of fact and order of the board dated March 7, 2000; inspection 12/1/99; and minutes from the March 2, 2000, meeting are available.

STAFF RECOMMENDATION: (611 Leonard) A dangerous building inspection was conducted on 1/24/00. A notice and order was mailed 1/27/00. The owner of the structure is William Howell. Property taxes for winter of 1999 are delinquent. Copies of the Housing Board of Appeals findings of fact and order of the board dated March 3,

2000; letter of complaint from neighbors dated March 1, 2000, February 19, 1999, May 20, 1999, October 6, 1999, and November 4, 1999; and the minutes of the March 2, 2000, meeting are available.

STAFF RECOMMENDATION: A dangerous building inspection was conducted October 15, 1999. The owner of the property is Joseph Ferrier. A notice and order was mailed out 11/3/99. At the January 6, 2000, meeting of the Housing Board of Appeals the structure was found to be unsafe, substandard, a public nuisance and that the case be sent to the City Commission for concurrence. The house was previously owned by Shelline White. According to our records, taxes for this property are delinquent in the amount of \$842.06.

Motion by Vice Mayor Sieradzki, second by Commissioner Aslakson to accept the recommendation of the Housing Board of Appeals.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

ADOPTED

2000-43 NEW BUSINESS:

a. Resolution of Support for the Relocation of the USS Silversides. – PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution supporting the relocation of the USS Silversides to downtown Muskegon.

FINANCIAL IMPACT: There is no direct financial impact, although the Silversides Board has asked the City staff to investigate the potential for relevant grants. They will also be fundraising.

BUDGET ACTION REQUIRED: None

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

Motion by Vice Mayor Sieradzki, second by Commissioner Shepherd to approve the resolution supporting the relocation of the USS Silversides to downtown Muskegon.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro

Nays: None

ADOPTED

b. Approval for the City to sign agreements with Community Housing Development Organizations for funding from 1998-99 fiscal year. – COMMUNITY NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: On February 29, 2000, the Citizen's District Council approved the City's administration recommendation for CHDO funding in the following manner:

1. Muskegon County Habitat for Humanity

Staff Recommendation:

\$33,500

- | | |
|---|-----------|
| 2. Muskegon Family Service Center | |
| Staff Recommendation: | \$68,600 |
| 3. Neighborhood Investment Corp. (NIC) | |
| Staff Recommendation: | \$62,000 |
| 4. Nelson Neighborhood Improvement | |
| Staff Recommendation: | \$87,090 |
| 5. Trinity Village Non-Profit Housing Corp. | |
| Staff Recommendation: | \$117,500 |

Our department is requesting approval of the CDC recommendations and instruction to prepare the subrecipient contracts between the City and the CHDO's.

Motion by Vice Mayor Sieradzki, second by Commissioner Aslakson to accept the Citizen District Council's recommendation for CHDO funding for 1998-99 fiscal year.

ROLL VOTE: Ayes: Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

ADOPTED

c. 2000-2004 Consolidated Plan. – COMMUNITY NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: The City Commission received a copy of the 2000-2004 Consolidated Plan last week. The City of Muskegon is in its final stage of the process since approval of the document for public comment on March 14, 2000. The Consolidated Plan is mandated by the US Department of Housing and Urban Development for all communities that receive Community Development Block Grant/HOME funding and other federal funding through HUD. The last step in this process is for the Commission to approve the document and direct our department to submit the CP to the U.S. Department of Housing and Urban Development for their final approval.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the 2000-2004 Consolidated Plan with the understanding that amendments can be made later if necessary.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

Nays: None

ADOPTED

ANY OTHER BUSINESS:

Vice Mayor Sieradzki asked about the orange stakes in the terrace on Creston Street between Evanston and Apple. City Engineer responded. Commented about the Dilesco Property, the berm adjacent to the street, are they required to do any plantings there? City Manager responded. Stated that North Muskegon is proposing a tattoo parlor ordinance, would like the City to check into an adult entertainment ordinance.

Commissioner Shepherd asked about the memo to the Commission reference goal setting. City Manager responded early May there will be a meeting.

PUBLIC PARTICIPATION:

Pat Montney, 925 Irwin, stated that a barricade is needed on the sidewalk before Summer Celebration.

James Searer, 1375 Fifth, stated the drug problem has not improved on Spring and McLaughlin. Commissioner Spataro recommended contacting the County Prosecutor about "Project Cornerstone".

Mark Anderson, 2140 McCracken, asked about the handicap walkway to Pere Marquette. He offered his help, 40 hours of his time, and challenged any other contractors to do the same.

ADJOURNMENT:

The Regular Commission Meeting was adjourned at 7:13 p.m.

Respectfully submitted,



Gail A. Kundinger, CMC/AAE
City Clerk

Date: April 11, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
2546 Henry Street, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Small Perch Inc. to transfer ownership of the existing 1999 Class C-SDM license with dance permit and official food permit from Top Spin, Inc. All fees have been paid.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4405

Clerk

231/724-6705
FAX/724-4178

**Comm. & Neigh.
Services**

231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

**Neigh. & Const.
Services**

231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4100
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

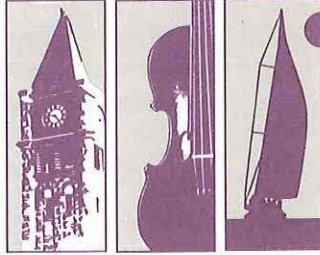
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

March 20, 2000

To: The City Commission through the City Manager

From: Edward E. Griffin
Edward E. Griffin, Chief of Police

Re: Transfer of ownership for liquor license at 2546 Henry St., Muskegon, MI

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation on a transfer of ownership of the existing license located at 2546 Henry Street.

Small Perch Inc. is requesting transfer of ownership of the existing 1999 C-SDM licensed business with dance permit and official permit (food) from Top Spin, Inc. The establishment does not have a designated area for dance at this time but wishes to retain this permit.

Our department has talked with Christopher Anderson, 3304 Micka, Muskegon MI, and David Biesiada, 4582 Henry St, Muskegon MI. Both are the proprietors for Small Perch, Inc. They have requested for transfer of ownership of the license.

We have searched our records and conducted a Criminal History Check for both parties and find no reason to deny this transfer.

EEG/cmw

MEMO

To: Chief Ed Griffin

CC: Det. Sgt. Dean Roesler

From: Det. Kurt Dykman

Date: 2-29-00

Re: Transfer of ownership for liquor license at 2546 Henry St., Muskegon, MI
(Sardine Room)

Chief Griffin,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Small Perch, Inc.

Small Perch Inc. is requesting to transfer ownership of the existing 1999 C-SDM licensed business with dance permit and official permit (food) from Top Spin, Inc. The establishment does not have a designated area for dance at this time but wishes to retain this permit.

I have talked with Christopher Anderson, 3304 Micka, Muskegon MI, and David Biesiada, 4582 Henry St, Muskegon MI. Both are the proprietors for Small Perch, Inc. They, together, have requested for transfer of ownership of license.

I have searched MPD records and conducted a Criminal History Check and find no reason to deny this transfer.

Respectfully submitted,



Det. Kurt Dykman

data/common/smallperch

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 436.1(4)]

To: Muskegon Police Department
Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536

Date: March 1, 2000

REF#:

REQ ID#:59910

Chief Law Enforcement Officer

Applicant:

SMALL PERCH, INC. requests to transfer ownership of 1999 Class C-SDM licensed business with Dance Permit and Official Permit (Food), located at 2546 Henry, Muskegon, MI 49441, Muskegon County, from TOP SPIN, INC.

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.

Please include fingerprint cards and \$15.00 for each card, and mail to the Michigan Liquor Control Commission.

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

LC-1972 Rev. 6/92
4880-1658

sfs

LIQUOR LICENSE REVIEW FORM

Business Name: Small Perch, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christopher J. Anderson & David A. Biesiada, Jr.

Business Address: 2546 Henry, Muskegon, MI
(Sardine Room)

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 3, 2000

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kundering, City Clerk
Liquor License Coordinator

J. L.H.
3-6-00

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

RECEIVED

MAR 14 2000

City Clerks Office

LOCAL APPROVAL NOTICE

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

Ref #

Req ID#59910

Date: March 1, 2000

To: Muskegon City Commission
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

Applicant: SMALL PERCH, INC.

HOME ADDRESS AND PHONE NO:

Christopher J. Anderson, 3304 Micka, Muskegon, MI 49444 H(231)773-7470/B(231)755-5008

David A. Biesiada, Jr., 4582 Henry St., Muskegon, MI 49441 H(231)798-1080/B(231)755-5008

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

2000-41(b)

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

RESOLUTION

REQ ID # 59910

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

called to order by Mayor Nielsen on April 11, 2000 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Schweifler and supported by Commissioner Spataro

That the request from SMALL PERCH, INC. to transfer ownership of 1999 Class C licensed business with Dance Permit, located at 2546 Henry, Muskegon, MI 49441, Muskegon County, from TOP SPIN, INC.

be considered for Approval
(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 for issuance
(Recommended or not Recommended)

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 April 11, 2000
(Date)

SEAL

(Signed)

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

Gail A. Kunderger, City Clerk
933 Terrace, PO Box 536

(Mailing address of Township, City or Village)
Muskegon, MI 49443-0536

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.7a)**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.*J. I. H.*
3-16-00

BUSINESS NAME AND ADDRESS: (include zip code)

SMALL PERCH, INC., 2546 Henry, Muskegon, MI 49441, Muskegon County

REQUEST FOR: Transfer ownership of 1999 Class C-SDM licensed business with Dance Permit and Official Permit (Food), from TOP SPIN, INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1:

Christopher J. Anderson - Stockholder

APPLICANT #2:

David A. Biesiada, Jr. - Stockholder

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3304 Micka

Muskegon, MI 49444

H(231)773-7470/B(231)755-5008

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

4582 Henry St.

Muskegon, MI 49441

H(231)798-1080/B(231)755-5008

DATE OF BIRTH: 9-12-64

DATE OF BIRTH: 10-30-65

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted: 3-17-00

Date fingerprinted: 3-17-00

Attach the fingerprint card and \$15.00 for each card and mail to the 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 LicensedCan living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

Does applicant intend to have dancing or entertainment?

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

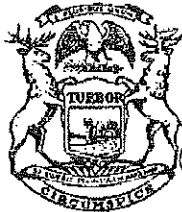
3. Should this request be granted by the Commission?

☒ 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 (Sheriff or Chief of Police)

Date



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

PI NUMBER:59910

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

SMALL PERCH, INC.

755-5008

APPLICANT/LICENSEE

PHONE NUMBER

2546 Henry Muskegon Muskegon 49441
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 ☒ No dance floor available at this time.
- Describe the type of entertainment applicant/licensee will provide: N/A ☐ Live/recorded 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

3-20-00

DATE SUBMITTED


OFFICER'S SIGNATURE

Muskegon Police Dept.

231-724-6750

DEPARTMENT NAME

PHONE NUMBER

980 Jefferson

Muskegon

ADDRESS

CITY

J.H.
3-15-00

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

Req ID #59910

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:

SMALL PERCH, INC.

ADDRESS:

TYPE OF LICENSE:

The Commission is requested to grant an after hours permit for: (check boxes that apply)

- ☒ Operating our restaurant for the sale of food
- ☐ Operating night league bowling, tournaments or Sunday morning bowling
- ☐ Registering golfers
- ☐ Registering Skiers
- ☐ Registering Tennis Players
- ☐ Other: (Not listed above)

During the Hours of:

Weekdays 5:00 A.M. to 7:00 A.M.

Sundays 5:00 A.M. to 12:00 P.M. A.M.

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

X Christopher J. Anderson Co Pres.

X D.E. Co Pres.

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- ☒ Recommended: Comments: _____
- ☐ Recommended except for _____ permit
- ☐ Not Recommended

Signed: (Include title and date)

Chief Edward E. Guffin

3-21-00

LIQUOR LICENSE REVIEW FORM

Business Name: Small Perch, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christopher J. Anderson & David A. Biesiada, Jr.

Business Address: 2546 Henry, Muskegon, MI
(Sardine Room)

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 3, 2000

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Small Perch, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christopher J. Anderson & David A. Biesiada, Jr.

Business Address: 2546 Henry, Muskegon, MI
(Sardine Room)

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 3, 2000

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature  3/17/00

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Small Perch, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christopher J. Anderson & David A. Biesiada, Jr.

Business Address: 2546 Henry, Muskegon, MI
(Sardine Room)

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 3, 2000

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Phil Canen Zoning Inspector

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Small Perch, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christopher J. Anderson & David A. Biesiada, Jr.

Business Address: 2546 Henry, Muskegon, MI
(Sardine Room)

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 3, 2000

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Deakin 3/16/00

Gail A. Kundering, City Clerk
Liquor License Coordinator

CHRISTOPHER J ANDERSON A 536-115-379-709 4-98
DIANA L ANDERSON A 536-143-564-588
3304 MICKA (231) 773-7470
MUSKEGON, MI 49444

1311

DATE 3-17-00

74-8326/2427
BRANCH 1

PAY TO THE
ORDER OF

City of Muskegon

\$ 250.00

Two Hundred Fifty and 00/100

DOLLARS  Security features
included.
Details on back.



FOR

Christopher Anderson NP

⑆ 272483264⑆0007004200015⑈ 1311

© HARLAND

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

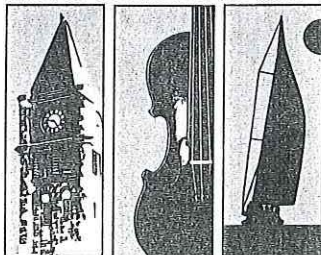
Public Works
616/724-4100
FAX/722-4188

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

*Not sent certified.
Hand delivered
by Hobbs
at per Jones at LCC*

April 12, 2000

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

REF: #59910
2546 Henry
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the resolution, print cards and check, police inspection report (LC-1800), application for official permit for difference in hours of operation, and the local law enforcement agency report. This is for the request from Small Perch, Inc., to transfer ownership of 1999 Class C-SDM licensed business with dance permit from Top Spin, Inc.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

Date: April 11, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
**RE: Annual Taxicab License Renewal -
Port City Cab Company & Yellow Cab Company**

SUMMARY OF REQUEST: This request is from Thomas Wakefield, owner of Wakefield Leasing, whose office is located at 770 W. Sherman Blvd., Muskegon, MI. Mr. Wakefield is requesting approval of a license to operate 14 taxicabs for both Port City Cab Company and Yellow Cab Company. The Muskegon Police Department has inspected the taxicabs and approves this request.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

Port City
& Yellow

APPLICATION FOR TAXICAB OPERATOR
in the
CITY OF MUSKEGON, MICHIGAN

Name of Company (d,b,a.) Wakefield Leasing D.B.A. Yellow Cab & Port City Cab.

Address of Office 770 W Sherman Muskegon

Name & Residence of each person interested) Thomas Wakefield Age 54
in or connected with the) Age _____
above, individual, firm or) Age _____
corporation.) Age _____

Present Business of each person connected with the above application. Taxi Suc

Give experience of applicant in taxicab business in this City or elsewhere. 20 yrs.

Number of cabs applicant proposes to use 14

Are there any unpaid or unbonded judgments of record against the applicant No

Have any of the persons connected with the above as individual, firm or corporation been charged with or convicted of any crime or misdemeanor, if so, state date and Court. No

Name of insurance company with which applicant is insured and amount of coverage. A.B.I. ins

Name of local agent or representative. Dennis Byrnes

Is the above applicant the sole owner of all the automobiles proposed to be used? yes

State liens, mortgages or other encumbrances including conditional sales contracts on such taxicabs. None

Attached hereto is a list of the automobiles with name of make, body-style, year, serial and engine number, state license plate number, seating capacity, weight of car which is considered a part of this application.

The applicant's annual financial and profit and loss statements covering his operations during the last preceding fiscal year shall be attached to this application.

Signature Thomas Wakefield

Subscribed and sworn to before me a Notary Public in and for Muskegon County, Michigan, this 3rd day of April, 192000.

My commission expires 9-25-02

Linda S. Potter
Notary Public

Application Approved

Chief of Police

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
06/28/99

PRODUCER

ABI Business Insurance Serv.
32107 W. Lindero Cyn. Rd. #126
Westlake Village CA 91361

Dennis J. Byrne
Phone No. 818-889-0006 Fax No. 818-889-9647
INSURED

Wakefield Leasing Corp
dba: Port City Cab
770 W Sherman Blvd
Muskegon MI 49441

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

COMPANIES AFFORDING COVERAGE

COMPANY A Reliance National Indemnity Co
COMPANY B
COMPANY C
COMPANY D

COVERAGE

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY				GENERAL AGGREGATE \$
	COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMPROP AGG \$
	CLAIMS MADE OCCUR				PERSONAL & ADV INJURY \$
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$
					FIRE DAMAGE (Any one fire) \$
					MED EXP (Any one person) \$
A	AUTOMOBILE LIABILITY	NKA111200203	07/01/99	07/01/00	COMBINED SINGLE LIMIT \$
	ANY AUTO				BODILY INJURY (Per person) \$100,000
	ALL OWNED AUTOS				BODILY INJURY (Per accident) \$300,000
	X SCHEDULED AUTOS				PROPERTY DAMAGE \$50,000
	HIRED AUTOS				
	NON-OWNED AUTOS				
A	X RIP - STATUTORY				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	UMBRELLA FORM				AGGREGATE \$
	OTHER THAN UMBRELLA FORM				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTHER
	THE PROPRIETOR/PARTNER/EXECUTIVE OFFICERS ARE:				EL EACH ACCIDENT \$
	INCL EXCL				EL DISEASE - POLICY LIMIT \$
	OTHER				EL DISEASE - EA EMPLOYEE \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

See attached vehicle schedule.

*10 days notice of cancellation in the event of non payment of premium.

CERTIFICATE HOLDER

City of Muskegon
Attn: Linda
933 Terrace St.
Muskegon MI 49443

MUSKE--

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Dennis J. Byrne

Dennis J. Byrne

ACORD 26-S (1/88)

ACORD CORPORATION 1988

AGENDA ITEM

CITY COMMISSION MEETING
March 28, 2000

*Needs
2nd Reading*

TO: Honorable Mayor and City Commissioners

FROM: Gail Kunding, City Clerk *gk*

DATE: March 22, 2000

SUBJECT: Utility Franchise Ordinance

SUMMARY OF REQUEST: To adopt the ordinance granting a non-exclusive franchise to DTE Energy to use local public ways and do local electrical business.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: None.

**AN ORDINANCE GRANTING A NON-EXCLUSIVE
FRANCHISE TO DTE ENERGY MARKETING, INC.,
TO USE LOCAL PUBLIC WAYS AND DO LOCAL ELECTRICAL BUSINESS**

WHEREAS, DTE Energy Marketing, Inc., its successors and assigns, seeks a public utility franchise to use the highways, streets, alleys, bridges, and other public places for the transmission of electricity, and to do local electric business in the City of Muskegon, and

WHEREAS, the City of Muskegon, Muskegon County, Michigan, is empowered, pursuant to the Michigan Constitution of 1963, and Chapter XIV of its own City Charter, to grant public utility franchises by Ordinance,

NOW, THEREFORE, the City of Muskegon, Michigan Ordains:

Section 1. Grant of Non-Exclusive Rights

A. **Term; Revocable at Will.** City of Muskegon (City) grants to DTE Energy Marketing, Inc., its successors and assigns (Grantee), subject to the terms and conditions set forth below, the nonexclusive right, power and authority to construct, maintain and use electric lines consisting of towers, masts, poles, cross-arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances (hereinafter "Electric System") on, along, across and under the highways, streets, alleys, and bridges (hereafter "Public Ways") as identified in Exhibit A to this Ordinance and to do local electric business in the City of Muskegon, Muskegon County, Michigan, for a period of five years. Notwithstanding the term of this agreement, it is revocable at will in accordance with the Michigan State Constitution, Article 7 Section 25.

B. **Location in Public Ways.** To the maximum extent possible, Grantee shall place its electrical system on, within, and along existing utility facilities in the Public Ways.

C. **Lease.** Grantee shall not lease or sublease any portion of its electrical system within the city to a person who by law is required to obtain the City's permission or consent to transaction business in the City and who lacks such permission or consent. Grantee shall not allow the property of a third party or non-electrical system wires or any other facilities to be overlashed, affixed or attached to any portion of its electrical system or allow other actions with a similar result without the written consent of the City Manager or that person's designee.

Section 2. Use of Public Rights-of-Way by Grantee

A. **No Burden on Public Ways.** Grantee and its contractors, subcontractors and the Grantee's Electric System shall not unduly burden or interfere with the present or future use of any of the Public Ways within the City. Grantee shall erect and maintain its Electric System so as

to cause minimum interference with the use of the Public Ways and with the rights or reasonable convenience of property owners. No Public Way shall be obstructed longer than necessary during the work of construction or repair to the Electric System. Grantee's cable, wires, structures and equipment shall be suspended or buried so as to not endanger or injure persons or property in the Public Ways. If the City in its reasonable judgment determines that any portion of the Electric System constitutes an undue burden or interference, Grantee at its expense shall modify its Electric System or take such other actions as the City may determine is in the public interest to remove or alleviate the burden, and the Grantee shall do so within the time period established by the City.

B. Restoration of Public Ways. Grantee and its contractors and subcontractors shall immediately restore, at Grantee's sole cost and expense and in a manner approved by the City, any portion of the Public Ways that is in any way disturbed, damaged, or injured by the construction, operation, maintenance or removal of the Electric System to as good or better condition than that which existed prior to the disturbance. In the event that Grantee, its contractor or subcontractors fail to make such repair within the time specified by the City, the City shall be entitled to complete the repair and Grantee shall pay the costs of the City for such repair.

C. Easements. Any easements required for installation or maintenance of an Electric System or part thereof by Grantee over or under private property shall be arranged and paid for by Grantee. Any use or intrusion on private property without an easement or other instrument evidencing permission of the property owner shall constitute a trespass by Grantee and a violation of this Agreement. Any easements over or under property owned by the City other than the Public Ways shall be separately negotiated with the City.

D. Tree Trimming. Grantee may trim trees upon and overhanging the Public Ways so as to prevent the branches of such trees from coming into contact with the Electric System. Grantee shall minimize the trimming of trees to trimming only those that are essential to maintain the integrity of its Electric System. No trimming shall be done in the Public Ways without previously informing the City.

E. Pavement Cut Coordination/Additional Fees. Grantee shall coordinate its construction program and all other work in the Public Ways with the City's program for street construction, rebuilding, resurfacing and repair (collectively, "Street Resurfacing"). Grantee shall meet with the official of the City primarily responsible for the Public Ways at least twice per year to this end.

The goals of such coordination shall be to require Grantee to conduct all known work in the Public Ways in conjunction with or immediately prior to any Street Resurfacing planned by the City, and to prevent the Public Ways from being disturbed by Grantee for a period of years after such Street Resurfacing.

Grantee shall pay to the City the sum of \$1,250 for each fifty feet (50') cut into or excavation of any Public Way, or portion thereof, which was subject to Street Resurfacing within

18 months prior to such cut or excavation. This fee is in addition to and not in lieu of the obligation to restore the Public Ways.

F. **Marking.** Grantee shall mark its Electric System as follows: Aerial portions of the Electric System shall be marked with a marker on its lines on alternate poles which shall state Grantee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Electric System shall have: (1) a conducting wire placed in the ground at least several inches above the Grantee's cable or wire (if such cable or wire is non-conductive); (2) at least several inches above that a continuous colored tape with Grantee's name and a toll-free number and a statement to the effect that there is buried cable beneath; and, (3) stakes or other appropriate above-ground markers with Grantee's name and a toll-free number and indicating that there is buried cable below.

G. **Compliance with Laws.** Grantee shall comply with all laws, statutes, ordinances, rules and regulations regarding the installation, construction, ownership or use of its Electric System, whether federal, state or local, now in force or which hereafter may be promulgated (including, without limitation, any ordinance requiring the installation of additional conduit when Grantee installs underground conduit for its Electric System). Before any installation is commenced, Grantee shall secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Grantee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition) and the National Electric Code (latest edition). Grantee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

H. **Street Vacation.** If City vacates or consents to the vacation of a street or alley within its jurisdiction, and such vacation necessitates the removal and relocation of Grantee's facilities in the vacated Public Way, Grantee agrees, as a condition of this Agreement, to consent to the vacation and to move its facilities at its sole cost and expense when asked to do so by the City or a court of competent jurisdiction. Grantee shall relocate its facilities to such alternative route as the City, acting reasonably and in good faith, shall designate.

I. **Relocation.** If the City requests Grantee to relocate, protect, support, disconnect, or remove its facilities because of street or utility work, Grantee shall relocate, protect, support, disconnect, or remove its facilities, at its sole expense, to such alternate route as City, acting reasonably and in good faith, shall designate.

J. **Public Emergency.** The City shall have the right to sever, disrupt, dig up or otherwise destroy facilities of Grantee, without any prior notice, if such action is deemed necessary by the Mayor, City Manager, Police Chief or Fire Chief because of a public emergency. Public emergency shall be any condition which, in the opinion of any of the officials named, poses an immediate threat to the lives or property of the citizens of the City, caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents,

explosions, major water main breaks, hazardous material spills, etc. Grantee shall be responsible for repair at its sole expense of any of its facilities damaged pursuant to any such action taken by the City.

K. **Miss Dig.** If eligible to join, Grantee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL 460.701, et seq, and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

L. **Use of Existing Facilities: Compensation to City.** Grantee shall utilize existing poles, conduits, and other facilities wherever practicable, and shall not construct or install any new, different, or additional poles, or other facilities unless expressly authorized by the City. Where existing utility wiring is located underground, either at the time of initial construction or subsequent thereto, Grantee's Electric System shall also be located underground unless otherwise expressly authorized by the City. In the event Grantee desires to utilize existing poles, conduits or other facilities owned by the City, Grantee shall be obligated to pay the existing standard charge for attachment to, placement in, or other use of those facilities.

To the extent that Grantee chooses to construct its own utility wiring or other new facilities, Grantee agrees to compensate the City for use of the public rights of way. Unless otherwise agreed by the City and Grantee, the compensation shall be paid at the rate of \$0.30 per lineal foot of wiring or other facilities installed.

M. **Underground Relocation.** If Grantee has its facilities on Consumers Energy Company's or any other public utility company's above ground utility poles and the owner of said poles relocates its facilities to an underground conduit, Grantee shall relocate its facilities underground in the same location.

N. **Pole/Conduit License Agreement Notification.** If Grantee forfeits or otherwise loses its rights under a pole/conduit license agreement with Consumers Energy Company or other entity, then Grantee shall notify the City Manager in writing within 14 days.

Section 3. **No City Liability: Indemnification; Insurance.**

A. **City Not Liable.** The City, and its agents, employees, and contractors, shall not be liable to Grantee or Grantee's customers for any interference with or disruption in the operation of Grantee's Electric System, or the provision of service over or through the Electric System, or for any damages arising out of Grantee's use of the Public Ways.

B. **Indemnification.** As part of the consideration for of this Agreement. Grantee shall defend, indemnify, protect and hold harmless City, its officers, agents, employees, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (including, without limitation, actual fees and expenses of attorneys, expert witnesses and consultants),

arising out of or resulting from the acts or omissions of Grantee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent of the fault of the Grantee, its officers, agents, employees, contractors, successors, or assigns.

C. **Assumption of Risk.** Grantee undertakes and assumes for its officers, agents, contractors and subcontractors and employees, all risk of dangerous conditions, if any, on or about any City-owned or controlled property, including Public Ways, and Grantee hereby agrees to indemnify and hold harmless the City against and from any claim asserted or liability imposed upon the City for personal injury or property damage to any person arising out of the installation, operation, maintenance or condition of the electric system or Grantee's failure to comply with any federal, state or local statute, ordinance or regulation.

D. **Notice. Cooperation and Expenses.** City shall give Grantee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section. Nothing herein shall be deemed to prevent City from cooperating with Grantee and participating in the defense of any litigation by City's own counsel.

Grantee shall pay all reasonable expenses incurred by City in defending itself with regard to any such actions, suits or proceedings. These expenses shall include all out-of-pocket expenses such as attorney fees and shall also include the reasonable value of any services rendered by or on behalf of the City Attorney, and the actual expenses of City's agents, employees or expert witnesses, and disbursements and liability assumed by City in connection with such suits, actions or proceedings.

E. **Insurance.** If Grantee installs or constructs any physical facilities, except for meters in the City separately from those facilities of Consumers Energy Company or its successor, thereafter the Grantee shall maintain in force during the remaining period of its franchise, an insurance policy issued by a reputable insurer licensed in the State of Michigan and acceptable to the City for comprehensive general liability coverage, including all risks thereunder, together with any special electric liability endorsements, insuring the City as an additional insured, and covering liability for injuries to any person or property, having liability limits of \$5,000,000. A certificate evidencing the issuance of the said policy shall be placed with the City, and the insurance shall be renewed during the entire remaining franchise period as a condition of the continuance of this franchise. A failure to renew or cancellation of the policy shall constitute cancellation of the franchise. The declaration of coverage or any other document from the insurance company regarding notice, shall guarantee that the City shall receive 30 days written notice of cancellation or modification before the policy may be canceled or changed.

Section 4. **Franchise Not Exclusive**

The rights, power and authority granted herein are not exclusive.

Section 5. Rates

Grantee shall be entitled to charge the inhabitants of the City for electricity furnished at the rates approved by the Michigan Public Service Commission, to the extent it, or its successors, have authority and jurisdiction to fix and regulate electrical rates and promulgate rules regulating such service in the City. Such rates and rules shall be subject to review and change any time upon petition being made by either the City acting through the City Commission or by Grantee.

Section 6. City Jurisdiction

Grantee shall be and remain subject to all Ordinances, rules and regulations of the City now in effect or which might subsequently be adopted for the regulation of land uses or for the protection of the health, safety and general welfare of the public; provided, however, that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under Michigan or Federal law or a limitation upon the existing or future powers of the City pursuant to its Charter or Michigan or Federal law.

Section 7. Michigan Public Service Commission

A. **Jurisdiction.** Grantee shall, as to all other conditions and elements of service not addressed or fixed by this Ordinance, remain subject to the rules and regulations applicable to electric service by the Michigan Public Service Commission, or its successor bodies.

B. **Filing.** Grantee shall provide the City with copies of all documents which Grantee sends to the Michigan Public Service Commission and copies of all orders, decisions, or correspondence Grantee receives from the Public Service Commission, generally affecting its service or business, and in particular the City of Muskegon. Grantee shall permit City inspection and examination of all records it is required to maintain or file under Michigan Public Service Commission rules and regulations.

Section 8. Effective Date.

This Ordinance shall take effect 30 days after adoption by the City Commission, provided, however, it shall cease and be of no affect after 30 days from its adoption unless and until within said period Grantee files an acceptance in writing with the City Clerk.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki
Nays: None

Adoption Date: April 11, 2000

Effective Date: May 11, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

CITY OF MUSKEGON

By:

Gail A. Kunderger

Gail A. Kunderger
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 April, 2000, 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: April 11, 2000

Gail A. Kunderger

Gail A. Kunderger, CMC/AAE
Clerk, City of Muskegon

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

EXHIBIT "A"

To

**AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO DTE
ENERGY MARKETING, INC., TO USE LOCAL PUBLIC WAYS AND TO DO
LOCAL ELECTRICAL BUSINESS IN THE CITY OF MUSKEGON,
MICHIGAN.**

Pursuant to Section 1, A, o the above referenced Ordinance, the City of Muskegon (City) grant to DTE Energy Marketing, Inc., it successors and assigns (Grantee), subject to the terms and conditions set forth in the above-referenced Ordinance, the non-exclusive right, power, and authority to construct, maintain, and use electric lines consisting as towers, masts, poles cross-arms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances (Electric System) on, along, across, and under the highways, streets, alleys, and bridges (Public Ways) identified as follows:

ALL PUBLIC WAYS WITHIN CITY LIMITS OF THE CITY OF MUSKEGON.

FAX COVER SHEET

CITY OF MUSKEGON CLERK'S OFFICE
933 TERRACE STREET
P O BOX 536
MUSKEGON MI 49443

(231) 724-6705

(231) 724-4178

SEND TO Company name	From <i>Linda</i>
Attention <i>Ann Mc Miller</i>	Date <i>4-12-00</i>
Office location	Office location
Fax number	Phone number

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover:

3

Please publish

4-19-00

Thanks,

Linda

CITY OF MUSKEGON NOTICE OF ADOPTION

TO ALL INTERESTED PERSONS:

Please take notice that the City Commission of the City of Muskegon adopted an ordinance at its meeting on April 11, 2000, granting a non-exclusive franchise to DTE Energy for the furnishing of electric service from the City of Muskegon. In summary, the ordinance provides as follows:

1. **Grant of non-exclusive rights.** The ordinance grants a non-exclusive right to offer electric service in the City. The grant is revocable at will and has a term of five years. The electrical utility is to be located in public ways.
2. **Use of public rights of way by franchise.** The ordinance provides for the use of public right of way, prevents burdens on the right of way, requires restoration in the case of damage or disturbance, allows tree trimming, and provides for additional fees for pavement cuts. Marking is required on facilities built by the franchisee.

The franchisee must comply with all laws. In the event of street vacation or relocation requests, the franchisee must accomplish the relocation of its facilities at its sole expense.

Public emergencies will justify the right of the City to disrupt lines. The franchisee is required to register with "Miss Dig". Erection of additional poles and wires must be authorized by the City.

Facilities are to be located underground in the event the host public utility company's facilities are so placed. Any agreement with the host utility company must be copied to the City.

3. **No City liability; indemnification; insurance.** Section 3 provides for the protection of the City to indemnification provisions and the requirement of insurance in the event the franchisee installs or constructs any physical facilities, except for meters.
4. **Franchise not exclusive.** The ordinance specifically states that the grant is not exclusive.
5. **Rates.** The franchisee is to charge rates authorized by the Michigan Public Service Commission.
6. **City Jurisdiction.** The City retains jurisdiction allowed under state law, charter or federal law.

7. **Michigan Public Service Commission.** The ordinance recognizes the jurisdiction of the MPSC, and requires the franchisee to supply the City with copies of all material documents on file with the MPSC which relate to this City.
8. **Effective Date.** The ordinance takes effect 30 days after adoption by the City Commission, except that it shall not take effect unless the franchisee files an acceptance in writing to the City Clerk.

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

This ordinance is effective ten days from the date of this publication, subject to the conditions of paragraph 8, above.

Published April 19, 2000

CITY OF MUSKEGON

By Gail A. Kundinger, CMC/AAE
City Clerk

PUBLISH ONCE WITHIN TEN DAYS OF FINAL PASSAGE.

Gail

DTE Energy

DTE Energy Marketing

March 17, 2000

Bryon Mazade, City Manager
City of Muskegon
933 Terrace Street
Muskegon, MI 49440



RECEIVED
MAR 21, 2000
City Clerks Office

Dear Mr. Mazade:

As part of Electric Deregulation in the State of Michigan, electric suppliers are required to apply for a Utility Franchise in the communities they anticipate doing business. In order for businesses within your community to participate in the first phase, applications must be filed by November 30, 1999 and a franchise must be obtained by March 30, 2000.

Please accept this letter as formal application for a Utility Franchise to supply electricity in your community. This request is respectfully submitted by DTE Energy Marketing Inc., which is incorporated in the State of Michigan and located at 101 N. Main Street, Ann Arbor, Michigan 48104. Our parent company is DTE Energy, which is incorporated in Michigan and headquartered at 2000 2nd Avenue, Detroit, Michigan 48226.

I will contact you in the near future to obtain information regarding your franchise agreement process. Expeditious completion of the process will be necessary to provide your community with the opportunity to participate in electric deregulation from its inception.

We would also like to request your assistance in providing verification of application to the Michigan Public Service Commission (MPSC), Detroit Edison and DTE Energy Marketing. To expedite this process and reduce your time in its completion, we have enclosed a response letter suitable for all parties. Others have found the easiest way to complete this process is by utilizing the following steps:

- Photocopy the letter to your letterhead.
- Have it signed by an official in your Governing body.
- Place in the enclosed addressed and stamped envelope and mail. Upon receipt of the response letter, we will forward copies to the local utility and the MPSC.

Your assistance is greatly appreciated and will assist in providing savings in your community. Please feel free to call me at 734-887-2014 with any questions or concerns.

Sincerely,

John Van Tilburg /bh

John Van Tilburg

Enclosure

March 17, 2000

Mr. Mark Brown
Director of Marketing
DTE Energy Marketing
101 N. Main Street, Suite 300
Ann Arbor, MI 48104

Dear Mr. Brown:

This letter is being provided to notify DTE Energy Marketing that we have received your application for a Utility Franchise in our community. We understand that DTE Energy Marketing Inc. is located at 101 N. Main Street, Suite 300, Ann Arbor, Michigan and is an incorporated organization in the State of Michigan. This letter serves only as notification of receipt and request from DTE Energy Marketing and does not obligate or bind our community to consider or grant a Utility Franchise to DTE Energy Marketing.

Sincerely,

Name: _____

Title: _____

Community: _____

cc: Detroit Edison
Michigan Public Service Commission

Comerica Incorporated

P. O. Box 75000
Detroit, Michigan 48275

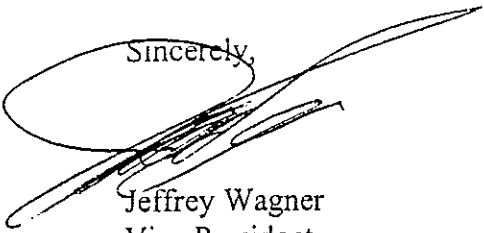
March 6, 2000

Dear City Manager,

I am writing this letter asking for your assistance in granting DTE Energy Marketing, Inc. a cost only franchise to operate as a Power Marketer within your municipal limits. Comerica has signed a statewide agreement with DTE Energy Marketing to provide power to all of our banking facilities. In order for Comerica to gain maximum benefit from deregulation, we ask that you grant this franchise prior to March 15, 2000.

Should you have any questions regarding this request, please contact Comerica's manager of Energy Management, Fred Emery, at 248-371-5063. For DTE Energy Marketing franchise related questions the contact is John R. Van Tilburg at 734-887-2014.

Sincerely,



Jeffrey Wagner
Vice President
Corporate Real Estate
Comerica Incorporated

Potter, Linda

From: John R VanTilburg [vantilburgj@dteenergy.com]
Sent: Thursday, April 13, 2000 9:32 AM
To: linda.potter@postman.org
Subject: acceptance letter

Gail or Linda,
Please accept this brief email as DTE Energy Marketing's formal acceptance of the Utility Franchise granted to DTE on 4/11/00. I would appreciate it if you would push the reply button and let me know that you acknowledge receipt of this acceptance.
Thank You!
John Van Tilburg

Commission Meeting Date: April 11, 2000

Date: April 4, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendment to add Port District Language

SUMMARY OF REQUEST:

Second reading. Text contains minor changes suggested by our attoreny.

Request to amend Article XV of the Zoning Ordinance to create sections 1504 through 1507, to add the language only for a new Waterfront Industrial Planned Unit Development (WI-PUD) Zoning District. Also, to amend Section 2334 (Signs) of Article XXIII to add '#11, Permitted Signs in the WI-PUD District', and to amend Article II (Definitions) to add definitions related to the new WI-PUD district.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2016

An ordinance to amend the Zoning Ordinance of the City to amend Article XV of the Zoning Ordinance to create sections 1504 through 1507, to add the language only for a new Waterfront Industrial Planned Unit Development (WI-PUD) Zoning District. Also, to amend Section 2334 (Signs) of Article XXIII to add '#11, Permitted Signs in the WI-PUD District', and to amend Article II (Definitions) to add definitions related to the new WI-PUD district.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XV of the Zoning Ordinance of the City of Muskegon is hereby amended to add the language only to create a Waterfront Industrial Planned Unit Development (WI-PUD) zoning district:

PREAMBLE

The Waterfront Industrial PUD district is established primarily for water-dependent, commercial shipping of bulk, general cargo, or container goods by freighter, bulk carrier, tanker, tug barge, or other similar commercial vessels. The WI-PUD District is intended to promote the consolidation of commercial port activities at the eastern terminus of Muskegon Lake because of its proximity to the interstate, established industrial uses, and isolation from residential zones. The intent is to localize this district to promote symbiotic relationships among industrial port activities and to discourage the expansion of such activities elsewhere along Muskegon Lake frontage. It is further the intent of this district to require planned unit developments for all projects to ensure a mix of port uses that enhances the industrial economic base of the city. The planned unit development tool shall be applied to promote flexibility in development and to enhance functional relationships among uses in the district.

The general categories of uses permitted in the WI-PUD district are associated with standard industrial classifications, major group industry 44, "Water Transportation" as found in the 1987 Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget.

SECTION 1504: USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as planned unit developments. Planned unit developments shall be reviewed and approved by the Planning Commission and City Commission subject to the conditions outlined below.

PRINCIPAL USES:

1. *Water transportation of freight.*

2. *Railroad and auto passenger ferries.*
3. *Marine cargo handling; loading, unloading and stevedore facilities.*
4. *Marine terminal uses including ancillary inter-modal transportation operations.*
5. *Any use with outside storage of aggregate, limestone, coal, slag, salt, sand or other bulk materials shipped by commercial watercraft vessels and or barges.*
6. *Grain elevators.*
7. *Bulk and warehouse storage of goods shipped by commercial maritime vessels.*
8. *Towing and tugboat services for commercial freight water vessels.*
9. *Barge fleeting, mooring and servicing.*
10. *Lighterage.*
11. *Commercial engine and hull repair.*
12. *Marine dock, breakwater, harbor construction and repair contracting.*
13. *Marine dredging contractors.*
14. *Palletizing, decanning, container stripping and packing operations associated with maritime shipping and transport.*
15. *Bulk liquid facilities of non-hazardous materials.*
16. *Material recovery facilities that are entirely contained in buildings.*
17. *Commercial fishing facilities.*
18. *Any other uses which meet the intent of this district as deemed by the Planning Commission and City Commission; except that in no case shall a prohibited use be permitted.*

ACCESSORY USES:

1. *Docks, wharves, piers or transit sheds or related facilities used in connection with the transfer, handling, storage and transit and incidental processing of cargo from or to waterborne craft.*
2. *Truck or rail freight terminal supporting water freight transport.*

3. *Offices associated with port facilities and functions.*
4. *Parking decks.*
5. *Watchmen quarters employed on the premise.*
6. *Lift equipment to load and unload ships.*
7. *Weigh stations.*
8. *Lighthouse.*
9. *Fuel dock.*
10. *Seaplane base.*

SECTION 1505: PROHIBITED USES

1. *Asphalt batching.*
2. *Cement processing.*
3. *Storage of petroleum products stored in excess of 1,000 gallons.*
4. *Hazardous material or hazardous chemical storage or transport.*
4. *Ship cleaning.*
5. *Salvage yards, ship scrapping, dismantling and wrecking operations not wholly contained in buildings.*
6. *Livestock holding.*
7. *Marine Salvage.*
8. *Manufacturing.*
9. *Open storage of fertilizers, agricultural lime and other chemicals.*
10. *Billboards.*

SECTION 1506: REVIEW STANDARDS

The Planning Commission shall approve, deny or modify preliminary planned unit development plans, based upon the site plan review and landscaping standards of this ordinance and the following standards below. Likewise, the City Commission shall approve, deny, or modify final planned unit

development plans (after review and recommendation by the Planning Commission) based upon the following standards:

- 1. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.*
- 2. The uses proposed should be consistent with the land use plans adopted by the City.*
- 3. The amount of open space provided is compatible with and meets the requirements of this ordinance, which the Planning Commission or City Commission may modify, even though such modifications do not conform to that required in other sections of this ordinance.*
- 4. The amount of off-street parking areas is adequate, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.*
- 5. The amount of landscaping and buffering areas provided are compatible with and meet the requirements of this ordinance, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.*
- 6. The design provides for the protection or enhancement of significant natural, historical, or architectural features within the proposed development area.*
- 7. The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.*
- 8. The land uses presented shall provide a mix of uses to perpetuate an economically viable, mixed use port.*
- 9. The project shall demonstrate adequate support services for all activities.*
- 10. Stockpiles of salt and agricultural lime must be covered or sufficiently isolated from the surface water to prevent leaching.*
- 11. Aggregate, salt, lime, or soil stockpiling areas shall not occupy more than 50% of the site or district.*
- 12. Truck freight terminals shall not occupy more than 30% of the site area or district. Trucks shall be stored a minimum of two hundred (200) feet from the ordinary high water mark.*

SECTION 1507: AREA AND BULK REQUIREMENTS

The following are meant as general guidelines. Through the process of the Planned Unit

Development process, the Planning Commission may determine that changes to the standards are appropriate to both meet the needs and objectives of the project and the city.

1. *Minimum lot size 43,560 sq. feet.*
2. *Maximum lot coverage:*
Buildings: 75 %
Pavement: 25 %
3. *Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).*
4. *Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.*
5. *Maximum Height: 3 stories or 50 feet.*

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

6. *Setbacks:*

Minimum Front Setbacks:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

Rear setback: 10 feet.

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

Side setbacks:

1-story: 10 feet and 20 feet

2-story 15 feet and 25 feet

3-story 20 feet and 30 feet

Setback Measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

7. *Zero lot line option: New principal buildings may be erected on the rear lot line and/or one*

side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
8. All required setbacks shall be landscaped buffer zones.

Section 2334 (Signs) of Article XXIII is hereby amended to add the following:

11. Permitted signs in WI-PUD, Waterfront Industrial District

- a. Scope: Signs shall pertain exclusively to the business carried on within the building.
- b. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- c. Number: One monument sign is permitted per approved PUD regardless of the number of businesses there.
- d. Directional signs: On-site directional signs shall be approved as part of the planned unit development process.
- e. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the front face of the building and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the building. In the case where the building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront.
- f. Changeable copy or message boards: Shall be part of a fixed, permanent sign and shall have rigid letters. Electronic message boards are prohibited.
- g. Free-standing signs:
 - 1) Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 - 2) Clear vision: Signs shall not obstruct clear vision requirements for motorists.

- 3) Area and height: Signs shall comply with the area requirements of Table II and shall not exceed eight feet (8') in height.

Article II (Definitions) is hereby amended to add the following definitions, where appropriate:

Freight transportation: Establishments primarily engaged in the transportation of freight as defined by standard industrial codes 4424 and 4432.

Lightering: A barge used to load or unload ships anchored in a harbor.

Marine Cargo Handling: Establishments primarily engaged in activities directly related to marine cargo handling from the time cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or in transit area until cargo loading or unloading operations are completed.

Stevedore: One whose work is loading or unloading ships.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd,
Sieradzki

Nayes: None

Adoption Date: April 11, 2000

Effective Date: April 29, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, 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 April 2000, 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: April 11, 2000.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

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

FAX COVER SHEET

CITY OF MUSKEGON CLERK'S OFFICE
933 TERRACE STREET
P O BOX 536
MUSKEGON MI 49443

(231) 724-6705

(231) 724-4178

SEND TO Company name	From <i>Linda</i>
Attention <i>Ann McMillen</i>	Date <i>4-13-00</i>
Office location	Office location
Fax number	Phone number

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover:

3

Please publish
4-19-00

Thanks,

acct # 101-80400-5343

Linda

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL INTERESTED PARTIES

Please take notice that on April 11, 2000, the City Commission of the City of Muskegon adopted an ordinance amending the zoning ordinance to create a new zoning district entitled "Waterfront Industrial Plan Unit Development Zoning District" (WI-PUD). The provisions of the zoning ordinance, as it relates to permitted signs in the WI-PUD District was amended and certain definitions were added. The ordinance does not determine the location of the WI-PUD District or locate it on the zoning map. The amendment only adds the language of the new Article XV, and the necessary language to the definition and sign sections of the ordinance.

In outline form, the WI-PUD District provides as follows:

Section 1504. Permitted and Accessory Uses. This section sets forth the permitted and accessory uses allowed in the WI-PUD District. The uses may be generally described as major port activities for water borne transportation, storage of materials, marine terminal activities, barging, lighterage, commercial engine and hull repair, marine contracting, commercial fishing, and other maritime uses.

Accessory uses include docks, railroad tracks, parking, and other facilities which would support the maritime uses permitted.

Section 1505. Prohibited Uses. Prohibited uses include salvage, processing activities, petroleum product storage, hazardous materials, ship cleaning, manufacturing, open storage of fertilizers and chemicals, and billboards.

Section 1506. Review Standards. This section sets forth standards, including effects on surrounding property, public health, safety and welfare issues, traffic congestion, limitation on stockpiling, area percentage coverages and other public and land use considerations.

Section 1507. Area and Bulk Requirements. This section concerns heights, setbacks, lot coverage, access, buffer zones, landscaping, and other matters.

Sign Provisions. The sign provisions of the zoning ordinance, Section 2334 of Article XXIII, are amended to regulate signs in the WI-PUD District. Covered are: lighting and number of signs, directional signs, wall and free standing signs, and limitations.

Definitions. The definitions in Article II are amended to add definitions appropriate to the WI-PUD District.

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

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

CITY OF MUSKEGON

Published April 19, 2000

By _____
Gail A. Kunding, Its Clerk

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

Commission Meeting Date: April 11, 2000

Date: April 4, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendments to Table I and District Language

SUMMARY OF REQUEST:

Second reading. Text contains minor changes suggested by our attorney.

Request to repeal and reserve Section 2308 (Zero Lot Line) and Section 2310 (Method for Determining Setbacks, Yards and Density) of Article XXIII of the Zoning Ordinance; to amend Table I "District Regulations; Bulk and Setback Requirements" and provide table notes and a preamble and; and to add bulk and setback requirements to each zoning district (Articles IV through XX, excepting Article V).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request.

Consumers Energy

A CMS Energy Company

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

Tel: 231 727 6100
Fax: 231 727 6251

City Commissioners
C. Brubaker - Clarke
✓ D. Lindinger
Jji 3/24/00
J

March 23, 2000

Mayor Fred J. Nielsen
Muskegon City Hall
933 Terrace
Muskegon, MI 49443

Dear Mayor Nielsen and members of the City Commission,

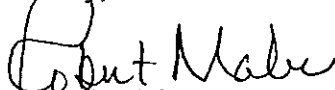
I am writing this letter in support of the proposed language for creation of port development district in the City. I understand the City Commission will consider this language at its March 28 meeting.

While I understand Tuesday's vote is limited to the necessary language, I wanted to let you and the Commission know the B.C. Cobb Plant also supports the City's efforts to create a Port District zoning classification at the east end of Muskegon Lake. We believe in this area of Muskegon Lake, port-related uses mesh well given the existing land uses. Those activities include the Cobb Plant operations, the existing operations of Verplank Trucking and Verplank's planned use of adjacent property it has recently purchased from our parent company, CMS Energy.

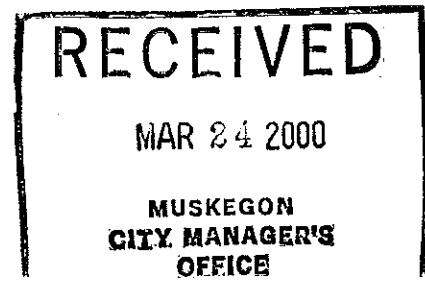
Creating Port District zoning at this location also is in keeping with the City's long-term vision for this end of the lake and yet another reason for the City Commission to approve language creating a new zoning classification.

If you or other members of the City Commission have any questions, feel free to contact me at 727-6253.

Sincerely,


Robert C. Malec
Plant Manager

CC
Joe Burns, Verplank Trucking Co.
File



CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2017

An ordinance to amend the Zoning Ordinance of the City to repeal and reserve Section 2308 (Zero Lot Line) and Section 2310 (Method for Determining Setbacks, Yards and Density) of Article XXIII of the Zoning Ordinance; to amend Table I "District Regulations; Bulk and Setback Requirements" and provide table notes and a preamble and; and to add bulk and setback requirements to each zoning district (Articles IV through XX, excepting Article V).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to repeal and reserve the existing language in Section 2308 (Zero Lot Line), and Section 2310 (Method for Determining Setbacks, Yards and Density).

Table I of the Zoning Ordinance of the City of Muskegon is hereby amended, and will also contain a preamble and notes:

Preamble: The following district bulk, height, setback, coverage, mass, density and open space regulations are hereby established for each district in the City of Muskegon to:

- 1. Promote consolidated, symbiotic relationships among structures and functions; particularly in business districts whereby a use or uses benefit from the presence of other use(s) in close proximity to it.*
- 2. Minimize detrimental relationships among incompatible land uses.*
- 3. Cluster development for the efficient provision of services.*
- 4. Prevent congestion of development, people and vehicles.*
- 5. Prevent the inappropriate crowding of land.*
- 6. Promote shared facilities (such as drives and parking) to conserve land.*
- 7. Provide open space for users of private and public facilities.*
- 8. Promote development that provides for pedestrian activity and maintains pedestrian safety.*
- 9. Provide continuity in development.*
- 10. Promote commercial development that maintains a critical mass of activity so that it stays economically viable.*
- 11. Prevent environmental degradation that effects public health.*
- 12. Prevent the squanderous use of land and suburban sprawl.*
- 13. Provide for safe and efficient circulation in sites and among sites; landscaping, buffering and interrelated community design that helps foster symbiotic relationships.*

Table Notes

1. One acre = 43,560 sq. ft. (for reference, this is not quite a 210 by 210 foot piece of property).
2. One-half acre = 21,780 sq. ft.
3. One-third acre = 14,520 sq. ft.
4. One-quarter acre = 10,890 sq. ft.
5. One-fifth of an acre = 8,712 sq. ft.
6. *See also zero lot line option and methods of determining setbacks in district regulations for each district.
7. ** Public parks are exempt from minimum lot requirements.
8. *** Minimum heights are in the form of an "overlay district" on the following street corridors only:
 - a. Western Avenue; from Ninth Street to Pine Street.
 - b. Clay Avenue; from Seventh Street to Fourth Street.
 - c. Pine Street; from Western Avenue to Apple Avenue.
9. **** Waterfront setbacks pertain to principal structures only.
10. ***** For minimum front setbacks new principal structures the R-1, R-T, B-3, and Historic zones on minor streets may align with existing principal structures in the immediate area, even if the front setback is below the minimum required.
11. Setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.
12. Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).
13. ***** All required setbacks shall be landscaped buffer zones except for the R-1 and R-T zones.

Zoning District	R-1	RT	RM-1 *****	RM-2 *****	RM-3 *****	B-1 *****	B-2 *****	B-3 *****	B-4 *****	B-5 *****	I-1 *****	I-2 *****	OSC** *****	OSR** *****	LR *****	WM *****	H *****	WI-PUD *****
Lot Size																		
Minimum (sq. ft.)	6,000	8,712	10,890	14,520	21,780	4,000	10,890	4,000	10,890	10,890	21,780	43,560	21,780	21,780	21,780	21,780	4,000	43,560
Density (dwelling unit per buildable acre)	7	10	16	24	48	—	—	—	—	—	—	—	—	—	—	24	—	—
Dedicated Common open space required	—	—	15%	15%	15%	—	—	—	—	—	—	—	—	—	15%	15%	—	—
Maximum Lot Coverage																		
Buildings:	50%	50%	60%	70%	70%	50%	70%	100%	70%	80%	85%	85%	20%	20%	60%	60%	100%	75%
Pavement:	10%	10%	20%	20%	20%	25%	25%	25%	25%	25%	25%	25%	15%	15%	15%	25%	25%	25%
Lot Width	50 ft.	75 ft.	100 ft.	125 ft.	150 ft.	40 ft.	100 ft.	30 ft.	100 ft.	40 ft.	100 ft.	150 ft.	100 ft.	100 ft.	150 ft.	150 ft.	30 ft.	150 ft.
Maximum building width	—	—	50%	50%	50%	—	—	—	—	—	—	—	—	—	50%	50%	—	—
Width to depth ratio	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3	1:3
Height																		
Minimum:	—	—	—	—	—	—	2 stories or 35 ft.***	2 stories or 35 ft.***	2 stories or 35 ft.***	2 stories or 35 ft.***	—	—	—	—	—	—	2 stories or 35 ft.***	—
Maximum:	2 stories (35 ft.)	2 stories (35 ft.)	3 stories (50 ft.)	4 stories (60 ft.)	5 stories (80 ft.)	2 stories (35 ft.)	2 stories (35 ft.)	6 stories (90 ft.)	2 stories (35 ft.)	4 stories (60 ft.)	3 stories (50 ft.)	3 stories (50 ft.)	2 stories (35 ft.)	2 stories (35 ft.)	4 stories (60 ft.)	4 stories (60 ft.)	6 stories (90 ft.)	3 stories (50 ft.)
Minimum Setbacks*																		
Front: Expressway & Arterial	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Front: Major/ Collector	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Front: Minor*****	15 ft.	15 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Rear:*	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
From ordinary high Water mark or Wetland****	30 ft.	40 ft.	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
Side:*																		
1-story (least/total)	6/16 ft.	8/20 ft.	8/20 ft.	8/20 ft.	8/20 ft.	8/20 ft.	8/20 ft.	—	8/20 ft.	8/20 ft.	10/20 ft.	10/20 ft.	6/16 ft.	6/16 ft.	8/20 ft.	8/20 ft.	—	10/20 ft.
2-story (least/total)	8/20 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	10/24 ft.	—	10/24 ft.	10/24 ft.	15/25 ft.	15/25 ft.	8/12 ft.	8/20 ft.	10/14 ft.	10/14 ft.	—	15/25 ft.
3-story (least/total)	—	—	12/28 ft.	12/28 ft.	12/28 ft.	—	—	—	—	12/28 ft.	20/30 ft.	20/30 ft.	—	—	12/28 ft.	12/28 ft.	—	20/30 ft.
4 or more stories (least/total)	—	—	—	16/36 + 4 ft./story over 4	16/36 + 4 ft./story over 4	—	—	—	—	16/36 + 4 ft./story over 4	—	—	—	—	16/36 + 4 ft./story over 4	16/36 + 4 ft./story over 4	—	—
Maximum Setbacks																		
Front: Expressway Arterial and Major	—	—	—	—	—	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	—	—	—	—	—	—	—	—
Front: Collector	—	—	—	—	—	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	—	—	—	—	—	—	—	—
Front: Minor	—	—	—	—	—	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	—	—	—	—	—	—	—	—

*****See table preamble and notes*****

— = Not applicable

Sections 404, 603, 703, 803, 903, 1003, 1103, 1203, 1303, 1309, 1403, 1503, 1603, 1703, 1803, 1903 and 2003 of Articles IV and VI through XX, respectively, are hereby amended as specified below:

Section 404: Area and Bulk Requirements
(Article IV - R-1, One Family Residential)

1. Minimum lot size 6,000 sq. feet

2. Density (see definition Article II): 7 dwelling units per buildable acre.

3. Maximum lot coverage

Buildings: 50%

Pavement: 10%

4. Lot width: 50 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

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

6. Height limit: 2 stories or 35 feet.

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

7. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 25 feet

Minor Street: 15 feet

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

8. Rear setback: 30 feet

9. Setback from the ordinary high water mark or wetland: 30 feet (principal structures only).

10. Side setbacks:

1-story: 6 feet and 10 feet

2-story 8 feet and 12 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

Section 603: Area and Bulk Requirements
(Article VI - RT, Two-Family Residential)

1. Minimum lot size 8,712 sq. feet

2. Density (see definition Article II): 10 dwelling units per buildable acre.

3. Maximum lot coverage

Buildings: 50 %

Pavement: 10 %

4. Lot width: 75 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback)

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

6. Height limit: 2 stories or 35 feet.

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

7. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet
Collector Street: 25 feet
Minor Street: 15 feet

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

8. Rear setback: 30 feet

9. Setback from the ordinary high water mark or wetland: 40 feet (principal structures only).

10. Side setbacks:

1-story: 8 feet and 12 feet

2-story 10 feet and 14 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

Section 703: Area and Bulk Requirements

(Article VII - RM-1, Low Density Multiple-Family Residential)

1. Minimum lot size 10,890 sq. feet

2. Density (see definition Article II): 16 dwelling units per buildable acre.

3. Dedicated open space requirement: 15 %

4. Maximum lot coverage

Buildings: 60 %

Pavement: 20 %

5. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

6. Maximum building width: 50% (as a portion of the lot width)

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

8. Height limit: 3 stories or 50 feet.

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

9. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 25 feet

Minor Street: 20 feet

10. Rear setback: 30 feet

11. Setback from the ordinary high water mark or wetland: 50 feet (principal structures only).

12. Side setbacks:

1-story: 8 feet and 12 feet

2-story 10 feet and 14 feet

3-story 12 feet and 16 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.*
- b. The building has adequate fire access preserved pursuant to fire code*

requirements.

- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

14. All required setbacks shall be landscaped buffer zones.

Section 803: Area and Bulk Requirements

(Article VIII - RM-2, Medium Density Multiple-Family Residential)

1. Minimum lot size 14,520 sq. feet

2. Density (see definition Article II): 24 dwelling units per buildable acre.

3. Dedicated open space requirement: 15%

4. Maximum lot coverage

Buildings: 70%

Pavement: 20%

5. Lot width: 125 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

6. Maximum building width: 50 % (as a portion of the lot width)

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

8. Height limit: 4 stories or 60 feet.

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

9. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 25 feet

Minor Street: 20 feet

10. Rear setback: 30 feet

11. Setback from the ordinary high water mark or wetland: 50 feet (principal structures only).

12. Side setbacks:

- 1-story: 8 feet and 12 feet
- 2-story 10 feet and 14 feet
- 3-story 12 feet and 16 feet
- 4-story 16 feet and 20 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

14. All required setbacks shall be landscaped buffer zones.

Section 903: Area and Bulk Requirements

(Article IX - RM-3, High Density Multiple-Family Residential)

1. Minimum lot size 21,780 sq. feet

2. Density (see definition Article II): 48 dwelling units per buildable acre.

3. Dedicated open space requirement: 15%

4. Maximum lot coverage

Buildings: 70%

Pavement: 20%

5. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

6. Maximum building width: 50% (as a portion of the lot width)

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

8. Height limit: 5 stories or 80 feet.

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

9. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 25 feet

Minor Street: 20 feet

10. Rear setback: 30 feet

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

12. Side setbacks:

1-story: 8 feet and 12 feet

2-story 10 feet and 14 feet

3-story 12 feet and 16 feet

4-story 16 feet and 20 feet

5-story 20 feet and 24 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner

and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.

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

14. All required setbacks shall be landscaped buffer zones.

Section 1003: Area and Bulk Requirements
(Article X - B-1, Limited Business)

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

2. Maximum lot coverage

Buildings: 50%

Pavement: 25%

3. Lot width: *40 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):*

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

5. Height limit: *2 stories or 35 feet.*

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

6. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

Maximum:

Expressway, Arterial Street or Major Street: 50 feet

Collector Street: 40 feet

Minor Street: 30 feet

7. Rear setback: *10 feet*

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

9. Side setbacks:

I-story: 8 feet and 12 feet

2-story: 10 feet and 14 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required setbacks shall be landscaped buffer zones.

Section 1103: Area and Bulk Requirements

(Article XI - B-2, Convenience and Comparison Business)

1. Minimum lot size 10,890 sq. feet

2. Maximum lot coverage

Buildings: 70 %

Pavement: 25 %

3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

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

5. Height:

- a. Maximum: 2 stories or 35 feet.
- b. Minimum height - 2 stories or 35 feet. Minimum heights are in the form of an "overlay district" on the following street corridors:
 - 1) Western Avenue; from Ninth Street to Pine Street.

- 2) Clay Avenue; from Seventh Street to Fourth Street.
- 3) Pine Street; from Western Avenue to Apple Avenue.

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

6. Front Setbacks

Minimum:

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

Maximum:

Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet

7. Rear setback: 10 feet

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

9. Side setbacks:

1-story: 8 feet and 12 feet
2-story 10 feet and 14 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required setbacks shall be landscaped buffer zones.

Section 1203: Area and Bulk Requirements
(Article XII - B-3, Central Business)

1. Minimum lot size 4,000 sq. feet

2. Maximum lot coverage

Buildings: 100 %

Pavement: 25%

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

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

5. Height:

a. Maximum height - 6 stories or 90 feet

c. Minimum height - 2 stories or 35 feet. Minimum heights are in the form of an "overlay district" on the following street corridors:

1) Western Avenue from Ninth Street to Pine Street.

2) Clay Avenue from Seventh Street to Fourth Street.

3) Pine Street; from Western Ave. to Apple Avenue.

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

6. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

Maximum:

Expressway, Arterial Street or Major Street: 50 feet

Collector Street: 40 feet

Minor Street: 30 feet

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

7. Rear setback: 10 feet

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

9. Side setbacks: no requirement

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure.

10. Zero lot line option: New principal buildings may be erected on the rear yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required setbacks shall be landscaped buffer zones.

Section 1303: Area and Bulk Requirements
(Article XIII - B-4, General Business)

1. Minimum lot size 10,890 sq. feet

2. Maximum lot coverage

Buildings: 70 %

Pavement: 25 %

3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

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

5. Height:

a. Maximum height - 2 stories or 35 feet

b. Minimum height - 2 stories or 35 feet. Heights are in the form of an "overlay district" on the following street corridors:

- 1) Western Avenue; from Ninth Street to Pine Street.
- 2) Clay Avenue; from Seventh Street to Fourth Street.
- 3) Pine Street; from Western Ave. to Apple Avenue.

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

6. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

Maximum:

Expressway, Arterial Street or Major Street: 50 feet

Collector Street: 40 feet

Minor Street: 30 feet

7. Rear setback: 10 feet

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

9. Side setbacks:

1-story: 8 feet and 12 feet

2-story 10 feet and 14 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code

- requirements.
- c. *The zero lot line side is not adjacent to a street.*
 - d. *A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.*
 - e. *It is not adjacent to wetlands, or waterfront.*

11. *All required setbacks shall be landscaped buffer zones.*

Section 1309: Area and Bulk Requirements
(Article XIII - B-5, Governmental Service)

1. Minimum lot size 10,890 sq. feet

2. Maximum lot coverage

Buildings: 80 %

Pavement: 25 %

3. Lot width: 40 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

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

5. Height:

a. Maximum height - 4 stories or 60 feet

b. Minimum height - 2 stories or 35 feet. Minimum heights are in the form of an "overlay district" on the following street corridors:

- 1) Western Avenue from Ninth Street to Pine Street.
- 2) Clay Avenue from Seventh Street to Fourth Street.
- 3) Pine Street; from Western Ave. to Apple Avenue.

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

6. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet
Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet

7. Rear setback: 10 feet

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

9. Side setbacks:

1-story: 8 feet and 12 feet
2-story 10 feet and 14 feet
3-story 12 feet and 16 feet
4-story 16 feet and 20 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required setbacks shall be landscaped buffer zones.

Section 1403: Area and Bulk Requirements
(Article XIV - I-1, Light Industrial)

1. Minimum lot size 21,780 sq. feet

2. Maximum lot coverage
Buildings: 85 %
Pavement: 25 %

4. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

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

6. Height limit: 3 stories or 50 feet

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

7. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

8. Rear setback: 10 feet

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

10. Side setbacks:

1-story: 10 feet and 20 feet

2-story 15 feet and 25 feet

3-story 20 feet and 30 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.

e. *It is not adjacent to wetlands, or waterfront.*

12. *All required setbacks shall be landscaped buffer zones.*

Section 1503: Area and Bulk Requirements

(Article XV - I-2, General Industrial)

Section 1503, Area and Bulk Requirements:

I-2, General Industrial

1. Minimum lot size 43,560 sq. feet

2. Maximum lot coverage

Buildings: 85 %

Pavement: 25 %

4. Lot width: 150 feet *(shall be measured at road frontage unless a cul-de-sac, then measured from setback):*

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

6. Height limit: 3 stories or 50 feet

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

7. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

8. Rear setback: 10 feet

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

10. Side setbacks:

1-story: 10 feet and 20 feet

2-story 15 feet and 25 feet

3-story 20 feet and 30 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

12. All required setbacks shall be landscaped buffer zones.

Section 1603: Area and Bulk Requirements
(Article XVI - OSC, Open Space Conservation)

1. Minimum lot size 21,780 sq. feet

2. Maximum lot coverage

Buildings: 20 %

Pavement: 15 %

3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

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

5. Height limit: 2 stories or 35 feet.

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

6. Front Setbacks

Minimum:

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

7. Rear setback: 10 feet

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

9. Side setbacks:

1-story: 6 feet and 10 feet

2-story 8 feet and 12 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.*
- b. The building has adequate fire access preserved pursuant to fire code requirements.*
- c. The zero lot line side is not adjacent to a street.*
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.*
- e. It is not adjacent to wetlands, or waterfront.*

11. All required setbacks shall be landscaped buffer zones.

Section 1703: Area and Bulk Requirements
(Article XVII - OSR, Open Space Recreation)

1. Minimum lot size 21,780 sq. feet

2. Maximum lot coverage

Buildings: 20 %

Pavement: 15 %

3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

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

times longer its width.

5. Height limit: 2 stories or 35 feet.

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

6. Front Setbacks

Minimum:

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

7. Rear setback: 10 feet

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

9. Side setbacks:

1-story: 6 feet and 10 feet
2-story 8 feet and 12 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required setbacks shall be landscaped buffer zones.

Section 1803: Area and Bulk Requirements
(Article XVIII - LR, Lakefront Recreation)

1. Minimum lot size 21,780 sq. feet

2. Dedicated open space requirement: 15%

3. Maximum lot coverage

Buildings: 60 %

Pavement: 15 %

4. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

5. Maximum building width: 50 % (as a portion of the lot width)

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

7. Height limit: 4 stories or 60 feet.

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

8. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

9. Rear setback: 10 feet

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

11. Side setbacks:

1-story: 8 feet and 12 feet

2-story 10 feet and 14 feet

3-story 12 feet and 16 feet

4-story 16 feet and 20 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way

line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

12. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

13. All required setbacks shall be landscaped buffer zones.

Section 1903: Area and Bulk Requirements
(Article XIX - WM, Waterfront Marine)

1. Minimum lot size 21,780 sq. feet

2. Density (see definition Article II): 24 dwelling units per buildable acre.

3. Dedicated open space requirement: 15%

4. Maximum lot coverage
Buildings: 60%
Pavement: 25%

5. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback):

6. Maximum building width: 50% (as a portion of the lot width)

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

8. Height limit: 4 stories or 60 feet

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average

height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

9. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

10. Rear setback: 10 feet

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

12. Side setbacks:

1-story: 8 feet and 12 feet

2-story 10 feet and 14 feet

3-story 12 feet and 16 feet

4-story 16 feet and 20 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

14. All required setbacks shall be landscaped buffer zones.

Section 2003: Area and Bulk Requirements
(Article XX - H, Heritage)

1. Minimum lot size 4,000 sq. feet

2. Maximum lot coverage

Buildings: 100 %

Pavement: 25%

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

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

5. Height:

a. Maximum height - 6 stories or 90 feet

b. Minimum height - 2 stories or 35 feet. Minimum heights are in the form of an "overlay district" on the following street corridors:

- 1) Western Avenue; from Ninth Street to Pine Street.
- 2) Clay Avenue; from Seventh Street to Fourth Street.
- 3) Pine Street; from Western Avenue to Apple Avenue.

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

6. Front Setbacks

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 20 feet

Minor Street: 10 feet

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

7. Rear setback: 10 feet

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

9. Side setbacks: no requirement

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear

yard shall be measured from the property line to the nearest foundation or building wall of the building or structure.

10. Zero lot line option: New principal buildings may be erected on the rear yard line provided:

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required setbacks shall be landscaped buffer zones.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd,
Sieradzki

Nayes: None

Adoption Date: April 11, 2000

Effective Date: April 29, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

CITY OF MUSKEGON

By:

Gail A. Kunderger

Gail A. Kunderger, 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 11 th day of April , 2000, 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: April 11, 2000.



Gail Kunderinger, CMC/AAE
Clerk, City of Muskegon

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

FAX COVER SHEET

CITY OF MUSKEGON CLERK'S OFFICE
933 TERRACE STREET
P O BOX 536
MUSKEGON MI 49443

(231) 724-6705

(231) 724-4178

SEND TO Company name	From <i>Linda</i>
Attention <i>Ann McMullen</i>	Date <i>4-13-00</i>
Office location	Office location
Fax number	Phone number

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover:

2

Please publish

4-19-00

Thanks,

Linda

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL INTERESTED PARTIES

Please take notice that on April 11, 2000, the City Commission of the City of Muskegon adopted an ordinance amending Article XXIII of the zoning ordinance concerning district bulk height, setback coverage, mass density, and open space regulations. The ordinance is summarized as follows:

General. The ordinance provides for the following dimensional matters in all zoning districts in the city. The dimensions, which are covered by an amended table and the amendments to the text of the zoning ordinance, are as follows:

1. Minimum lot size
2. Density
3. Maximum lot coverage
4. Lot width
5. Width to depth ratios of lots
6. Height limits
7. Front setbacks
8. Rear setbacks
9. Setbacks from ordinary high water marks or wetlands
10. Side setbacks
11. Zero lot line options in certain districts
12. Maximum height limits in certain overlay districts
13. Maximum setbacks in certain overlay districts

The full ordinance should be consulted for the specific dimensional requirements or limitations in each specific district.

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

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

CITY OF MUSKEGON

Published April 19, 2000

By _____
Gail A. Kunding, Its Clerk

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

Commission Meeting Date: March 28, 2000

*Needs
2nd Reading*

Date: March 17, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located at the corner of Laketon Ave. and Park St.

SUMMARY OF REQUEST:

Request to rezone property located at the corner of Laketon Ave. and Park St., from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request on 3/15/00.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2018

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from I-2 "General Industrial," to B-4 "General Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial," to B-4 "General Business":

LOT 4 OF BLOCK 460 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON,
MUSKEGON COUNTY, MICHIGAN

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

Adoption Date: April 11, 2000

Effective Date: April 29, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

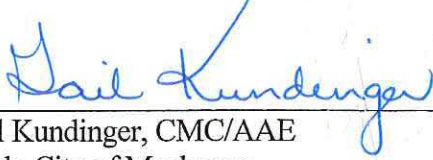
CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, 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 April, 2000, 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.

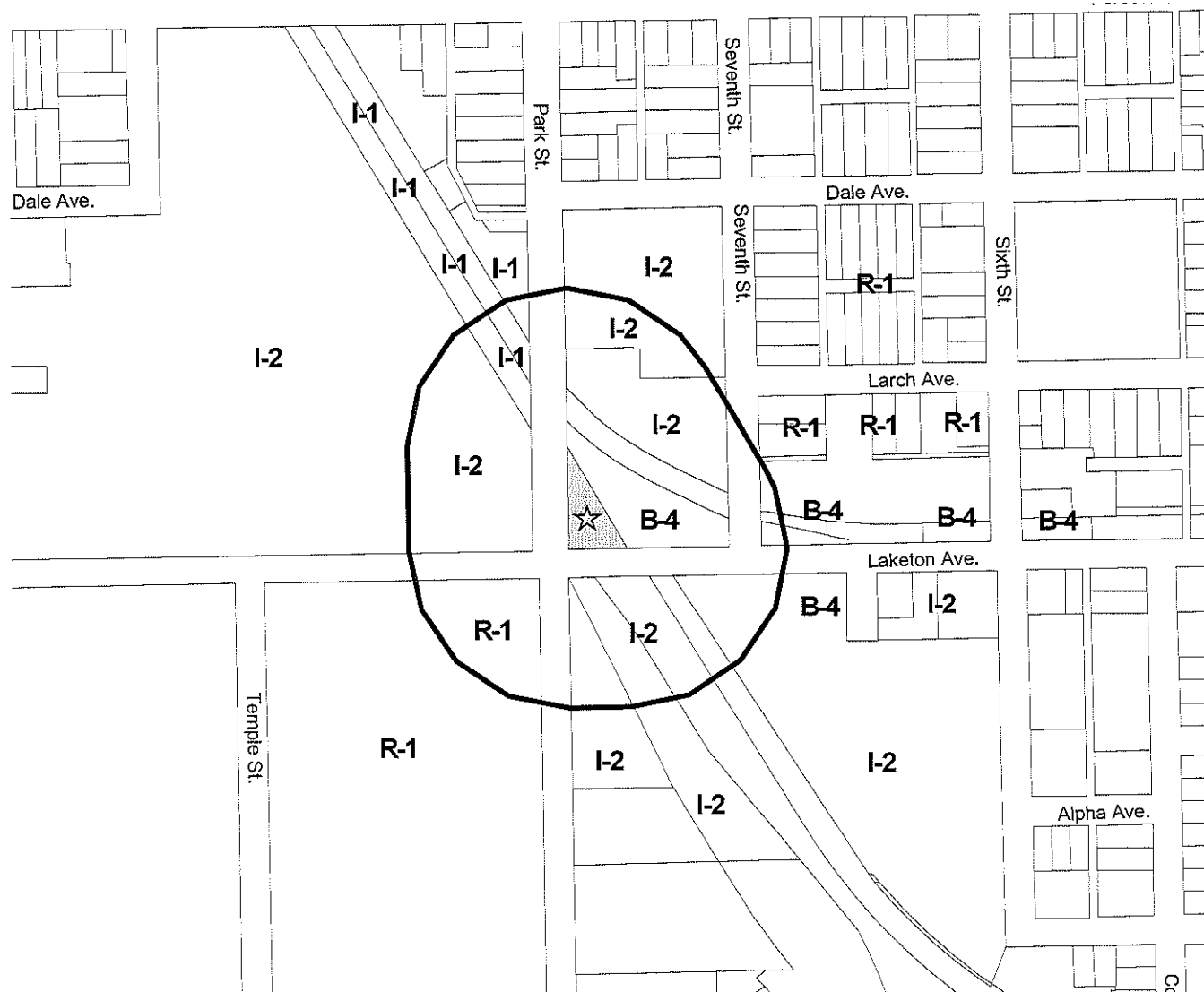
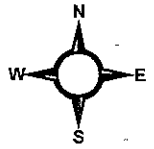
DATED: April 11, 2000.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

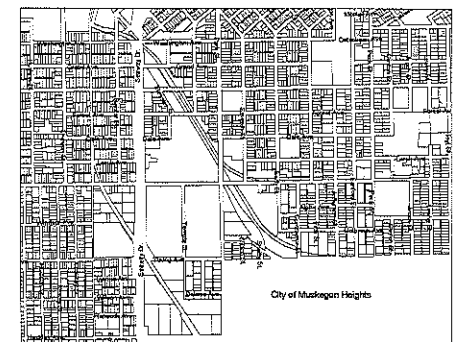
City of Muskegon Planning Commission Case #2000-5



☆ = Subject Property
○ = Notice Area

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

200 0 200 400 600 800 Feet



FAX COVER SHEET

CITY OF MUSKEGON CLERK'S OFFICE
933 TERRACE STREET
P O BOX 536
MUSKEGON MI 49443

(231) 724-6705
(231) 724-4178

SEND TO Company name	From <i>Linda</i>
Attention <i>Ann McMillen</i>	Date <i>4-13-00</i>
Office location	Office location
Fax number	Phone number

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: 2

Please publish

4-19-00

Thanks,

Linda

101-80400-5343

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2018

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from I-2 "General Industrial," to B-4 "General Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial," to B-4 "General Business":

LOT 4 OF BLOCK 460 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON,
MUSKEGON COUNTY, MICHIGAN

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

Adoption Date: April 11, 2000

Effective Date: April 29, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

CITY OF MUSKEGON

By: _____
Gail A. Kunder, City Clerk

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

March 15, 2000

Hearing; Case 2000-5: Request to rezone City-owned property located at the corner of Park St. and Laketon Ave. from I-2, General Industrial to B-4, General Business.

BACKGROUND

Applicant: City of Muskegon

Address/Location of Subject Property: Northeast corner of Laketon Ave. and Park St.

Use: Vacant

Current Zoning: I-2, General Industrial

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. This triangle-shaped lot was part of the purchase of property by the City from Railtex for the bike trail. Although this lot is not needed for the trail, it was part of the deal when the trail property was purchased. The subject lot is located directly adjacent to the Muskegon Rescue Mission Men's Shelter on Laketon Ave. and Seventh St.
2. The City Commission has approved a lease agreement to lease the subject lot to the Rescue Mission. The Rescue Mission wishes to use the lot for additional parking when they move their retail store (now located at Henry/Sherman) to their Laketon Ave. location. Since the City's purchase of the lot was part of the golf course conversion for trail property, the City is prohibited from selling it.
3. The Future Land Use Map shows the subject property as industrial as part of a larger area of industrial lands to the North.
4. The City has initiated the rezoning of this property since staff feels that an industrial zoning is no longer appropriate for the site. The lot is not large enough to locate an industry on, but is large enough to provide parking for the adjacent business use.
5. The Master Land Use Plan states:
 - ◆ *The southerly portion of the (sub)area is devoted to industrial development...The industrial area possesses several former industrial sites.*
 - ◆ *Laketon Avenue suffers as a result of several business and property owners who fail to maintain the appearance of their buildings and/or frontage sites*
 - ◆ *The area's major streets lack a cohesive streetscape program.*

6. The Master Plan recommends for this sub-area:
 - ◆ *Complete the proposed bicycle pathway along Laketon Avenue.*
 - ◆ *Implement comprehensive streetscape programs along the sub-area's major roadways.*
 - ◆ *Work with Laketon Avenue businesses to encourage site enhancements and, where necessary, building façade improvements.*
 - ◆ *Focus "brownfield" redevelopment efforts on the former industrial land.*
7. The addition and improvements to the proposed parking area will be subject to staff site plan review, where some of the design issues brought up in the Master Plan can be addressed.

ORDINANCE EXCERPTS

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

In an I-2 General Industrial District, buildings and land may be used for one (1) or more of the following specified uses, unless otherwise provided in this Article.

1. Any Principal Use Permitted in the I-1 District, subject to the requirements of this District.
2. Primary metal industries, including foundries, smelting and refining of metal or alloys, rolling and extruding plants.
3. Chemical plants whose manufacturing process produce products which are not hazardous materials as defined in the Fire Code.
4. Paper and pulp manufacturing.
5. Power generating plants.
6. Junk yards and scrap metal processing.
7. Rubber manufacturing or the remanufacturing of rubber products.
8. Uses similar to the above principal uses.
9. Non-accessory signs provided that the signs conform to Section 2308(1) of this Code.

SECTION 1501: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as a special land use if it is found to meet the standards outlined in Section 2332 of this Ordinance, subject to applicable conditions imposed by Ordinance or other reasonable conditions imposed by the Planning Commission:

1. Any use with outside storage of aggregate, sand or other soil, or raw materials used in a manufacturing process such as brick, tile manufacturing plants, asphalt and cement batch plants.
2. Gasoline storage facilities.
3. Bulk storage or the production of acetylene, natural gas, and oxygen or other highly explosive or toxic gases. The storage of such gases for use in a production process or of an industry, business, or health care facility shall not be considered bulk storage.
4. Chemical plants whose manufacturing process produce products which are hazardous materials as defined in the Fire Code.
5. Uses similar to the above Special Land uses.

SECTION 1502: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the I-2 General Industrial District is to allow mixed land uses, which are compatible to each other.

SECTION 1503: AREA AND BULK REQUIREMENTS

See Article XXI, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot permitted by land use and maximum density permitted.

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.
3. Stores selling second hand merchandise.
4. Funeral homes.

5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:
 - a. The curb for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. Major automobile repair, engine and body repair, steam cleaning and undercoating may be allowed when conducted on the site, and said uses shall be within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view. No automobile or vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
 - d. All rest rooms doors shall be shielded from adjacent streets and residential districts.
 - e. Dispensing pumps shall be set back twenty (20) feet from the right-of-way line.
7. Self service laundry and dry cleaning establishments.
8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
10. Theaters, when completely enclosed.
11. Banks, with or without drive-in facilities.
12. Restaurants and cocktails lounges.
13. Motels and hotels.
14. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
15. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.
16. Principal Use as permitted in B-2 Districts.
17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

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

Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following.
 - a. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets:
 - b. No major repair or major refinishing shall be done on the lot, such use of land being only permitted in the I-1 or I-2 Industrial Districts.
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet from the street right-of-way line of any existing or proposed major thoroughfare shall be maintained.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:
 - a. Amusement parks or amusement facilities must be fenced on all sides with a four foot six inch (4'-6") high wall or fence.
 - b. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four foot six inch (4'-6") high wall or fence where adjacent to the use.
5. Outdoor theaters subject to the following conditions:
 - a. Points of ingress and egress for the outdoor theater shall be on major thoroughfares and shall not be accessible from any residential street.
 - b. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated road right-of way.
6. Private clubs, lodges, social and similar facilities.
7. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
8. Commercial Kennels.

9. Mini Storage (warehouse facilities); (amended 10/98)

- a. The parcel shall have direct access to a major thoroughfare.
- b. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee on site.
- c. Between warehouses, there shall be a minimum of twenty five (25') feet for internal access drives. Traffic direction and parking shall be designated by signaling or painting.
- d. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
- e. All lighting shall conform to section 2319 of this ordinance.
- f. A ten foot landscaped berm shall be required in the front setback of areas adjacent to any residential zone or use.
- g. Retail, wholesale, fabrication, manufacturing, or service activities may not be conducted from the storage units by the lessees.
- h. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and one-half (1.5) ton rated capacity shall be permitted.
- i. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
- j. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

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

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

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

SECTION 1302: PLANNED UNIT DEVELOPMENTS

Planned Developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-4 General Business Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings or permitted commercial uses.

SECTION 1303: AREA AND BULK REQUIREMENTS

See Article XXI, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

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**.

Commission Meeting Date: March 28, 2000

*Needs
2nd Reading*

Date: March 17, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
**RE: Rezoning request for property located on Holbrook Ave.,
between Sixth and Commerce Streets**

SUMMARY OF REQUEST:

Request to rezone property located on Holbrook Ave., between Sixth and Commerce Streets, from I-2, General Industrial to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

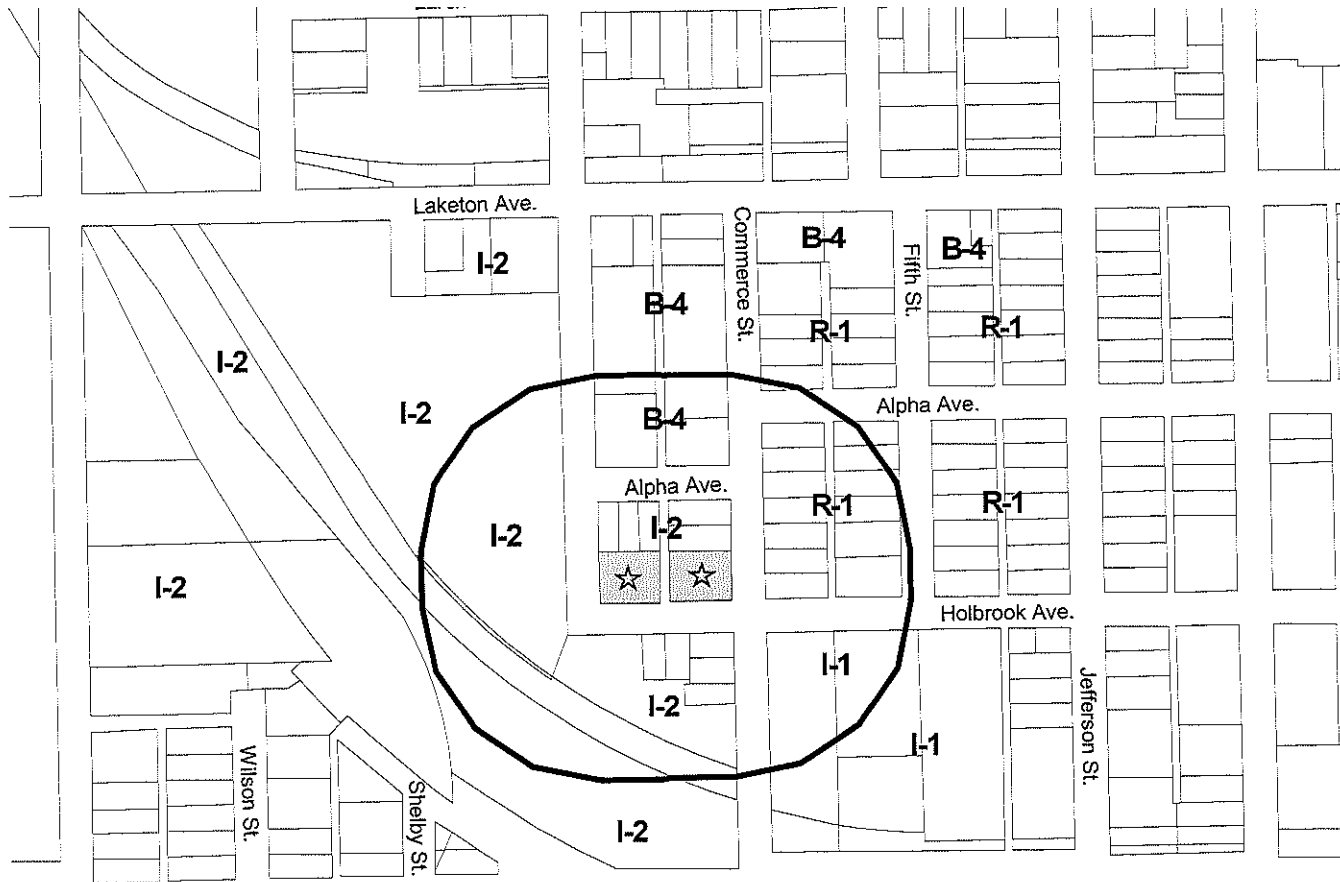
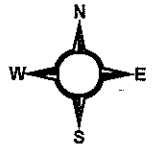
STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request on 3/15/00.

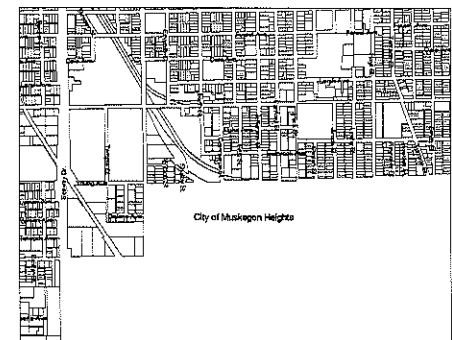
**City of Muskegon
Planning Commission
Case #2000-9**



- ☆ = Subject Property
- = Notice Area

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

City of Muskegon Heights



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2019

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from I-2 "General Industrial," to B-2 "Convenience and Comparison Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial," to B-2 "Convenience and Comparison Business":

ERWIN & KEATINGS ADDITION LOTS 3 & 4 & 5 & 6 BLK 18 ALSO VACATED ALLEY
LYING BETWEEN SD LOTS

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

Adoption Date: April 11, 2000

Effective Date: April 29, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

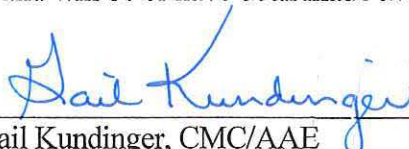
CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, 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 April, 2000, 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: April 11, 2000.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

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

FAX COVER SHEET

CITY OF MUSKEGON CLERK'S OFFICE
933 TERRACE STREET
P O BOX 536
MUSKEGON MI 49443

(231) 724-6705

(231) 724-4178

SEND TO Company name	From <i>Linda</i>
Attention <i>Ann McMillen</i>	Date <i>4-13-00</i>
Office location	Office location
Fax number	Phone number

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover:

2

*Please publish
4-19-00.*

*Thanks,
Linda*

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2019

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from I-2 "General Industrial," to B-2 "Convenience and Comparison Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial," to B-2 "Convenience and Comparison Business":

ERWIN & KEATINGS ADDITION LOTS 3 & 4 & 5 & 6 BLK 18 ALSO VACATED ALLEY
LYING BETWEEN SD LOTS

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nayes: None

Adoption Date: April 11, 2000

Effective Date: April 29, 2000

First Reading: March 28, 2000

Second Reading: April 11, 2000

CITY OF MUSKEGON

By: Gail A. Kunding, City Clerk

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

March 15, 2000

Hearing; Case 2000-9: Request to rezone property located on Holbrook Ave. (between Sixth and Commerce Streets) from I-2, General Industrial to B-2, Convenience and Comparison Business, by the Muskegon Housing Commission.

BACKGROUND

Applicant: Muskegon Housing Commission (McKinley Copeland)

Address/Location of Subject Property: Holbrook Ave., between Sixth & Commerce Streets

Use: Vacant

Current Zoning: I-2, General Industrial

Proposed Zoning: B-2, Convenience and Comparison Business

STAFF OBSERVATIONS

1. This case was before the Planning Commission for a B-4 designation and was denied with the staff suggestion it come through again with a B-2 rezoning request.
2. The current Muskegon Housing Commission property, to the north of the subject property, was rezoned to B-4 in 1995. The Housing Commission believed that all of the property associated with their purchase of the Muskegon Piston Ring property was included in the rezoning, but staff research showed that only the block north of Alpha Ave. was included. Therefore, the subject property remains zoned as I-2.
3. The Muskegon Housing Commission wishes to construct a 4-stall garage on the property, which is not allowed under the current I-2 zoning, since it would be an accessory use to a business use and should be similarly zoned.
4. A downzoning of the property seems appropriate. The B-2 zoning district would also allow the intended use, but allows less intensive uses in general than the B-4 district would allow.
5. The Future Land Use Map shows the subject property, as well as the current Muskegon Housing Commission property, as residential. This downzoning gets the property closer to what the plan suggests we should move toward.
6. The Master Land Use Plan states:
 - ◆ *The southerly portion of the (sub)area is devoted to industrial development...The industrial area possesses several former industrial sites.*
 - ◆ *Buffers between residential and industrial development are virtually non-existent.*

- ◆ *The small enclave of housing within the vicinity of East Hackley Avenue and Park Street is isolated by industrial and commercial development. The suitability, and long term survival, of residential development in this location is questionable.*
7. The Master Plan recommends for this sub-area:
- ◆ *Redevelop that portion of the sub-area located south and east of the industrial sector from residential to industrial.*
 - ◆ *Implement, through zoning, buffer requirements to mitigate compatibility impacts between residential and non-residential uses.*
 - ◆ *Focus "brownfield" redevelopment efforts on the former industrial land.*

ORDINANCE EXCERPTS

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

In an I-2 General Industrial District, buildings and land may be used for one (1) or more of the following specified uses, unless otherwise provided in this Article.

1. Any Principal Use Permitted in the I-1 District, subject to the requirements of this District.
2. Primary metal industries, including foundries, smelting and refining of metal or alloys, rolling and extruding plants.
3. Chemical plants whose manufacturing process produce products which are not hazardous materials as defined in the Fire Code.
4. Paper and pulp manufacturing.
5. Power generating plants.
6. Junk yards and scrap metal processing.
7. Rubber manufacturing or the remanufacturing of rubber products.
8. Uses similar to the above principal uses.
9. Non-accessory signs provided that the signs conform to Section 2308(1) of this Code.

SECTION 1501: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as a special land use if it is found to meet the standards outlined in Section 2332 of this Ordinance, subject to applicable conditions imposed by Ordinance or other reasonable conditions imposed by the Planning Commission:

1. Any use with outside storage of aggregate, sand or other soil, or raw materials used in a manufacturing process such as brick, tile manufacturing plants, asphalt and cement batch plants.
2. Gasoline storage facilities.
3. Bulk storage or the production of acetylene, natural gas, and oxygen or other highly explosive or toxic gases. The storage of such gases for use in a production process or of an industry, business, or health care facility shall not be considered bulk storage.
4. Chemical plants whose manufacturing process produce products which are hazardous materials as defined in the Fire Code.
5. Uses similar to the above Special Land uses.

SECTION 1502: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the I-2 General Industrial District is to allow mixed land uses, which are compatible to each other.

SECTION 1503: AREA AND BULK REQUIREMENTS

See Article XXI, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot permitted by land use and maximum density permitted.

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and 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, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison 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 commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker,

tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.

3. Restaurants, or other places serving food.
4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
5. Office buildings for any of the following types of occupations: executive, administrative and professional.
6. Post offices and other governmental office buildings.
7. Newspaper offices and printing offices.
8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.
9. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
11. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

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

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:
 - a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
 - d. All lighting shall be shielded from adjacent residential districts and from abutting streets.
 - e. All rest rooms doors shall be shielded from adjoining residential property.

2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
3. Business in the character of a drive-in restaurant, or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet shall be provided from the street right-of-way line of any existing or proposed major thoroughfare.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets
4. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of buildings that exceeds the maximum height allowed.
5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions:
 - a. The maximum length of stay at the facility shall not be greater than fourteen (14) consecutive days.
 - b. Kitchen facilities may be allowed for some or all of the guest units, at the discretion of the Planning Commission, provided that not more than fifty percent (50%) of the units have such facilities.
 - c. The minimum floor area of each guest unit shall contain not less than two-hundred (200) square feet. Each guest unit shall contain a private rest room.
 - d. The minimum lot area shall be one-half (1/2) acre with a minimum width of seventy-five (75) feet. For any new development containing less than one (1) acre there shall be at least sixteen hundred (1600) square feet of lot for each guest rental unit. In no case is a development to exceed 24 total units.
 - e. Parking shall be provided on-site.
 - f. The Planning Commission may require a common open space area of one hundred (100) square feet per unit with tables and seating. This area may be located in the required setback.
6. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
7. Uses similar to the above Special Land Uses Permitted.
8. Self-serve, coin operated, automobile car wash, enclosed in a building.

SECTION 1102: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-2 Convenience and Comparison Business Districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 1103: AREA AND BULK REQUIREMENTS

See Article XXI, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

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**.

Commission meeting 3/28/00

Date: March 22, 2000
To: Honorable Mayor and City Commissioners
From: Community Relation Committee
Ken James
Re: Appointments & Resolutions

Summary of Request:

To concur with the action of the Community Relation Committee and approve the following appointments.

Financial Impact:

NONE

Budget Action Required:

NONE

Staff Recommendation:

APPROVAL

DDA/Brownfield:

Accept the resignation of Bruce Bytwerk

Appoint Michael Balzic to the vacancy created by Bruce Bytwerk

Resolutions:

The Community Relation Committee Approved to honor Mr. John Noling of Muskegon High School with a Resolution (Date of presentation to be determined)

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: April 5, 2000

SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

SUMMARY OF REQUEST:

Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc.

Award bid to supply 20AA and 31A bituminous asphalt to Asphalt Paving, Inc.

Award bid to supply polymer modified anionic asphalt emulsion to Koch Materials Company.

Award bid to supply sylvax-patching material to Rieth-Riley Construction Company.

Award bid to supply limestone chip blend to Stoneco Muskegon Dock.

Award bid to supply road slag to Verplank Trucking Company.

Award bid to supply concrete to Consumers Concrete.

FINANCIAL IMPACT:

\$106,776 based on 1999 usage at 2000 quotes.

BUDGET ACTION REQUIRED:

None; monies appropriated in several budgets.

STAFF RECOMMENDATION:

To award the various materials to the vendors as requested.

COMMITTEE RECOMMENDATION:

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4055

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

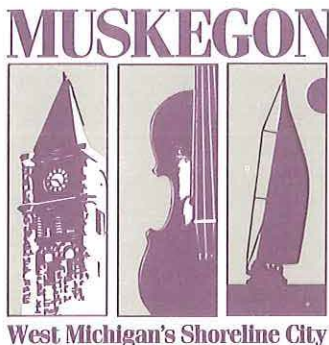
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



To: The City Commission Through The City Manager
From: Robert H. Kuhn, Public Works Director
Date: April 5, 2000
Subject: Aggregates, Highway Maintenance Materials, and Concrete

The following bids were received as the result of advertisement in *The Chronicle* and solicitation from vendors. It is recommended that the vendor denoted by bold print supply the Department of Public Works with product as needed in 2000. Moneys have been appropriated for these purchases.

32,500 gallons Calcium Chloride 38% (road brine) (\$0.31 in 1999)
Liquid Dustlayer, Inc. \$0.34 per gallon, spread

5,000 gallons Calcium Chloride 32% (winter salting) (\$0.25 in 1999)
Liquid Dustlayer Inc. \$0.28 per gallon, stored

200 ton Bituminous Asphalt 4:12, 20AA MDOT spec (\$26.50 in 1999)
Asphalt Paving, Inc. \$33.65 per ton

1,000 ton Bituminous Asphalt 4:12, 31A MDOT spec (\$27.50 in 1999)
Asphalt Paving, Inc. \$33.65 per ton

7,500 gallons Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion)
8.16.04 MDOT spec (\$0.870 in 1999)
Koch \$0.99 per gallon, pick up Grand Rapids

500 ton Sylvax Patching Material, ASTM spec C-136-#9 (\$59.00 in 1999)
Rieth-Riley Construction Co. \$59.00 per ton, delivered
Asphalt Paving, Inc. \$60.55 per ton, delivered

500 ton H1 & H2 Limestone Chip Blend (\$11.40 in 1999)
Stoneco Muskegon Dock \$9.65 per ton, delivered

9,000 ton Road Slag 22-A Natural (\$8.50 in 1999)
Verplank Trucking Co. \$8.15 per ton, delivered
Stoneco Muskegon Dock \$8.45 per ton, delivered
Meekhof's Lakeside Dock \$8.95 per ton, delivered

Concrete mix as needed (7 Sack Mix \$69.35 in 1999)
Consumers Concrete \$71.73 per cubic yard, 7 Sack Mix, delivered
Port City Redi-Mix \$73.50 per cubic yard, 7 Sack Mix, delivered
High Grade Concrete Prod. \$82.20 per cubic yard, 7 Sack Mix, delivered

Department of Public Works, 1350 E. Keating, Muskegon, MI 49442

Purchases on 1999 Bid – Aggregates, Highway Maintenance Materials and Concrete

Calcium Chloride 38% (road brine)

47,805 gal X \$0.31 = \$14,820

Calcium Chloride 32% (winter salting)

0 gal X \$0.25

Bituminous Asphalt 4:12, 20AA MDOT spec

200 ton X \$26.50 = \$5,300

Bituminous Asphalt 4:12, 31A MDOT spec

1175 ton X \$27.50 = \$32,313

Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion) 8.16.04 MDOT spec

5614.29 gal x \$0.870 = \$4,884

Sylvax Patching Material, ASTM spec C-136-#9

52.06 ton X \$59.00 = \$3,072

H1 & H2 Limestone Chip Blend

194.1 ton X \$11.40 = \$2,213

Road Slag 22-A Natural

4106.75 ton X \$8.50 = \$34,907

Concrete Mix (various densities utilized; 7 Sack Mix predominate)

289 cubic yards X \$69.35 = \$20,042

(a:2000CommLtr)

AGENDA Item No. _____

CITY COMMISSION MEETING - April 11, 2000

TO: Honorable Mayor and City Commission
FROM: Robert Kuhn, DPW Director
DATE: April 3, 2000
SUBJECT: Public Service Building Roof Repair Project

SUMMARY OF REQUEST:

This project is to repair a portion of the Public Service Building roof that has deteriorated due to corrosion of the steel deck. Repairs will involve an initial area of known deterioration in the vehicle garage and expand to adjacent areas should additional deterioration be found during construction. The initial area was bid as a base price with unit pricing for additional materials if needed.

Bids were taken on March 14, 2000 for this project and the low bid of three submitted was \$274,350 from Gale Roofing Co. The complete bid tabulation is attached. Our architect, Hooker/DeJong, has reviewed the bid submittals and recommends that we accept the bid from Gale Roofing Co.

FINANCIAL IMPACT:

The current budget allocation for roof repair is \$319,000.

BUDGET ACTION REQUIRED:

None, this project is included under planned capital improvements in the Public Service Building Fund.

STAFF RECOMMENDATION:

Award the roof repair contract to Gale Roofing, Co.

City of Muskegon DPW
Roof Repair and Renovation Bid Tabulation
March 14, 2000

Bidder Name	Base Price	Decking Unit Price/sq.ft.	Decking Unit Credit/sq.ft.	Purlin Unit Price/each
Gale Roofing Co.	\$274,350	1.78	1.78	140.00
East Muskegon Roofing & Sheet Metal	\$299,235	1.70	1.35	158.00
Ostrander Siding & Roofing	\$388,343	4.00	3.00	260.00

Memorandum

March 28, 2000

To: Robert Kuhn, DPW Director

From: Bob Fountain, Special Operations Supervisor

Subject: Public Service Building Repairs

I have enclosed an agenda item for the repair of the Public Service Building. As you recall we have developed a capital improvement plan with the assistance of Hooker/DeJong Architects for renovation of the Public Service Building this year. The roof repair is a major part of this project.

Brief History of the Public Service Building (PSB)

The PSB was built in 1970 and has about 100,000 square feet of vehicle parking, shops and offices. It is a standard steel building that still uses a 1970-era radiant heating system for the parking garage. Over the years the steel roof deck has rusted in the area where plow trucks are parked. In 1984-6 the building was re-roofed and at that time small patches were made on the roof deck where corroded deck areas collapsed.

In 1995 we commissioned Hooker/DeJong Architects to evaluate the PSB for repairs and capital improvements that would extend the life span and increase the efficient use of the building. Their report listed a number of renovations that should be made. Among these was repair of the roof deck. In 1997 we bid out this project but found that we did not have sufficient funding at the time to commission the project. However, we were able to carry out two other projects, re-painting the exterior of the building (1998) and re-paving the parking lot (1997). This year we also plan to modernize office areas in the building to increase efficiency and to install energy-efficient heating in the parking garage.

Date: April 11, 2000

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Reimbursement Resolution for Sidewalks and PSB Improvements

SUMMARY OF REQUEST: Later this year it is expected the City will sell bonds to finance sidewalks and improvements at the Public Service Building. Contracts for the work will be let prior to the issuance of bonds so it is necessary to adopt the attached "reimbursement resolution". This will allow the City to reimburse itself from bond proceeds for project costs incurred prior to the time bonds are sold.

FINANCIAL IMPACT: Adoption will permit the City to move ahead with the planned projects and reimburse itself from proceeds from bonds issued at a later date.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the attached resolution.

Founded in 1852
by Sidney Davy Miller

Sidney T. Miller (1864-1940)
George L. Canfield (1866-1928)
Lewis H. Paddock (1866-1935)
Ferris D. Stone (1882-1945)

MILLER CANFIELD

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
POLAND: Gdynia
Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

March 28, 2000

Timothy J. Paul
Finance Director
City of Muskegon
933 Terrace St.
PO Box 536
Muskegon, MI 49443-0536

RECEIVED
CITY OF MUSKEGON

MAR 30 2000

FINANCE DEPT.

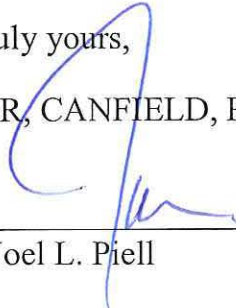
Dear Tim:

Please find herewith enclosed a form of reimbursement resolution which should serve for both of the City's proposed projects. I would ask you to review same and if it meets with your approval, submit same to the City Commission for its consideration. After adoption, I would ask that you return a certified copy of the resolution to me.

Should you have any questions concerning this or if I may be of other assistance, please advise.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: 
Joel L. Piell

Enclosure

cc: Mr. Warren M. Creamer, III

DELIB:2143433.1\099999-20100

REIMBURSEMENT RESOLUTION
City of Muskegon
County of Muskegon, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan held on the 11th day of April, 2000, at 5:30 o'clock p.m. Eastern Daylight Savings Time.

PRESENT: Members Nielsen, Sieradzki, Aslakson, Benedict, Schweifler,
Shepherd, and Spataro

ABSENT: Members None

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

WHEREAS, the City of Muskegon, County of Muskegon, State of Michigan (the "City") intends to issue or and sell bonds or cause to be issued and sold bonds, in one or more series, in amounts not to exceed Three Million Dollars (\$3,000,000) for the purpose of paying part of the cost of acquiring and constructing various street and building improvements (the "Projects"); and

WHEREAS, the City intends, at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Projects prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Projects together with appurtenances and attachments thereto to serve the City which were or will be paid subsequent to six months prior to the date hereof.

(c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$3,000,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(b) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

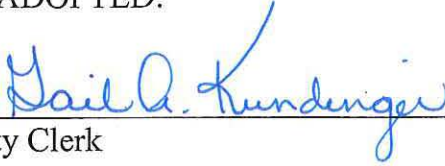
(g) Expenditures for the Project to be reimbursed for the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of \$100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

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

AYES: Members Spataro, Aslakson, Benedict, Nielsen, Schweifler,
Shepherd, Sieradzki

NAYS: Members None

RESOLUTION DECLARED ADOPTED.


City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on April 11, 2000, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


City Clerk

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

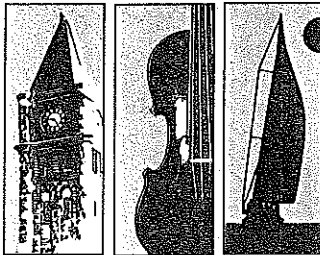
Public Works
616/724-4100
FAX/722-4188

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

April 13, 2000

Mr. Joel Piell
Miller, Canfield, Paddock and
Stone, P.L.C.
150 W. Jefferson, Suite 2500
Detroit, MI 48226

Dear Mr. Piell:

Enclosed is the resolution that the City Commission adopted at their April 11, 2000, meeting. If you have any questions, please call me at (231) 724-6705.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

Enc.

*Resolution 2000-41 (m)
4-11-00*

Founded in 1852
by Sidney Davy Miller

Sidney T. Miller (1864-1940)
George L. Canfield (1866-1928)
Lewis H. Paddock (1866-1935)
Ferris D. Stone (1882-1945)

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

MILLER CANFIELD

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
POLAND: Gdynia
Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

April 18, 2000

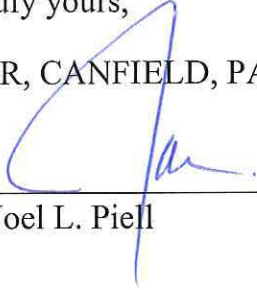
Ms. Linda Potter
Deputy Clerk
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Dear Ms. Potter:

Thank you for your mailing of the City Commission resolution of April 11th
concerning reimbursement of bond proceeds.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: 

Joel L. Piell

cc: Mr. Timothy J. Paul

DELIB:2148522.1\099999-20100

Date: April 5, 2000
To: Honorable Mayor and City Commission
From: City Attorney
RE: Consent Judgement - Dangerous Building
603 Catherine

SUMMARY OF REQUEST: To approve the Consent Judgement for 603 Catherine as submitted by the City Attorney. This is required before the judgement will be presented to the court for entry.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION:

April 3, 2000

Ms. Gail Kunding
City Clerk
City of Muskegon

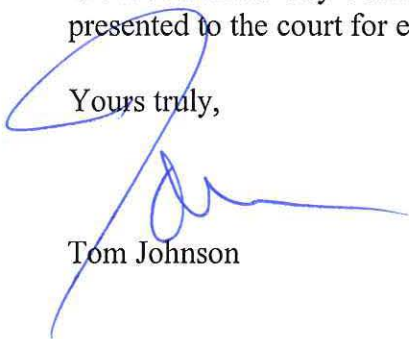
Re: Agenda item for 4/11
Dangerous Building 603 Catherine

Dear Gail,

I am enclosing a proposed consent judgment to end the appeal by Atlantic Mortgage Co. of the Commission's order to tear down this building. Bob Grabinski has reviewed, and we believe this to be a proper disposition of this case. It gives them time to file a demolition check, take out permits, and complete the rehab, and if they do not, gives us the power to tear down without any further court involvement.

We recommend City Commission approval, which is required before the judgment will be presented to the court for entry.

Yours truly,



Tom Johnson

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

STATE OF MICHIGAN
MUSKEGON COUNTY - 14TH CIRCUIT COURT

ATLANTIC MORTGAGE AND
INVESTMENT CO.

Plaintiff,

Case No. 00 -39226-CH
Hon. Timothy G. Hicks

v

CITY OF MUSKEGON,

Defendant.

Jeffrey Raff (P55761)
TROT & TROT, P.C.
Attorney for Plaintiff
30150 Telegraph Rd., Ste. 100
Bingham Farms, MI 48025
Phone: (248) 642-2515

G. Thomas Johnson (P15523)
PARMENTER O'TOOLE
Attorneys for Defendant
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 4943-0786
Phone: (231) 722-1621

CONSENT JUDGMENT

At a session of said Court held in the City of Muskegon, Muskegon
County, Michigan, on the _____ day of _____, 2000.

PRESENT: HONORABLE TIMOTHY G. HICKS, CIRCUIT JUDGE

The parties, having consented to this judgment representing the parties' agreement for
rehabilitation of the house on the premises; and, further, providing for said rehabilitation to occur
in the event the city commission of the City of Muskegon agrees to allow same; and, this Court

having further been notified that the City Commission has agreed to allow the rehabilitation; and, the parties having in said order agreed to the entry of this Consent Judgment; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED, that the City of Muskegon may demolish the improvements on the property in this case in the event Plaintiff, or persons in concert with the Plaintiff, fail to rehabilitate the property in accordance with this judgment.

THEREFORE, IT IS FURTHER ORDERED AND ADJUDGED, that to avoid demolition of the improvements, Plaintiff shall perform as follows:

1. Plaintiff shall complete all needed repairs and demolitions, more specifically identified in the reports attached to this judgment in Schedule A, on or before October 10 2000. ("Completion Date"). All necessary permits shall be taken out by July 10 2000. ("Permit Date")

2. Plaintiff will deposit the sum of Five Thousand Dollars (\$5,000) with the City Treasurer on or before the Permit Date to be placed in escrow, pending completion of all repairs on the property. **In the event the escrow amount of Five Thousand Dollars (\$5,000) is not deposited or the permits are not applied for on or before the Permit Date the building may be immediately demolished without any further action or order of this Court.**

3. If the escrow is deposited, but all the above repairs set forth in attached Schedule A are not completed on or before the Completion Date, the City may then use all of the escrowed money, or such portion as is necessary, to fund demolition of the property, and may demolish it without delay.

4. Upon timely completion of all the repairs identified in the attached Schedule A, and approval of same by a city inspector, the escrowed money shall be returned to Plaintiff and the City Commission shall issue an order revoking its earlier demolition order.

~~5. Despite the above described opportunity to rehabilitate the structure, the garage must be immediately demolished.~~

IT IS FURTHER ORDERED, that in the event the property is demolished and the escrowed money is insufficient for said purpose, the additional costs to the City may be assessed against the property without further proceedings, and collected in the manner of real property taxes. In the event demolition occurs and the costs are less than Five Thousand Dollars (\$5,000), the balance of the escrow shall be returned to Plaintiff, or her assignees or successors, as may be appropriate.

IT IS FURTHER ORDERED AND ADJUDGED that this is a final judgment of this Court, and no further action before this Court will be necessary in order to carry out its provisions. Each party shall pay their own costs and attorney fees.

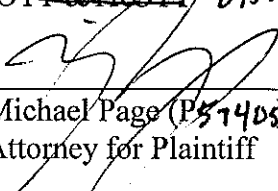
This judgment resolves the last pending claim and closes this case.

Dated: _____ 2000

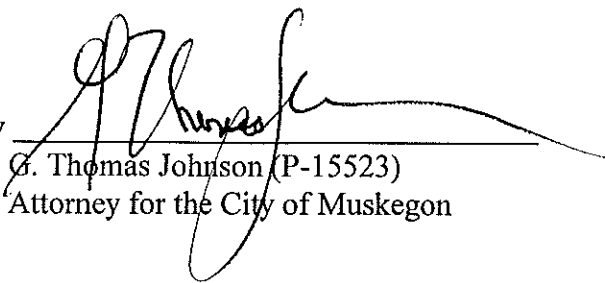
Hon. Timothy G. Hicks
Circuit Judge

APPROVED AS TO FORM AND CONTENT:

~~TROTT & TROTT~~ DAVID JAUNESE, APPEARING FOR TROTT & TROTT,

By  _____
Michael Page (PS1405)
Attorney for Plaintiff

PARMENTER O'TOOLE

By 
G. Thomas Johnson (P-15523)
Attorney for the City of Muskegon

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C.N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

Planning/Zoning
724-6702

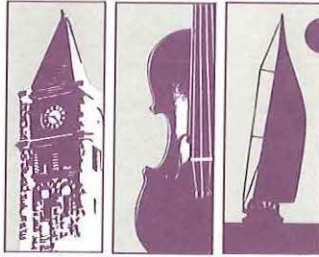
Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

MUSKEGON



West Michigan's Shoreline City

AGENDA ITEM NO. _____

CITY COMMISSION MEETING APRIL 11, 2000

TO: Honorable Mayor and City Commissioners

FROM: Edward E. Griffin
Edward E. Griffin, Chief of Police

DATE: April 5, 2000

SUBJECT: Purchase of Police Vehicle Radar Units with 1998 Block Grant Money

SUMMARY OF REQUEST:

Purchase twenty-five Pro 1000 radar units with video camera interface. This would allow us to install the new model radars in all regularly assigned Patrol, Community, Traffic, and K-9 police vehicles. We would purchase the radars on the State of Michigan/Kustom Signal contract 071B9000672. These prices are good through May 1, 2000. Cost will likely increase after that date.

The cost per radar system is \$1,044.00. Total cost for twenty-five systems is \$26,100.00.

FINANCIAL IMPACT:

Expend \$26,100.00 of the money awarded under the 1998 Local Law Enforcement Block Grant #98LBVX3225 and local 10% match money.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION: Staff recommends approval of the request.

Memorandum

To: Honorable Mayor and City Commissioners

From: Wilmern G. Griffin, CNS Director W.G.

Date: 04/03/00

Re: 2000-2001 Action Plan

Attached is the City of Muskegon's 2000-2001 Action Plan. It is the hope of our department that after the Action Plan is reviewed by your body, it will be approved for its 30 day comment period.

As you are probably aware the Action Plan is the document that assures the release of the City's 2000-2001 CDBG and HOME funding after it is approved by the US Department of Housing and Urban Development.

CHCDP Action Plan V
COMMUNITY DEVELOPMENT BLOCK GRANT

PROGRAM YEAR 5: June 1, 2000 thru May 31, 2001

MISSION STATEMENT & NARRATIVE SUMMARIES

To provide its residents with the ability to live in safe, decent, sanitary and attractive housing and to assure the preservation and enhancement of the City's neighborhoods, public facilities and infrastructure are examples of annual activities undertaken by the City of Muskegon to promote the overall well-being of this community. This section of the Consolidated Housing & Community Development Plan will describe eligible programs, projects and activities to be undertaken with funds expected to be made available during the above program year and their relationship to housing and non-housing community development needs outlined in previous sections.

PURPOSE & INTENT

In accordance with the National Affordable Housing Act of 1990, the City of Muskegon must submit an Annual Action Plan to the U. S. Department of Housing & Urban Development pursuant to its approved Consolidated Housing & Community Development Plan(CHCDP), which identifies proposed actions toward meeting housing and non-housing priorities. Affected programs include, but are not limited to the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), the Emergency Shelter Grant (ESG), Homeless Assistance, YouthBuild, and the Housing Opportunities for Persons Living with AIDS (HOPWA) Programs.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
ANNUAL STATEMENT OF PRIORITIES & PROPOSED PROJECTS

The City's Community Development Block Grant(CDBG) program is annually funded to address the City's short- and long-term goals, needs and priorities. These goals, needs and priorities are translated into the City's *Annual Action Plan and Statement of Priorities and Proposed Projects* for each program year period. If a determination is made not to implement an activity, to carry out an activity not previously described, or to substantially change the purpose, scope, location, or beneficiaries of an activity, an *Amendment* to the active program year Action Plan will be enacted. The City's Statement of Priorities and Proposed Projects for this period follows the Summary of Resources below:

Projected Resources & Activity Summary:

\$1,348,000	FY 1999 HUD/CDBG Entitlement
<u>204,940</u>	Program Income
\$1,552,940	Total Available CDBG Resources

Summary of Priorities and Proposed Projects

The City of Muskegon proposes to undertake activities during the 2000-2001 program year described as follows:

Housing Priorities & Proposed Projects

Proposed projects will aid in the elimination of substandard housing conditions which are detrimental to life, health, and safety by providing assistance to owners of single-family residential housing units as follows:

105,806 **Housing Rehab - Emergency Repair Program.** Continued assistance to very low-income homeowners for the repair of single-purpose housing deficiencies which pose a serious threat to life, health, or safety.

Locations: Census Tract 2 - Jackson Hill, Census Tract 3 - Angell, Census Tract 5 - McLaughlin and Census Tracts 6.01/02 - Nelson Neighborhood, and Census Tract 8 - Nims.

Targeted Outcome: 40 Housing Units

265,807 **Housing Rehab - Paint/Siding Program.** Continued assistance to provide free paint to low income owner-occupants of single-family housing units, or vinyl siding to very low-income, owner-occupants.

Locations: City/Communitywide

Targeted Outcome: 190 Housing Units

97,734 **Housing Rehab - Service Delivery Costs.** Funding for the administration of housing rehab programs and incidental costs associated with the housing rehab activities such as credit reports and recording fees.

80,000 **Residential Clearance.** Continued funding for the board-up and demolition of vacant, substandard residential structures which are not suitable for rehabilitation.

Locations: Census Tract 2 – Jackson Hill; 3 – Angell; 5 – McLaughlin; and 6.02 Nelson Neighborhood

Targeted Outcome: 15 Housing Units

45,000 **Code Enforcement.** Funding for the enforcement of City ordinances with respect to property maintenance and neighborhood blighting influences.

Locations: Census tract 3 – Angell Neighborhood, Census tract 5 - McLaughlin, Census tract 2 - Jackson Hill, Census tract 1 – Marquette, Census tract 6.02 Nelson Neighborhood

Targeted Outcome: 75 Households

Non-Housing Priorities & Proposed Projects

Proposed projects will encourage commercial and retail development by taking maximum advantage a variety of resources, to promote business expansion and investment in order to create a balanced recreational, commercial, residential, educational and industrial economic climate as follows:

\$242,000 **Shoreline Drive Bond Repayment.** Funding for payment of bond authority funds toward completion of the Shoreline Drive project, to be used for real property acquisition of affected properties.

Location: Census Tract 7 – Central Business

Targeted Outcome: Property Acquisition

25,000 **Commercial Clearance.** Funding for the demolition of two(2) vacant, substandard commercial buildings which have been sustained state of deterioration.

Location: Census Tracts 3 & 7 – Angell and Central Business

Targeted Outcome: 2 Commercial Structures

Public Improvements Proposed Projects

Proposed projects will provide the impetus to insure the continued maintenance and upgrading of the City's infrastructure and transportation resources as follows:

\$83,200 **Sidewalk Assessment Program.** Continued funding of sidewalk replacement costs for low-income homeowners, as identified by the sidewalk replacement program.

Location: Census Tract 2 - Jackson Hill

Targeted Outcome: 75 Households

40,000 **Street Assessment Program.** Continued assistance to low-income homeowners affected by costs assessed by the street improvements program, which includes street construction, reconstruction or paving projects.

Location: City/Communitywide

Targeted Outcome: 25 Households

100,000 **Smith Ryerson Field.** Funding will be used to renovate inner city field to be used for football and other activities for youth.

Location : Census tract – 2

Targeted Outcome: 500

85,000 **Public Rehabilitation/Clean-ups** Funding to be used for maintenance of City owned residential lots and other future public rehabilitation projects.

Locations: Targeted Neighborhoods

Targeted Outcome: 200 properties

Public Services & Proposed Projects

Proposed projects will support community-based organizations by promoting neighborhood self-sufficiency and meet the under-served needs of special needs populations such as youth, the elderly, persons with disabilities and the homeless. Innovative programs to meet these needs are proposed as follows:

\$ 70,000 **Recreation Programs.** Continued funding of core-city youth recreation programs. Activities include summer/winter swimming, gym activities, basketball, family recreation, indoor soccer, and summer playground programs.

Location: Census Tract 2 – Jackson Hill; 3 – Angell; 4 – East Muskegon; 5 - McLaughlin

Targeted Outcome: 500 Youth

47,000 **Sr. Citizen Transit.** Continued funding to provide low-cost transportation services for elderly residents to medical facilities, shopping centers, educational/recreational activities and other related destinations.

Location: City/Community Wide

Targeted Outcome: 100 Elderly

25,000 **Special Projects/Community-Based Organizations.** Continuation of grant program for local non-profit organizations to provide various services to low-income community residents.

Location: City/Community Wide

Targeted Outcome: 5 Community-Based Organizations

80,000 **Muskegon Area Transit System.** Funding to be used to assist the City of Muskegon with assuring low cost public transportation for its low-income residents.

Location: City/Community Wide

Targeted Outcome: 2,000 residents

128,940 **Management & Coordination.** General management, oversight and coordination of CDBG activities. Funding includes cost of staff salaries and fringe benefits, office supplies, equipment and contingency; Contract Compliance/EO and Indirect Costs.

\$1,552,940 - CDBG PROJECTS/ACTIVITIES - 2000

INCOME PROFILE**					HOUSING PROFILE			
CENSUS TRACT	POPULATION	% L/M	L/M <30%	L/M <50%	% POVERTY	% OWNER OCPD	% RENTER OCCPD.	% VACANT
1	4,134	56	514	1,217	20%	25%	65%	10%
2	927	71	389	521	55%	52%	39%	8%
3	3,707	82	1,316	2,062	47%	39%	51%	10%
4	8,872	44	757	1,458	12%	73%	22%	4%
5	5,976	59	1,459	2,506	37%	44%	48%	8%
6.01	1,919	58	512	763	37%	47%	42%	10%
6.02	2,823	78	963	1,465	45%	25%	63%	12%
7	55	1	19	19	35%	0%	69%	31%
8	3,507	40	457	845	16%	61%	32%	7%
9	3,827	29	300	538	8%	78%	18%	4%
10	1,300	33	71	197	10%	75%	21%	5%
21	3,476	35	269	620	8%	47%	46%	8%

TRACT NO.	NAME/NEIGHBORHOOD
1	MARQUETTE
2	JACKSON HILL/FROEBEL
3	ANGELL
4	EAST MUSKEGON
5	McLAUGHLIN
6.01	NELSON - SOUTH
6.02	NELSON - NORTH
7	CENTRAL BUSINESS/DOWNTOWN
8	NIMS
9	LAKESIDE
10	BLUFFTON
21	GLENSIDE

** Dept. of HUD regulations refer to low/moderate (census tract) income area benefits to those that are primarily residential and where at least 51% of the residents are l/m income persons. The benefits of these types of activities are available to all residents, regardless of income.

FY00 ACTIVITIES - By RANKING

REHABILITATION – HOUSING	475,000	30%
Emergency Repair		
Paint/Siding		
Administration		
ECOMONIC DEVELOPMENT	267,000	17%
Shoreline Drive		
Commercial Clearance		
PUB.FACILITIES – ASSESSMENTS	100,000	6%
Sidewalks		
Streets		
GENERAL ADMINISTRATION	163,940	10%
General Admin.		
Affirm. Action		
PUBLIC SERVICES	222,000	14%
Recreation Programs		
Sr. Transit		
CBO Grants Program		
Muskegon Area Transit System		
PUBLIC IMPROVEMENT	265,000	17%
Public Facilities Rehabilitation/Cleanup		
Smith Ryerson Field		
Residential Demolition		
CODE ENFORCEMENT – HOUSING	25,000	1%
Clearance		

**Community Development Block Grant Program
FY 2000 Proposed Activity Budget
(Effective 6/01/00)**

<u>PROGRAM ADMINISTRATION</u>	<u>AMOUNT</u>
CDBG Grant Admin.	\$ 178,940
Incidental Costs \$15,000	
Contract Compliance/EO 35,000	
<u>SHORELINE DRIVE – Bond Repayment</u>	242,000
<u>HOUSING REHABILITATION</u>	475,000
Emergency Repair \$105,806	
Paint/Siding 265,807	
Service Delivery 97,734	
Indirect/Incidental Cost 5,653	
<u>PUBLIC IMPROVEMENTS</u>	
Sidewalk Assessment Program	75,000
Street Assessment Program	25,000
Public Facilities Rehabilitation/Cleanup	85,000
Smith Ryerson Field	100,000
<u>COMMERCIAL CLEARANCE</u>	25,000
<u>CODE ENFORCEMENT</u>	45,000
<u>RESIDENTIAL CLEARANCE</u>	80,000
<u>PUBLIC SERVICES</u>	
Recreation Programs	70,000
Sr. Citizen Transit Services	47,000
CBO Grant Program	25,000
Muskegon Area Transit System (MATS)	80,000
TOTAL	\$1,552,940

**2000 HOME INVESTMENT PARTNERSHIPS PROGRAM
ANNUAL STATEMENT OF PRIORITIES & PROPOSED PROJECTS**

The HOME Investment Partnerships Program was created by the National Affordable Housing Act of 1990, and the City of Muskegon is designated a "participating jurisdiction," which allows direct allocations of funds from the Dept. of HUD. Portions of these funds may be awarded to non-profit organizations to assist with the provision of affordable housing and support services; other eligible activities include acquisition, rehabilitation, investor/rental rehabilitation, downpayment assistance and assistance to first-time homebuyers. The City's Statement of Priorities and Proposed Projects for this period follows the Summary of Resources and Proposed Amendments below:

Project Resources: **\$513,000**

Housing Priorities and Proposed Projects

Proposed projects will aid in the prevention of further loss of viable housing units, increase affordable homeownership opportunities, encourage new development of affordable housing, and provide continued support for shelter and service programs for the homeless and persons at-risk of homelessness as follows:

- | | |
|------------------|--|
| \$100,000 | <u>Community Housing Development Organizations.</u> Continued assistance to support non-profit organizations providing housing and housing related activities, and activities for the needs of the homeless and those at risk of homelessness, and technical assistance to emerging non-profit housing organizations. |
| 170,000 | <u>Infill Housing Program.</u> Assistance to encourage the development of new single-family homes and to assist eligible, low-income homebuyers to acquire such homes. |
| 110,000 | <u>Rental Rehabilitation Program.</u> Assistance to rental property owners to make essential improvements to properties occupied by low-income families. Funds will be used for the actual costs of rehabilitating the units and other HOME- eligible costs associated with the rehabilitation work. |
| 51,000 | <u>Program Administration.</u> General management, oversight and coordination of HOME program activities. Funding includes staff salaries, fringe benefits, office supplies and equipment. |

\$513,000 - HOME PROJECTS/ACTIVITIES - 2000

**2000 HOME INVESTMENT PARTNERSHIPS PROGRAM
CITY OF MUSKEGON
COMMUNITY & NEIGHBORHOOD SERVICES
PROGRAM DESCRIPTION**

2000 ALLOCATION OF FUNDS **\$513,000**

HOME Community Housing Development Organizations (CHDOs) **\$100,000**

As a participating jurisdiction, the City of Muskegon is required to provide opportunities for Community Housing Development Organizations to utilize HOME funds to produce affordable housing within the city of Muskegon. Funding will include the provision of technical assistance to assist in building the capacity of CHDOs to produce affordable housing and for administrative support of the organizations within the regulatory guidelines. Eligible activities include the acquisition of vacant land or existing structures, the construction or rehabilitation of these properties for occupancy by low to moderate income individuals.

Distribution of Funds

The City of Muskegon will publish a Request for Proposals based on the priorities set in the City of Muskegon's FY2000 Consolidated Housing & Community Development Action Plan V. Priority will be given to organizations which plan to undertake activities that will promote neighborhood revitalization through new residential development, homeownership and increased leveraging of private sector funds in core city neighborhoods. Eligible projects may include new construction or rehabilitation of single family units or multi-family units for homeownership or rental. Proposals for continuance of homebuyer education and downpayment assistance programs will also be considered as a high priority.

Distribution of Administrative Support

The CHDO administrative support will be awarded on a competitive basis with the funds being awarded to one organization whose proposal best meets the priorities. A portion of the CHDO administrative support will go towards capacity-building to enable CHDOs to improve their ability to develop affordable housing and provide housing-related services.

HOME Infill Housing

The City of Muskegon will utilize HOME funds to construct single family and/or multi-family housing units within the regulatory cost limits, preferably in areas not currently accessible to low to moderate income families. The units will be marketed to low to moderate income families for occupancy as their principal place of residence.

Downpayment assistance will be available to assist potential buyers to assist them in acquiring the homes. The amount of downpayment assistance provided to the homeowner will be held as a deferred second mortgage repayable upon transfer of the property before the end of the applicable affordability period. The length of the affordability period will be determined by the amount of HOME funds used as downpayment assistance to the homeowner. Mortgage financing must be within the HUD 203(b) single-family mortgage limits prescribed for the area.

HOME Rental Rehabilitation

Eligible Properties

This program is proposed to provide assistance to rental property owners in the rehabilitation of single or multi-family rental properties to bring them up to code. This program will be available for properties with four or less rental units in the building. Priority will be given to single family rental units in need of major system repairs. The maximum assistance available per project will be \$30,000.

Program Requirements

Properties must be occupied by low to very-low income tenants, preferably those with incomes at or below 60% of area median income. Properties receiving assistance must be primarily rental in use (51% of the rentable floor space used for residential rental purposes). After rehabilitation, the properties must meet all applicable local codes and rehabilitation standards.

Program Marketing

The City of Muskegon will actively market this program with the local rental property owners association, area lenders, other non-profit organizations, neighborhood associations and other housing and community development related entities.

2000 HOME INVESTMENT PARTNERSHIPS PROGRAM
ADDITIONAL PROGRAM REQUIREMENTS --HOMEBUYER PROGRAM

I. Homeownership Program

Qualifying Homebuyers

Households receiving assistance under the HOME Programs must meet the following criteria:

- A. The client household must have an annual gross income, as determined by HUD income guidelines, at or below 80% of the area median income, adjusted for family size. Income determinations will be made at the time of application.
- B. The homebuyer must agree to occupy the property purchased with HOME funds as its principle residence throughout the applicable affordability period, subject to the recapture provisions.
- C. There is no requirement that the homebuyer continue to remain low income throughout the HOME affordability period. Annual re-certification of income will not be required; however, occupancy will be certified annually for the length of the affordability period.

Qualifying Properties

Assistance under this programs is limited to housing units located or constructed within the City of Muskegon. In addition, these properties must:

Remain the homebuyers principle residence throughout the HOME affordability period as determined by the amount of the HOME investment.

Be rehabilitated to meet the applicable local building code and Cost-Effective Energy Conservation Standards after rehabilitation as a condition of receiving HOME assistance.

Have an appraised value, at purchase, that does not exceed the applicable HUD 203(b) single-family mortgage limits for the Muskegon area.

Have a sale price that does not exceed the HUD 203(b) single-family mortgage limits.

Definition of HOME subsidy

The HOME homebuyer subsidy is defined as the difference between the fair market purchase price and the affordable price paid by the buyer. This is the amount of HOME funds that reduced the purchase price to an affordable level, but does not include the development subsidy, i.e. the difference between the cost of producing the unit and the market value of the property. The amount of development subsidy is not subject to HOME resale or recapture restrictions.

The amount subject to recapture and held as a deferred second mortgage is the amount of HOME funds that reduced the purchase price to an affordable level. This amount triggers the affordability term requirements. All sales proceeds will be returned to the HOME Investment Trust Fund to be used for additional homebuyer assistance.

Recapture provisions

The City elects to adopt the recapture of the homebuyer subsidy. The homebuyer subsidy will be forgiven by the City at a rate of 1/180 per month throughout the term of the affordability period. Upon sale of the property by the homeowner within the affordability period, the homeowner will be required to repay a prorated portion of the HOME funds used to subsidize the purchase of the home.

The property owners return on investment at the point of sale will include:

- The amount of the homebuyer's downpayment made from their own resources

- The amount of mortgage principle repaid at the time of resale

- The appreciated value of the property (Appraised value at resale less the appraised value of the property at the time of purchase by the homeowner).

The homeowner will receive the full amount of the fair return only if sufficient sale proceeds remain after all outstanding debt (excluding repayable HOME subsidy amounts) and closing costs are paid. Any proceeds remaining after payment of the outstanding debt, closing costs, fair return, and any HOME subsidy repayment will be shared 50/50 between the homeowner and the City. Any funds repaid to the City will be returned to the HOME trust fund. Repayment of the HOME subsidy amount will not be required if the resale does not provide sufficient net proceeds to satisfy other outstanding debt, pay closing costs, and offer a fair return on investment to the property owner. Partial repayment may be required based on the amount of sales proceeds received by the homeowner.

II. Rental Rehabilitation Program

This program will provide funding for the rehabilitation of existing rental units located in the City of Muskegon occupied by families whose annual incomes do not exceed 60 percent of the median family income for the area, adjusted for family size. The City will provide a maximum of \$30,000 by matching the owner's contribution to the rehabilitation. The property owner must contribute the remaining development costs. Properties rehabilitated under this program must meet applicable local building codes at the completion of the project.

Property owners will be eligible for assistance under the City's Rental Rehabilitation programs only if there are no outstanding legal actions pending against them for chronic outstanding violations. Landlords who have already received assistance under the HUD Rental Rehab program, the MSHDA HOME Rental Rehab program, or the City's HOME Rental Rehab program will not be eligible for additional assistance to the same properties. Qualifying property owners must be current on all taxes and debts owed to the City of Muskegon prior to submitting their application for assistance, and throughout the HOME affordability period.

Tenant Occupancy

For properties receiving HOME Rental Rehabilitation assistance, the units must be occupied by families with incomes at or below 80% of area median income, adjusted for family size. Income determinations will be made at the time of application. Tenant occupancy and income will be re-certified annually for the length of the applicable affordability period.

Affordability Provisions - Rent Caps

During the affordability period, the rental units in the assisted project may not bear rents greater than the HUD-designated fair market rents for the Muskegon area - OR - rents that exceed 30% of the adjusted family income of a family whose gross income equals 65% of the area median income, whichever rent is lower. Properties will be subject to the affordability period as determined by the amount of HOME funds invested in the project.

Affordability Provisions - Tenant Incomes

Property owners will be required to re-certify tenant incomes annually throughout the HOME affordability period.

Anti-Displacement and Relocation

All reasonable efforts will be made to minimize displacement of existing tenants during and after rehabilitation. Property owners will be required to submit an anti-displacement and relocation plan during the application process.

Affirmative Marketing

Affirmative marketing efforts made by property owners will be assessed by the City of Muskegon as follows:

1. Property owner's records shall be examined for actions they have taken; those actions shall be compared with the affirmative marketing policy in their contractual provisions. If the City of Muskegon finds that the required actions were carried out, it will be reasonably concluded that the property owners have made good faith efforts to comply.
2. Property owner's affirmative marketing efforts will be assessed to determine whether persons from all of the racial and ethnic groups in the City of Muskegon area have become tenants in the HOME assisted rental units. If the groups are represented we will assume that the property owners have complied with the affirmative marketing policy.
3. Agencies will be contacted periodically to verify efforts by HOME Rental Rehabilitation Program recipients to fill vacancies, and whether complaints of housing discrimination or other related matters have been initiated.
4. An annual survey of tenant occupants shall be conducted to monitor tenant selection, movement and characteristics. The results of this survey will determine compliance with the provisions of the HOME Rental Rehabilitation Program and affirmative marketing requirements. All alleged incidents of discrimination and/or denial of equal opportunity shall be fully investigated, with findings forwarded to appropriate agencies.

Recapture provisions

The City of Muskegon elects to impose the recapture provision under the HOME program regulations to ensure that rental properties assisted remain affordable to income-eligible tenants. A lien will be placed against the property for the length of the applicable affordability period.

The lien will be discharged at the end of the affordability period if the property remains in compliance with the HOME Rental Rehabilitation Program requirements.

Upon sale of the property or a finding of noncompliance with the program requirements during the affordability period, the property owner will be required to repay a prorated portion of the HOME funds used to rehabilitate the property.

HOME INVESTMENT PARTNERSHIP PROGRAM
FY00 HOME Proposed Activity Budget

DEVELOPMENT

Infill New Construction Activities	\$ 170,000
------------------------------------	------------

SUPPORT SERVICES

Certified Community Housing Development Organizations	100,000
---	---------

HOUSING

Rental Rehabilitation	110,000
-----------------------	---------

Lead Base Paint Abatement	82,000
---------------------------	--------

ADMINISTRATION

<u>51,000</u>

GRAND TOTAL

\$513,000

Date: March 27, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for 323 W Grand Ave.

SUMMARY OF REQUEST:

This is to request City Commission Concurrence with the findings of the Housing Board of Appeals that the structure located at 323 W. Grand Avenue is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

Demolition will be paid for with CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A Dangerous building inspection was conducted on 11/9/99. The owner is Pamela Warren. A Notice and Order was sent out 12/10/99. Finding of Facts was sent out 2/7/00.

Property taxes for winter of 1999 are delinquent.

Attached are copies of the Housing board of appeals Finding of facts and Order dated 2/7/00; Notice and Order dated 12/10/99; Dangerous building inspection dated 11/09/99

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on April 11, 2000.

Affirmative Action
616-724-6703

Assessor
616-724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

Clerk
616/724-6705

DATE: February 7, 2000
CASE: 00-13 - 323 W. Grand

C. N. Services
616/724-6717

Pamela Warren
485 W. Carr Road
Muskegon, Mi. 49442

Engineering
616/724-6707

FINDING OF FACTS AND ORDER

Finance
616/724-6713

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the February 3, 2000. The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Lot 21, Block 419 also known as 323 W. Grand** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

Fire Dept.
616/724-6792

Income Tax
616/724-6770

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Inspections
616/724-6715

Leisure Service
616/724-6704

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

Manager's Office
616-724-6724

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

Mayor's Office
616/724-6701

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

Planning/Zoning
616/724-6702

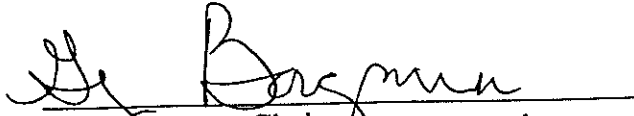
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616-724-6718

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in dark ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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/724-6790

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
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

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

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

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

December 10, 1999

Pamela Warren
485 W. Carr Road
Muskegon, Mi. 49442

Dear Property Owner:

Subject: 323 W. Grand
Lot 21 Block 419

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

DANGEROUS BUILDING INSPECTION

323 W. GRAND

11/09/99

1. Foundation walls are in need of repair – open gaps.
2. Rotting sills and rim joists.
3. Electrical wiring not installed to code.
4. Cracked roof rafters.
5. Roofing installed incorrectly, need new roof covering.
6. Open wall sections on interior walls.
7. Supports removed from roof rafters.
8. Broken windows – window frames need maintenance and repair.
9. Rotting fascia and soffit repair needed.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry A. Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

12/6/99
DATE

Eury McIntyre
CONCURRENCE: MCINTYRE, BUILDING OFFICIAL

12-6-99
DATE

November 9, 1999

AT 8:33 a.m.

FOR W. GRAND 323

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for the property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3		NOTE: Non owner-occupants must use licensed contractors for most electrical, plumbing or mechanical repair work. Call 724-6758 for more information.
4		NOTE: If present tenant(s) move, unit(s) may not be reoccupied until certificate of compliance is issued.
5		NOTE: Code defects marked with an asterisk (*) have been added because the repair is incorrect or created another violation.
6	B	*BATH Floor covering has holes, rips or is missing or is not secured on edges.
7		*EXTERIOR - REAR LOWER ROOF Has no flashing.
8	B	*EXTERIOR - UPPER REAR Siding has holes in it or is rotted or missing.
9	A	*EXTERIOR - W. SIDE Window sash is broken, rotted or missing.
10	B	ATTIC Has wires that are not stapled up.
11	A	ATTIC Handrail is missing.
12		ATTIC Roof supports missing.
13	B	ATTIC - SEVERAL Has an open splice - must be in covered junction box.
14	B	BATH Wall covering is incomplete.
15	B	BATH Trim is broken, missing or incomplete.
16	B	BATH Ceiling water stained.
17		BATH Toilet seat cover missing.
18	B	BATH - TUB AREA Wall or walls has a hole or holes or large cracks in it.
19	A	CELLAR Furnace needs an inspection by a mechanical contractor must be certified safe.
20	A	CELLAR Water heater pressure and temperature valve is not piped

November 9, 1979

AT 8:33 a.m.

FOR W. GRAND 323

No	Cat	Violation
21	B	CELLAR size to within 6" of the floor. Doesn't have a smoke detector as required by code.
22		CELLAR NOTE: Portions of the structure could not be inspected completely because of the presence of personal belongings
23	B	CELLAR Foundation walls have missing mortar or open cracks.
24	A	CELLAR Remove combustibles away from furnace.
25	B	CELLAR Support water lines and heat ducts.
26		CELLAR Check ground wire center east of HWH cannot be spliced, i bare.
27		CELLAR - AT REAR Floor joists are not supported.
28	B	ENTRY TO ATTIC Wall or walls has a hole or holes or large cracks in it.
29	A	ENTRY TO ATTIC Window has broken or cracked glass.
30	B	EXTERIOR Where repairs to existing roof are made, materials and c must blend with balance of roof.
31		EXTERIOR Service walk is not in good repair.
32	B	EXTERIOR Window screen is torn or damaged.
33	B	EXTERIOR Window has glazing that is missing or deteriorated.
34	A	EXTERIOR House numbers are the same color as the house and are n legible. Numbers must be at least 2" in height.
35	B	EXTERIOR Has eave boards that are rotted or missing.
36	B	EXTERIOR - FRONT E. BEDROOM Ceiling tile are missing or falling down.
37	A	EXTERIOR - FRONT E. BEDROOM Wiring to light improperly done.
38		EXTERIOR - REAR Need permit for roofing.
39	B	EXTERIOR - REAR Screen door screen is ripped or missing.
40		EXTERIOR - REAR LOWER ROOF Roofing is improperly installed.
41	B	EXTERIOR - SOME E. SASH & EAVES Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof
42	B	EXTERIOR - W. SIDE Opening in the wall has been closed off with material does not blend with the rest of the structure.

No	Cat	Violation
43		EXTERIOR NOTE: Shingle installation should be started at the bottom edge.
44	B	GENERAL Dwelling or unit is infested with mice.
45		GENERAL NOTE: Water must be turned on so it can be tested prior to issuance of certificate of compliance.
46		GENERAL NOTE: Gas must be turned on so it can be tested prior to issuance of certificate of compliance.
47	A	GENERAL Check above all drop ceilings for wiring to fixture.
48	B	KITCHEN Cock hole cover missing.
49		KITCHEN Inside cupboard paneling falling.
50	B	KITCHEN - COUNTERTOP CORNER Trim is broken, missing or incomplete.
51	B	LAUNDRY Wall covering is incomplete.
52	B	LAUNDRY Trim is broken, missing or incomplete.
53	A	LAUNDRY Sewer line is open letting sewer gas escape.
54	B	LAUNDRY AREA Paneling is buckled.
55	B	LIVING ROOM Floor covering has holes, rips or is missing or is not set on edges.
56	A	LIVING ROOM Dwelling or unit is infested with cockroaches.
57	A	LIVING ROOM Smoke detector is missing or inoperative near the bedrock.
58		MAIN FLOOR NOTE: Portions of the structure could not be inspected completely because of the presence of personal belongings.
59	B	REAR ENTRY Floor covering has holes, rips or is missing or is not set on edges.
60	B	REAR ENTRY Trim is broken, missing or incomplete.

END OF LIST

Date: March 27, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for 1844 Getty Street.

SUMMARY OF REQUEST:

This is to request City Commission Concurrence with the findings of the Housing Board of Appeals that the structure located at 1844 Getty Street is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

Demolition will be paid for with ~~CDBG funds~~ *General funds*.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A Dangerous building inspection was conducted on 11/30/99. The owner is Edward Houghtaling. A Notice and Order was sent out 1/25/00. Finding of Facts was sent out 3/7/00.

Property taxes for winter of 1999 are delinquent.

Attached are copies of the Housing board of appeals Finding of facts and Order dated 3/7/00; Notice and Order dated 1/25/00; Dangerous building inspection dated 1/24/00

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on April 11, 2000.

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

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
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: March 7, 2000
CASE: 00-15 - 1844 Getty

Ed Houghtaling
PO BOX 4034
Muskegon MI 49444

Ed Houghtaling
2345 Dowd
Muskegon MI 49441

FINDING OF FACTS AND ORDER

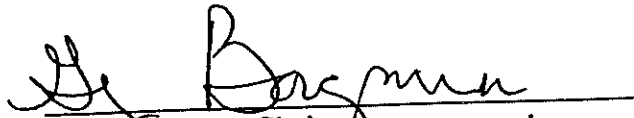
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the March 2, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Continental Add. 531 FT Lot 7 Blk 1, also known as 1844 Getty** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/724-6790

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
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

January 25, 2000

Ed Houghtaling
752 Wilson
Muskegon, Mi. 49441

Ed Houghtaling
P. O. Box 4034
Muskegon, Mi. 49444

Dear Property Owner:

Subject: 1844 Getty
Continental add. S 31 Ft, Lot 7, Block 1

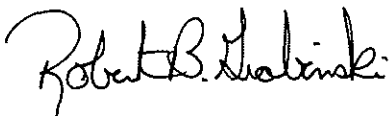
The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,



Robert B. Grabinski
Fire Marshal/Inspection Services

DANGEROUS BUILDING INSPECTION

1844 Getty Street

1/24/2000

1. Foundation wall is in need of repair.
2. Front porch roof is sagging.
3. Front porch cover is in need of repair.
4. Siding is falling off the home.
5. Fascia and soffit are missing and falling off of home.
6. Broken out windows.
7. Window frames have peeling paint.
8. Interior of home needs wall and floor repair.
9. Roof covering on home is failing.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry A. Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

1/24/2000
DATE

CONCURRENCE: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

November 23, 1999 AT 12:02 p.m. FOR GETTY 1844

PAGE 1

No	Cat	Violation
=====	=====	=====
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3	B	BASEMENT - FLOOR Is flooded with sewage.
4	B	BASEMENT - FURNACE Is inoperative.
5	B	BASEMENT - GAS SUPPLY Shut off by Michcon/re-furnace.
6	B	BASEMENT - SEWER CLEANOUT Cap is missing.
7	B	BATH Light fixture globe is broken or missing.
8	B	BATH Baseboard is missing.
9	B	BATH - LAVATORY HOT Doesn't have any water to it.
10	B	EXTERIOR Operable window(s) do not have a screen - must cover the complete bottom sash.
11	B	EXTERIOR Window has glazing that is missing or deteriorated.
12	B	EXTERIOR Foundation walls have missing mortar or open cracks.
13	B	EXTERIOR - EAST Siding is loose or falling off.
14	B	EXTERIOR - EAST UPPER Broken window.
15	B	EXTERIOR - FRONT DORMER Rotted eaves.
16	B	EXTERIOR - FRONT STORM WINDOW Is loose.
17	B	EXTERIOR - NORTH Light fixture is broken or loose.
18	B	EXTERIOR - NORTH Light fixture globe is broken or missing.
19	B	EXTERIOR - NORTH Has aluminum fascia that is loose, falling off or missing.
20	A	EXTERIOR - NORTH UPPER Window has broken or cracked glass.
21	A	FRONT PORCH Outlet cover is missing or broken.
22	B	KITCHEN Sink cabinet or floor is rotted or rusting away.
23	B	KITCHEN Light fixture globe is broken or missing.

No	Cat	Violation
24	B	KITCHEN Outlet is broken, loose or not working.
25	B	KITCHEN Cabinets are not in good repair.
26	B	KITCHEN Walls have peeling paint.
27	A	KITCHEN Lights inoperative.
28	A	KITCHEN - SINK Waste is leaking.
29	A	LIVING ROOM Outlet cover is missing or broken.
30	b	LIVING ROOM - CEILING Unfinished repair.
31		NOTE: Defects must be corrected to maintain certificate of compliance.
32	B	REAR PORCH Roof leaks.
33	B	S. BEDROOM Wall or walls has a hole or holes or large cracks in it.
34	B	S. BEDROOM Door hardware is broken, missing or incomplete.
35	B	S. BEDROOM - CEILING Light fixture is broken or loose.
36	B	S. BEDROOM - CLOSET Light fixture is broken or loose.
37	B	UPPER BEDROOM NORTH Door is loose or coming off of its hinges.
38	B	UPPER BEDROOM SOUTH Light fixture is broken or loose.

END OF LIST

Please Post

AFFIDAVIT OF POSTING NOTICE OF HEARING

LEIGH C. SMITH,
INSPECTION REPRESENTATIVE

HOUSING
INSPECTOR,
TITLE

OF THE CITY OF

MUSKEGON, BEING DULY SWORN, DEPOSES AND SAYS THAT ON THE

25 DAY OF FEB., 1999²⁰⁰⁰, HE/SHE POSTED A COPY OF THE

ATTACHED NOTICE OF HEARING ON DANGEROUS AND UNSAFE

CONDITIONS, DATED 2/21/00, UPON A CONSPICUOUS PART OF THE

BUILDING OR STRUCTURE LOCATED AT 1844 GETTY IN THE
PROPERTY ADDRESS

CITY OF MUSKEGON, MICHIGAN. SAID NOTICE BEING SPECIFICALLY

ATTACHED TO FRONT OF BUILDING

DESCRIBE PLACE OF ATTACHMENT ON BUILDING

Leigh C. Smith
INSPECTION REPRESENTATIVE

STATE OF MICHIGAN)
) S.S.
COUNTY OF MUSKEGON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
_____ DAY OF _____, 19____,

BY _____
INSPECTION REPRESENTATIVE

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Date: March 27, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for 1479 Jiroch

SUMMARY OF REQUEST:

This is to request City Commission Concurrence with the findings of the Housing Board of Appeals that the structure located at 1479 Jiroch is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION:

A Dangerous Building Inspection was conducted on 12/01/99. A Notice and Order was mailed 1/21/00. The owner of the structure is Roger Balcom.

Property taxes for winter of 1999 are delinquent.

Attached are copies of the Housing Board of Appeals findings of fact and order of the Board dated March 7, 2000; Inspection 12/1/99; and Minutes from the March 2, 2000 Meeting.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on April 11, 2000.

Affirmative Action
616/724-6733
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

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
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

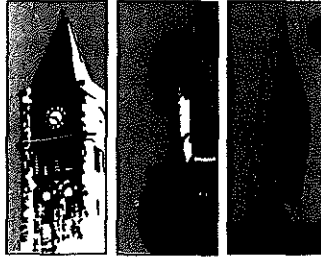
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: March 7, 2000
CASE: 00-16 - 1479 Jiroch

Rodger Balcom
2985 Coolidge Road
Muskegon MI 49441

Ed Houghtaling
2345 Dowd
Muskegon MI 49441

Ed Houghtaling
PO Box 4034
Muskegon MI 49444

FINDING OF FACTS AND ORDER

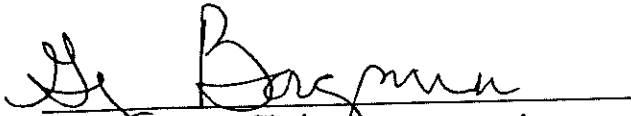
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the March 2, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Part of Lot 10, Block 275 Desc. As Comm @ SE cor of SD BLK For POB the S 89 DEG 38 Min W 81 Ft Th N 60 FT th N 89 DEG 38 Min E 81 FT th S 60 FT to POB, also known as, 1479 Jiroch**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

DANGEROUS BUILDING INSPECTION

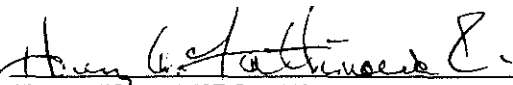
1479 JIROCH

12/1/99

APARTMENT HOUSE

1. Foundation wall is in need of repair in numerous areas.
2. Sill plate is rotting.
3. Missing siding, and rotting siding.
4. Cracked deteriorating steps and apartment entry thresholds are rotting.
5. Numerous broken out windows.
6. Building exterior needs scraping, painting or siding.
7. Apartment doors in need of replacement or repair.
8. Screens are falling out of windows.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE **DOES** MEET THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

1/21/2000
DATE

CONCURRED IN:


JERRY MCINTYRE, BUILDING OFFICIAL

ber 19, 1998 AT 10:49 a.m. FOR JIROCH 1479

PAGE 1

FINAL NOTICE

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3		NOTE: Unit cannot be occupied until a certificate of compliance is issued.
4	A	E. APARTMENT BATH Toilet seat is loose, broken or missing.
5	B	E. APARTMENT BATH Wall or walls has a hole or holes or large cracks in it.
6	B	E. APARTMENT BATH Door will not latch or shut.
7	A	E. APARTMENT DINING ROOM Has an extension cord that is creating a hazard.
8	B	E. APARTMENT DINING ROOM Outlet is broken, loose or not working.
9	B	E. APARTMENT KITCHEN Ceiling is water damaged.
10	B	E. APARTMENT KITCHEN Ceiling has a hole or holes or large cracks in it.
11	B	E. APARTMENT KITCHEN Cabinets are not in good repair.
12	B	E. APARTMENT KITCHEN Light fixture is broken or loose.
13	B	E. APARTMENT LOWER FRONT FOYER Light fixture is broken or loose.
14	B	E. APARTMENT LOWER FRONT FOYER Wall or walls has a hole or holes or large cracks in it.
15	B	E. APARTMENT S. UPPER BEDROOM Ceiling has a hole or holes or large cracks in it.
16	B	E. APARTMENT S. UPPER BEDROOM Wall repair not complete.
17	B	E. APARTMENT UP LANDING - CLOSET Door is loose or coming off of its hinges.
18	A	E. APARTMENT UPPER LANDING Smoke detector is missing or inoperative near the bedrooms.
19	B	E. APARTMENT UPPER LANDING Wall or walls has a hole or holes or large cracks in it.
20	B	E. APARTMENT UPPER LANDING Wall covering is not secure.
21	B	E. APARTMENT UPPER LANDING Ceiling is water damaged.
		EXTERIOR
		Window has glazing that is missing or deteriorated.
		EXTERIOR
		Window screen is torn or damaged.

CITY OF MUSKEGON INSPECTION REPORT

September 19, 1998 AT 10:49 a.m. FOR JIROCH 1479

PAGE 2

No	Cat	Violation
27 OK	B	EXTERIOR Foundation walls have missing mortar or open cracks.
28 OK	B	EXTERIOR - BLOCKS, TRIM, WINDOWS Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
29 OK	A	EXTERIOR - SEVERAL Window has broken or cracked glass.
30 OK	A	EXTERIOR - SOUTH Window has broken or cracked glass.
31 OK	B	EXTERIOR - SOUTH ENTRANCE Light fixture globe is broken or missing.
32 OK	B	EXTERIOR - SOUTH STEPS Handrail is not in good repair.
33 OK	B	EXTERIOR - SOUTH STEPS Steps have concrete or block walls on the sides that are deteriorated.
34 OK	B	EXTERIOR - W. ENTRANCE Light fixture globe is broken or missing.
35 OK	B	EXTERIOR - W. ENTRANCE Door has broken or missing panels.
36 OK	B	EXTERIOR - W. ENTRANCE DOOR Improperly fitted.
37 OK	B	NORTH - SIDING Rotted @ roof junction.
38 OK	B	NORTH - STEPS Broke concrete.
39 OK	B	S.E. PORCH - PILLARS Missing wood.
40 OK	B	S.E. PORCH - WINDOWS Window has broken or cracked glass.
41 OK	B	W. APARTMENT BASEMENT Doesn't have a smoke detector as required by code.
42 OK	B	W. APARTMENT BASEMENT - AT STAIR Has open ended wire.
43 OK	B	W. APARTMENT BASEMENT - W.H. Vent is not sealed where it enters the chimney.
44 OK	B	W. APARTMENT BATH Wall tiles are missing.
45 OK	A	W. APARTMENT DINING ROOM Light fixture is missing.
46 OK	A	W. APARTMENT KITCHEN Has a gas line that is not capped.
47 OK	B	W. APARTMENT KITCHEN Floor covering is missing.
48 OK	B	W. APARTMENT KITCHEN Door will not latch or shut.
49 OK	A	W. APARTMENT LIVING ROOM Smoke detector is missing or inoperative near the bedrooms.
50 OK	A	W. APARTMENT LIVING ROOM Window has broken or cracked glass.
51 OK	B	W. APARTMENT LIVING ROOM

CITY OF MUSKEGON INSPECTION REPORT

umber 19, 1998

AT 10:49 a.m.

FOR JIROCH 1479

PAGE 3

No Cat

Violation

- =====
49 ~~A~~ W. APARTMENT W. BEDROOM
Light fixture is missing.
50 ~~B~~ W. APARTMENT W. BEDROOM
Junction box does not have a cover.
51 ~~A~~ W. APARTMENT W. ENTRANCE ROOM
Floor boards are loose, deteriorated or missing.
52 ~~B~~ W. APARTMENT W. ENTRANCE ROOM
Floor covering has holes, rips or is missing or is not sealed
on edges.
53 ~~B~~ W. APARTMENT W. ENTRANCE ROOM
Door is loose or coming off of its hinges.
54 ~~B~~ W. APARTMENT W. ENTRANCE ROOM
Ceiling materials are coming down.
55 ~~A~~ W. APARTMENT W. ENTRANCE ROOM
Dwelling has a gasoline engine stored inside - must be
removed.
56 ~~A~~ W. APARTMENT W. ENTRANCE ROOM
Open terminal switch not approved.
57 ~~A~~ W. UPPER APT. BATH - LAVATORY
Waste line is plugged.
58 ~~B~~ W. UPPER APT. BEDROOM
Door will not latch or shut.
59 ~~B~~ W. UPPER APT. BEDROOM
Door has a hole in it.
60 ~~B~~ W. UPPER APT. DINING ROOM
Door will not latch or shut.
61 ~~B~~ W. UPPER APT. KITCHEN
Cabinets are not in good repair.
62 ~~B~~ W. UPPER APT. KITCHEN
Door is loose or coming off of its hinges.
63 ~~B~~ W. UPPER APT. KITCHEN - SINK
Faucet is dripping.
64 ~~A~~ W. UPPER APT. LIVING ROOM
Smoke detector is missing or inoperative near the bedrooms.
65 ~~B~~ W. UPPER APT. STAIRWAY
Handrail is not in good repair.
66 ~~B~~ W. UPPER APT. STAIRWAY
Ceiling has a hole or holes or large cracks in it.
67 ~~B~~ W. UPPER APT. STAIRWAY
Wall or walls has a hole or holes or large cracks in it.
68 ~~B~~ W. UPPER APT. UPPER LANDING
Wall or walls has a hole or holes or large cracks in it.
69 ~~B~~ W. UPPER APT. UPPER LANDING
Floor covering has holes, rips or is missing or is not sealed
on edges.

END OF LIST ADD ON:

EXTERIOR ~~B~~ SMALL AMOUNT OF TRIM PAINTING REMAINS

Date: March 27, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for 611 Leonard

SUMMARY OF REQUEST:

This is to request City Commission Concurrence with the findings of the Housing Board of Appeals that the structure located at 611 Leonard is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION:

A Dangerous Building Inspection was conducted on 1/24/00. A Notice and Order was mailed 1/27/00. The owner of the structure is William Howell.

Property taxes for winter of 1999 are delinquent.

Attached are copies of the Housing Board of Appeals findings of fact and order of the Board dated March 3, 2000; Letter of complaint from Neighbors dated March 1, 2000, February 19, 1999, May 20, 1999, October 6, 1999 and November 4, 1999; and the minutes of the March 2, 2000 meeting.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on April 11, 2000.

**#00-16 – 1479 JIROCH – ROGER BALCOM, 2985 COOLIDGE ROAD, MUSKEGON
ED HOUGHTALING, P.O. BOX 4034, MUSKEGON**

Roger Balcom and Ed Houghtaling were not in attendance at the time their case was discussed. Randy Mackie, supported by John Warner, made a motion to declare the building to be unsafe, substandard, a public nuisance, and forward the subject property to the City Commission of concurrence. The motion carried.

AYES:

Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner
Clint Todd

NAYES:

EXCUSED:

Greg Borgman

ABSENT:

**#00-17 – 611 LEONARD – MELVIN FLECHER, 611 LEONARD, MUSKEGON
WILLIAM HOWELL, 471 W. MUSKEGON, MUSKEGON**

Mr. Flecher and/or Mr. Howell were not in attendance at the time their case was discussed. Fred Nielsen, supported by John Warner, made a motion to declare the building to be unsafe, substandard, a public nuisance and forward to the City Commission for Concurrence. The motion carried.

AYES:

Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner
Clint Todd

NAYES:

EXCUSED:

Greg Borgman

ABSENT:

#00-18-873 WINDSOR(GARAGE)-ELAINE HARDY, 873 WINDSOR, MUSKEGON

Ms. Hardy was unable to attend the meeting. Jerry McIntyre, represented her. Jerry said Ms. Hardy hired a contractor that is due to have the repairs completed by May. He recommends that an extension be given for 60 days. Randy Mackie, made a motion, supported by John Warner to award the 60 day extension. The motion carried.

AYES:

Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner
Clint Todd

NAYES:

EXCUSED:

Greg Borgman

ABSENT:

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

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
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: March 7, 2000
CASE: 00-17 – 611 Leonard

William Howell
471 W. Muskegon
Muskegon MI 49441

Melvin Fletcher
611 Leonard
Muskegon MI 49441

FINDING OF FACTS AND ORDER

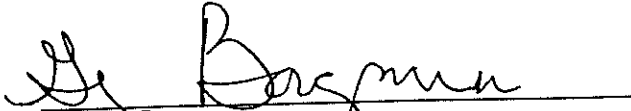
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the March 2, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Sub Div of Block 3 Revised Lot 40, Block 3**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

DANGEROUS BUILDING INSPECTION

611 LEONARD

1/24/2000

1. Roof is leaking causing damage to interior ceilings.
2. Roof covering and roof in need of repair.
3. Interior stairs to upper bedrooms in need of repair – no guardrails, broken treads, insecure.
4. Bathroom sink falling off the wall – plumbing leaks.
5. Electrical fixtures are in need of repair.
6. Flooring in home is in need of repair.
7. Foundation wall is in need of repair.
8. Open holes in siding.
9. Furnace and water heater in need of certification of safety.
10. Sewage backing up in basement.
11. Basement stairs need repair.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry A. Faltinowski 1/24/2000
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRENCE: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

CITY OF MUSKEGON INSPECTION REPORT

February 21, 2000 AT 1:50 p.m. FOR LEONARD 611

PAGE 1

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3	B	BASEMENT Doesn't have a smoke detector as required by code.
4	A	BASEMENT Water heater pressure and temperature valve is not piped full size to within 6" of the floor.
5	A	BASEMENT Sewer has backed up and the sewage spill was not cleaned up-scrub area with bleach water and rinse.
6	A	BASEMENT Furnace needs an inspection by a mechanical contractor and must be certified safe.
7	B	BASEMENT - CHIMNEY CLEANOUT Won't close.
8	B	BASEMENT - OVER WASHER Toilet is leaking.
9	B	BASEMENT - STEPS Are loose.
10	B	BASEMENT - WATER HEATER Leans, stressing pipes.
11	B	BASEMENT - WATER SHUT OFF Leak at stem.
12	B	DINING ROOM Window is not weathertight and in good repair.
13		DINING ROOM
14	B	DINING ROOM Ceiling is water damaged.
15	B	DINING ROOM Wall(s) is/are water damaged.
16	A	DINING ROOM Window sash is broken, rotted or missing.
17	B	DINING ROOM Window lock(s) is/are missing or inoperative.
18	B	DINING ROOM - THRESHOLD Metal strip used to cover a seam on the floor is missing or not secured.
19	B	EAST UPPER BEDROOM Door is loose or coming off of its hinges.
20	B	EAST UPPER BEDROOM Ceiling panel is missing.
21	B	EAST UPPER BEDROOM - CEILING Light fixture is broken or loose.
22	B	EAST UPPER BEDROOM - CLOSET

CITY OF MUSKEGON INSPECTION REPORT

February 21, 2000 AT 1:50 p.m. FOR LEONARD 611

PAGE 2

No	Cat	Violation
23	B	EXTERIOR Door is loose or coming off of its hinges.
24	B	EXTERIOR Window has glazing that is missing or deteriorated.
25	B	EXTERIOR - FRONT STORM Roof leaks.
26	B	EXTERIOR - REAR Door will not latch or shut.
27	B	EXTERIOR - WINDOWS & FOUNDATION Light fixture globe is broken or missing.
28	B	KITCHEN Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
29	B	KITCHEN Light fixture globe is broken or missing.
30	B	KITCHEN Faucet is loose.
31	B	KITCHEN Dwelling or unit is infested with mice.
32	B	KITCHEN Sink cabinet or floor is rotted or rusting away.
33	B	KITCHEN Ceiling is water damaged.
34	A	KITCHEN Floor covering has holes or tears.
35	B	KITCHEN Window sash is broken, rotted or missing.
36	B	KITCHEN - CEILING REPAIR Window is not weathertight and in good repair.
37	A	KITCHEN - SINK Incomplete.
38	B	LIVING ROOM Waste is leaking.
39	A	LIVING ROOM Warm air register(s) is/are broken or missing.
40	B	LIVING ROOM Window has broken or cracked glass.
41	B	LIVING ROOM Window is not weathertight and in good repair.
42	B	LIVING ROOM - DOOR Floor covering is not sealed on edges.
43	B	LOWER BATH Is not weathertight.
44	B	LOWER BATH Vanity is loose from wall.

- Vanity is broken or incomplete.
- 45 A LOWER BATH - LAVATORY
Waste is leaking.
- 46 B LOWER BATH - TOILET
Won't flush.
- 47 A SOUTH UPPER BEDROOM

CITY OF MUSKEGON INSPECTION REPORT

February 21, 2000 AT 1:50 p.m. FOR LEONARD 611

PAGE 3

No	Cat	Violation
***		=====
48	B	Window sash is broken, rotted or missing. SOUTH UPPER BEDROOM Door is broken or missing.
49	B	SOUTH UPPER BEDROOM Outlet is broken, loose or not working.
50	B	UPPER BATH Ceiling is water damaged.
51	B	UPPER BATH Toilet is not bolted tight at the floor.
52	B	UPPER BATH Wall tiles are loose.
53	B	UPPER BATH Tub surround needs caulking.
54	B	UPPER BATH - LAVATORY Loose on wall.
55	B	UPPER BATH - TOILET Runs constantly.
56	A	UPPER BATHROOM Window sash is broken, rotted or missing.
57	B	UPPER BATHROOM Light fixture globe is broken or missing.
58	B	UPPER BATHROOM - TUB Faucet is broken or incomplete.
59	B	UPPER FRONT BEDROOM Window is not weathertight and in good repair.
60	B	UPPER FRONT BEDROOM Ceiling is water damaged.
61	A	UPPER HALL Smoke detector is missing or inoperative near the bedrooms.
62	B	UPPER HALL Floor covering is missing.
63	B	UPPER HALL AND STAIRS Carpet is loose.
64	B	UPPER STAIRS Floor covering has holes, rips or is missing or is not sealed on edges.
65	B	UPPER STAIRS - LANDING Ceiling is water damaged.
END OF LIST		

Date: March 27, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for 1721 Pine

SUMMARY OF REQUEST:

This is to request City Commission Concurrence with the findings of the Housing Board of Appeals that the structure located at 1721 Pine is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The Cost of Demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A Dangerous Building Inspection was conducted October 15, 1999. The owner of this property is Joseph Ferrier. A Notice and Order was mailed out 11/3/99. At the January 6, 2000 meeting of the Housing Board of Appeals the structure was found to be unsafe, substandard, a public nuisance and that the case be sent to the City Commission for concurrence. The house previously was owned by Shelline White.

According to our records, taxes for this property are delinquent in the amount of \$842.06.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on April 11, 2000.

Affirmative Action
616/724-6703
FAX 724-6790

Assessor
616/724-6708
FAX 724-6768

Cemetery
616/724-6783
FAX 722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/724-6790

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
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

Water Filtration
616/724-4106
FAX 755-5290

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: January 11, 2000
CASE: 300-10 1721 Pine

Shelline White
1712 Pine
Muskegon, Mi. 49442

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the January 6, 2000. The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **North 10Ft of Lot 17 and all of Lot 18 Blk 298** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

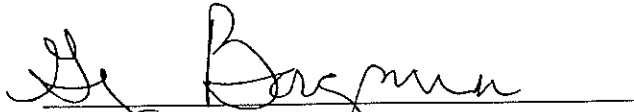
The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

A handwritten signature in cursive script, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

CC: Joe Ferrier 1/27/00

DANGEROUS BUILDING INSPECTION

10/15/99

1721 PINE

RESIDENTIAL DWELLING

1. Foundation wall in need of tuck-pointing.
2. Open holes in home block wall.
3. Soffit and fascia repair needed.
4. Roof repair on eaves needed.
5. Improper entry steps and landing.
6. Home in need of paint.
7. Window frames need repair or replacement.
8. Large amounts of trash in back yard.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE **DOES** MEET THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CONCURRED IN: _____

JERRY MCINTYRE, BUILDING OFFICIAL

#00-09 – 1129 PECK – WATERLAND DEVELOPMENT, 1050 W. WESTERN

Robert Johnson, supported by William Anderson, made a motion to accept staff recommendation to issue Civil Infraction tickets on 1129 Peck Street seeking injunctive relief. A roll-call vote was taken:

YES:

NAYS:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner

Clint Todd

The motion carried.

#00-10 – 1721 PINE – SHELLINE WHITE, 1712 PINE, MUSKEGON

No one attended the meeting. Bob Grabinski said that there has been no contact with the owner. Staff recommendation is to declare the building to be substandard, unsafe, a public nuisance and forward to the City Commission for concurrence. A motion was by Robert Johnson, supported by Greg Borgman to declare the building substandard, unsafe, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

YES:

NAYS:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner

Clint Todd

The motion carried.

#00-10A – 151 W. SOUTHERN – EDWARD HOUGHTALING, 752 WILSON

Ed Houghtaling attended the meeting and also stated that his address was 2345 Dowd. He said that he had the upstairs done but that a tenant had trashed the downstairs. Bob Grabinski said that we had a complaint and that the housing inspector felt that it should be declared a dangerous building. There is no Certificate of Compliance. It has been revoked and the house has been posted. Mr. Houghtaling asked what he has to do. He said that the foundation is his concern because he said it was approved before he bought the house. Staff recommendation is that the building be declared substandard, unsafe, a

Date: April 11, 2000
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *cbe*
RE: Resolution of Support for the Relocation of the
USS Silversides

SUMMARY OF REQUEST: To approve the attached resolution supporting the relocation of the USS Silversides to downtown Muskegon.

FINANCIAL IMPACT: There is no direct financial impact, although the Silversides Board has asked the City staff to investigate the potential for relevant grants. They will also be fundraising.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: None.

Resolution No. 2000-43(a)

MUSKEGON CITY COMMISSION

RESOLUTION SUPPORTING THE RELOCATION OF THE USS SILVERSIDES
SUBMARINE DOWNTOWN

WHEREAS, the Silversides Board would like to move the vessel to a downtown location from their existing location at the Muskegon Channel; and,

WHEREAS, the Silversides Board also has an agreement with the McKee's to purchase the L.S.T. and rehabilitate the vessel for tours and overnight events; and,

WHEREAS, the Silversides Board has an agreement with the McKees to lease space on their property for the location of the Silversides vessel, and the rehabilitation of the L.S.T. to the bay between the McKees property and the Grand Valley State Property, on Muskegon Lake; and,

WHEREAS, the City of Muskegon would like to have the Silversides relocated to the downtown area to increase the number of visitors to the site, to potentially add the L.S.T. as another site for visitors, and to increase the general activities in the downtown area which will have a positive effect on tourism and commerce for Muskegon;

NOW, THEREFORE, Be It Resolved that the City Commission of the City of Muskegon supports the relocation of the Silversides and the rehabilitation of the L.S.T., to be located in the bay between the McKee property and the Grand Valley State University property, on Muskegon Lake,

BE IT FURTHER RESOLVED that the City Commission approves, in general, of the plan designed by Richard Borgeson, architect, Revision dated 2/6/2000; on the condition that the requirements outlined by Bob Grabinski, Fire Marshall, in his letter dated 3/16/00 be adhered to; that the proper State and Local permits are obtained, and that an agreement is reached with Grand Valley State University regarding design details.

Resolution Adopted this 11th day of April 2000.

Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro

Nays: None

Absent: None

By Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on April 11, 2000. 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

March 16, 2000

Mr. Bob Morin
Silversides Museum
1346 Bluff Street
Muskegon MI 49441

Dear Mr. Morin:

After reviewing your request and proposal for new dockage, the following list of requirements was formed.

1. All ships must maintain USCG status as Marine Vessels.
2. A standpipe system will be required along all docks.
3. Exiting from the vessels must be reviewed and approved by this office.
4. Railings must be provided along the docks.
5. Plans and specification must be approved by the zoning administrator prior to submittal for our approval.
6. A fire hydrant must be located within 500 feet of fire apparatus access to the vessels. This must be usable without crossing the railroad tracks.
7. Work with Muskegon Fire Department Personnel to establish an emergency operations policy and procedure.
8. Fire extinguishers must be located throughout the vessels and area in compliance with applicable codes.
9. The fire suppression system on the LST must be operational.
10. Exit and emergency lights must be located throughout all vessels.

It is the intent of these requirements to maintain a reasonable amount of safety for all persons visiting this fine attraction. If you have any questions or wish to discuss these items, please call me at (231) 724-6765.

Sincerely,

Robert B. Grabinski
Fire Marshal

Memorandum

To: Honorable Mayor and City Commissioners
From: Wilmer G. Griffin
Date: 04/04/00
Re: Approval for the City to sign subrecipient agreements (contracts) with Community Housing Development Organizations (CHDO's) for funding from 1998-99 fiscal year.

On February 29, 2000, the Citizen's District Council approved the City's administration recommendation for CHDO funding in the following manner.

1. Muskegon County Habitat for Humanity
Staff recommendation: \$33,500
2. Muskegon Family Service Center
Staff Recommendations: ~~\$22,250~~ = 68,600
3. Neighborhood Investment Corp (NIC)
Staff Recommendation: \$68,600
4. Nelson Neighborhood Improvement
Staff Recommendations: \$62,000
5. Trinity Village Non-Profit Housing Corp
Staff Recommendation: \$87,090

Our department is requesting approval of the CDC recommendations and instruction from your body to prepare the subrecipient contracts between the City and the CHDO's. (see attachment)

3. Neighborhood Investment Corporation (NIC)

Amount requested: \$75,000

Description of proposed project:

The Neighborhood Investment Corporation requested \$75,000 for their Homeownership program. The program includes assisting first-time buyers with down payment assistance, new construction infill, homeownership education and neighborhood development.

Staff Recommendation:

The City of Muskegon's Neighborhood and Services Department recommends \$62,000 for fiscal year 98-99 funding. We are also requesting and recommending that if any funding is awarded to NIC by the CDC and/or the City Commission, that the CHDO supply the City with a project budget before any funding is released.

4. Nelson Neighborhood Improvement Association

Amount Requested: \$171,650

Description of proposed project:

The Nelson Neighborhood Improvement Association requested \$171,650 for rehabilitation, home purchased assistance and maintenance repair for housing located in the central core Nelson Neighborhood in Muskegon.

The Nelson Neighborhood requested \$83,650 in administration cost. Under 24CFR 92.208, no more than 5% of a participating jurisdiction fiscal year HOME funding for CHDO administrative cost.

The Nelson Neighborhood has developed partnerships with the Michigan State Housing Development Authority, Muskegon County Habitat for Humanity and the Neighborhood Investment Corporation (NIC).

Staff Recommendation:

The City of Muskegon's Community and Neighborhood Services Department recommends \$87,090.

Operating/Administration	\$ 4,500
Single Family Rehabilitation	\$33,000
Rental Property Rehabilitation	<u>\$49,590</u>
Total	\$87,090

5. Trinity Village Non-Profit Housing Corporation

Amount Requested:

Homebuyer Club	\$60,337.50
Single-family Rehabilitation	\$72,000

Description of proposed projects:

The Trinity Village Non-Profit Housing Corporation requested dollars for two programs. The first request is for the Homebuyer Club program. The Homebuyer Club assists potential homeowners with an array of educational workshops that covers the areas of money management, credit restoration, home maintenance, and real estate selection. After completion of the workshop, down payment mortgage assistance for those applicants that qualify.

Staff Recommendation:

The City of Muskegon's Community and Neighborhood Services Dept recommends \$53,750.

Down payment Assistance	\$50,000
Administration	<u>\$ 3,750</u>
Total Recommended	\$53,750

The second request is for the Single-family rehabilitation program. The program consists of acquisition and the rehabilitation of four distressed properties within the City of Muskegon. After total rehabilitation of the properties, the renovated homes will be sold to the low-income graduates of the Homebuyers Club.

Staff Recommendation:

The City of Muskegon's Community and Neighborhood Services Department recommends \$63,750.

Acquisition and Rehabilitation	\$60,000
Administration	<u>\$ 3,750</u>
Total Recommended	\$63,750

INTEROFFICE MEMORANDUM

TO: HONORABLE MAYOR AND CITY COMMISSION
FROM: WILMERN G. GRIFFIN, CNS DIRECTOR
SUBJECT: 2000-2004 CONSOLIDATED PLAN
DATE: 04/05/00

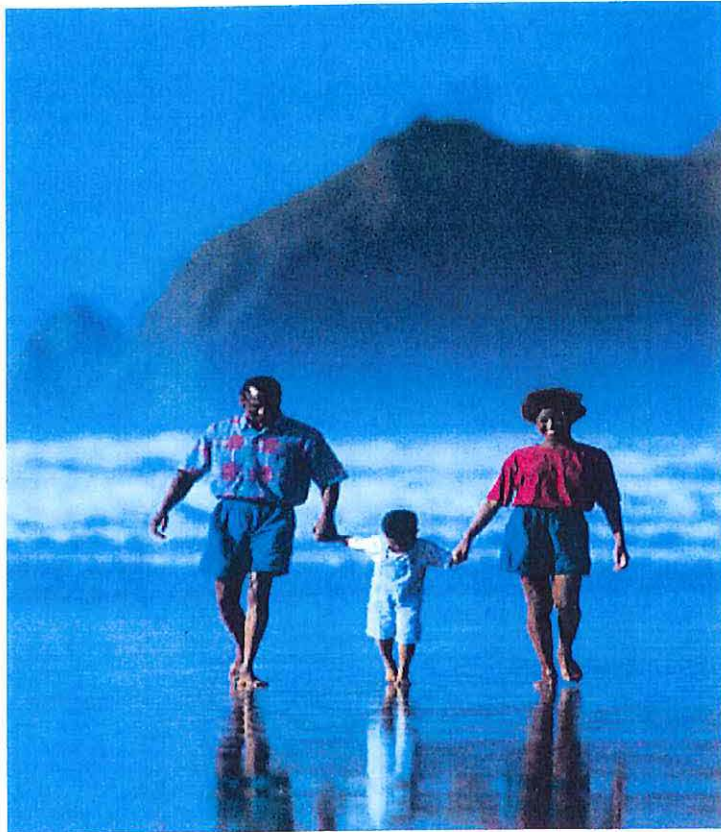
All of you received a copy of the 2000-2004 Consolidated Plan last week. As you know the City of Muskegon is in its final stage of the process since your body approved the document for public comment on March 14, 2000.

The Consolidated Plan is mandated by the US Department of Housing and Urban Development for all communities that receive Community Development Block Grant/HOME funding and other federal funding through HUD.

The last step in this process is for the commission to approve the document and direct our department to submit the CP to the U.S. Department of Housing and Urban Development for their final approval.

See packet for entire book

CITY OF MUSKEGON



2000 – 2004 CONSOLIDATED PLAN

Submit to HUD

April 2000

