

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 8, 2011

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **INTRODUCTIONS/PRESENTATION:**
- ❑ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. Purchasing Cards. FINANCE
 - C. Amendment to the Zoning Ordinance – Medical Marihuana Facilities. PLANNING & ECONOMIC DEVELOPMENT
 - D. Application for Special License (Liquor Control Commission). PUBLIC SAFETY
 - E. Request from Consumers Energy for Easements. ENGINEERING
 - F. Liquor License Request for Watermark Banquet and Conference Center, 920 Washington. CITY CLERK
- ❑ **PUBLIC HEARINGS:**
 - A. Request to Repeal Existing Historic Preservation Ordinance. PLANNING & ECONOMIC DEVELOPMENT
 - B. Request to Amend Chapter 38, Article III of the Code of Ordinances, Historic District Ordinance. PLANNING & ECONOMIC DEVELOPMENT
 - C. Amendment to the City Code of Ordinances – Medical Marihuana Regulation and Licensing. PLANNING & ECONOMIC DEVELOPMENT
 - D. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK
- ❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

A. SECOND READING: Amendment to the Zoning Ordinance – Outdoor Lighting. PLANNING & ECONOMIC DEVELOPMENT

B. SECOND READING: Rezoning Request for the Property Located at 1221 W. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS**

A. Five-Year Consolidated Plan. COMMUNITY & NEIGHBORHOOD SERVICES

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

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

Date: March 8, 2011
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the City Commission Meeting that was held on Tuesday, February 22, 2011.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 22, 2011

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, February 22, 2011.

Mayor Warmington opened the meeting with a prayer from Pastor Josh Dear from the Lakeside Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Commissioner Steve Wisneski (excused)

2011-10 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the February 7th Commission Worksession Meeting and the February 8th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Amendment to the Zoning Ordinance – Outdoor Lighting. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the zoning ordinance to modify the guidelines on outdoor lighting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended

approval of the request at their February 10th meeting.

C. Rezoning Request for the Property Located at 1221 W. Laketon Avenue.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to rezone the property at 1221 W. Laketon Avenue from RM-2, Medium Density Multiple Family Residential District to R-1, Single Family Residential District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their February 10th meeting.

D. Easement from Brunswick to Construct Sidewalks along the North Side of Laketon Avenue on Parts of Blocks 438, 458 and 459. **ENGINEERING**

SUMMARY OF REQUEST: Authorize staff to execute the agreement with Brunswick accepting easements to construct sidewalks as part of the upcoming reconstruction of Laketon Avenue between Beidler and Park. Furthermore, if approved, direct staff to record said easements.

FINANCIAL IMPACT: One dollar.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to execute agreement and record easements.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2011-11 NEW BUSINESS:

A. ChargePoint Station – Muskegon: Master Services Subscription Agreement. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The Federal Government has contracted with ChargePoint (Coulomb Technologies, Inc.) to install 297 electric vehicle charge stations in Michigan by October 1, 2011. Thus far, they have installed 70 stations. The West Michigan area will receive several stations, including over 20 in Muskegon County. Currently, there is a ChargePoint station at MAREC. Other municipalities are also having them installed (as well as institutions and

businesses). The City has designated two parking spaces in the Western Avenue Parking Lot to be used for a station. We are in discussions with the Arena Management in this regard.

FINANCIAL IMPACT: The Federal Government will pay for the ChargePoint station equipment. The City will receive a grant in the amount of \$2,500 from the Lou Eklund Fund at the Community Foundation for Muskegon County for the station installation (estimated to be \$2,000; any funds remaining can be applied towards future maintenance fees). It is recommended to allow free access for the electrical charge for the first year. If it is determined that the station is being well used, the City can start charging for its use. If the City charges for the station use, there will also be a \$.50 per transaction fee and a 7.5% charge per total usage fee from ChargePoint for administration (they will not charge anything if the City does not charge anything).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "ChargePoint Master Services Subscription Agreement" between the City of Muskegon and ChargePoint/Coulomb Technologies, Inc. and authorize the Mayor's signature.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the "ChargePoint Master Services Subscription Agreement" between the City of Muskegon and ChargePoint/Coulomb Technologies, Inc.

Motion by Commissioner Spataro, second by Commissioner Carter to amend the motion to allow for authorization after concurrence of the City Attorney and the City Manager.

Vote on amendment:

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

AMENDED MOTION PASSES

Vote on original motion:

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

MOTION PASSES

B. Shoreline Spectacular Request – Labor Day Weekend 2011. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In accordance with our recently amended Special Events Policy, "applicants requesting a Special Events Liquor License for Labor Day events must go before the City Commission for approval". The Shoreline Spectacular is requesting approval for their event. The Police Department has not approved their request for a temporary liquor license.

FINANCIAL IMPACT: The Shoreline Foundation, which runs Shoreline Spectacular, has an outstanding invoice (#9845846) for their 2010 event. It is City policy that all current charges owed to the City must be paid prior to holding another event.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request for the Shoreline Spectacular event in 2011, due to the fact that their invoice from 2010 has not been paid and the Police Department has not approved their request for a temporary liquor license.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to deny the request for a permit for Labor Day Weekend 2011 by Shoreline Spectacular.

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

Nays: Shepherd

MOTION PASSES

C. Breakwater Festival Request – Labor Day Weekend 2011. PLANNING & ECONOMIC DEVELOPMENT

Removed per request of applicant.

2011-12 ANY OTHER BUSINESS:

Commissioner Spataro asked that a resolution in opposition to Senate Bill 34 which would eliminate personal property taxes be prepared and sent to the Governor and Muskegon County Legislative Delegation.

ADJOURNMENT: The City Commission Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Date: March 8, 2011

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Purchasing Cards

SUMMARY OF REQUEST: The City has used purchasing cards since 1994 as a means to streamline purchasing and vendor payment processes. The State of Michigan recently negotiated its P-card program with Bank of America and is extending the contract to other units of government through the MiDeal joint purchasing program. The state program offers substantial benefits over our current arrangement with 5/3 Bank:

- Higher rebates – Currently we receive a fixed 1% rebate on P-card purchases. This rebate generates about \$35,000 annually. Under the state program our purchasing volume is pooled with the state and other members of the program. Currently, rebates would be about 1.38% and would grow as additional members join the program.
- User interface – The current card management user interface is not user friendly and has caused some staff dissatisfaction. Staff has worked through a demonstration of the interface for the state P-card and found it to be superior in terms of usability and functionality.

FINANCIAL IMPACT: The change will generate an estimated \$13,000 in additional rebates that will grow further as program membership increases. Staff efficiencies will be realized from the more user-friendly P-card management user interface. Finally, the City benefits because the state has borne the costs of the RFP and due diligence process.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to execute documents need to join the state P-card program.

COMMITTEE RECOMMENDATION: None.



State of Michigan Procurement Card Services Contract Extended to MiDeal Members

Bank of America is the provider for the State of Michigan Procurement Card Services – Statewide Contract. As part of the Contract, Bank of America can provide purchasing card services to any city, village, county, township, school district, intermediate school district, non-profit hospital, institution of higher education, community, or junior college in Michigan. These local government bodies must meet the following criteria before the State of Michigan Procurement Card Services – Statewide Contract can be extended to them:

1. The local government body must be a member of the State of Michigan MiDeal program. A current listing of approved program members is available at: <http://www.michigan.gov/mideal>.
2. The anticipated annual card volume of the local government body must be at least \$1MM.

Benefits of linking to the State of Michigan Procurement Card Services Contract are:

- o The need to go through the RFP process is eliminated
- o Easy enrollment
- o State pricing including annual rebates beginning at \$1MM in annual spend
- o No program or cardholder fees
- o Works application to manage your card program
- o Networking and Best Practices
- o Assigned Card Account Manager
- o Assigned Card Account Specialist for servicing needs

The main financial benefit to participating in this program is that all of the card volume from the State and all local government bodies is added together to determine the rate-tier for rebate payment. This approach pools the spend from the State and multiple local programs, so that a higher rebate rate is achieved for all programs and that respective percentage is then paid on each member's portion of the card program expenditure. As an example, four local government bodies participating in the program may have \$5 million in annual card spend each. The State may have \$30 million in annual card spend. By themselves, the four local bodies would earn a rebate rate at the \$5 million tier from their rebate grids. With the State program, the four local government bodies are added together with the State for a total of \$50 million and each would be paid the \$50 million tier rate on their \$5 million of card spend.

Many local government clients of ours are realizing the benefits of this program and able to determine that this program offers a much better financial return than each local government body could achieve individually. We welcome our clients' participation and would recommend a meeting to discuss the opportunity and review the technology capabilities of our card processing system. Here is just a quick overview.

Advanced Technology – Works

The Bank of America procurement card program offers state of the art technology – Works. Works is a web-based payment management solution that considerably expands the role of purchasing cards within the procurement process. We are pleased to be able to provide our clients with a superior technological solution for consideration. Again, a full demonstration will illustrate the capabilities of the system in the context of the client's program requirements and objectives.

To participate, the local government body would need to be pre-approved for credit worthiness and then sign a Linking Authorization Document which is their agreement with Bank of America to provide the procurement card services as set forth in the State of Michigan Statewide Procurement Card Services Agreement. The implementation of the program would begin as soon as the client is ready and typically takes 60 days.

The State of Michigan Procurement Card Services – Statewide Contract No. 071B9200109 can be found on the State of Michigan website.

**SCHEDULE A
TO
BANK OF AMERICA CORPORATE PURCHASING CARD AGREEMENT**

GENERAL PRODUCT FEE SCHEDULE

Payment Method and applicable fee:	➤ Electronic Payment – No Fee ➤
Annual Card Fee (Per Card):	➤ Fee Waived ➤
Late Fee: Assessed if full payment is not received by Payment Due Date. <u>Central Bill Accounts:</u> Minimum \$250.00, Maximum \$3,500.00 <u>Individual Bill Accounts:</u>	➤ Not to exceed State of Michigan Law ➤ Not to exceed State of Michigan Law
Periodic Finance Charge:	➤ Not to exceed State of Michigan Law
Cash Advance Fee: Minimum \$5.00, no maximum	➤ 2.00% of transaction amount
Overlimit Fee: <u>Central Bill Accounts:</u> Assessed when Aggregate Charge Limit is exceeded. <u>Individual Bill Accounts:</u> Assessed when any Card Limit is exceeded.	➤ Fee Waived ➤ Fee Waived
Returned Payment Fee:	\$29.00 per occurrence
Copy Fee:	\$3.00 per copy
Logo Fee:	➤ Logo Card Fee Waived ➤
Unique Card Design Fee:	➤ Custom Card Not Selected
International Transaction Fee:	1% of the U.S. Dollar amount

SELECTION OF SETTLEMENT PERIOD

Indicate the Settlement Period or number of days after the statement closing date within which payment is due.

➤ ____ day cycle/ ____ day grace period

**SCHEDULE B
TO
BANK OF AMERICA CORPORATE PURCHASING CARD AGREEMENT
ELECTRONIC PRODUCT FEE SCHEDULE**

<i>Internet Application Options:</i>	
Works Solution	No fee
Visa Information Management (VIM) Reporting	N/A
VIM with Workflow	N/A
<i>Custom Interface:</i>	
<i>Interface warranty period of 1 year</i>	
Development	\$0
Maintenance	\$0
<i>Standard Electronic File Delivery Options:</i>	
EDI 811	\$0
Statement Billing File	\$0
File Express (MasterCard only)	N/A

**AMENDED Attachment A
TO
BANK OF AMERICA CORPORATE PURCHASING CARD AGREEMENT
(Cycle and Grace Days)**

REBATE DEFINITIONS:

Capitalized terms, which are not defined in this Attachment A have the meaning ascribed in Article 1, and/or Article 2, Attachment B (including Addendum) to which this Attachment A is attached.

"Calculation Period" means, initially, the 12-month period commencing sixty (60) days after Bank of America receives a fully executed original of this Agreement and thereafter, each subsequent 12-month period.

"Cycle Days" means the number of days from the start of the billing period to the statement date.

"Grace Days" means the number of days from the statement date that payment is due.

"Large Ticket Interchange Transactions" means certain transactions which, based upon the type of merchant and/or transaction dollar amount, are subject to a Visa or MasterCard large ticket interchange program, as determined by and amended by Visa and MasterCard from time to time.

"Rebate Multiplier" means the multiplier corresponding to the Standard Transaction Volume and Cycle and Grace Days as set forth in the Standard Transactions Rebate Multiplier Table, and the multiplier corresponding to the Large Ticket Interchange Transaction Volume and Cycle and Grace Days set forth in the Large Ticket Interchange Transactions Rebate Multiplier Table below.

"Standard Transactions" means the Transaction Volume not meeting the criteria for Large Ticket Interchange Transactions.

"Total Credit Losses" means, for any Calculation Period, the sum of (i) Bank of America's credit losses on the Accounts for the Calculation Period and (ii) Bank of America's credit losses on the Accounts for any previous Calculation Period which have not been applied against any rebate payable under this Agreement.

"Transaction Volume" means, for any Calculation Period, the total dollar amount of purchase transactions made with the Cards during the Calculation Period, less the total dollar amount of: returned purchases, credit adjustments, Transactions resulting from Unauthorized Use, and disputed charges. Cash advances and Convenience Checks are not included in Transaction Volume.

REBATE CONDITIONS:

The program must meet the following conditions in order to qualify for a rebate:

- (i) During the Calculation Period, Company and Participant pay Bank of America the total amount of the new balance shown as due on each Billing Statement on or before the Payment Due Date;
- (ii) Neither Company nor Participant has breached any obligation, covenant, representation or warranty contained in this Agreement;
- (iii) For the Calculation Period, and Transaction Volume is at least \$1,000,000.00.

REBATE CALCULATION AND PAYMENT:

In the event that all of the above Rebate Conditions are met with respect to the Calculation Period, Bank of America shall pay a rebate to Company, which shall be calculated at the end of the Calculation Period in accordance with the respective Multiplier Tables for Standard and Large Ticket Interchange Transactions and using the following equation:

$$(\text{Transaction Volume for Standard Transactions} \times \text{Rebate Multiplier}) + (\text{Transaction Volume for Large Ticket Interchange Transactions} \times \text{Rebate Multiplier}) - \text{Total Credit Losses}$$

Payment of any rebate shall be made by ACH credit or other means determined by Bank of America, within 90 days following the end of the Calculation Period. No rebate shall be paid to any Participant.

Should one or more of the above Rebate Conditions not be met, Bank of America shall be under no obligation to pay any rebate, although Bank of America may, in its sole discretion, determine to pay a rebate in an amount determined by Bank of America. Bank of America's payment of a rebate in such circumstance shall in no way obligate Bank of America to pay a rebate with respect to any subsequent Calculation Period.

STANDARD TRANSACTIONS REBATE MULTIPLIER TABLE

State of Michigan 09/11/09 Annual Card Volume Tiers Excludes Large Ticket		Cycle days	14	14	30	30	30	30	30
		Grace days	3	7	3	7	14	20	25
			REBATE BASIS POINTS						
\$1,000,000	\$4,999,999		92	88	85	81	74	67	62
\$5,000,000	\$9,999,999		102	98	95	91	84	77	72
\$10,000,000	\$14,999,999		112	108	105	101	94	87	82
\$15,000,000	\$19,999,999		117	113	110	106	99	92	87
\$20,000,000	\$24,999,999		122	118	115	111	104	97	92
\$25,000,000	\$29,999,999		135	131	128	124	117	110	105
\$30,000,000	\$34,999,999		136	132	129	125	118	111	106
\$35,000,000	\$39,999,999		136.5	132.5	129.5	125.5	118.5	111.5	106.5
\$40,000,000	\$44,999,999		137	133	130	126	119	112	107
\$45,000,000	\$49,999,999		137.5	133.5	130.5	126.5	119.5	112.5	107.5
\$50,000,000	\$54,999,999		138	134	131	127	120	113	108
\$55,000,000	\$59,999,999		138.5	134.5	131.5	127.5	120.5	113.5	108.5
\$60,000,000	\$64,999,999		139	135	132	128	121	114	109
\$65,000,000	\$69,999,999		139.5	135.5	132.5	128.5	121.5	114.5	109.5
\$70,000,000	\$74,999,999		140	136	133	129	122	115	110
\$75,000,000	\$79,999,999		140.25	136.25	133.25	129.25	122.25	115.25	110.25
\$80,000,000	\$84,999,999		140.5	136.5	133.5	129.5	122.5	115.5	110.5
\$85,000,000	\$89,999,999		140.75	136.75	133.75	129.75	122.75	115.75	110.75
\$90,000,000	\$94,999,999		141	137	134	130	123	116	111
\$95,000,000	\$99,999,999		141.25	137.25	134.25	130.25	123.25	116.25	111.25
\$100,000,000	\$104,999,999		141.5	137.5	134.5	130.5	123.5	116.5	111.5
\$105,000,000	\$109,999,999		141.75	137.75	134.75	130.75	123.75	116.75	111.75
\$110,000,000	\$114,999,999		142	138	135	131	124	117	112

\$115,000,000	\$119,999,999		142.5	138.5	135.5	131.5	124.5	117.5	112.5
\$120,000,000	\$129,999,999		143	139	136	132	125	118	113
\$130,000,000	\$139,999,999		144	140	137	133	126	119	114
\$140,000,000	\$149,999,999		145	141	138	134	127	120	115
\$150,000,000	\$159,999,999		146	142	139	135	128	121	116
\$160,000,000	\$169,999,999		147	143	140	136	129	122	117
\$170,000,000	\$179,999,999		148	144	141	137	130	123	118
\$180,000,000	\$189,999,999		149	145	142	138	131	124	119
\$190,000,000	\$199,999,999		150	146	143	139	132	125	120
\$200,000,000	\$209,999,999		151	147	144	140	133	126	121
\$210,000,000	\$219,999,999		152	148	145	141	134	127	122
\$220,000,000	\$229,999,999		153	149	146	142	135	128	123
\$230,000,000	\$239,999,999		154	150	147	143	136	129	124
\$240,000,000	\$299,999,999		155	151	148	144	137	130	125
\$300,000,000	+		156	152	149	145	138	131	126

LARGE TICKET INTERCHANGE TRANSACTIONS REBATE MULTIPLIER

Large Ticket Interchange Qualified Transactions Annual Volume		Cycle Days	14	14	30	30	30	30	30
			3	7	3	7	14	20	25
			REBATE BASIS POINTS						
\$0	\$1,499,999		39	35	31	27	20	15	10
\$1,500,000	\$4,999,999		49	45	41	37	30	25	20
\$5,000,000	\$19,999,999		59	55	51	47	40	35	30
\$20,000,000	+		64	60	56	52	45	40	35

Commission Meeting Date: March 8, 2011

Date: February 25, 2011
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Zoning Ordinance – Medical Marihuana facilities

SUMMARY OF REQUEST:

Staff initiated request to amend Section 1500 (Principle Uses Permitted) of Article XV (I-2, General Industrial Districts) of the zoning ordinance to allow medical marihuana caregiver facilities as a principal use permitted in I-2, General Industrial Districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the request at their 2/10 meeting.

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

February 10, 2011

Case 2011- 01: Staff initiated request to amend Section 1500 (Principle Uses Permitted) of Article XV (I-2, General Industrial Districts) of the zoning ordinance to allow medical marijuana caregiver facilities as a principal use permitted in I-2, General Industrial Districts.

BACKGROUND

1. The City Commission passed a sixth month moratorium on medical marijuana facilities on May 11, 2010. The moratorium was extended an additional 90 days on December 14, 2010. The moratorium will expire on March 14, 2011.
2. Staff from Planning, City Clerk, Police and the Managers Office have been working with city attorney John Schrier on developing the proposed ordinance.
3. Under the Michigan Medical Marijuana Act, qualifying patients may either grow their own product, up to 12 plants, or they may obtain it from a caregiver. Caregivers may have a maximum of 5 patients and are allowed to grow up to 12 plants per patient.
4. The proposed amendments would allow qualifying patients to grow their own at home without any involvement from the City. However, caregivers will only be allowed to grow in I-2, General Industrial Zones and must follow the licensing guidelines of the City. Caregivers will not be allowed to have signage.
5. Please see enclosed letter from John Schrier.

Ordinance Excerpt:

I-2 General Industrial

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 semi-finished 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.

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. Wind Turbine Facilities [10/09].
6. Uses similar to the above Special Land uses.

NEW LANGUAGE

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

Amendment to Section 1500 (Principle Uses Permitted) of Article XV (I-2, General Industrial Districts).

- 8. Medical marihuana caregiver facilities to the extent licensed pursuant to City Code Sections 34-101 through 34-107.**

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 1500 of Article XV which provides for principal uses permitted in I-2 General Industrial Districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

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

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 remanufacturing of rubber products.
8. **Medical marihuana caregiver facilities to the extent licensed pursuant to City Code Sections 34-101 through 34-107.**
9. Uses similar to the above principal uses.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MNC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the ____ day of _____, 201_, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 201_.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on March 8, 2011, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1500 (Principle Uses Permitted) of Article XV (I-2, General Industrial Districts) of the zoning ordinance to allow medical marihuana caregiver facilities as a principal use permitted in I-2, General Industrial Districts. Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

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

Published _____, 2011.

CITY OF MUSKEGON

By _____

Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

City Commission Meeting
Tuesday March 8, 2011

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: February 28, 2011

SUBJECT: Application for Special License (Liquor Control Commission)

Summary of Request:

The Muskegon Museum of Art has submitted an application for a Special License for Beer, Wine and Spirits for Consumption on the Premises for the following events:

- Reception April 29, 2011
- Gala Dinner June 11, 2011
- Reception November 18, 2011

The Museum meets all of the requirements for the special license with the exception of the request for "spirits". Commission policy dictates that any special license request which includes spirits must be considered and approved by the body.

Financial Impact:

None.

Budget Action Required:

None

Staff Recommendation:

Staff has no recommendation.



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive - P.O. Box 30005 - Lansing, MI 48909-7505
(517)322-1326 or (517)322-6362

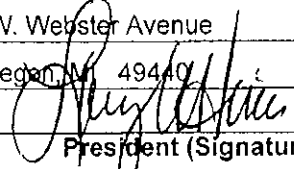
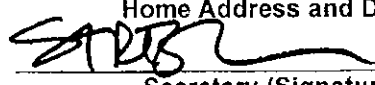
PART 1

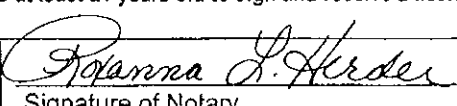
Application For Special License For Sale of Beer and Wine Only or Beer, Wine and Spirits For Consumption on the Premises

1. Application for: ☐ Wine Auction ☐ Beer & Wine Only ☒ Beer, Wine & Spirits		2. Has your organization received a license before? ☒ Yes ☐ No	
3. Name and Address of Applicant Organization Muskegon Museum of Art Foundation 296 W. Webster Avenue Muskegon, MI 49440		4. Non-profit Organization? (check one only) ☒ Yes ☐ No* (If No, you do not qualify for issuance of this license)	
		5. In continuous operation since (date): 05/09/84	
6. RESOLUTION OF ORGANIZATION (required): At a meeting of the membership or board of directors, held on (date) <u>Nov 8, 2010</u> , the following resolution was passed by a majority vote. RESOLVED: That the organization, through its duly authorized officers, make application to the MLCC for a Special License for the sale of either Beer and Wine, or Beer, Wine and Spirits, for consumption on the premises to be in effect on the following days (enter dates) <u>4/29/2011, 6/11/2011, and 11/18/2011</u> at the following location and address. Location Name: <u>Muskegon Museum of Art</u> Address: <u>296 W. Webster Avenue, Muskegon, MI 49440</u> This location is in the (city, incorporated village or township) <u>Muskegon</u> , County of <u>Muskegon</u> Outdoor Location ☐ No ☒ Yes - if yes, submit a diagram with dimensions, indicate how it will be contained & security provisions. Type of event: <u>4/29 & 11/18 Receptions, 6/11 Gala Dinner (outside)</u>			
7. CHURCH OR SCHOOL APPROVAL: If the proposed location is within 500 feet of a church and/or school then you must have both church and/or school officials approve the application for a special license by filling out and signing this box or attaching an authorizing statement sheet. I, the authorized representative of the named church and/or school, state that we have no objection to the issuance of a special license to the applicant organization, at the location entered on the resolution. Name and address of church and/or school: _____ Address _____ City _____, Michigan Zip _____ ☒ Attached Signature of authorized church and/or school representative, phone # and date: (Attach additional sheets if necessary.)			
8. MILITARY INSTALLATION: Is the proposed location at a military installation or a facility operated by the military? ☐ Yes ☒ No If YES, you must also have the local government complete PART 4 of this application. Military Agreement Number _____ We understand the granting of this license and operation under such license are subject to all regulations of the Department of Military Affairs, the provisions of the Liquor Control Code, and the Rules of the Commission.			

ALL APPLICANTS- We certify that all profits derived from the sale of beer, wine and/or spirits will go to the organization and not to any individual. We further certify that the statements made are true. We further agree to abide by all provisions of the Liquor Control Code and any rules issued by the Commission; that any license issued by the Commission is a contract subject to suspension or revocation by the MLCC, that there shall be no liability on the part of the State of Michigan, the MLCC, or any of its officers or employees by reason of such suspension or revocation, and that the granting of the license does not create a vested right.

MAIL LICENSE TO: Contact Phone No. +1 (231) 720-2571 (You must be at least 21 years old to sign and receive a license.)

Name Muskegon Museum of Art Foundation
Address 296 W. Webster Avenue
Muskegon, MI 49440
 Larry W. Hines
President (Signature must be legible)
335 W. Circle Drive, Muskegon, MI 49445 231-799-6240
Home Address and Daytime Phone Number
 Stacie Behler
Secretary (Signature must be legible)
7139 S. Scenic Drive, New Era, MI 231-893-4617
Home Address and Daytime Phone Number


Signature of Notary
1/10/2011
Subscribed and sworn on date
Print Name ROXANNA L. HERDER
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTTAWA
MY COMMISSION EXPIRES Sep 22, 2011
County ACTING IN COUNTY OF Muskegon
Commission Expires Date

9. SUNDAY SALES (Complete only if application is for sale of spirits on Sunday-not beer and wine) :

Will this event be held on Sunday and will spirits be sold? ☐ Yes ☒ No

If **YES**, complete PART 3 of this application. Attach it to this page and pay the additional Sunday Sales fee. Sunday Sales Permits are granted for the sale of spirits as long as the sale of spirits is not prohibited by local ordinance.

Approval is required of the chief of police or sheriff who has primary jurisdiction where the proposed special license is to be located. The sponsoring organization should prepare a diagram clearly indicating the area for sales and consumption of alcohol with a description of how the area will be policed by the organization. The organization must give a copy of the diagram to the police agency having jurisdiction over the event, and attach the original diagram to this application.

10. APPROVAL OF CHIEF OF POLICE OR SHERIFF: (Whoever has primary jurisdiction in the local governmental unit where the event is held)

Please review this application and sign only if you approve the issuance of a Special License. If there is a local sale of prohibition against the beer, wine and spirits on Sunday, an application for a license to be in operation on Sunday will not be approved.

Does the proposed establishment meet all local health and sanitation requirements?

☐ Yes ☐ No

Is the proposed establishment within 500 feet of a church and/or school?

☐ Yes ☐ No

If YES, please enter the name and address of the church and/or school.

(Church and/or School Name)

(Address)

(Pastor and/or Superintendent)

(Telephone)

Attach additional sheets if necessary (for example, within 500 feet of a church AND a school or within 500 feet or if there are multiple churches or schools).

I certify that I have investigated the application of this organization for a Special License for the sale of beer and wine or beer, wine and spirits for consumption on the premises and approve the issuance of a license by the Liquor Control Commission.

X

(Signature of approving officer)

(Print Name and Title)

(Date)

11. REQUIRED DOCUMENTS: The following documents are required and must be attached to this application.

PART 2- a 60-day bond for \$1,000.00. Please make sure an officer of the organization has signed the bond.

PART 3- Sunday Sale affidavit-if the event is held on a Sunday and you are selling spirits.

PART 4- Military Installation Local Legislative Body Resolution-if event is to be held on a military installation.

Diagram of Service Area-the diagram must clearly indicate the area for sales and consumption of alcoholic beverages, show the dimensions of the area, and indicate how the area is to be enclosed (fence) and policed.

Authorization Letter-from an organization if the event is a fundraiser being held for another organization.

Proof of non-profit status.

Mail Application to the Michigan Liquor Control Commission, 7150 Harris Drive, P.O. Box 30005, Lansing, MI 48909-7505.

FEES SCHEDULE/PAYMENT:

Organizations established less than one year:

\$50.00 for each day of the event

\$7.50 for an additional Sunday Sales Fee*

Organizations established for one year or more:

\$25.00 for each day of the event

\$3.75 for an additional Sunday Sales Fee*

Credit card, check, organization check, bank or postal money order-made payable to the STATE OF MICHIGAN/MLCC. A separate fee is due for each day of the special license. Additional fees are required for a Sunday Sales Permit. See the fees schedule shown above. Do not send cash through the mail.

Cash is taken at the Lansing office of the Commission and a receipt will be provided. The Commission's offices are open to the public from 8:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:30 p.m., Monday through Friday, except holidays. Special license telephone number (517) 322-1326 or (517) 322-6362 FAX (517) 322- 4955.

* The Sunday sales fee only applies if the event is held on a Sunday and you are selling spirits.

Date: March 8, 2011
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request from Consumers Energy Company for
Easements

SUMMARY OF REQUEST: Consumers Energy Company is seeking four easements from the City of Muskegon for its Muskegon-Cobb #1 and #2 line relocation projects. The project objective is to relocate five High Voltage Distribution lines that currently exist in the wetlands area East of Consumers Energy's Cobb Generation Plant, to a location out of a wetlands area. This is being done to facilitate access, which could reduce the size and duration of the outages, should an event in the area damage these lines. Access is currently limited, due to changing environmental restrictions.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.



4000 Clay Avenue, SW, Grand Rapids, MI 49548-3017

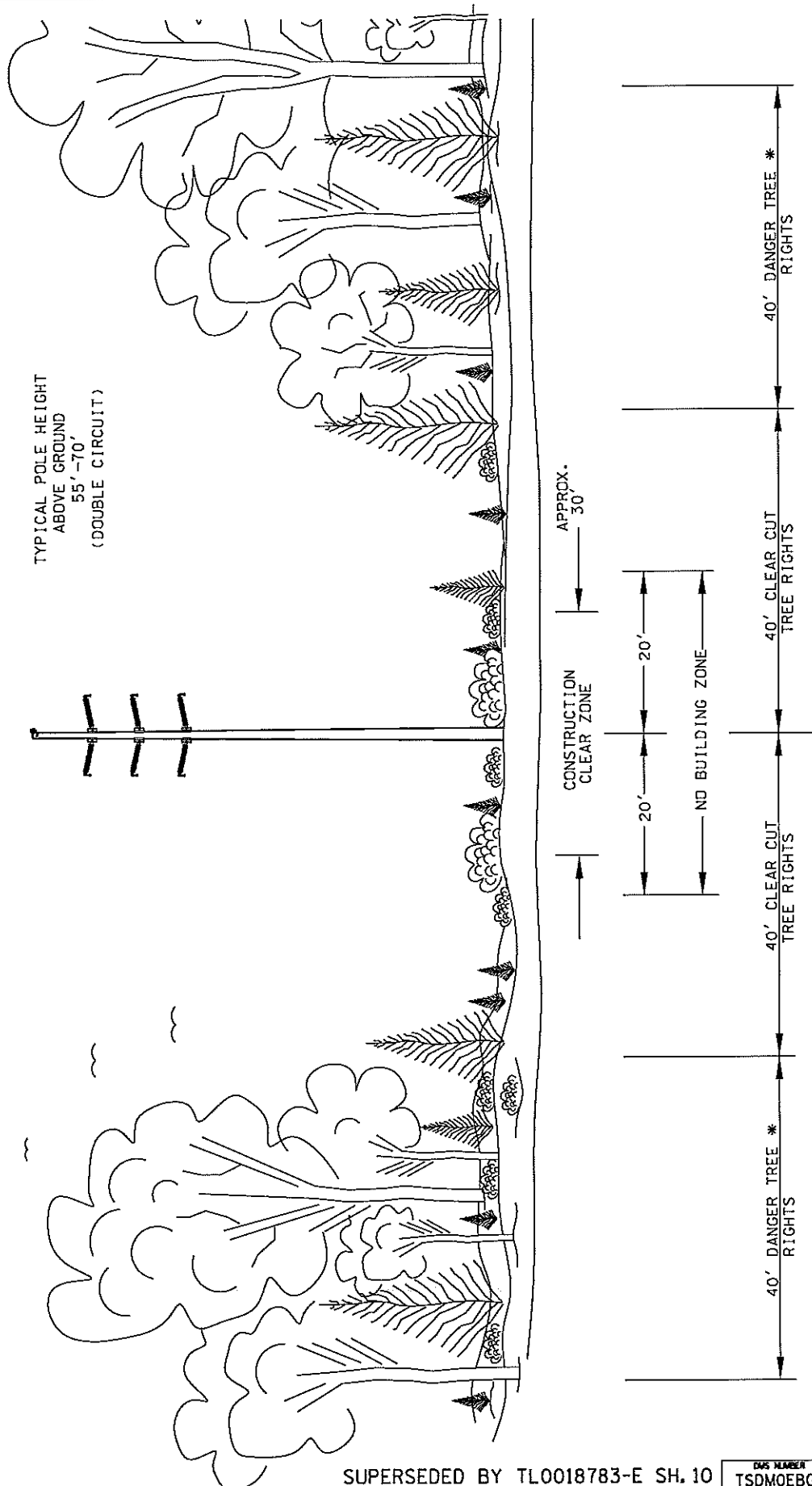
Muskegon Cobb #1 and #2 – Relocation Project

Summary of Project:

Consumers Energy Company is seeking four easements from the City of Muskegon for its Muskegon-Cobb #1 and #2 line relocation projects. The project objective is to relocate 5 High Voltage Distribution lines that currently exist in the wetlands area East of Consumers Energy's Cobb Generation Plant, to a location out of a wetlands area. This is being done to facilitate access, which could reduce the size and duration of the outages, should an event in the area damage these lines. Access is currently limited, due to changing environmental restrictions.

**Proposed Project Construction Start:
3rd Quarter of 2011**

STANDARD RIGHT-OF-WAY ACQUISITION
TREE RIGHTS AND NO BUILDING ZONE
TYPICAL 46 KV SINGLE WOOD POLE



SUPERSEDED BY TL0018783-E SH. 10

DAS NUMBER
TSDMOEBGCODE
78

Consumers Energy

RIGHT-OF-WAY TYPICAL 46KV SINGLE WOOD POLE
TREE RIGHTS AND NO BUILDING ZONEAPPROVED RG COTTRELL DATE 9-1-03Dwg No.
SDMO26229-ERev Sh
4



EASEMENT

Order #10854426

City of Muskegon, a Michigan municipal corporation

933 Terrace Street, Muskegon, MI 49443

Grantor, for good and valuable consideration paid to Grantor by CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201-2276, Grantee, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to enter at any time and from time to time upon land hereinafter described to cut, trim, remove, destroy, or otherwise control any or all trees and brush now or hereafter standing or growing within the North 15 feet and the right to trim all trees in excess of 35 feet in height within the South 40 feet of the North 55 feet on the land of Grantor, said land being in the City of Muskegon, County of Muskegon and State of Michigan, described as:

61-24-611-000-0456-00

The North 55 feet of Lot 456, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W.

61-24-611-000-0462-00

The North 55 feet of Lots 462 and 463, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W.

61-24-611-000-0472-00

The North 55 feet of Lot 472, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W.

61-24-611-000-0477-00

The North 55 feet of Lot 477, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W; and

The North 55 feet of the East 47 feet of Lot 478, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W.

61-24-611-000-0484-00

The North 55 feet of the West 32 feet of Lot 483, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W; and

The North 55 feet of Lot 484, Muskegon-Urban Renewal Plat No. 2, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 21, T10N, R16W.

61-24-612-000-0488-00

The North 55 feet of Lot 488, Muskegon-Urban Renewal Plat No. 3, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 21, T10N, R16W.

61-24-612-000-0491-00

The North 55 feet of Lot 491, Muskegon-Urban Renewal Plat No. 3, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 21, T10N, R16W.

61-24-612-000-0492-00

The North 55 feet of Lot 492, Muskegon-Urban Renewal Plat No. 3, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 21, T10N, R16W.

61-24-612-000-0626-10

The North 55 feet of the West 1/2 of Lot 626, Muskegon-Urban Renewal Plat No. 3, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 21, T10N, R16W.

61-24-205-016-0001-00

The North 55 feet of Lot 1, Block 16, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 20, T10N, R16W.

61-24-205-015-0011-10

The North 55 feet of that part of Lot 11, Block 15, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 20, T10N, R16W described as: Commencing at the Northeast corner of Lot 11; thence West 87.8 feet along the North line of Lot 11 to the point of beginning; thence Southerly 134.6 feet; thence Westerly 39.9 feet; thence Northerly 140.9 feet; thence East 43.10 feet to the point of beginning.

61-24-205-014-0005-00

The North 55 feet of Lot 5, Block 14, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 20, T10N, R16W.

61-24-205-013-0004-00

The North 55 feet of Lot 4, Block 13, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 20, T10N, R16W.

61-24-205-012-0001-00

The North 55 feet of Lots 1, 2 and 3, Block 12, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 20, T10N, R16W; and

The North 55 feet of the West 16.5 feet of that part of Charles Street vacated adjacent to Lots 1 and 7, Block 12, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northeast 1/4 of Section 20, T10N, R16W.

61-24-205-140-0015-00

The North 55 feet of Lots 15 and Block 140, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 20, T10N, R16W.

61-24-205-140-0001-00

The North 55 feet of Lot 1, Block 140, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 20, T10N, R16W.

It is expressly agreed that non use or a limited use of the easement and rights hereby granted shall not prevent Grantee from later making use of said easement and rights to the full extent herein authorized. It is further agreed that the consideration received by Grantor for this easement shall be in full payment for the easement and rights hereby granted and for all trees and brush now or hereafter standing or growing on said land.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by it's duly authorized officers this _____ day of _____, 20____, pursuant to a Resolution of the City Commission dated the _____ day of _____, 20____.

CITY OF MUSKEGON

By _____ Mayor

By _____ Clerk

The foregoing instrument was acknowledged before me in _____ County this _____ day of _____, 20____, by _____, Mayor, and _____, Clerk, of the City of Muskegon, a Michigan municipal corporation, on behalf of the corporation.

Notary public
State of Michigan, County of _____
Acting in the County of _____
My commission expires _____

Prepared By: Carrie Main 10/16/09
Modified By: Tracy VanWoert 02/08/11
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201-2276

Return to: Consumers Energy Company
Business Services -- Real Estate
Attn: EP7
One Energy Plaza
Jackson, MI 49201-2276

Parcel # _____
File # _____
Order # 10814326

SPECIAL CONSIDERATIONS AND AGREEMENTS

(Not Recited in the Easement)

GRANTOR City of Muskegon
P. O. Box 536, 933 Terrace Street
Muskegon, MI 49443
Phone: (231) 724-6707

1. GRANTEE WILL PAY THE LANDOWNER THE AGREED-ON COMPENSATION FOR THE EASEMENT
DATED _____, ON OR ANYTIME BEFORE THE DATE GRANTEE
COMMENCES CONSTRUCTING THE LINE ON THE LAND.

Easement Compensation \$ 32,000.00

2. AGREEMENTS PERTAINING TO THE CONSTRUCTION OF THE LINE

3. AGREEMENTS PERTAINING TO CLEARING THE EASEMENT

Consumers Energy Company will remove debris from the property.

Grantor hereby accepts and approves the above.

CONSUMERS ENERGY COMPANY

By: _____
Date _____

SAP# 10814326

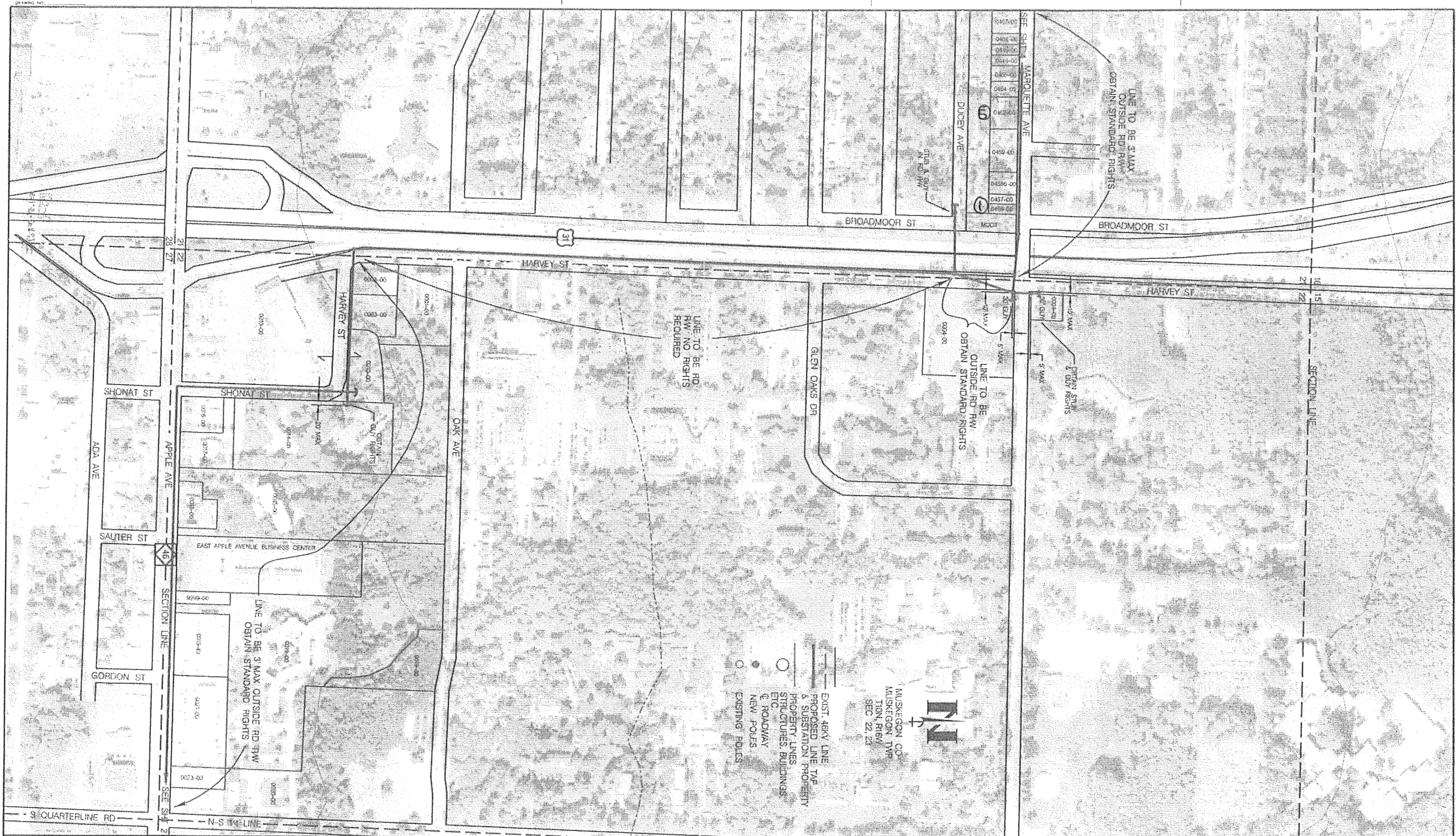
FIELDMAN'S PROJECT REPORT
Cobb to Muskegon Heights #2

02/24/11

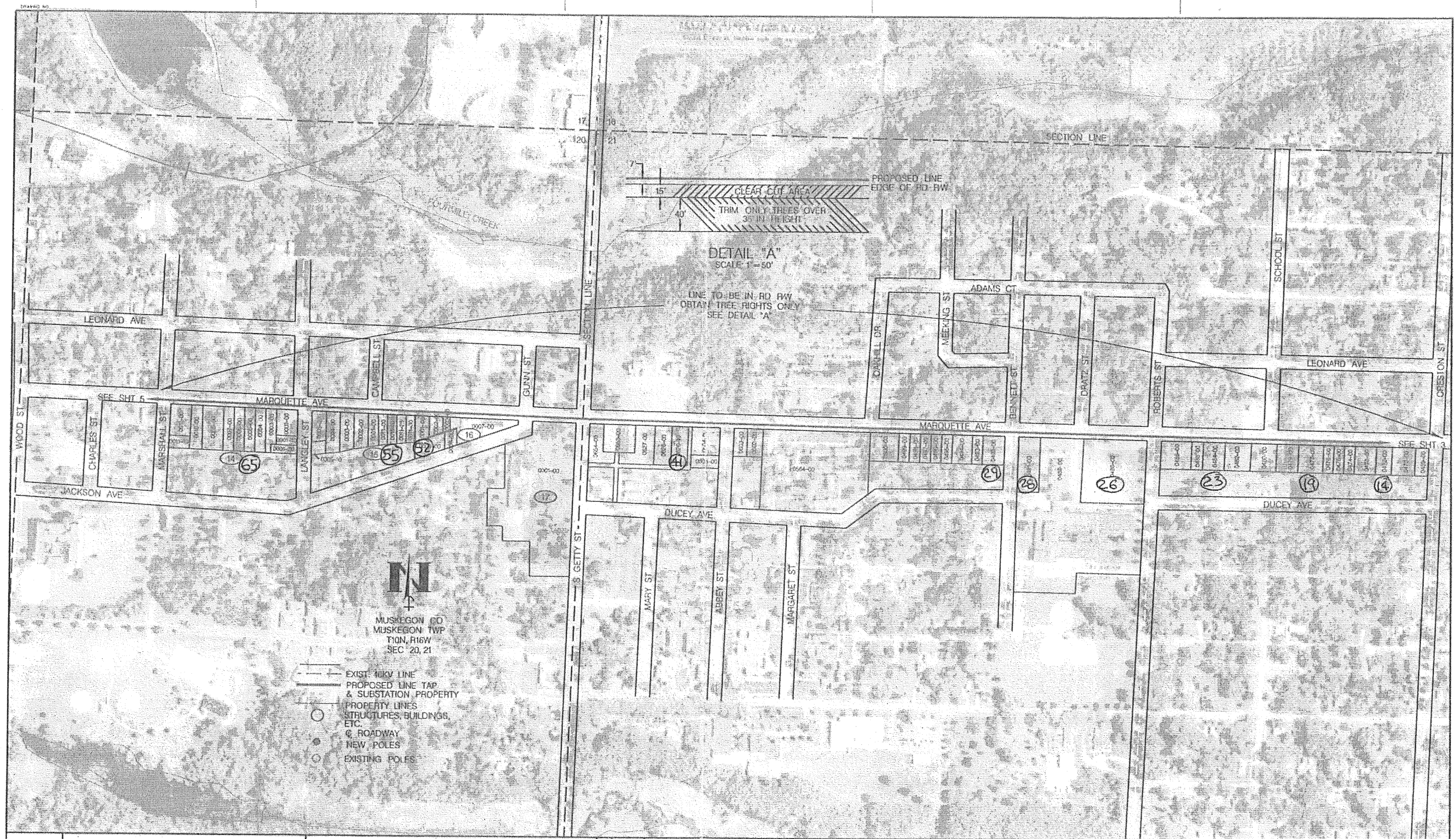
Pcl No.	Field man	Name and Address Phone No.	Easement Type	Comments (See below, also see Special Agreement)	Scout Map #	Estimated wss Cost	Township Name	Town & Range	Sec No.
1	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-611-000-0456-00; No Trees	3 of 5	\$500.00	Muskegon	T10N- R16W	21
5	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-611-000-0462-00; 1 lg./med oak (\$1K), 2 sm oak (\$1K), 1 lg/med Oak trim only (\$500.00)	3 of 5	\$3,000.00	Muskegon	T10N- R16W	21
14	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-000-0472-000. 4 mature trees will need to be completely removed. 1 may need to be trimmed.	4 of 5	\$4,500.00	Muskegon	T10N- R16W	21
19	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-611-000-0477-00. 6 large sized trees, 2 medium and 3 small need removed.	4 of 5	\$6,000.00	Muskegon	T10N- R16W	21
23	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-611-000-0484-00. 1 large trees approx. 24" in diameter will need to be removed. Possibly others need trimmed (not sure who owns trees).	4 of 5	\$1,500.00	Muskegon	T10N- R16W	21
26	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-612-000-0488-00. 2 small and 1 large trees need to be removed on this parcel. Fruit tree ok?	4 of 5	\$2,000.00	Muskegon	T10N- R16W	21
28	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-612-000-0491-00. No trees will need to be removed from this parcel.	4 of 5	\$500.00	Muskegon	T10N- R16W	21
29	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights-Tree Easement	61-24-612-000-0492-00. 1 medium sized tree approx. 18" in diameter will need to be removed from this parcel.	4 of 5	\$1,000.00	Muskegon	T10N- R16W	21

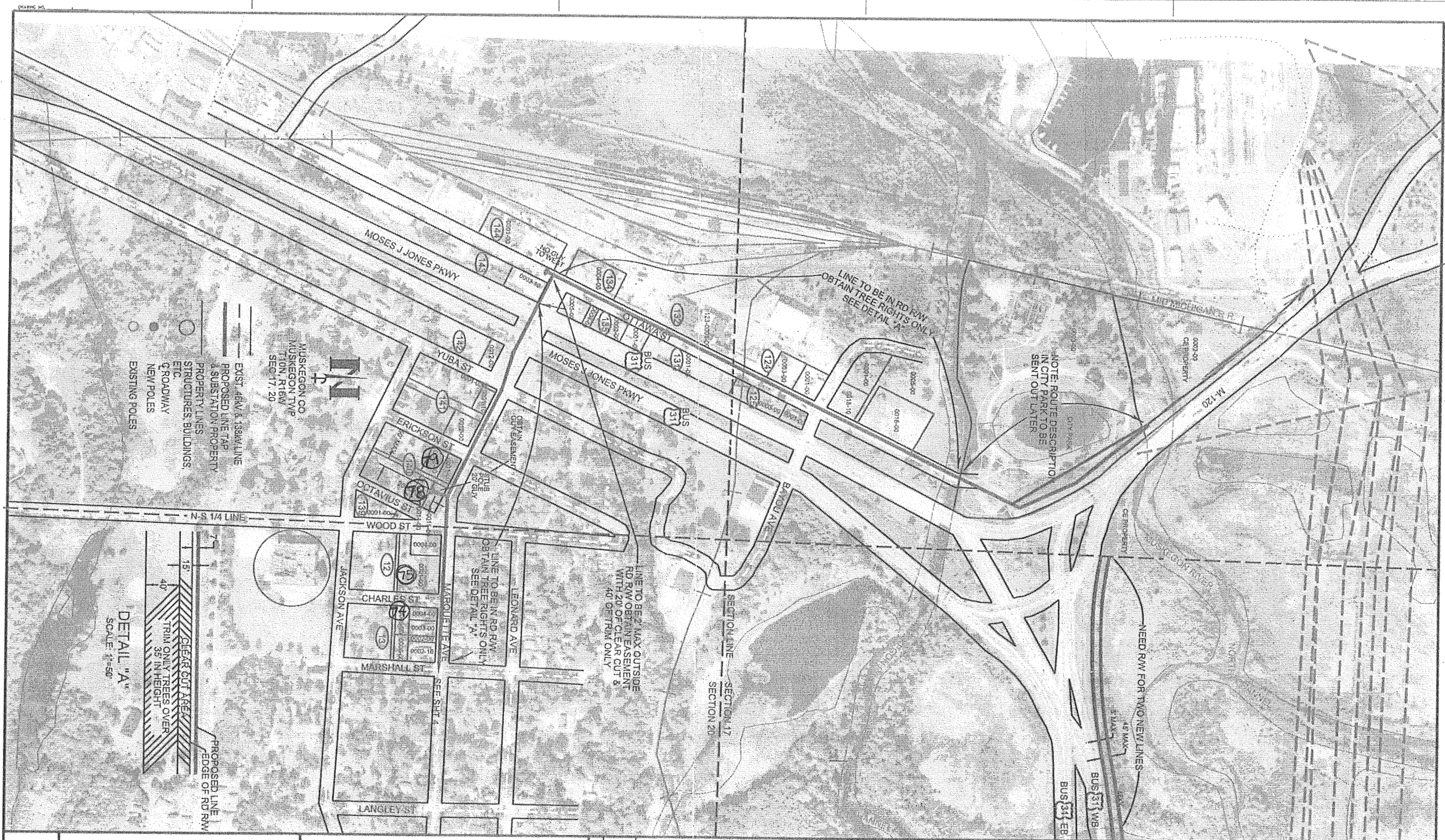
41	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-612-000-0626-10. 2 medium sized trees will need to be removed from this parcel. Three walnuts; trim oak;	4 of 5	\$2,000.00	Muskegon	T10N- R16W	21
52	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-016-0001-00. 2 small and 4 medium sized trees will need to be removed from this parcel.	4 of 5	\$3,000.00	Muskegon	T10N- R16W	20
55	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-015-0011-10. 2 large/mature trees will need to be removed from this parcel. Small elm.	4 of 5	\$2,500.00	Muskegon	T10N- R16W	20
65	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-014-0005-00. 2 small and 1 medium to small sized trees will need to be removed from this parcel. (Bad condition)	4 of 5	\$1,000.00	Muskegon	T10N- R16W	20
74	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-013-0004-00. 1 medium tree will need to be removed from this parcel.	5 of 5	\$1,000.00	Muskegon	T10N- R16W	20
75	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-012-0001-00. 1 medium/large mature tree may need to be removed from this parcel. (Bad shape)	5 of 5	\$1,000.00	Muskegon	T10N- R16W	20
78	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-140-0015-00. Stub pole and guy need to be acquired on this parcel. 2 medium sized, dead tree and 1 small sized tree will need to be removed from this parcel. Elm - remove if asked to?	5 of 5	\$1,000.00	Muskegon	T10N- R16W	20
79	WCC	City of Muskegon PO Box 536 933 Terrace St. Muskegon, MI 49443	Reduced Rights- Tree Easement	61-24-205-140-0001-00. 4 small and 1 medium sized trees need to be removed from this parcel. Mulberry, locust, clump of small maples.	5 of 5	\$1,500.00	Muskegon	T10N- R16W	20

\$32,000



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EASEMENT FOR ELECTRIC FACILITIES

314.poles-2007

61-24-117-400-0002-00

61-24-117-400-0003-00

61-24-205-001-0003-96

Order # 10854421

City of Muskegon, a Michigan municipal corporation

933 Terrace Street, Muskegon, MI 49443

Grantor, for good and valuable consideration paid to Grantor by CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201-2276, Grantee, receipt of which is hereby acknowledged, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to enter upon the land hereinafter described and to construct, operate, maintain, repair, inspect, replace, improve, enlarge and remove electric transmission and distribution facilities consisting of pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors and transformers and other fixtures and appurtenances and electric control circuits and devices in, over and across said land, including all public highways upon or adjacent to said land, which land is in the City of Muskegon, County of Muskegon and State of Michigan, and described as:

A strip of land 125 feet in width lying Northerly of and adjacent to the Northerly right of way line of Westbound Business US-31 (Skyline Drive and M-120) and Southerly of the North Channel of the Muskegon River across the North 1/2 of the South 1/2 of Section 17, T10N, R16W, said land also being a part of Lot 2, Block 1 of the Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof; and

A strip of land 125 feet in width lying Northerly of and adjacent to the Northerly right of way line of Westbound Business US-31 (Skyline Drive) across the Southeast 1/4 of Section 17, T10N, R16W, said land also being a part of Lot 2, Block 1 of the Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof; and

A strip of land 130 feet in width lying Westerly of and adjacent to the Westerly right of way line Getty Street and lying Southerly of the Southerly right of way line of Business US-31 (Skyline Drive) and Northerly of the Northerly right of way line of Access Highway across the Southeast 1/4 of Section 17, T10N, R16W, said land also being a part of Lot 3, Block 1 of the Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof.

The electric facilities are to be located in, over and across said land on a center lines described as:

Route 1

Beginning at a point not more than 5 feet North of the North right of way line of Westbound Business US-31 (Skyline Drive) in Section 17, T10N, R16W, at the Middle Channel of the Muskegon River; thence Easterly along a line not more than 5 feet North of the North right of way line of Westbound Business US-31 (Skyline Drive) to a point not more than 50 feet West of the East line of Section 17; thence South along a line not more than 50 feet West of the East line of Section 17 to a point not more than 850 feet nor less than 800 feet South of the East and West 1/4 line of Section 17; thence Easterly to a point not more than 950 feet nor less than 900 feet South of the East and West 1/4 line of Section 16 of said township at a point not more than 400 feet nor less than 350 feet East of the North and South 1/4 line of Section 16.

Route 2

Beginning at a point not more than 45 feet North of the North right of way line of Westbound Business US-31 (Skyline Drive) in Section 17, T10N, R16W, at the Middle Channel of the Muskegon River; thence Easterly along a line not more than 45 feet North of the North right of way line of Westbound Business US-31 (Skyline Drive) to the centerline of Consumers Energy Company's existing electric line at a point not more than 40 feet East of the West line of Section 16 of said township.

Also conveying the right to cut, trim, remove, destroy, or otherwise control, without compensation to Grantor: (1) all trees and brush now or hereafter standing or growing on the land described above within 40 feet on each side of said centerline, and (2) all trees in excess of 35 feet in height on said land within 80 feet on each side of said centerline. The complete exercise of the rights herein granted to cut, trim, remove, destroy or otherwise control trees and brush may be gradual and not fully completed for some time in the future, and Grantee may enter upon said land, from time to time and at no additional cost to Grantee, to cut, trim, remove, destroy or otherwise control trees and brush as aforesaid.

Grantor agrees that, for the protection of said facilities, no buildings or other structures will be placed within 20 feet on each side of said centerline.

Nonuse or a limited use of this easement by Grantee shall not prevent Grantee from later making use of the easement to the full extent herein conveyed.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

IN WITNESS WHEREOF, Grantor has executed this instrument or has caused this instrument to be executed by its duly authorized officer this _____ day of _____, 20____.

City of Muskegon

Mayor

Clerk

The foregoing instrument was acknowledged before me in _____ County, Michigan, on _____, 20____, by by _____, Mayor, and _____, Clerk, of the City of Muskegon, a Michigan municipal corporation, on behalf of the corporation.

Notary Public

County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared By: Tracy VanWoert 2-8-2011
Consumers Energy Company
One Energy Plaza
Jackson, Michigan 49201-2276

Return to: Consumers Energy Company
Business Services – Real Estate
Attn: EP7
One Energy Plaza
Jackson, MI 49201-2276

Parcel # _____
File # _____
Order # 10854421

SPECIAL CONSIDERATIONS AND AGREEMENTS

(Not Recited in the Easement)

GRANTOR City of Muskegon (Bus.US-31)
P. O. Box 536, 933 Terrace Street
Muskegon, MI 49443
Phone: (231) 724-6707

1. GRANTEE WILL PAY THE LANDOWNER THE AGREED-ON COMPENSATION FOR THE EASEMENT
DATED _____, ON OR ANYTIME BEFORE THE DATE GRANTEE
COMMENCES CONSTRUCTING THE LINE ON THE LAND.

Easement Compensation \$10,000.00

2. AGREEMENTS PERTAINING TO THE CONSTRUCTION OF THE LINE

3. AGREEMENTS PERTAINING TO CLEARING THE EASEMENT

Consumers Energy Company will chip and spread trees, limbs and branches within the easement area
where practical.

Grantor hereby accepts and approves the above.

CONSUMERS ENERGY COMPANY

By: William C. Carlson, Acquisition Project Manager

Date _____



MUSKEGON CO
MUSKEGON TWP
T10N, R16W
SEC 16, 17

KEY PLAN

- EXIST. 46KV & 138KV LINE
- PROPOSED LINE TAP & SUBSTATION PROPERTY
- PROPERTY LINES
- STRUCTURES, BUILDINGS, ETC.
- ROADWAY
- NEW POLES
- EXISTING POLES



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Consumers Energy

SCOUT MAP
COBB-MUSKEGON HEIGHTS #1
& COBB-TERRACE 46KV
138KV LINE

SCALE	1" = 200'-0"	DRAWING NO.	T13818764-F	SHEET	6 of 8	REV.	A
FORM SCALE	= 125	PLOTTING SCALE	= 200				RS No. 52822

EASEMENT FOR ELECTRIC FACILITIES

24-117-300-0003-00

Order # 10854426

City of Muskegon, a Michigan municipal corporation

933 Terrace Street, Muskegon, MI 49443

Grantor, for good and valuable consideration paid to Grantor by CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201-2276, Grantee, receipt of which is hereby acknowledged, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to enter upon the land hereinafter described and to construct, operate, maintain, repair, inspect, replace, improve, enlarge and remove electric transmission and distribution facilities consisting of pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors and transformers and other fixtures and appurtenances and electric control circuits and devices in, over and across said land, including all public highways upon or adjacent to said land, which land is in the City of Muskegon, County of Muskegon and State of Michigan, and described as:

A strip of land 160 feet in width located in the Southwest 1/4 of Section 17, T10N, R16W, City of Muskegon, Muskegon County, Michigan, being 80 feet on each side of the existing centerline of the overhead electric line constructed pursuant to this Easement, said centerline being described as follows: Commencing at the South one-quarter corner of said Section 17; thence North 02°15'23" East 1075.88 feet along the North and South one-quarter line of said Section; thence North 87°44'37" West 390.89 feet for THE PLACE OF BEGINNING OF THIS CENTERLINE DESCRIPTION; thence North 21°25'20" East 243.85 feet; thence North 28°37'38" West 661.51 feet; thence North 40°27'39" West 236.79 feet for the place of ending of this centerline description.

Said strip of land (collectively, "the Easement Area") is part of the following parcel of land:

24-117-300-0003-00

A parcel of land in the Southwest 1/4 of Section 17, T10N, R16W, City of Muskegon, Muskegon County, Michigan described as: Commencing at the intersection of the South Branch of the Muskegon River and the Easterly right of way line of C&O railroad; thence Northerly along said right of way line of the railroad to the centerline of the Middle Channel of the Muskegon River; thence Northeasterly along the centerline of the Middle Channel of the Muskegon River to the Westerly line of Ottawa Street; thence Southerly and Westerly along the Westerly line of Ottawa Street to the South Branch of the Muskegon River; thence West along the South Branch of the Muskegon River to the point of beginning.

Also conveying the right to cut, trim, remove, destroy, or otherwise control, without compensation to Grantor: (1) all trees and brush now or hereafter standing or growing on the land described above within 40 feet on each side of said centerline, and (2) all trees in excess of 35 feet in height on said land within 80 feet on each side of said centerline. The complete exercise of the rights herein granted to cut, trim, remove, destroy or otherwise control trees and brush may be gradual and not fully completed for some time in the future, and Grantee may enter upon said land, from time to time and at no additional cost to Grantee, to cut, trim, remove, destroy or otherwise control trees and brush as aforesaid.

Grantor agrees that, for the protection of said facilities, no buildings or other structures will be placed within 20 feet on each side of said centerline.

Nonuse or a limited use of this easement by Grantee shall not prevent Grantee from later making use of the easement to the full extent herein conveyed.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

IN WITNESS WHEREOF, Grantor has executed this instrument or has caused this instrument to be executed by its duly authorized officer this _____ day of _____, 20____.

City of Muskegon

Mayor

Clerk

The foregoing instrument was acknowledged before me in _____ County, Michigan,
on _____, 20____, by by _____, Mayor,
and _____, Clerk, of the City of Muskegon, a Michigan municipal corporation, on
behalf of the corporation.

Notary Public

County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared By: Tracy VanWoert 2-8-2011
Consumers Energy Company
One Energy Plaza
Jackson, Michigan 49201-2276

Return to: Consumers Energy Company
Business Services – Real Estate
Attn: EP7
One Energy Plaza
Jackson, MI 49201-2276

Parcel # _____
File # _____
Order # 10814326

SPECIAL CONSIDERATIONS AND AGREEMENTS

(Not Recited in the Easement)

GRANTOR City of Muskegon (Richards Park)
P. O. Box 536, 933 Terrace Street
Muskegon, MI 49443
Phone: (231) 724-6707

1. GRANTEE WILL PAY THE LANDOWNER THE AGREED-ON COMPENSATION FOR THE EASEMENT DATED _____, ON OR ANYTIME BEFORE THE DATE GRANTEE COMMENCES CONSTRUCTING THE LINE ON THE LAND.

Easement Compensation \$ 20,000.00 (includes cost of transplanting up to 10 small trees).

2. AGREEMENTS PERTAINING TO THE CONSTRUCTION OF THE LINE

3. AGREEMENTS PERTAINING TO CLEARING THE EASEMENT

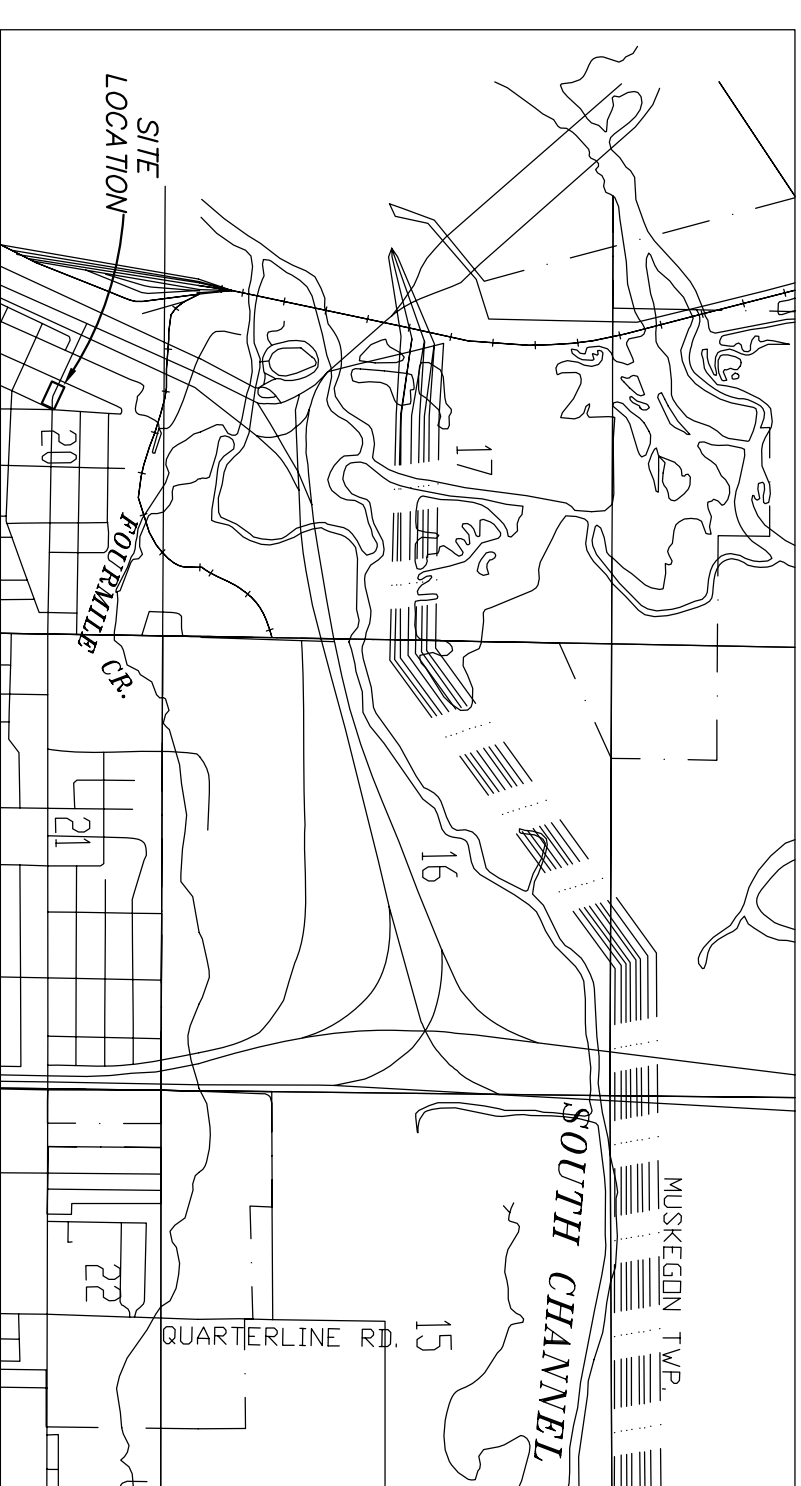
Consumers Energy Company will remove debris from the property. Stumps will be ground below ground level. The City of Muskegon will be responsible for relocating smaller trees within 40 feet of the proposed centerline

Grantor hereby accepts and approves the above.

CONSUMERS ENERGY COMPANY

By: William C. Carlson, Acquisition Project Manager

Date _____

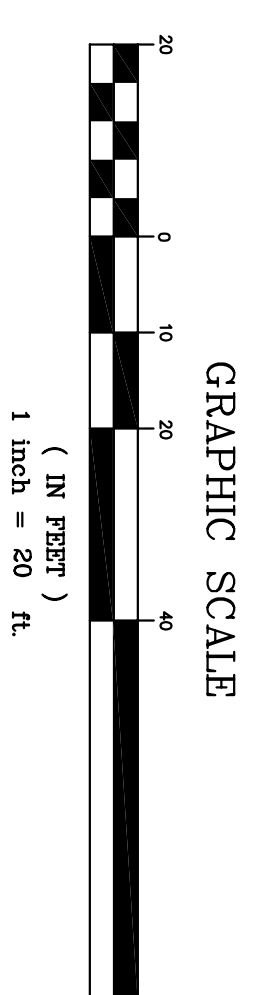


Sec. 20
Muskegon Township
T10N, R16W
Muskegon County

BASIS OF BEARING

BASIS OF ELEVATION

NAVD 88 datum (GPS Derived)



GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft

LEGEND

- | | |
|---|-------------------------------------|
|  | Section Corner |
|  | Found Survey Marker (as noted) |
|  | Found "+ cut" |
|  | Set |
|  | Existing Distribution or 46 kV Pole |
|  | Proposed Distribution or 46 kV Pole |
|  | Manhole |
|  | Underground Utility Marker |
|  | Chain Link Fence |
|  | Deciduous Tree |
|  | Manhole - Telephone |
|  | Manhole - Water |
|  | Sign |
|  | Lightpole |
|  | Hydrant |
|  | Watermain |
|  | Property Line |
|  | Proposed Electric Line |
|  | Proposed Guy Anchor |

DESCRIPTION

LOTS 15 AND 16, OF THE CITY OF MUSKEGON REVISED PLAT OF 1903



UPDATED 12/06/2010

[illegible]

Consumers Energy

Williams & Works

616.224.1500 phone • 616.224.1501 fax
549 Ottawa Ave NW • Grand Rapids, MI 49503

COBB-MUSKEGON HEIGHTS #2 138 KV LINE

Sec. 20 T10N, R16W
Muskegon Township Muskegon County
WO-10854221

WO-1085422

110N, R16W
Muskegon County

SCALE: 1" = 20'

ConEn FILE NAME: 20678BASE.DWG
W&W FILE NAME: 20678BASE.DWG

DRAWING NO.
SF-20678

SHEET 2

EASEMENT FOR
GUY STUB ANCHOR POLE, GUY WIRES AND ANCHORS

359CITY-2009

61-24-205-140-0015-00

Order # 10854426

City of Muskegon, a Michigan municipal corporation

933 Terrace Street, Muskegon, MI 49443

Grantor, for good and valuable consideration paid to Grantor by CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201-2276, Grantee, the receipt of which is hereby acknowledged, Conveys and Warrants to Grantee, its successors and assigns, the easement and right to enter upon the land hereinafter described and to construct, maintain, repair, replace and remove a guy stub anchor pole, guy wires and anchor in, over and across said land, which land is in the City of Muskegon, County of Muskegon and State of Michigan, and described as:

The West 20 feet of the North 45 feet Lot 16, Block 140, Revised Plat of 1903, of the City of Muskegon, according to the recorded plat thereof, being a part of the Northwest 1/4 of Section 20, T10N, R16W.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

Also conveying the right, from time to time and at no additional cost to Grantee, to cut, trim, remove, destroy or otherwise control any trees and brush which may, in the opinion of the Grantee, interfere or threaten to interfere with or be hazardous to said facilities.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by it's duly authorized officers this _____ day of _____, 20____, pursuant to a Resolution of the City Commission dated the _____ day of _____, 20____.

CITY OF MUSKEGON

By _____
Mayor

By _____
Clerk

The foregoing instrument was acknowledged before me in _____ County,
Michigan, this ____ day of _____, 20____, by _____,
Mayor, and _____, Clerk, of the City of Muskegon, a Michigan municipal corporation,
on behalf of the corporation.

Notary public
State of Michigan, County of _____
Acting in the County of _____
My commission expires _____

Prepared By: Tracy VanWoert 2-8-2011
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201-2276

Return to: Consumers Energy Company
Business Services – Real Estate
Attn: EP7
One Energy Plaza
Jackson, MI 49201-2276

Parcel # _____
File # _____
Order # 10814326

SPECIAL CONSIDERATIONS AND AGREEMENTS
(Not Recited in the Easement)

GRANTOR City of Muskegon
P. O. Box 536, 933 Terrace Street
Muskegon, MI 49443
Phone: (231) 724-6707

1. GRANTEE WILL PAY THE LANDOWNER THE AGREED-ON COMPENSATION FOR THE EASEMENT DATED _____, ON OR ANYTIME BEFORE THE DATE GRANTEE COMMENCES CONSTRUCTING THE LINE ON THE LAND.

Easement Compensation \$ 2,000.00

2. AGREEMENTS PERTAINING TO THE CONSTRUCTION OF THE LINE

3. AGREEMENTS PERTAINING TO CLEARING THE EASEMENT

Grantor hereby accepts and approves the above.

CONSUMERS ENERGY COMPANY

By: William C. Carlson, Acquisition Project Manager

Date _____

Date: March 8, 2011
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
Watermark Banquet and Conference Center
920 Washington

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Watermark Banquet and Conference Center, LLC, 920 Washington Street to amend initial forms to Enlarge Outdoor Service Area and Drop One Additional Bar Permit for a total of 3 bars.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Departments are recommending approval with zoning issues to be worked out.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

February 21, 2011

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Amendment – 920 Washington

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Watermark Banquet and Conference Center, LLC. located at 920 Washington Street.

Watermark Banquet and Conference Center, LLC requests to amend initial forms to Enlarge Outdoor Service Area and Drop One Additional Bar Permit for a total of 3 bars.

The Muskegon Police Department finds no reason to deny this request.

ALK/kd



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 439730

Business ID # _____

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

WATERMARK BANQUET & CONFERENCE CENTER, LLC. 601 TERRACE, MUSKEGON, MI 49440, MUSKEGON CO.
REQUESTING TO AMEND INITIAL FORMS TO: ENLARGE OUTDOOR SERVICE AREA AND DROP ONE ADDITIONAL
BAR PERMIT FOR A TOTAL OF 3 BARS.

Corrected Location- 920 Washington, Muskegon MI 49441

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

APPLICANT #2:

DATE FINGERPRINTED**:

DATE FINGERPRINTED**:

DATE OF BIRTH:

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

DATE OF BIRTH:

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2.

INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?

☐ No ☒ Yes, complete LC-1636 *Previously approved*

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☒ 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 No, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4.

RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No*

2. Should the MLCC grant this request? ☒ Yes ☐ No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☐ Yes ☒ No

4. Is this recommendation subject to any other conditions? ☐ Yes ☒ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

X J. L. I. [Signature]
Signature (Sheriff or Chief of Police)

2-21-11
Date

"[CLICK AND INSERT NAME OF LOCAL LAW ENFORCEMENT AGENCY]"



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 439730

Business ID # _____

TO: MUSKEGON CITY POLICE DEPT
CHIEF TONY KLEIBECKER
980 Jefferson, PO Box 536
Muskegon, MI 49440-1325

Re: WATERMARK BANQUET & CONFERENCE CENTER, LLC
601 TERRACE
MUSKEGON, MI 49440- ** Corrected Location: 920 Washington
Muskegon, MI 49441

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation, as requested below, to the offices of the Michigan Liquor Control Commission at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Note: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

x ☐ OUTDOOR SERVICE (ENLARGE AREA)

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

x ☐ ADDITIONAL BAR PERMIT (DROP ONE BAR FOR TOTAL OF 3 BARS)

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

x J. L. K. K. K.

DIRECTOR OF PUBLIC SAFETY

MUSKEGON POLICE DEPARTMENT

Signature and Title

Date: 2-21-11

Commission Meeting Date: March 8, 2011

Date: February 23, 2011
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Public Hearing - Request to repeal existing historic preservation ordinance

SUMMARY OF REQUEST:

Staff initiated request to repeal Chapter 38, Article II of the Code of Ordinances of the City of Muskegon. The ordinance will be replaced with an updated version.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To repeal the existing ordinance.

COMMITTEE RECOMMENDATION:

The Historic District Commission recommended to repeal the current ordinance at their February 1 meeting.

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

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 38, Article II of the Code of Ordinances of the City of Muskegon, Michigan is hereby repealed.
2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the ____ day of _____, 2011, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: _____, 2011

Ann Marie Becker, MMC
City Clerk

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2011, the City Commission of the City of Muskegon repealed Chapter 38, Article II of the Muskegon City Code, which was a ordinance relating to Historic Districts.

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

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

Published: _____, 2011

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: March 8, 2011

Date: February 25, 2011
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to amend Chapter 36, Article III of the Code of Ordinances, Historic District Ordinance

SUMMARY OF REQUEST:

Staff initiated request to amend Chapter 36, Article III of the City Code of Ordinances to approve a new historic preservation ordinance. The new ordinance will meet the State of Michigan Historic Preservation Office standards and make Muskegon historic district residents eligible for historic building restoration tax credits.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the proposed ordinance.

COMMITTEE RECOMMENDATION:

The Historic District Commission recommended to approve the new historic district ordinance at their February 1 meeting.

FYI

The State of Michigan Historic Preservation Office has informed staff that City of Muskegon historic district residents are currently not eligible to receive historic rehabilitation tax credits because our ordinance is out of date, and does not meet their requirements. All of the amendments are minor and will not seriously affect the way the Historic District Commission operates. These amendments will make City of Muskegon historic district residents eligible for rehabilitation tax credits.

Please see the attached remarks from the State Historic Preservation Office. The suggestions were incorporated into the new ordinance.

**State Historic Preservation Office
Michigan Historical Center**

**Muskegon Historic District Ordinance
Staff Comments February 3, 2009**

Michigan's Local Historic Districts Act, Public Act 169 of 1970 was revised in 1986, 1992 and 2004. It appears that these revisions have not been incorporated into Muskegon's Historic District Ordinance, which was adopted in 1985. A Certified Local Government (CLG) is expected to provide its historic resources with the full protection enabled under the Act. Therefore, the Muskegon Historic District Ordinance would have to be updated before the community could be certified. The State Historic Preservation Office has developed a model local historic district ordinance and the language in the model ordinance is taken directly from Public Act 169. We recommend adopting the model ordinance as experience has shown that even the slightest variation in language can lead to a lessening of powers. The model ordinance can be downloaded from www.michigan.gov/shpo. Under SHPO programs click on Local Historic Districts, and on the next screen click on More on Local Historic Preservation.

Below are some of the inconsistencies found between Muskegon's Historic District Ordinance and Public Act 169.

The April 2004 revisions introduced fire protection language to PA 169. This language must be added to the Muskegon Historic District ordinance. Please see the Definitions Section of the Act for the appropriate definitions of "fire alarm system" and "smoke alarm." Also see Sections 399.205 (1) and (3) (e) of Public Act 169 for appropriate language regarding certification of existing fire protection systems. PA 169 can be found on the Michigan Legislature website at www.legislature.mi.gov. The historic district commission must include a check box on its COA applications so that a homeowner can check that the fire safety requirement has been met. A commission cannot issue a certificate of appropriateness unless the applicant has checked the box. The commission is not required to undertake any further regulation regarding fire safety other than ensuring that the application has affirmed the fire systems are in place by checking the box on the application.

Experience has shown it is important for local historic district ordinances to incorporate verbatim the definitions found in Public Act 169. Whenever this has not been the case, historic resources have suffered. Muskegon's Local Historic District ordinance does not include definitions for the following critical words or phrases:

- Demolition by neglect
- Historic resource
- Notice to proceed
- Ordinary maintenance
- Proposed district
- Resource
- Work

The definitions for the terms "historic district" and "historic preservation" found in the Muskegon Ordinance do not match that in the Act.

We recommend using the term "Resource" throughout the ordinance instead of "building" or "structure," which are types of resources. Experience has shown that the ordinance is limiting the types of resources that can be reviewed by the commission. For example, the city of Traverse City used the word "building" instead of "resource" throughout its ordinance. When the power

company put up metal towers in the district without a COA from the commission, the commission took them to court but the judge ruled that though PA 169 enabled the review of objects, structures, features, etc the city had limited its review to "buildings" and a COA was not needed for the construction of the "structures." One example where the limited language occurs in the Muskegon Ordinance is in Section 38-68 where the ordinance is limiting the demolition or moving of "structures"---one type of resource—and not buildings, objects, features, etc. as allowable under the law. A structure as defined the Secretary of the Interior in the criteria for eligibility for the National Register of Historic Places is something that was not built for human shelter.

Section 38-57 Composition

Public Act 169 in Section 399.204 requires that the majority of members of a historic district commission have a "clearly demonstrated interest in or knowledge of historic preservation." This criteria must be added to the ordinance.

The Act does not require that commission members be residents of the local historic districts, which the Muskegon ordinance does. The Act allows for persons with expertise in historic preservation and/or architecture to serve on the commission no matter where they live within the city. The city may be limiting its pool of qualified potential commissioners by requiring that two members be residents of local historic districts. We recommend removing this qualification completely or reducing it down to one member.

Section 38-58 Appointment and terms of members, filling vacancies

Public Act 169 Section 399.204 states that vacancies on the historic district commission must be filled within 60 calendar days. This language must be added to the ordinance.

Section 38-64 Meetings open to the public

CLGs are required to state specifically in their ordinances that historic district commission meetings will be held in compliance with PA 267 the Open Meetings Act. PA 169 requires that historic district commission meeting agendas be posted and the posting must include the time, place, date of the meeting and a list of permit applications being reviewed. Please see Section 399.205 (7) of PA 169 for the exact language.

Section 38-61 Secretarial and Staff assistance

Public Act 169 enables the historic district commission to delegate the review of minor classes of work to a staff person. The commission must review the staff person's decisions on a quarterly basis. This power should be included in the ordinance so that is available to the commission should the need arise. Please see Section 399.205 (10) of Public Act 169.

Section 38-67 Review and approval or disapproval of plans

Section 38-67 (a) line 6 should read ". . . and shall transmit a *complete application*. . ." PA 169 states that the historic district commission must review projects within a 60-day timeframe, so it is important that the transmittal from the building inspector, which starts the review clock, be a complete application.

Section 38-67 (b) of the ordinance states that the commission must meet within 15 days of receiving an application. Public Act 169 allows the commission 60 calendar days to act. PA 169 also states that if the commission does not Act within the 60-day period, it constitutes approval by the commission. See Section 399.209 (1) of Public Act 169.

Section 38-67 (b) does not state that the historic district commission *shall follow* the Secretary of the Interior's Standards and Guidelines for Rehabilitation when reviewing proposed work in the

historic district. This is critical for CLG certification. See Section 399.205 (3) of Public Act 169 for the exact language.

Section 38-67 (c) A historic district commission has the power to review interior work if it affects the exterior. Also the Act gives the city council the power to enable a historic district commission to review work to the interior of a building. One example might be in the case of a house museum. These powers must be included in the ordinance. See Section 399.205 (4) of Public Act 169.

Section 38-67(d) must state the consequences of undertaking work without a permit from the historic district commission. See Section 399.205 (12) of Public Act 169.

Section 38-67(e) should use the term Denial, which is defined in the Act. It must state that a Denial is binding on the building inspector. It must also state that a Denial must be in writing and include an explanation for the Denial and the applicants right to appeal. See Section 399.209 (1) of Public Act 169.

Section 38-68 Approval of demolition or moving or structures of historic or architectural worth

This section is referring to the commission's ability to issue a Notice to Proceed, not a Certificate of Appropriateness, for approval of inappropriate work such as demolition in the district. The language should be changed. See Section 399.205 (6) of Public Act 169. The language of this section should be taken directly from Public Act 169. For example, the Act uses the term "finding" by the commission, which has a legal definition meaning "a decision based on facts" while the phrase "at its own discretion" used in the ordinance is more subjective. It is unclear to the Reviewer what this section of the ordinance is trying to say. The commission does not have to issue a Notice to Proceed if the building inspector deems a building to be unsafe as Section (a) seems to imply. The final decision should be based on "a finding by the commission" that the criteria in the Act have been met.

Section 38-70 Advice and guidance to property owners

A cautionary note, all meetings between a commission member and property owners, etc. regarding work are subject to the Open Meetings Act. All meetings individual property owners, contractors, etc. should be duly noted and recorded in historic district commission minutes.

Section 38-71 Record to be Kept

The ordinance must state that records will be kept in accordance with the Freedom of Information Act (PA 442 of 1976). See Section 399.205 (7) & (8).

Other

The ordinance does not include the process or establishing, modifying or eliminating a local historic district. See Sections 399.203 (1) and 399. 214 (1 & 2)

The ordinance does not address demolition by neglect. See Section 399.205 (11) of Public Act 169.

The ordinance does not address work without a permit. See Section 399.205 (12).

The ordinance does not include the emergency powers allowed to the city council. See Section 399.214 (3) and (4)

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

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 38, Article III of the Code of Ordinances of the City of Muskegon, Michigan is amended by adding sections 38-101 through 38-123 to read as follows:

ARTICLE III. HISTORIC DISTRICT ORDINANCE

38.101 SHORT TITLE

This Ordinance shall be known as the "Historic District Ordinance of the City of Muskegon".

38.102 STATEMENT OF PURPOSE

Historic preservation is hereby declared to be a public purpose and the City Commission of the City of Muskegon may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. The purpose of this Ordinance is to:

1. Safeguard the heritage of the City of Muskegon by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of Muskegon and of the State of Michigan.

The City of Muskegon may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

38.103 DEFINITIONS

1. **"Alteration"** means work that changes the detail of a resource but does not change its basic size or shape.

2. **"Certificate of Appropriateness"** means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. **"Commission"** means the Historic District Commission of the City of Muskegon.
4. **"Demolition"** means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
5. **"Demolition by Neglect"** means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
6. **"Denial"** means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
7. **"Fire Alarm System"** means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
8. **"Historic District"** means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
9. **"Historic Preservation"** means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
10. **"Historic Resource"** means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the City of Muskegon, State of Michigan, or the United States.
11. **"Notice to Proceed"** means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
12. **"Open Space"** means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
13. **"Ordinary Maintenance"** means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
14. **"Proposed Historic District"** means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a

recommendation as to whether it should be established as a historic district or added to an established historic district.

15. **"Repair"** means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
16. **"Resource"** means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.
17. **"Smoke Alarm"** means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.
18. **"Work"** means construction, addition, alteration, repair, moving, excavation, or demolition.

38.104 HISTORIC DISTRICT STUDY COMMITTEE AND THE STUDY COMMITTEE REPORT

Before establishing a historic district(s), the City Commission shall appoint a Historic District Study Committee. A majority of the persons appointed to the Historic District Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Historic District Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Historic District Study Committee shall do all of the following:

- A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.
- B. Conduct basic research of each proposed historic district and historic resources located within that district.
- C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Historic District Study Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.
- D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:

1. The charge of the Committee.
 2. The composition of Committee membership.
 3. The historic district(s) studied.
 4. The boundaries of each proposed historic district in writing and on maps.
 5. The history of each proposed historic district.
 6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
 7. Transmit copies of the preliminary report for review and recommendations to the City of Muskegon Planning Commission, the State Historic Preservation Office of the Michigan Historical Center, the Michigan Historical Commission, and the State Historic Preservation Review Board.
 8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.
- E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267 of 1976. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- F. After the date of the public hearing, the Historic District Study Committee and the City Commission have not more than one year, unless otherwise authorized by the City Commission, to take the following actions:
1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Commission as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).
 2. After receiving a final report that recommends the establishment of a Historic District(s), the City Commission, at its discretion, may introduce and pass or reject an ordinance(s). If the City Commission passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Commission shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.
- G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission

should be made available to the public in compliance with Public Act 442 of 1976, as amended.

38.105 ESTABLISHING ADDITIONAL, MODIFYING, OR ELIMINATING HISTORIC DISTRICTS

1. The City Commission may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the City Commission shall follow the procedures as stated in Section 399.203 (1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the City Commission may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.
2. In considering elimination of a historic district, a committee shall follow the procedures set forth in Section 399.203 (1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
 - a. The historic district has lost those physical characteristics that enabled the establishment of the district.
 - b. The historic district was not significant in the way previously defined.
 - c. The historic district was established pursuant to defective procedures.

38.106 THE HISTORIC DISTRICT COMMISSION

The City Commission establishes a Historic District Commission. Each member of the Historic District Commission shall reside within the city limits. The Historic District Commission shall consist of seven (7) members. Members shall be appointed by the City Commission. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years. Members shall be eligible for reappointment. In the event of a vacancy on the Historic District Commission, interim appointments shall be made by the City Commission within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

The City Commission may prescribe powers and duties of the Historic District Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.

38.107 HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE

1. The Historic District Commission shall meet at least quarterly or more frequently at the call of the Historic District Commission.

2. The business that the Historic District Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267 of 1976. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Historic District Commission.
3. The Historic District Commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the Historic District Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.
4. The Historic District Commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

38.108 DELEGATION OF MINOR CLASSES OF WORK

The Historic District Commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to city staff. The Historic District Commission shall provide to its delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. The Historic District Commission shall review the Certificates of Appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

38.109 ORDINARY MAINTENANCE

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before this Ordinance was enacted.

38.110 REVIEW BY THE HISTORIC DISTRICT COMMISSION

The Historic District Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City Commission or unless interior work will cause visible change to the exterior of the resource. The Historic District Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

38.111 DESIGN REVIEW STANDARDS AND GUIDELINES

1. In reviewing plans, the Historic District Commission shall follow the U.S. Secretary of Interior's *Standards for Rehabilitation* and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Historic District Commission may be followed if they are equivalent in guidance to the Secretary of Interior's *Standards* and guidelines and are established or approved by the State Historic Preservation Office of the Michigan Historical Center.
2. In reviewing plans, the Historic District Commission shall also consider all of the following:

- A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
- B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
- C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
- D. Other factors, such as aesthetic value, that the Historic District Commission finds relevant.
- E. Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

38.112 PERMIT APPLICATIONS

1. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings. Upon receipt of a complete application, the inspector of buildings shall immediately refer the application, along with all required supporting materials that make the application complete to the Historic District Commission. A permit shall not be issued and proposed work shall not proceed until the Historic District Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance. A Historic District Commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
2. The Historic District Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the inspector of buildings. A permit shall not be issued until the Historic District Commission has acted as prescribed by this Ordinance.
3. If an application is for work that will adversely affect the exterior of a resource the Historic District Commission considers valuable to the City of Muskegon, the state of Michigan, or the nation, and the Historic District Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the Historic District Commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.
4. The failure of the Historic District Commission to act on an application within sixty (60) calendar days after the date a complete application is filed with the Historic District Commission, unless an extension is agreed upon in writing by the applicant and the Historic District Commission, shall be considered to constitute approval.
6. The Historic District Commission may charge a reasonable fee to process a permit application.

38.113 DENIALS

If a permit application is denied, the decision shall be binding on the inspector or other authority. A Denial shall be accompanied by a written explanation by the Historic District Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Historic District Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

38.114 NOTICE TO PROCEED

Work within a historic district shall be permitted through the issuance of a Notice to Proceed by the Historic District Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- D. Retaining the resource is not in the interest of the majority of the community.

38.115 APPEAL OF A HISTORIC DISTRICT COMMISSION DECISION

1. An applicant aggrieved by a decision of the Historic District Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Muskegon County Circuit Court.
2. Any citizen or duly organized historic preservation organization in the City of Muskegon, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the Muskegon County Circuit Court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

38.116 WORK WITHOUT A PERMIT

When work has been done upon a resource without a permit, and the Historic District Commission finds that the work does not qualify for a Certificate of Appropriateness, the Historic District Commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Historic District Commission may seek an order from the Muskegon County Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply or cannot comply with the order of the court, the Historic District Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work done shall be charged to the owner, and may be levied by the City of Muskegon as a special assessment against the property. When acting pursuant to an order of the circuit court, the Historic District Commission or its agents may enter a property for purposes of this section.

38.117 DEMOLITION BY NEGLECT

Upon a finding by the Historic District Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Historic District Commission may do either of the following:

1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the Historic District Commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Muskegon as a special assessment against the property. The Historic District Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

38.118 REVIEW OF WORK IN PROPOSED DISTRICTS

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Commission may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in City Code Section 38.112. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Commission approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

38.119 EMERGENCY MORATORIUM

If the City Commission determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Commission may by

resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The City Commission may extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

38.120 PENALTIES FOR VIOLATIONS

1. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined the maximum permitted by law, not more than \$5,000.00.
2. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

38.121 ACCEPTANCE OF GIFTS OR GRANTS

The City Commission may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Commission may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

38.122 ACQUISITION OF HISTORIC RESOURCES

If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by the City Commission that public ownership is most suitable, the City Commission, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Historic District Commission. The Historic District Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Commission. Upon recommendation of the Historic District Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

38.123 HISTORIC DISTRICT BOUNDARY

- (1) *Houston Historic District.* All land located within an area described by blocks 336, 337, 348, 349, 350, 351; block 367, lots 3-10; block 368.
- (2) *Campus Historic District.* All land located within an area described by blocks 396, 397, 399.
- (3) *McLaughlin Historic District.* All land located within an area described by blocks 226, lots 1-5, and 12; blocks 227, 228, 229, block 230, lots 1-5 and 14; block 238, lots 1-5 and 12; blocks 239, 240, 241, block 242, lots

7-10; blocks 243, 253, block 254, easterly 66 feet of lots 7-10, block 362, lots 10-19; block 383, lots 7-12, block 394, lots 9-16.

- (4) *Clinton-Peck Historic District.* All land located within an area described by block 275, lots 1-9; block 276, lots 7-14; block 277, block 278, lots 1-6; blocks 288, 289, block 300, lots 1-6; block 423, lots 7-12; block 424, lots 7-12; block 444, lots 7-12; block 445, lots 7-12.
- (5) *Jefferson Historic District.* All land located within an area described by block 425, lots 1-6; block 426, lots 8-14; block 442, lots 8-14; block 443, lots 1-6; block 446, W 162 feet lot 1, N74 1/2 feet of W 154 feet lot 2, and N 75 feet of S 149 1/2 feet of W 154 feet lot 2; block 447, lots 8-14; block 463, lots 7-9 and E 105.1 feet lot 10; block 464, lots 1-4.
- (6) *Clay-Western Historic District.* All land located within an area described by blocks 314, 315, 316, 323, 568 and 570.
- (7) *National Register Historic District.* All land located within an area described by blocks 324, 325, 326; block 327, lots 4-9; block 334, lots 4-9; block 335.
- (8) *Other areas.* The following land area is hereby included within the historic districts: Block 313, lots 1, 2 and the east 20 feet of lot 3; block 327, lots 10, 11; block 334, lots 1-3 and 10-12.

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

Ayes:

Nays:

First Reading:

Second Reading:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the ____ day of _____, 2011, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to

and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended,
and that minutes were kept and will be or have been made available as required thereby.

Date: _____, 2011

Ann Marie Becker, MMC
City Clerk

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2011, the City Commission of the City of Muskegon adopted Chapter 38, Article III of the Muskegon City Code concerning a Historic District Ordinance, summarized as follows:

1. Section 38.101 provides a short title for the Historic District Ordinance.
2. Section 38.101 provides the purpose for the Historic District Ordinance.
3. Section 38.103 provides the definitions for the Historic District Ordinance.
4. Section 38.104 provides for a Historic District Study Committee and a Study Committee Report.
5. Section 38.105 provides for the establishing additional, modifying or eliminating for the Historic Districts.
6. Section 38.106 provides for the establishment of a Historic District Commission.
7. Section 38.107 provides for Historic District Commission meetings, recordkeeping and rules of procedure.
8. Section 38.108 provides for the Historic District Commission to delegate certain responsibilities to staff.
9. Section 38.109 addresses ordinary maintenance in Historic Districts.
10. Section 38.110 provides for the Historic District Commission to review certain exterior and interior features.
11. Section 38.111 provides design review standards and guidelines.
12. Section 38.112 provides for permit applications in the Historic Districts.
13. Section 38.113 provides for the affect and requirements of a denial of a permit.
14. Section 38.114 provides for the requirements of a notice to proceed.

15. Section 38.115 provides for an appeal from a for the Historic District Commission decision.
16. Section 38.116 addresses working without a permit.
17. Section 38.117 addresses demolition by neglect.
18. Section 38.118 provides for review of work in proposed Historic Districts.
19. Section 38.119 provides for an emergency moratorium
20. Section 38.120 provides for penalties for violating the Historic District Ordinance.
21. Section 38.121 permits the acceptance of gifts and grants.
22. Section 38.122 authorizes the acquisition of historic resources.
23. Section 38.123 establishes the for the Historic District boundaries.

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

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

Published: _____, 2011

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: March 8, 2011

Date: February 25, 2011
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Amendment to the City Code of Ordinances –
Medical Marihuana Regulation and Licensing

SUMMARY OF REQUEST:

Staff initiated request to Chapter 34, Article IV of the Code of Ordinances to regulate and license certain aspects of medical marihuana cultivation, use and distribution.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the ordinance amendment.

COMMITTEE RECOMMENDATION:

None

MEDICAL MARIHUANA CAREGIVER FACILITY REGISTRATION FORM

Business Address: _____

Reason for Review:

New License ☐

Transfer Location ☐

Renewal ☐

Other _____

Deadline for receipt of all information: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services

By signing this form I acknowledge that I have received a copy, read,
and am in compliance with the City of Muskegon's Medical Marihuana
Caregiver Facility Ordinance

Applicant Signature _____

Date _____

Ann Marie Becker, MMC City Clerk
License Coordinator

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

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 34, Article IV of the Code of Ordinances of the City of Muskegon, Michigan is amended by adding sections 34-101 through 34-115 to read as follows:

ARTICLE IV. MEDICAL MARIHUANA¹

**ORDINANCE TO REGULATE AND LICENSE CERTAIN ASPECTS OF MEDICAL
MARIHUANA CULTIVATION, USE AND DISTRIBUTION**

34-101. INTENT

It is the intent of this ordinance to give effect to the intent of Initiated Act 1 of 2008, MCL 333.26421, et seq, (the Act) as approved by the electors, and not to determine and establish an altered policy with regard to marihuana. The act authorizes a narrow exception to the general rule and state policy that the cultivation, distribution, and use of marihuana amount to criminal acts. It is the further intent of this ordinance to protect the public health, safety, and general welfare of persons and property, and to license certain locations as specified below. It is the further intent of this ordinance to comply with the Act while concurrently attempting to protect the health, safety, and welfare of law enforcement officers and other persons in the community, and also to address and minimize reasonably anticipated secondary effects upon children, other members of the public, and upon significant areas of the community, that would be reasonably expected to occur in the absence of the provisions of this ordinance. This ordinance is designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate around this fundamental intent in a manner that does not

¹ Marihuana is spelled with an "h" and not a "j" throughout the Michigan Medical Marihuana Act and, as such, shall be spelled that way in this Ordinance.

conflict with the Act so as to address issues that would otherwise expose the community and its residents to significant adverse conditions, including the following: adverse and long-term influence on children; substantial serious criminal activity; danger of law enforcement and other members of the public; discouragement and impairment of effective law enforcement with regard to unlawful activity involving the cultivation, distribution, and use of marihuana; the creation of a purportedly lawful commercial enterprise involving the cultivation, distribution, and use of marihuana that is not reasonably susceptible of being distinguished from serious criminal enterprise; and, the uninspected installation of plumbing and electrical facilities that create dangerous health, safety, and fire conditions.

This ordinance permits authorizations for activity based on the Act. Nothing in this ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this ordinance; and, nothing in this ordinance shall be construed to undermine or provide immunity from federal law or state law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity, and the approval of a license under this ordinance shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

34-102. DEFINITIONS

- (a) *Act* means Initiated Law of 2008, MCL 333.26421, et seq., and Michigan Administrative Rules, R 333.101, et seq.
- (b) *Department* means the State of Michigan Department of Community Health.
- (c) *Qualifying patient* or *patient* means a person as defined under MCL 333.26423(h) of the Act.
- (d) *Primary caregiver* or *caregiver* means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- (e) *Registry Identification Card* means the document defined under MCL 333.26423(i) of the Act.
- (f) *Distribution* means the physical transfer of any amount of marihuana in any form by one person to any other person or persons, whether or not any consideration is paid or received.

- (g) *Distributor* means any person, including but not limited to a caregiver, patient or any other person, who engages in any one or more acts of Distribution.
- (h) *Facility* or *Premises* means one commercial business premises having a separate or independent postal address, one private office premises having a separate or independent postal address, one single family residence having a separate or independent postal address, one apartment unit having a separate or independent postal address, one condominium unit having a separate or independent postal address, or one free-standing industrial building having a separate or independent postal address.
- (i) *Marihuana* means the substance or material defined in section 7106 of the public health code, 1976 PA 368, MCL 333.7106.
- (j) *Principal residence* means the place where a person resides more than half of the calendar year.
- (k) *Dispensary*, including marihuana stores, compassion clubs, compassion centers, and medical marihuana businesses, means an entity or facility that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marihuana, other than in a one-to-one relationship between a caregiver and a qualified patient, as designated by the Act.

34-103. FINDINGS AND DECLARATION OF FACTS

The restrictions in the Medical Marihuana ordinance are based on the following findings:

- 1) Law enforcement officers are required to investigate and pursue prosecution with regard to the *unlawful* cultivation, distribution or consumption of marihuana. Yet, the Act concurrently authorizes as lawful undertakings the same actions by those who meet the terms of the Act. Although this places a burden on law enforcement to make a distinction relating to very similar conduct, the Act expressly denies law enforcement officials advanced access to the identity and location of those authorized to lawfully engage in the cultivation, distribution or consumption of marihuana – critical information needed to distinguish unlawful undertakings from lawful ones, particularly at critical investigatory stages. The experience of law enforcement dictates that the presence of significant quantities of unlawful controlled substances are often accompanied by large quantities of cash, and by weapons used to protect the controlled substances and cash. Thus, confrontations between law enforcement and persons engaged in unlawful drug enterprises can be extremely dangerous, and there is a need to use the element of surprise in order to protect the lives of officers and members of the public. Under the Act, before the occurrence of a direct confrontation between law enforcement and persons engaged in cultivation and distribution of marihuana, law enforcement

officers are prevented from securing the information necessary to determine whether such activities are being conducted by persons authorized under the Act or by persons engaged in criminal enterprise. This in turn leads to the condition that, if there is a suspicion that an unlawful enterprise is being perpetrated, officers may need to seek a voluntary entry into premises, and may be met by a weapons-based confrontation without being permitted to utilize the element of surprise. Moreover, if an unlawful enterprise is not involved, substantial resources can easily be expended by law enforcement on a baseless investigation. Accordingly, the licensure of a particular Facility as the site of cultivation and distribution, which need not undermine the privacy and confidentiality of the patient-caregiver relationship, could be critical to law enforcement in order to identify and distinguish sites of lawful activity from sites of unlawful activity.

- 2) The experience in the State of California, a state that approved the medical use of marihuana more than a decade ago, is that concentrations of marihuana distribution activity lead to the following significant and serious secondary effects:

i. California law enforcement reported in 2009, that nonresidents in pursuit of marihuana, and out of area criminals in search of prey, are commonly encountered just outside marihuana dispensaries, as well as drug-related offenses in the vicinity – like resales of products just obtained inside – since these marihuana centers regularly attract marihuana growers, drug users, and drug traffickers. Sharing just purchased marihuana outside dispensaries also regularly takes place. There have been increased incidents of crime including murder and armed robbery.

ii. In a 2009 California law enforcement presentation, referring again to the existence of a concentration of distribution activities, the Los Angeles Police Department reported:

- (1) 200% increase in robberies,
- (2) 52.2% increase in burglaries,
- (3) 57.1% rise in aggravated assaults,
- (4) 130.8% rise in burglaries from autos near cannabis clubs in Los Angeles.
- (5) Use of armed gang members as armed “security guards”.

iii. California law enforcement reported in 2009 that the dispensaries or “pot clubs” are often used as a front by organized crime gangs to traffic in drugs and launder money.

iv. California law enforcement reported in 2009 that besides fueling marihuana dispensaries, some monetary proceeds from the sale of harvested marihuana derived from plants grown inside houses are being

used by organized crime syndicates to fund other legitimate businesses for profit and the laundering of money, and to conduct illegal business operations like prostitution, extortion, and drug trafficking.

v. California law enforcement reported in 2009 that other adverse secondary impacts from the operation of marihuana dispensaries include street dealers lurking about dispensaries to offer a lower price for marihuana to arriving patrons; marihuana smoking in public and in front of children in the vicinity of dispensaries; loitering and nuisances; acquiring marihuana and/or money by means of robbery of patrons going to or leaving dispensaries; an increase in burglaries at or near dispensaries; a loss of trade for other commercial businesses located near dispensaries.

- 3) Children should not be encouraged by example to undertake uses and activities which are unlawful. However, considering that marihuana possession and use is a generally prohibited criminal activity, but the Act authorizes an undisclosed group of individuals to possess and use marihuana, and because children are not capable of making distinctions between lawful and unlawful use and possession by individuals based upon the intricacies of the Act, there is a need to insulate children from the narrowly permitted use and possession activity permitted under the Act. California law enforcement reported in 2009 that minors exposed to marihuana at dispensaries or residences where marihuana plants are grown may be subtly influenced to regard it as a generally legal drug.
- 4) The Act requires that information concerning identity and location of caregivers is to be confidential, and that caregivers authorized under the Act are not to be punished. However, the Act does not expressly or implicitly specify an intent to pre-empt all local enforcement efforts. Analogously, persons performing in adult entertainment have been held to be engaged in activity involving free expression, protected under the First Amendment, and thus direct local regulation that restricts such activity has been deemed to be prohibited content restriction of free speech. Nonetheless, where it can be shown that there are adverse secondary effects that result from the adult entertainment establishments (and other related adult uses), including criminal activity closely associated with that reported above in connection with concentrations of medical marihuana Distribution, reasonable regulation, and requirements for the locations of adult entertainment uses have been permitted under the First Amendment, and have been authorized in order to mitigate against the secondary effects.
- 5) Considering the reports from California, and based upon the limited experience already reported in Michigan, it is found that there is a rational basis for concern that a concentration of Distribution activities, conduct that would be criminal outside the narrow exception provided in the Act, will have adverse secondary effects, particularly where law enforcement personnel have no information to distinguish lawful from unlawful activities at the scene of such activities.

Therefore, it is the intent of this ordinance to regulate Distribution activities in order to mitigate the reasonably anticipated adverse secondary effects.

- 6) Local regulation of Distribution activities is implicitly contemplated under the Act in view of the glaring gaps opened by the terms of the Act which would, absent local regulation, render it impossible for law enforcement to investigate and pursue criminal activity not protected by the Act. By way of example:
 - i. While the Act limits a caregiver from distributing marihuana to more than five patients, because the Act withholds direct advanced information that would allow a connection to be made by law enforcement between a caregiver and particular patients, especially if caregivers operate in the same facility or in close proximity, the five-patient limit upon a person acting as a caregiver would be practically impossible to investigate or enforce.
 - ii. While the Act limits the number of plants a caregiver may cultivate on behalf of patients, because the Act withholds direct advanced information that would allow a connection to be made by law enforcement between a caregiver and particular grow locations, the limitation on the number of plants cultivated at multiple sites would be practically impossible to investigate and enforce.
- 7) The inability of law enforcement officials to access relevant and often critical information concerning those cultivating, distributing and consuming marihuana amounts to a material barrier to the effective investigation/enforcement model. Without critical information to distinguish those operating under the Act from those engaged in illegal trafficking, law enforcement is impeded in the effort of undertaking adequate operational planning, and this, in turn, exposes law enforcement, and innocent third parties, to substantial and unnecessary risks.
- 8) Absent the requirement for an application and inspection of a premises at which substantial facilities have been installed to facilitate the cultivation of marihuana plants, including plumbing and electrical inspections, there have been reports that unauthorized installations relating to the cultivation of marihuana plants have been made, including unauthorized power lines that by-pass meters. These installations create a threat to public safety, and result in a fire risk.
- 9) The fundamental intent of the Act is the creation of a private and confidential patient-caregiver relationship to facilitate the lawful cultivation, distribution, and use of marihuana strictly for medical purposes.
- 10) The requirement to identify sites at which marihuana is cultivated for and distributed to others, while not requiring identification of names, is not in conflict with the terms of the act, and is deemed to be the minimum requirement necessary

in order to protect the public and permit safe and effective enforcement of the act and the general laws relating to marihuana.

34-104. DISTRIBUTION CENTERS; PROHIBITION

The cultivation, distribution and use of marihuana, except as permitted by qualifying patients or caregivers, is prohibited.

34-105. QUALIFYING PATIENT

The cultivation of marihuana by a qualifying patient shall be permitted with no licensing requirement by the City. The cultivation shall be limited to the permitted under the Act. The distribution of marihuana by a qualified patient is prohibited.

34-106. CAREGIVER; REQUIREMENT FOR LICENSE

The cultivation of marihuana by a caregiver under the Act, and the provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with the Act. No cultivation, distribution and other assistance to patients shall be lawful in this community at a location unless and until such location for such cultivation, distribution, and assistance shall have been licensed under this ordinance. Licensure shall be subject to and in accordance with the following:

- a) The location of a Facility used for the cultivation of marihuana by caregivers under the Act shall comply with the City's zoning ordinance;
- b) The location of a Facility used to provide any other assistance to patients by caregivers permitted under the Act relating to medical marihuana shall comply with the City's zoning ordinance.

34-107. CAREGIVER; APPLICATION FOR LICENSE

The requirement of this ordinance is to license a location, and not to license persons. A confidential application for a license under this section shall be submitted to the City Clerk, and shall conform to the following specifications. An application shall:

- i. Not require the name, home address, or date of birth of a patient or caregiver.
- ii. Include the address and legal description of the precise premises at which there shall be possession, cultivation, distribution or other assistance in the use of marihuana. The fact that a caregiver has an

ID Card as a patient shall not relieve the obligation to provide this information.

- iii. Describe the enclosed, locked facility in which any and all cultivation of marihuana is proposed to occur, or where marihuana is stored, with such description including: location in building; precise measurements in feet, of the floor dimensions and height; the security device for the facility.
- iv. Describe all locations in the premises where a caregiver authorized under the Act shall render assistance to a qualifying patient.
- v. Specify the number of patients to be assisted, including the number of patients for whom marihuana is proposed to be cultivated, and the number of patients to be otherwise assisted on the premises, and the maximum number of plants to be grown or cultivated at any one time. If the location at which patients will be assisted is different from the licensed premises, the application shall provide the address of all such other locations (other than the address of a patient being assisted).
- vi. For safety and other code inspection purposes, it shall describe and provide detailed specifications of all lights, equipment, and all other electrical, plumbing, and other means proposed to be used to facilitate the cultivation of marihuana plants as such specifications relate to the need for the installation of facilities.

34-108. CAREGIVER; REQUIREMENTS AND STANDARDS FOR APPROVAL OF LICENSURE AND ACTIVITY PERMITTED.

- (a) Locations used for the cultivation of marihuana by caregivers under the Act, and the location used for the provision of assistance to patients by caregivers, but in all events not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient at such residence, shall be prohibited:
 - (1) Within 1,000 feet from sites where children are regularly present, and specifically: a daycare facility, a church, synagogue, mosque, or other religious temple, and from a recreational park and a public community center, a public or private pre-school, elementary school, middle school, high school, community college, and all other schools that have different name references but serve students of the same age. Measurements for purposes of this sub-section

shall be made from property boundary to property boundary; and

- (2) On any property which is not zoned I-2 pursuant to the City Zoning Ordinance.
- (b) The location of the Facility at which a caregiver cultivates marihuana, or assists a patient in the use of marihuana shall not be the same facility at which any other caregiver cultivates marihuana or assists a patient in the use of marihuana. Accordingly, at a patient's principal residence used by such patient to cultivate marihuana for his or her personal use as permitted under the Act, there shall be not more than twelve marihuana plants being cultivated at any one time; only at a licensed Facility may there be more than twelve marihuana plants being cultivated at any one time; and, at a Facility at which a caregiver cultivates marihuana for use by patients, there shall not be more than twelve marihuana plants being cultivated at any one time per patient, and in no event more than sixty marihuana plants being cultivated at any one time (which assumes cultivation for five patients, plus an additional twelve plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marihuana).
- (c) In order to insulate children and other vulnerable individuals from such actions, all medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of a building licensed under this section, and such activities shall occur only in locations not visible to the public and adjoining uses, provided, this subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.
- (d) The electrical and plumbing inspectors (and other inspector(s) within whose expertise an inspection is needed) must, after inspection, provide a report confirming that all lights, plumbing, equipment, and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in accordance with applicable code.
- (e) Considering that the distribution of marihuana is generally unlawful, and that the Act authorizes "caregivers" and does not authorize any activity such as a "dispensary," and reading the Act as a whole, the activities of caregivers are interpreted as being limited to private and confidential endeavors. Moreover, the location and identity of a caregiver is known to patients. Accordingly:
 - (1) There shall be no signage identifying a caregiver use or a place at which medical marihuana is distributed; and

- (2) Unless conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a “clinic,” “hospital,” “dispensary,” or other name customary ascribed to a multi-patient professional practice.

34-109. CAREGIVERS; OTHER CONDITIONS.

An approval of licensure may include reasonable conditions requested in writing by the applicant during the application and review process.

34-110. LAND USE RESTRICTION

If approved, all use of property shall be in accordance with an approved application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.

34-111. EXISTING MEDICAL MARIHUANA FACILITIES

A Medical Marihuana Facility that exists on the effective date of this ordinance must make application for and receive approval to continue to operate; provided, an application shall be filed within fifteen days following the effective date of this ordinance. If an application for licensure under this ordinance is denied due to the minimum distance requirement standards, and a timely application has been filed seeking licensure under this ordinance, such Facility shall have sixty days from the date of application denial to cease operating at the denied site.

34-112. RESTRICTION ON DISTRIBUTION

- (a). The restrictions in this Chapter are based on the following findings:
 - 1) The Act was passed by the initiative process. The ballot containing the proposal did not include, and as a practical matter could not have included the full statute. Thus, electors approved the initiative proposal based upon a reading of a mere summary of the Act. Both the summary and the Act as a whole reflect the intent to a private and confidential patient-caregiver relationship to facilitate the lawful cultivation, distribution, and use of marihuana strictly for medical purposes, that is, an authorization for confidential and private use of marihuana by patients, and for confidential and private assistance in such use by caregivers with whom individual patients are connected through the Department’s registration process. That is, the Act does not authorize the broad legalization of the cultivation, distribution, or use of marihuana, and a reading that permits such broad legalization is inconsistent with the fundamental intent of the Act read as a whole in context with generally applicable Michigan law. Thus, it would

be reasonable to expect and require that all undertakings of caregivers and other persons in assisting a patient are intended to occur on a confidential and private one-to-one basis.

- 2) The Act does not reflect the intent for distributions of marihuana by more than one caregiver or other person to one patient, or by one or more caregivers or other persons to more than one patient at any given time and place.
- 3) The confidentiality provisions of the Act reflect the intent for all caregivers and patients to remain anonymous in terms of their name and address, thus further reflecting the private and confidential nature of the activities contemplated between a caregiver and the patient he or she is assisting.

(b). Restrictions

A caregiver shall distribute medical marihuana only on a confidential, one-to-one, basis with no other caregiver being present at the same Facility at the same time, and no other patient or other person being present at the same Facility at the same time, provided, that a patient's immediate family members or guardian may be present within the patient's private residence, and one family member or guardian may be present in any Facility other than the patient's private residence. For purposes of this subsection, the phrase "same time" shall mean and include concurrently as well as within a time interval of one hour.

34-113. PENALTY FOR VIOLATION

All violations of Sections 34-101 through 34-112 are declared to be civil infractions and subject to penalties pursuant to Section 1-7.

34-114. NO VESTED RIGHTS

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

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

Ayes:

Nays:

First Reading:

Second Reading:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the ____ day of _____, 2011, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: _____, 2011

Ann Marie Becker, MMC
City Clerk

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2011, the City Commission of the City of Muskegon adopted Chapter 38, Article III of the Muskegon City Code concerning a Historic District Ordinance, summarized as follows:

1. Section 34-101 articulates the Intent of the Ordinance to Regulate and License Certain Aspects of Medical Marihuana Cultivation, Use and Distribution.
2. Section 34-102 provides the definitions of various terms used in the Ordinance to Regulate and License Certain Aspects of Medical Marihuana Cultivation, Use and Distribution.
3. Section 34-103 provides the Findings and Declaration of Facts which are the basis for the Ordinance to Regulate and License Certain Aspects of Medical Marihuana Cultivation, Use and Distribution.
4. Section 34-104 prohibits distribution centers.
5. Section 34-105 permits the cultivation of marihuana by a qualified patient, with no licensing requirement. Distribution of marihuana by a qualified patient is prohibited.
6. Section 34-106 permits caregivers, pursuant to a City of Muskegon license, to cultivate and distribute marihuana to a qualified patient pursuant state law.
7. Section 34-107 provides the application process for obtaining permission to act as a caregiver in the City of Muskegon.
8. Section 34-108 establishes the requirements and standards for approval of licensure and activity permitted by a caregiver.
9. Section 34-109 permits establishing other conditions for caregivers.
10. Section 34-110 establishes land use restrictions relating to medical marihuana.
11. Section 34-111 provides a process for existing medical marihuana facilities to comply with City ordinances or a period of time to cease operating.
12. Section 34-112 provides restrictions on the distribution of marihuana.
13. Section 34-113 provides the penalty for violating the Ordinance to Regulate and License Certain Aspects of Medical Marihuana Cultivation, Use and Distribution.

14. Section 34-114 provides that property owners do not have a vested right or legal non-conforming right to fail to comply with the Ordinance to Regulate and License Certain Aspects of Medical Marihuana Cultivation, Use and Distribution.

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

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

Published: _____, 2011

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Date: March 8, 2011
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Recommendation for Annual Renewal of Liquor
Licenses

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 22, 2011, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

**RESOLUTION RECOMMENDING STATE WITHHOLD
RENEWAL OF LIQUOR LICENSES FOR CODE
VIOLATIONS**

Resolution No.

THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that whereas, the attached business establishments in the City of Muskegon have liquor licenses and are found to be in violation of Article V, Section 50-146 and 50-147 of the Code of Ordinances of the City of Muskegon:

AND WHEREAS, a hearing was held on March 8, 2011, before the City Commission to allow such licensees an opportunity to refute the determination of the City Commission that such establishments are in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon hereby recommends that these liquor licenses not be approved for renewal, and a copy of this Resolution be sent to the State Liquor Control Commission. If any of these establishments come into compliance before March 22, 2011, they will be removed from this Resolution.

Approved and adopted this 8th day of March, 2011.

AYES:

NAYS:

By: _____
Ann Marie Becker, MMC
City Clerk

Captain Jack's Bar & Grill	1601 Beach	Muskegon, MI 49441
Chaity Lodge #1397	149 Ottawa	Muskegon, MI 49442
Community Market	1149 Wood	Muskegon, MI 49442
Daniels Concessions	2300 Henry	Muskegon, MI 49441
Downtown Market	45 E. Muskegon	Muskegon, MI 49440
Dreamer's	978 Pine	Muskegon, MI 49442
Express Lane	812 W. Laketon	Muskegon, MI 49441
Express Lane	1992 S. Getty	Muskegon, MI 49442
Frontier Liquor Shoppe	631 W. Southern	Muskegon, MI 49441
Ghezzi's Market	2017 Lakeshore	Muskegon, MI 49441
Lakeshore Tavern	1963 Lakeshore	Muskegon, MI 49441
Latitudes Market	3200 Lakeshore	Muskegon, MI 49441
Los Amigos, Inc.	1848 E. Sherman Blvd., Suite M	Muskegon, MI 49444
Muskegon Aerie #668, Eagles	611 - 625 W. Western	Muskegon, MI 49440
Muskegon Family Foods	1157 Third	Muskegon, MI 49441
Pat's Roadhouse	157 S. Getty	Muskegon, MI 49442
Racquets	446 W. Western	Muskegon, MI 49440
Sam's Drink-All	1500 Getty	Muskegon, MI 49442
Shiva Mart	2021 Marquette	Muskegon, MI 49442
Sunny Mart	1100 Hackley	Muskegon, MI 49441
The Frauenthal Center	413 - 415 W. Western	Muskegon, MI 49440
The Flamingo II	1161 - 1163 E. Laketon	Muskegon, MI 49442
The Old Clover Bar	817 Forest	Muskegon, MI 49442
Time Out Bar	313 W. Laketon	Muskegon, MI 49441
Westside Inn	1635 Beidler	Muskegon, MI 49441

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 8, 2011. 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: _____
Ann Marie Becker, MMC
City Clerk

		Treas.	Inc. Tax	Insp.	Police	Form
Applebee's Neighborhood Grill & Bar	1825 E. Sherman					
Bayside Centre	3006 Lakeshore					
Bonfire	2536 Henry					
Captain Jack's Bar & Grill	1601 Beach	X	X			X
Chaity Lodge #1397	149 Ottawa					X
Clay Avenue Cellars	611 W. Clay					
Club Envy	435 & 441 W. Western					
Community Market	1149 Wood			X		
Daniels Concessions	2300 Henry					X
DJ's Pub	2064 Henry					
Dockers Fish House & Lounge	3505 Marina View Pt.					
Downtown Market	45 E. Muskegon			X		
Dreamer's	978 Pine	X				
Express Lane	812 W. Laketon			X		X
Express Lane	1992 S. Getty			X		X
Fricano's Muskegon Lake	1050 W. Western, Suite 200					
Frontier Liquor Shoppe	631 W. Southern			X		
Ghezzi's Market	2017 Lakeshore		X	X		X
Harbour Towne Yacht Club	3425 Fulton					
Holiday Inn	939 Third					
K.B.'s Market	1431 Getty					
L & G Family Market	1813 Getty					
L.C. Walker Arena & Conference Center	470 W. Western					
Lake Express	1918 Lakeshore					
Lake House Waterfront Grille	730 Terrace Point					
Lakeshore Tavern	1963 Lakeshore	X	X			
Lakeside Club, Incorporated	1777 Lakeshore					
Landmark	1308 W. Sherman					
Latitudes Market	3200 Lakeshore			X		
Lighthouse Liquor	860 W. Sherman					
Linne Lodge #57	3132 Lakeshore					
Los Amigos, Inc.	1848 E. Sherman Blvd., Suite M		X			X
Marine Tap & Grill	1983 Lakeshore					
Mike's Inn	555 W. Western					
Muskegon Aerie #668, Eagles	611 - 625 W. Western					X
Muskegon Athletic Club	333 Western, Suite B					
Muskegon Country Club	2801 Lakeshore					
Muskegon Family Foods	1157 Third			X		
Muskegon Recreation Club	1763 Lakeshore					
Muskegon Yacht Club	3198 Edgewater					
Pat's Roadhouse	157 S. Getty					X
Pizza Hut	1480 Apple					
Pizza Hut	2590 Henry					
Polish Falcons Lodge-276	1014 W. Hackley					
Polish Roman Catholic Union of America	1890 Henry					
Pop-A-Top Tavern	2185 Henry					
Port City Cruise Line	560 Mart					
Porthole Bar	1300 W. Sherman					
Racquets	446 W. Western		X			
Sam's Drink-All	1500 Getty					X

		Treas.	Inc. Tax	Insp.	Police	Form
Shiva Mart	2021 Marquette	X	X			
Shoreline Inn	750 Terrace Point					
Someplace Else III/Glenside Pub	1508 W. Sherman					
Sunny Mart	1301 E. Apple					
Sunny Mart	1100 Hackley			X		
Superstop Food Store	2390 Sherman					
The Cheese Lady	808 Terrace					
The Culinary Institute of Michigan	336 W. Clay					
The Frauenthal Center	413 - 415 W. Western					X
The Flamingo II	1161 - 1163 E. Laketon					X
The Old Clover Bar	817 Forest		X			
The Sand Bar	1031 W. Laketon					
Time Out Bar	313 W. Laketon					X
Tipsy Toad	609 W. Western					
Veterans of Foreign Wars Post 446	165 S. Getty					
Walgreen's #4835	1000 S. Getty					
Walgreen's #5315	840 W. Sherman					
Wayne's Deli	746 W. Laketon					
Wesco #13	1075 W. Laketon					
Westside Inn	1635 Beidler					X
Escrowed Liquor Licenses						
Lakeview Mart	1930 Lakeshore					
Pulaski Lodge Group 2809	871 Pulaski					
Rite-Aid Discount Pharmacy #3326	821 E. Apple					
Ruby Tuesday #7361-020	1710 E. Sherman					
TDDK, Inc.	450 - 452 W. Western					

X - Not in compliance

Commission Meeting Date: February 22, 2011

Date: February 15, 2011
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Amendment to the Zoning Ordinance

SUMMARY OF REQUEST:

Staff initiated request to amend Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the zoning ordinance to modify the guidelines on outdoor lighting.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/10 meeting.

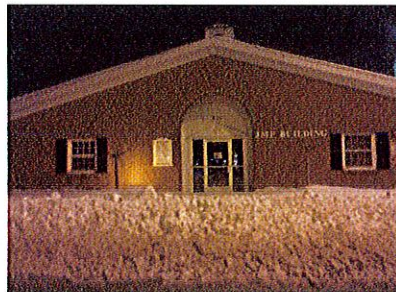
Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

BACKGROUND

1. The outdoor lighting provisions in the zoning ordinance state that all lighting must be down-type, having 100% cutoff. Many businesses feel that this is too restrictive and that we can still maintain a dark sky initiative while allowing buildings to be illuminated properly.
2. Under the current provisions, you may not illuminate a building from the ground up, but you may illuminate a sign from the ground up. There are numerous businesses that legally illuminate their signage from the ground up, many of these signs are on the buildings themselves. These signs are properly lit and do not cause any glare or light spill off.
3. The City of Muskegon is not a member of the International Dark-Sky Association.



Conforming sign lighting



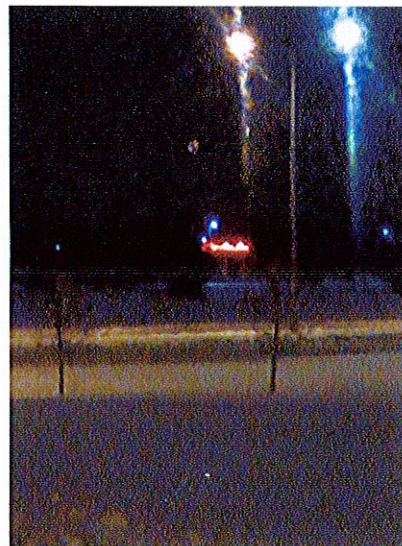
Non-conforming building lighting

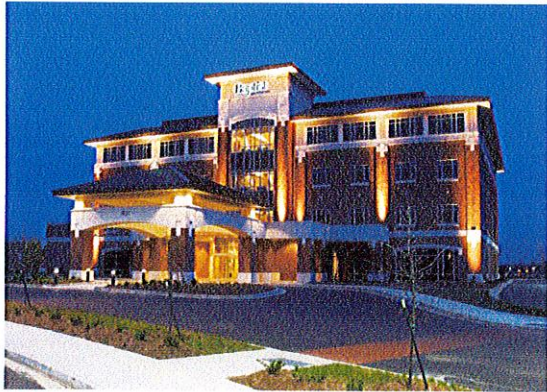


Conforming sign lighting

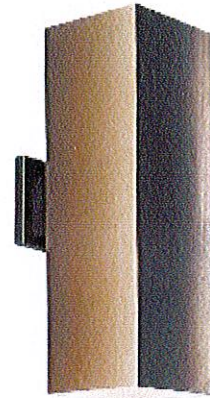


Shoreline Inn & Suites day and night

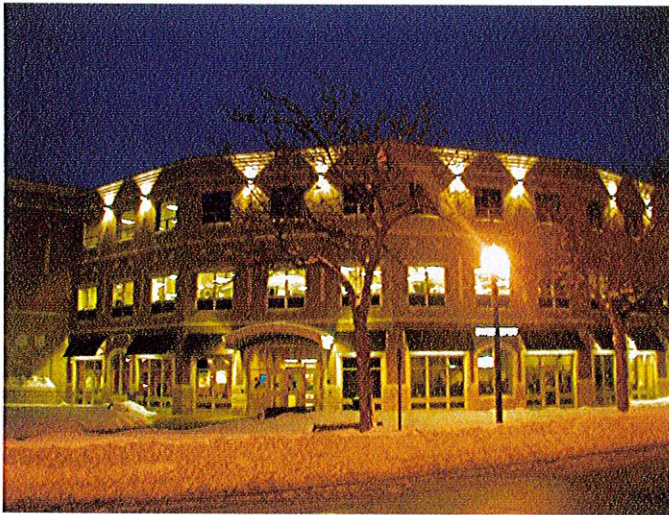




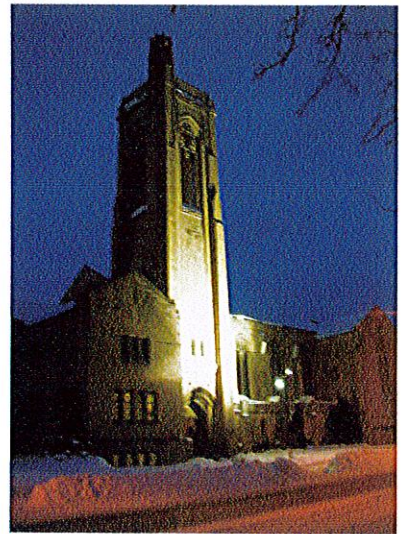
Building illuminated with no glare or light spill off



Fixture that shines upwards and downwards – currently not allowed



Baker Culinary Institute of Michigan (approved lighting, although is shouldn't have been under current zoning ordinance)



Grandfathered Lighting

ordinance excerpt:

14. Outdoor lighting in all districts: [amended 1/05] Outdoor lighting in newly developed commercial and industrial uses, subdivisions, condominium projects and planned unit developments, or replacement lighting for such developments and institutional uses, shall be designed and constructed in such a manner to insure that:
 - a. Direct or directly reflected light is confined to the development site.

- b. All light sources and light lenses are shielded.
- c. No light sources or light lenses are directly visible from beyond the boundary of the site.
- d. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane passing through the lowest point on the light fixture from which the light is emitted, as certified by the manufacturer's photometric test.
- e. Light sources shall be high-pressure sodium or halogen. Approved exceptions shall use warm white or natural lamp colors.
- f. Lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.
- g. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the City for approval prior to installation.
- h. The height of light poles shall not exceed twenty-five (25) feet as measured from average grade.

NEW LANGUAGE

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

Amendment to Section 2331 of Article XXIII:

14. Outdoor lighting in all districts: [amended 1/05] Outdoor lighting in newly developed commercial and industrial uses, subdivisions, condominium projects and planned unit developments, or replacement lighting for such developments and institutional uses, shall be designed and constructed in such a manner to insure that:
- a. Direct or directly reflected light is confined to the development site.
 - b. All light sources and light lenses are shielded.
 - c. No light sources or light lenses are directly visible from beyond the boundary of the site.
 - d. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane passing through the lowest point on the light fixture from which the light is emitted, as certified by the manufacturer's photometric test. **The following exceptions apply:**
 - 1. **Commercial and institutional uses may illuminate building facades without one hundred percent cut off provided the light lenses are shielded by a non-translucent fixture, only allowing the light to shine upwards or downwards. Light shining upwards must be contained to the building with no spillage to the night sky or adjacent properties. Lighting sources must be placed far enough from building edges or there must be an architectural element present to prevent the light from spilling off the building into the night sky or adjacent properties.**
 - 2. **Commercial and institutional buildings may illuminate building facades from the ground up as long as the light is contained directly on the building with no spillage to the night sky or adjacent properties. Light lenses must be shielded and not visible from adjacent properties.**
 - e. ~~Light sources shall be high-pressure sodium or halogen. Approved exceptions shall use warm white or natural lamp colors.~~ **All exterior lighting luminaries operating at greater than 100 watts shall contain lamps having a minimum efficacy of 60 lumen/watt.**

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend section 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the zoning ordinance to modify the guidelines on outdoor lighting.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

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

Amendment to Section 2331:

- d. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane passing through the lowest point on the light fixture from which the light is emitted, as certified by the manufacturer's photometric test. **The following exceptions apply:**
 - 1. **Commercial and institutional uses may illuminate building facades without one hundred percent cut off provided the light lenses are shielded by a non-translucent fixture, only allowing the light to shine upwards or downwards. Light shining upwards must be contained to the building with no spillage to the night sky or adjacent properties. Lighting sources must be placed far enough from building edges or there must be an architectural element present to prevent the light from spilling off the building into the night sky or adjacent properties.**
 - 2. **Commercial and institutional uses may illuminate building facades from the ground up as long as the light is contained directly on the building with no spillage to the night sky or adjacent properties. Light lenses must be shielded and not visible from adjacent properties.**
- e. ~~Light sources shall be high-pressure sodium or halogen. Approved exceptions shall use warm white or natural lamp colors.~~ **All exterior lighting luminaries operating at greater than 100 watts shall contain lamps having a minimum efficacy of 60 lumen/watt.**

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of February, 2011, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2011.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on February 22, 2011, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the zoning ordinance to modify the guidelines on outdoor lighting. Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

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

Published _____, 2011.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: February 22, 2011

Date: February 15, 2011
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for the property located at 1221 W Laketon Ave.

SUMMARY OF REQUEST:

Staff initiated request to rezone the property at 1221 W Laketon Ave from RM-2, Medium Density Multiple Family Residential District to R-1, Single Family Residential District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/10 meeting.

Ordinance excerpt:

Applicant: Planning Staff

Property Address/Location: 1221 W. Laketon Avenue

Request: Rezone from RM-2, Medium Density Multiple Family Residential District to R, One Family Residential District

Present Land Use: Women's Residential Shelter

Zoning: RM-2, Medium Density Multiple Family Residential

BACKGROUND

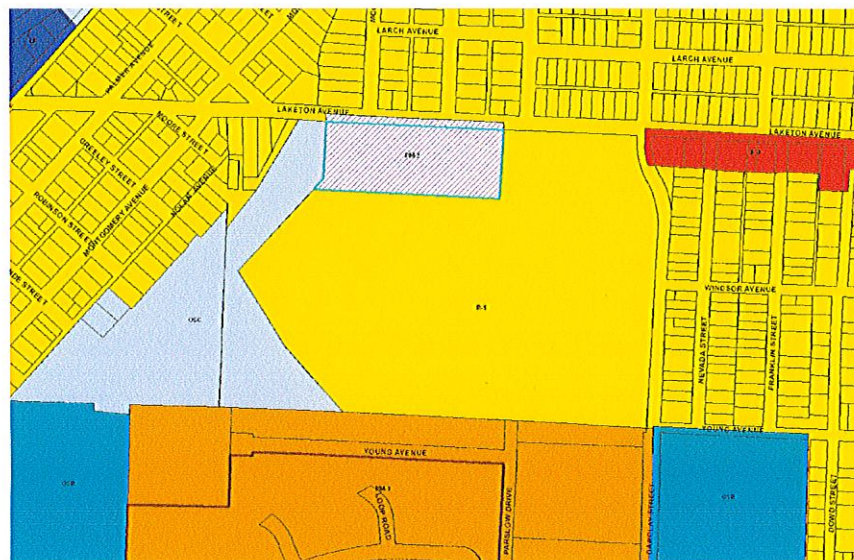
1. The property is a 5.63 acre parcel that presently contains a building owned and occupied by Every Woman's Place.
2. Every Woman's Place was approved for a rezoning from R-1, Single Family Residential District to RM-2, Medium Density Multiple Family Residential District for their property at 1221 W Laketon Ave. in September 2007.
3. City staff submitted a request in September 2008 to rezone the property back to R-1. The request was tabled until the May 2009 Planning Commission meeting. The request was finally denied on May 14, 2009 by Planning Commission and denied by City Commission on May 26, 2009.
4. Every Woman's Place was approved by Planning Commission in April 2009 for a 42,000 sqft addition to the existing 22,075 sqft. building. However, it appears that any expansion plans have stalled, and at the request of some City Commissioners, this rezoning request is now before you.
5. A definition for Transitional Living Centers was approved by Planning Commission and City Commission in October 2010. The zoning ordinance was amended to allow Transitional Living Centers only in B-5, Governmental Service Districts. This amendment made Every Woman's Place a legally non-conforming use.
6. Any addition to the current Transitional Living Center would need Planning Commission approval and may not exceed 25% of the current size of the facility. This would be required whether the property is rezoned or not.
7. Both Nims and Campbell residents have shared concerns over the current zoning of the property and the impact a large scale residential development, which would be allowed in RM-2 Districts, would have on the neighborhoods.



Every Woman's Place building



Vacant portion of property to the west.



Zoning Map

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for a property from RM-2, Medium Density Multi-Family District to R-1, Single Family Residential District.

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 for the following described property from RM-2, Medium Density Multi-Family District to R-1, Single Family Residential District.

CITY OF MUSKEGON SEC 36 T10N R17W COM AT THE N 1/4 COR OF SD SEC TH N 90D 00M 00S W ALG THE N LN OF SEC A DIST OF 97.68 FT TO POB TH CONT S 00D 20M 40S E A DIST OF 306.62 FT TH N 90D 00M 00S W PAR WITH THE N LN OF SEC A DIST OF 838.79 FT TH N 40D 22M 22S E A DIST OF 65.10 FT TH N 00D 07M 05S W A DIST OF 257.02 FT TH S 90D 00M 00S E ALG N LN OF SEC A DIST OF 795.31 FT TO POB CONTAINING 5.626 ACRES

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of 1221 W Laketon Ave from RM-2 to R-1)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of February, 2011, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2011.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on February 22, 2011, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for the property from to RM-2 "Medium Density Multi-Family Residential District" to R-1 "Single Family Residential District":

CITY OF MUSKEGON SEC 36 T10N R17W COM AT THE N 1/4 COR OF SD SEC TH N 90D 00M 00S W ALG THE N LN OF SEC A DIST OF 97.68 FT TO POB TH CONT S 00D 20M 40S E A DIST OF 306.62 FT TH N 90D 00M 00S W PAR WITH THE N LN OF SEC A DIST OF 838.79 FT TH N 40D 22M 22S E A DIST OF 65.10 FT TH N 00D 07M 05S W A DIST OF 257.02 FT TH S 90D 00M 00S E ALG N LN OF SEC A DIST OF 795.31 FT TO POB CONTAINING 5.626 ACRES

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

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

Published _____, 2011

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: March 8, 2011

Date: March 1, 2011

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Five-year Consolidated Plan

SUMMARY OF REQUEST: To allow CNS staff to publish a summary of the 2011 – 2016 City of Muskegon Five-year Consolidated Plan for citizen review for not less than 30 days. A public notice will solicit comments on our proposed plan.

STAFF RECOMMENDATION: We are requesting to direct the CNS office to publish a summary of the 2011 – 2016 City of Muskegon Five-year Consolidated Plan.

CITY OF MUSKEGON, MICHIGAN
Five-year Consolidated Plan
2011 - 2016



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3-5 Year Strategic Plan

This document includes Narrative Responses to specific questions that grantees of the Community Development Block Grant, HOME Investment Partnership, Housing Opportunities for People with AIDS and Emergency Shelter Grants Programs must respond to in order to be compliant with the Consolidated Planning Regulations.

NAME OF JURISDICTION: CITY OF MUSKEGON, MICHIGAN

Consolidated Plan Time Period: June 1, 2011 – May 31, 2016

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

3-5 Year Strategic Plan Executive Summary:

Outcomes and objectives of the City of Muskegon for 2011 – 2016 include activities designed to increase youth opportunities.

Keeping in line with what works in our community, recent events, public comments and commission support indicates that we invest in and develop our youth – OUR FUTURE. Our current plan will show support for youth opportunities.

Family focused goals for 2011 – 2016 for the City of Muskegon are:

ECONOMIC DEVELOPMENT

Priority Level 1 – Human Investment

Goal: Human Investments, as it related to youth employment, is determined by the opportunities available to individuals between the ages of 6 – 19. The City of Muskegon is concerned about our future citizenry. Equipping youth with alternative experiences such as work, recreation, exploring community involvement and education can only smother the discord ravaging urban life. Our support for youth programs, coupled with work experiences, will foster these experiences necessary to effect change in our neighborhoods.

Objective: 100 youth employed over the next five years. This can be reached by targeting 20 jobs per year.

Goal 2: Employment Opportunities. Maintaining jobs in the City of Muskegon has been a challenge; however, the focus to rebound from our drastic losses is clear. Muskegon's public service agencies, educational facilities, employers and local leaders share the responsibility to garner businesses to expand in our community. We will support programs that are foundationally sound to reach goal.

Objective: 200 new jobs by 2015.

HOUSING

Priority Level 1 – Maintain Affordable Units

Goal 1: Assist low to moderate-income residents with emergent housing needs and weatherization interventions to keep homeowners in their homes. Continue with City programs to ensure eligible families receive help through local agencies funded by the City. Funds will serve families in essential and tangible ways to deter homelessness, substandard living and unhealthy/unsafe conditions.

Objective: Reach 250 families at 65% AMI or lower.

Goal 2: Increase housing opportunities through new development and rehabilitated structures. Community Housing Development Organizations (CHDO's) are utilized annually to help families/individuals in substandard living environments access clean, safe and affordable housing units through funds directly from this participating jurisdiction. The City also collaboratively invests in neighborhoods through Infill housing: new construction or complete rehabilitation.

Objective: Collectively, 25 affordable units will be made available by 2016.

Priority Level 2 – Neighborhoods

Goal 1: Stabilization. As an entitlement recipient of NSP1, our plan years coincide with our MSHDA Grant, which will stabilize 8 of our 15 neighborhoods through demolition, new construction and rehabilitation, successfully identifying properties abandoned and foreclosed. The City has completed 6 homes and sold 2 of the 11 homes marketed for sale. We have demolished 15 blighted properties, in neighborhoods threatening safety in otherwise quiet surroundings. We can offer affordable housing units to families at or below 30% AMI.

Objective: Sell 8 homes and build 3 new homes.

Although the past performances show that most of our previous objectives and goals were surpassed, these activities are the evidence we need to continue the work. A summary of the activity outcomes (highlights from our last CAPER 2009 – 2010) are listed below as indicated in our 2005 – 2010 Five-year Consolidated Plan.

Objective 1: New Construction – To either develop alone or in partnership with a Community Housing Development Organization, member of the financial community or private developers, new single-family affordable housing.

Goal: Ten new single-family houses completed by May 31, 2010.

2009-2010 Accomplishments: No homes were built under the Infill program last fiscal year; however, Muskegon County Habitat for Humanity completed 2.

Aggregate Accomplishment: Since 2005, fifteen (15) completed single-family houses.

GOAL SURPASSED

Objective 2: Total Rehabilitation of previously vacant, blighted single-family housing – To either totally rehabilitate alone or in partnership with Community Housing Development Organizations, other social agencies and/or a member or members of the financial community.

Goal: Ten totally rehabilitated single-family homes by May 30, 2010.

2009-2010 Accomplishments: one (1) home was totally rehabilitated last year through NSP funding.

Aggregate Accomplishments: Since 2005, fourteen (14) completed rehabilitated single-family homes. Community enCompass completed two (2).

GOAL SURPASSED

Objective 3: Emergency and Vinyl Siding Assistance – To assist eligible City of Muskegon residents with emergency housing repairs and/or vinyl siding installation.

Goal: 250 houses assisted with emergency repair and or vinyl siding, (150 emergency repair/100 vinyl siding by May 31, 2010.)

2009-2010 Accomplishments: 80 homes assisted with either emergency repair and/or vinyl siding (58 emergency repairs/22 vinyl sidings).

Aggregate Accomplishments: Since 2005, 401 Emergency Repairs and 110 Vinyl Sidings have been completed.

EMERGENCY GOAL SURPASSED

Objective 4: Rehabilitation of Rental Units - To assist rental units within the City, by rehabilitating rental housing in compliance with housing quality standards.

Goals: Sixteen rehabilitated rental units by May 31, 2010.

2009-2010 Accomplishments: Completed eight (8) units rehabilitated rental units (1 duplex and 6 single-family homes).

Aggregate Accomplishments: Since 2005, 24 rehabilitated rental units completed.

GOAL SURPASSED

Objective 5: To use the City's available resources to eliminate blight in the community. The City will allocate several different departments' resources to eliminate blight in the community.

Goals: To demolish 20 dangerous structures throughout the City.

2009-2010 Accomplishments: Demolished 17 dangerous structures and boarded up 45 open, dangerous properties.

Aggregate Accomplishments: Since 2005, 67 dangerous structures were demolished.

GOAL SURPASSED

Objective 6: To assist and promote the public service community in attacking the social ills of the community in a plethora of areas (health and youth activities).

Goal: 10,000

2009-2010 Accomplishments: Assisted 12,533 persons through the Public Service Community.

Aggregate Accomplishments: 32,696

GOAL SURPASSED

Objective 7: To allocate available funding to replace and improve the City's infrastructure.

Goal: To continue to upgrade community's infrastructure.

Comments: We identified a street to be funded through CDBG-R.

Objective 8: To use available funding to improve the City's overall economic status, by creating a physical infrastructure to attract new businesses and by creating a network to promote economic development.

Goal: To complete the redevelopment of the City's downtown area and to attract 400 new jobs by May 31, 2010.

Comments: During fiscal year 2009 – 2010, our downtown received a boost by opening a culinary instructional building with a restaurant and bakery. Façade upgrades to existing buildings as well as the completion of two major structures helped to cement the physical infrastructure, attracting new businesses.

Strategic Plan

Due every three, four, or five years (length of period is at the grantee's discretion) no less than 45 days prior to the start of the grantee's program year start date. HUD does not accept plans between August 15 and November 15.

Mission:

The City's mission to improve the quality of life in our community starts with us. Our policies, charter, ordinances and mandates are established to provide the suitable living environments that prohibit discrimination based on religion, race, color, national origin, age, sex, marital or familial status or handicap.

ECONOMIC DEVELOPMENT

1. Human investments for youth opportunities.
2. Job creation for Muskegon's unemployed citizens

HOUSING

1. Maintenance of affordable units through CDBG and HOME allocated programs and funded agencies.
2. Increase units for low-moderate income families and individuals in need of relocating from substandard units.
3. Continuum of Care multi-agency collaboration to reach the goals and objectives of the 10-year State plan to end homelessness by 2016.

NEIGHBORHOODS

1. Strengthen neighborhoods through grants, local youth programs for school age youths 18 and continue with current City programs for housing unit construction.
2. Combine public service programming and enforcement to make neighborhoods for low and moderate income families suitable and safe through neighborhood organizations and code enforcement.
3. Complete the Neighborhood Stabilization grant under the agreement through MSHDA, which will provide additional program income for our existing housing programs.

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed.
2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) and the basis for assigning the priority (including the relative priority, where required) given to each category of priority needs (91.215(a)(2)). Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.

Making agreements with multi-agents through the Continuum of Care or selecting one or two vital partners to satisfy the needs of our citizens, Muskegon is moving in the direction of sustainable resources for all. Creating a picture of continuity and working together, we have succeeded thus far.

As we move into low-risk areas to produce affordable housing, challenges are evident and the ultimate goal of moving a family into a stable living environment has not been possible to date. Obstacles to affordable housing in higher income neighborhoods have not been hurdled, so our work is not done.

Managing the Process (91.200 (b))

1. Lead Agency. Identify the lead agency or entity for overseeing the development of the plan and the major public and private agencies responsible for administering programs covered by the consolidated plan.
2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.
3. Describe the jurisdiction's consultations with housing, social service agencies, and other entities, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons.

*Note: HOPWA grantees must consult broadly to develop a metropolitan-wide strategy and other jurisdictions must assist in the preparation of the HOPWA submission.

3-5 Year Strategic Plan Managing the Process response:

As a major entitlement jurisdiction, the City of Muskegon oversees the funding allocations to core services in our community, including City departments, Love INC, NAM, public school system, Downtown development, Habitat for Humanity, the board of Continuum of Care and community enCompass (transitional living). We consulted with the American Red Cross, Love INC, Habitat for Humanity, Muskegon Community Health Project and Community enCompass, supporting their clientele in with their programs and services.

Citizen Participation (91.200 (b))

1. Provide a summary of the citizen participation process.
2. Provide a summary of citizen comments or views on the plan.
3. Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.

4. Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.

*Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.

3-5 Year Strategic Plan Citizen Participation response:

Proudly, the City of Muskegon appoints citizens to participate on public boards, appointed by the City Manager. Elected City Commissioners and the City Manager carry out the general business of the City, enlisting department and division managers who provide the expertise to meet the goals and objectives of this Plan. Multiple citizen represented boards assist departments in an advisory capacity to supply public interest for funding investments in the community.

Relative to our Citizen Participation Plan, the Citizen's District Council (CDC) board input is not only required, but requested from our City Commissioners. Meeting monthly, this group advises and suggests where the City should invest their funds and resources. Neighborhood Associations of Muskegon (NAM) community groups have become more involved with the City's vision to address blight, foreclosures, violence and policy making. NAM meeting are monthly and information is both shared and gathered to help the City of Muskegon's effort to change that we want to see. With that, neighborhood surveys were disbursed through these neighborhood groups, internet access on the City's website, inside the City Hall building, City News Letter (The Channel) and advertising in the local newspaper (The Muskegon Chronicle) for community participation with the Five-year Consolidated Plan.

The current list below suggests where citizens feel our focus should be.

Community Development

Human Resources/Human Investments: opportunity for jobs; programming; training (parent/children); education; total person; future leadership; workshops; seminars; board training; Americorp workers; youth (parents).

Marketing

City Image

Anti-violence

Support the county in bringing speakers to our community

Low-interest Loans to Families for Home Rehab Loans

A past program that invests in people and provides program income to the CNS department.

Housing

Foreclosures are becoming more frequent in Muskegon. Encourage or subsidize a location for an agency for assistance with foreclosures in Muskegon. Community gardens would help improve the image of the neighborhoods.

Job Opportunities

The idea of community food production should be considered. Traditional approaches to planning need adjustments. Employers attracted to the City do not have employees that represent the residents or the ethnic mix of Muskegon. There needs to be stimulation of job production with local residents. There needs to be a more hands-on approach to get people working. It's an issue if you don't have qualified people. We need to invest in youth now and start training them now. Our children are our future. The City

only looks at the big companies with over \$1 Million payrolls. They need to look at the smaller businesses. They need to work with people who think and work 'out of the box.'

Suitable Living Environment

The school board and City don't work well together. The kids need to be trained for the future. The City and public schools have different visions. Plans should incorporate each other. The different organizations should be linked arm in arm with the community in the middle.

There needs to be a Junior City Council. The Plan needs to encourage collaboration with the community, including schools.

We are a car first community and it should be a complete street agenda for all around.

Walkability – there should be access to activities, events and situations where you don't need a car or bus.

Community Development

There is not enough communications between everyone; the city and the neighborhoods; the citizens.

We need to rebuild from within, start at the center of the City and work outwards until the entire community is completed.

Now the City is investing in bricks and mortar and should invest in people not housing stock.

Need to find activities for the youth including training and recreation.

The City should look into summer youth employment.

The City should look at technology for training of the youths.

In a higher attempt to draw minorities and other individuals who may not have access to the newspaper or internet, invitations were mailed to local churches. Fortunately, our Downtown Development Authority solicited feedback from area downtown businesses about our community services and unmet needs. Between March 8 and April 2011, a review of the plan was published online through our City's website and on Facebook and at the Public library, Clerk's Office at Muskegon City Hall and in the office of CNS, including emails of staff.

Institutional Structure (91.215 (i))

1. Explain the institutional structure through which the jurisdiction will carry out its consolidated plan, including private industry, non-profit organizations, and public institutions.
2. Assess the strengths and gaps in the delivery system.
3. Assess the strengths and gaps in the delivery system for public housing, including a description of the organizational relationship between the jurisdiction and the public housing agency, including the appointing authority for the commissioners or board of housing agency, relationship regarding hiring, contracting and procurement; provision of services funded by the jurisdiction; review by the jurisdiction of proposed capital improvements as well as proposed development, demolition or disposition of public housing developments.

3-5 Year Strategic Plan Institutional Structure response:

Structured partnerships and contracts of coordination between the participating jurisdiction and outside agencies provide strength to the community and bridges gaps to delivery services to the City of Muskegon citizens.

Local public schools, Community Housing Development Organizations, City programs, the Department of Community Health, the Department of Human Services and locally funded service programs assisting low-income families with emergent utilities and housing supports work as a well-oiled machine. If one agency can't, we enlist another. Being able to rely on partners for service requests supports the "cover page" dynamics. We are all just one piece of the puzzle and our community/cities are not completely served without an institutional structure that works together.

Proudly, the City of Muskegon appoints citizens to participate on City department boards. Even though the Public Housing Authority has separated from the City, our City Manager appoints citizens to their Public Housing Board. Strong ties remain and cooperation is the underlining structure of the relationships. Strong ties bind the relationship and cooperation is mutual. When necessary, assistance is requested for hearings, grievances and supportive services.

Public service development and capital improvements are attached from the Director of Public Works.

Monitoring (91.230)

1. Describe the standards and procedures the jurisdiction will use to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.

3-5 Year Strategic Plan Monitoring response:

Per the regulating and standard mandatory procedures, the office of CNS will conduct required monitoring of all funded agencies receiving CDBG or HOME grants. In addition, the City is monitored for compliance through an annual audit of financial records.

Priority Needs Analysis and Strategies (91.215 (a))

1. Describe the basis for assigning the priority given to each category of priority needs.
2. Identify any obstacles to meeting underserved needs.

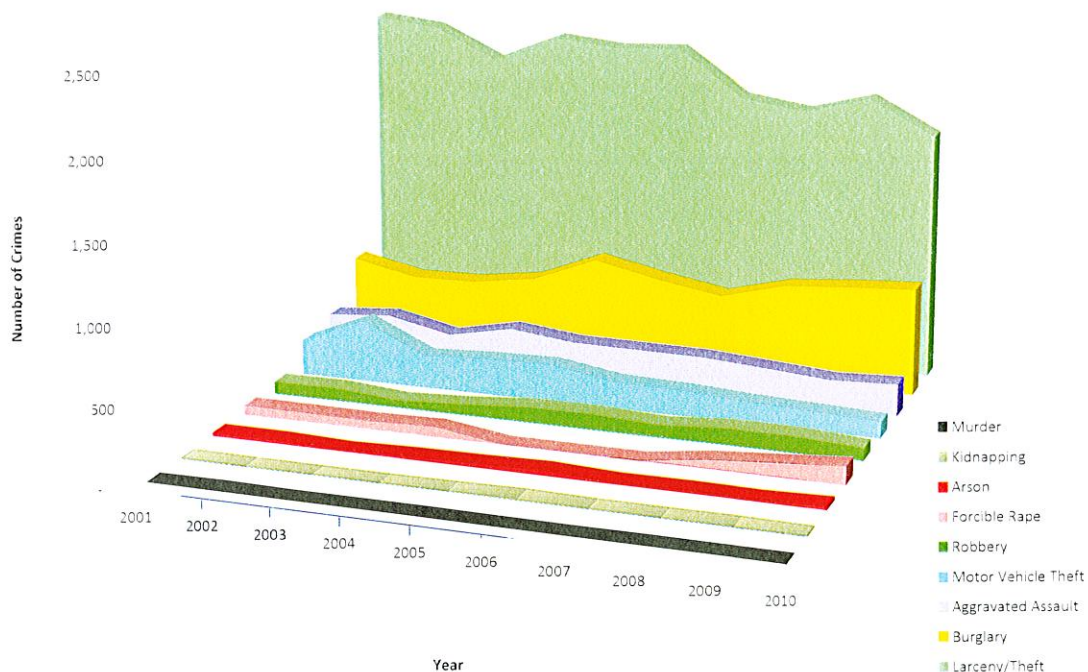
3-5 Year Strategic Plan Priority Needs Analysis and Strategies response:

Priority of needs is assessed by advisory boards, public comment, agency affiliation and City Commissioners' direction. Economically, our funding sources will not cover the needs identified in previous plans, but our priority shift is designed to invest our resources in people and that includes our youth.

Crime statistics show an increase in robberies. Critical to youths in our community is the assessment that activities offset violence, and after a stunning summer of youth involved crimes, the City is making an effort to help.

Youth opportunities are high priority. Obstacles will be cooperating and participation. How will we attract the youth to join? We will rely on schools and neighborhood groups to get the word out but language barriers tend to be non-existent at this age level.

2001-2010 Muskegon Crime Index



Lead-based Paint (91.215 (g))

1. Estimate the number of housing units that contain lead-based paint hazards, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and are occupied by extremely low-income, low-income, and moderate-income families.
2. Outline actions proposed or being taken to evaluate and reduce lead-based paint hazards and describe how lead based paint hazards will be integrated into housing policies and programs, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.

3-5 Year Strategic Plan Lead-based Paint response:

Lead-based paint testing is required of properties prior to rehabilitation of all funded projects. Testing, clearances, abatements and interim controls for all housing units built before 1978 is a requirement fully adhered to in all programs.

As a lead agency for protecting children from Lead-based paint hazards, our Muskegon S.A.F.E. (Support Abate Family Education) Housing Program successfully identified 272 households, tested children for Lead poisoning, and abated and identified Lead hazards in 120 homes. Our three-year grant concluded with staggering numbers \$2,079,492 grant dollars. The City leveraged an additional \$503,225 from local business rebates from Weber Lumber and Keene Lumber and other committed program income to development employment and training for 72 unemployed individuals to learn a new trade. The county-developed efforts of the Lead program solidified our commitment to State and local health and child welfare agencies that provided current data related to Lead-based paint hazards and poisonings in Muskegon County.

Although our Lead efforts were only available to Muskegon City residents, our partnerships interact with Muskegon Heights, Muskegon Township, Norton Shores and all local Muskegon Area Intermediate District schools addressing where children under the age of six enter school for the first time. A total of 249 outreach efforts were performed and contracted through Muskegon Community Health Project.

HOUSING

Housing Needs (91.205)

*Please also refer to the Housing Needs Table in the Needs.xls workbook

1. Describe the estimated housing needs projected for the next five year period for the following categories of persons: extremely low-income, low-income, moderate-income, and middle-income families, renters and owners, elderly persons, persons with disabilities, including persons with HIV/AIDS and their families, single persons, large families, public housing residents, victims of domestic violence, families on the public housing and section 8 tenant-based waiting list, and discuss specific housing problems, including: cost-burden, severe cost-burden, substandard housing, and overcrowding (especially large families).
2. To the extent that any racial or ethnic group has a disproportionately greater need for any income category in comparison to the needs of that category as a whole, the jurisdiction must complete an assessment of that specific need. For this purpose, disproportionately greater need exists when the percentage of persons in a category of need who are members of a particular racial or ethnic group is at least ten percentage points higher than the percentage of persons in the category as a whole.

3-5 Year Strategic Plan Housing Needs response:

Cost burdens of providing communities with necessary services has caused the City

of Norton Shores to contract our support services to manage their emergency repair program designed for families 50% AMI or lower.

"Standard Conditioning" in housing units are these: operable utilities, adequate space for household occupants, void of any health or safety conditions. "Substandard Conditions" are those housing units with: health and safety issues within or on site of the property, inadequate square footage per capita as stated in the cities policy without one or more operable utilities available.

In our Weatherization Program, we address substandard housing for qualified seniors in the City of Muskegon. This service was offered in the 2010 – 2011 Annual Plan, but authorized as a viable housing program for seniors 60 years and older because we are an equal housing authority, categorically all housing programs are available to and adequate accommodations made for persons within the 80% AMI low-income target.

No preference will be made as it relates to HIV/AIDS, familial size, Section 8, disability, age or ethnicity for housing services funded by CDBG, HOME, NSP or future funded projects. Only income qualifications will dictate our ability to provide necessary relief per program selection.

CDBG

Vinyl Siding continues to brighten our City corridors with a suitable living environment to promote building activities, community development, beautification and overall neighborhood stabilization.

Code enforcement stimulates a safe neighborhood, free of blight and vacant structures, which tend to foster unhealthy activities.

HOME

Affordable Housing Units are always needed when there is a waiting list for families in need. Through Community Housing Development Organizations, the City continues to produce housing units for families below 80% AMI.

Transitional Housing stakes a permanent mark in our inner-city neighborhoods, partnering with agencies that collaborate to serve our poverty stricken, homeless community is our investment in human services.

As a major supplier of affordable housing, the City has provided its citizens with 37 housing units for low to moderate-income families in the last 10 years.

NSP

The capacity to add more units was afforded to us through MSHDA's NSP1 program where we demolished blighted structures, partnered with other agents to build on these lots for 3 families at an income level less than 50% AMI.

NSP has allowed for 10 additional units, designed for families at every level of income level from 30% AMI – 120% AMI.

Priority Housing Needs (91.215 (b))

1. Identify the priority housing needs and activities in accordance with the categories specified in the Housing Needs Table (formerly Table 2A). These categories correspond with special tabulations of U.S. census data provided by HUD for the preparation of the Consolidated Plan.
2. Provide an analysis of how the characteristics of the housing market and the severity of housing problems and needs of each category of residents provided the basis for determining the relative priority of each priority housing need category.

Note: Family and income types may be grouped in the case of closely related categories of residents where the analysis would apply to more than one family or income type.

3. Describe the basis for assigning the priority given to each category of priority needs.
4. Identify any obstacles to meeting underserved needs.

3-5 Year Strategic Plan Priority Housing Needs response:

Rental Rehabilitation addressed rental properties in Muskegon for landlords at a 50/50 cost per affordability requirements. Per guidelines, eligible properties are for 4 units or less with tenant income restricted to 65% or lower when applicable, but not more than 80% AMI.

Housing Market Analysis (91.210)

*Please also refer to the Housing Market Analysis Table in the Needs.xls workbook

1. Based on information available to the jurisdiction, describe the significant characteristics of the housing market in terms of supply, demand, condition, and the cost of housing; the housing stock available to serve persons with disabilities; and to serve persons with HIV/AIDS and their families. Data on the housing market should include, to the extent information is available, an estimate of the number of vacant or abandoned buildings and whether units in these buildings are suitable for rehabilitation.
2. Describe the number and targeting (income level and type of household served) of units currently assisted by local, state, or federally funded programs, and an assessment of whether any such units are expected to be lost from the assisted housing inventory for any reason, (i.e. expiration of Section 8 contracts).
3. Indicate how the characteristics of the housing market will influence the use of funds made available for rental assistance, production of new units, rehabilitation of old units, or acquisition of existing units. Please note, the goal of affordable housing is not met by beds in nursing homes.

3-5 Year Strategic Plan Housing Market Analysis responses:

In an effort to control costs, bids were requested for "labor only" and additional

contracts were made with suppliers. Our housing costs have not changed to the point of limiting the number of projects. We feel that our previous investments in Lead-based paint training have helped stabilize the abatement costs incurred.

Vacant and abandoned buildings are decreasing in number because of our latest City policy requiring owner registration. The accountability of these structures carries fee charges and ultimate action is required. Because it is a newer policy, it will help us identify properties for rehabilitation and certainly clean the City of blight.

The number of units targeted for households under 80% AMI is recorded in the Needs table and reflect the agencies associated with the Continuum of Care homeless initiatives, local jurisdictions and our City's affordable housing plan. No loss of Section 8 contracts is expected: there is a significant waiting list for families.

Our housing market inventory will increase because of the Neighborhood Stabilization Program investments in our jurisdiction. NSP3 has been approved and funded for ownership: existing housing units will be rehabilitated.

Rental housing units will be addressed to assist those families at less than 50% AMI through City funded programs. In addition, proposals for rehabilitation of rental properties for this population continue to appear on our City Commission agendas; however, saturation of rental housing units challenge our neighborhoods and are met with great resistance.

Specific Housing Objectives (91.215 (b))

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve over a specified time period.
2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the strategic plan.

3-5 Year Strategic Plan Specific Housing Objectives response:

We hope to meet the objectives set in this plan and itemized in the Strategic Summary. Using HOME, CDBG and NSP funding to accomplish these goals, the City is prepared to assist partners, support local agencies and promote economic development through Section 3 policy guidelines to garner contractors from our neighborhoods. In addition to local contractors, we want to preference, where possible, minority and women-owned responsible businesses to help us meet the Housing Objectives set forth.

Needs of Public Housing (91.210 (b))

In cooperation with the public housing agency or agencies located within its boundaries, describe the needs of public housing, including the number of public housing units in the jurisdiction, the physical condition of such units, the restoration and revitalization needs of public housing projects within the jurisdiction, and other factors, including the number of families on public housing and tenant-based waiting lists and results from the Section 504 needs assessment of public housing projects located within its boundaries (i.e. assessment of needs of tenants and applicants on

waiting list for accessible units as required by 24 CFR 8.25). The public housing agency and jurisdiction can use the optional Priority Public Housing Needs Table (formerly Table 4) of the Consolidated Plan to identify priority public housing needs to assist in this process.

3-5 Year Strategic Plan Needs of Public Housing response:

The Muskegon Housing Commission has less than 250 public housing units and 164 Housing Choice Vouchers, which is considered a small public housing authority. Maintaining 164 housing units, their goals are itemized to:

1. Increase Availability - reduce vacancy through marketing
2. Improve Quality – make improvements and timely repairs
3. Increase Housing Choices – provide information to families/landlords
4. Improve Living Environment – security/monitoring updates
5. Self Sufficiency – equip families with support services for employment and skills opportunities
6. Energy Efficiency – remodel for energy conservation

With 15/123 HCV on a waiting list, MHC has proactively set goals to notify families of homeownership supportive programs. Moving individuals from supportive programs to independent living is a proven way to provide assistance to those on the waiting list.

Public Housing Strategy (91.210)

1. Describe the public housing agency's strategy to serve the needs of extremely low-income, low-income, and moderate-income families residing in the jurisdiction served by the public housing agency (including families on the public housing and section 8 tenant-based waiting list), the public housing agency's strategy for addressing the revitalization and restoration needs of public housing projects within the jurisdiction and improving the management and operation of such public housing, and the public housing agency's strategy for improving the living environment of extremely low-income, low-income, and moderate families residing in public housing.
2. Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake to encourage public housing residents to become more involved in management and participate in homeownership. (NAHA Sec. 105 (b)(11) and (91.215 (k))
3. If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation. (NAHA Sec. 105 (g))

3-5 Year Strategic Plan Public Housing Strategy response:

Our public housing agency, Muskegon Housing Commission, has completed and submitted the PHA 5-year Plan and Annual Plan for our review. Their strategy to address the needs of families residing in our jurisdiction being served by them and for those whose names remain on a waiting list has changed slightly. Per the request of auditors, MHC has made policy revisions, sent determinations and

eligibility solutions that includes and clearly shows their manner in addressing improvements, energy conservation and management operations in an effort to improve the living environments of extremely low-income and low-income individuals and families.

Refreshing to see is the enhancement of homeownership opportunities. Collaborating on other levels, the City of Muskegon has presented opportunities to engage families interested in owning their own home. This housing plan support the efforts of local agencies willing to assist families ready for homeownership status.

MHC continues to educate the public, prospective applicants and agencies which serve families in Muskegon promoting decent, safe and affordable options through their public housing, Section 8 Housing Choice Vouchers and optional homeownership programs.

Barriers to Affordable Housing (91.210 (e) and 91.215 (f))

1. Explain whether the cost of housing or the incentives to develop, maintain, or improve affordable housing are affected by public policies, particularly those of the local jurisdiction. Such policies include tax policy affecting land and other property, land use controls, zoning ordinances, building codes, fees and charges, growth limits, and policies that affect the return on residential investment.
2. Describe the strategy to remove or ameliorate negative effects of public policies that serve as barriers to affordable housing, except that, if a State requires a unit of general local government to submit a regulatory barrier assessment that is substantially equivalent to the information required under this part, as determined by HUD, the unit of general local government may submit that assessment to HUD and it shall be considered to have complied with this requirement.

3-5 Year Strategic Plan Barriers to Affordable Housing response:

Affordable housing will not reach the families targeted if individuals are not qualified for mortgages. These businesses exist but the City is counted to carry this message to local leaders through Fair Housing initiatives and vital support programs.

Initial housing studies will be performed in our County as an effort to work together to meet the requirements of our separate communities to evaluate housing programs without prejudice and oversight of any citizen qualified to receive services. All county communities will be included in our training, events and scheduled meetings with our Grant Rapids Fair Housing. The Department of Public Health is located in our county and provides numerous programs and services for all health needs facing a community: HIV/AIDS, Lead Poisoning and Smoking. Previous partnerships are expected to continue as much as possible; however, no exact no metropolitan-wide strategy is expected. We do not receive HOPWA's funding and have not identified specific services in this area of service.

HOMELESS

Homeless Needs (91.205 (b) and 91.215 (c))

*Please also refer to the Homeless Needs Table in the Needs.xls workbook

Homeless Needs— The jurisdiction must provide a concise summary of the nature and extent of homelessness in the jurisdiction, (including rural homelessness and chronic homelessness where applicable), addressing separately the need for facilities and services for homeless persons and homeless families with children, both sheltered and unsheltered, and homeless subpopulations, in accordance with Table 1A. The summary must include the characteristics and needs of low-income individuals and children, (especially extremely low-income) **who** are currently housed but are at imminent risk of either residing in shelters or **becoming** unsheltered. In addition, to the extent information is available, the plan **must** include a description of the nature and extent of homelessness by racial and **ethnic** group. A quantitative analysis is not required. If a jurisdiction provides estimates of the **at-risk** population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates.

3-5 Year Strategic Plan Homeless Needs response:

The guidelines which represent the **homeless** needs in Muskegon County are identified in the benchmark report as Guiding Municipals. These guiding principles are:

- All individuals and families should have safe, affordable housing.
- Homeless individuals or families should receive safe, temporary shelter and planning for permanent housing should begin immediately.
- Individuals should not have to make their home on the street or in other public spaces; safe and humane options should be available.
- All individuals and families **deserve** and are expected to actively participate in the development and implementation of their independent living plans now referred to as Community Housing Action Plans (CHAP) by MSHDA.
- All agencies must work as partners to ensure successful, long-term outcomes for individuals and families who are, or who may become, homeless.
- Services must be provided with the goal of achieving the highest standards of practice through continuous quality improvement.

Priority Homeless Needs

1. Using the results of the Continuum of Care planning process, identify the jurisdiction's homeless and homeless prevention priorities specified in Table 1A, the Homeless and Special Needs Populations Chart. The description of the jurisdiction's choice of priority needs and allocation priorities must be based on reliable data meeting HUD standards and should reflect the required consultation with homeless assistance providers, homeless persons, and other concerned citizens regarding the needs of homeless families with children and individuals. The jurisdiction must provide an analysis of how the needs of each category of residents provided the basis for determining the relative priority of each priority

homeless need category. A separate brief narrative should be directed to addressing gaps in services and housing for the sheltered and unsheltered chronic homeless.

2. A community should give a high priority to chronically homeless persons, where the jurisdiction identifies sheltered and unsheltered chronic homeless persons in its Homeless Needs Table - Homeless Populations and Subpopulations.

3-5 Year Strategic Plan Priority Homeless Needs response:

An inadequate supply of affordable rental housing at or below 50% AMI, even at poverty level 30% AMI or lower, are deserved.

Priority A – Recording uniform data among local partners of the Continuum of Care stakeholders.

Priority B – Increase decent safe and affordable rental property.

Homeless Inventory (91.210 (c))

The jurisdiction shall provide a concise summary of the existing facilities and services (including a brief inventory) that assist homeless persons and families with children and subpopulations identified in Table 1A. These include outreach and assessment, emergency shelters and services, transitional housing, permanent supportive housing, access to permanent housing, and activities to prevent low-income individuals and families with children (especially extremely low-income) from becoming homeless. The jurisdiction can use the optional Continuum of Care Housing Activity Chart and Service Activity Chart to meet this requirement.

3-5 Year Strategic Plan Homeless Inventory response:

Multi-agency Continuum of Care work sessions collaboratively get the leverage and priority for our shelter/unsheltered individuals and families. These priorities show family stability as a first base to filling the needs of the homeless. Consistency through the following:

1. Providers
2. County Jurisdictions
3. Homeless populations

Homeless Strategic Plan (91.215 (c))

1. Homelessness— Describe the jurisdiction's strategy for developing a system to address homelessness and the priority needs of homeless persons and families (including the subpopulations identified in the needs section). The jurisdiction's strategy must consider the housing and supportive services needed in each stage of the process which includes preventing homelessness, outreach/assessment, emergency shelters and services, transitional housing, and helping homeless persons (especially any persons that are chronically homeless) make the transition to permanent housing and independent living. The jurisdiction must also describe its strategy for helping extremely low- and low-income individuals

and families who are at imminent risk of becoming homeless.

2. Chronic homelessness—Describe the jurisdiction’s strategy for eliminating chronic homelessness by 2012. This should include the strategy for helping homeless persons make the transition to permanent housing and independent living. This strategy should, to the maximum extent feasible, be coordinated with the strategy presented Exhibit 1 of the Continuum of Care (CoC) application and any other strategy or plan to eliminate chronic homelessness. Also describe, in a narrative, relationships and efforts to coordinate the Conplan, CoC, and any other strategy or plan to address chronic homelessness.
3. Homelessness Prevention—Describe the jurisdiction’s strategy to help prevent homelessness for individuals and families with children who are at imminent risk of becoming homeless.
4. Institutional Structure—Briefly describe the institutional structure, including private industry, non-profit organizations, and public institutions, through which the jurisdiction will carry out its homelessness strategy.
5. Discharge Coordination Policy—Every jurisdiction receiving McKinney-Vento Homeless Assistance Act Emergency Shelter Grant (ESG), Supportive Housing, Shelter Plus Care, or Section 8 SRO Program funds must develop and implement a Discharge Coordination Policy, to the maximum extent practicable. Such a policy should include “policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.” The jurisdiction should describe its planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how the community will move toward such a policy.

3-5 Year Homeless Strategic Plan response:

Each member has a niche and expertise to help. Collaboration helps to optimize investments that can be realized by the resources available through our members.

As a member initiated through a memo of understanding, the City of Muskegon is an active participant to adhere to the community-wide Discharge Coordination Policy as stated in the Continuum of Care’s 10-year plan that states:

EFFECTIVE PREVENTION ACTIVITIES

- ✓ Housing Subsidies: Evidence for housing subsidies as a very effective prevention activity comes from a variety of sources.
- ✓ Supportive services coupled with permanent housing: For people with serious mental illness, with or without substance abuse, permanent supportive housing prevents initial homelessness, re-houses people quickly if they become homeless, and helps chronically homeless people leave the streets (Burt et al., 2004; Shern et al., 1997; Tsemberis and Eisenberg, 2000).
- ✓ Mediation in Housing Courts: A variety of studies show that Housing Courts preserve tenancy, even after a landlord has filed for eviction.

- ✓ Cash assistance for rent or mortgage arrears: Combined with screening that improves targeting this strategy has reduced first time homelessness.
- ✓ Rapid exit from shelter: Focused toward families just entering shelter to ensure that they quickly leave shelter and stay housed thereafter, communities that have used this innovative strategy have halved the average length of a shelter stay (from 60 to 30 days) and achieved 88 percent success rate in keeping formerly homeless families from returning to shelter.

Strategy: Support the development of a community-wide prevention model that has a clear understanding of the types of prevention that are most likely to be effective as demonstrated by data, as well as the types of prevention that Muskegon identifies as being most important.

Support a uniformed structure by which information is disseminated between all stakeholders.

Develop new commitments and increased partnerships to reduce the number of individuals and families leaving one system and entering another, and embrace the notion that homeless prevention is an outcome for all agencies and institutions.

Emergency Shelter Grants (ESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

3-5 Year Strategic Plan ESG response:

The City of Muskegon does not receive ESG.

COMMUNITY DEVELOPMENT

Community Development (91.215 (e))

*Please also refer to the Community Development Table in the Needs.xls workbook

1. Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), – i.e., public facilities, public improvements, public services and economic development.
2. Describe the basis for assigning the priority given to each category of priority needs.
3. Identify any obstacles to meeting underserved needs.
4. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable

living environment and expand economic opportunities, principally for low- and moderate-income persons.

NOTE: Each specific objective developed to address a priority need, must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year numeric goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.

3-5 Year Strategic Plan Community Development response:

The goals and policies set forth in our CDBG programs are in place to assist those families below 50% AMI by granting these services without personal investment; no fees required for services offered.

Short Term: Support youth work experiences through recreational activity programs for youth.

Long Term: Replace the loss of jobs realized over the last five year.

Antipoverty Strategy (91.215 (h))

1. Describe the jurisdiction's goals, programs, and policies for reducing the number of poverty level families (as defined by the Office of Management and Budget and revised annually). In consultation with other appropriate public and private agencies, (i.e. TANF agency) state how the jurisdiction's goals, programs, and policies for producing and preserving affordable housing set forth in the housing component of the consolidated plan will be coordinated with other programs and services for which the jurisdiction is responsible.
2. Identify the extent to which this strategy will reduce (or assist in reducing) the number of poverty level families, taking into consideration factors over which the jurisdiction has control.

3-5 Year Strategic Plan Antipoverty Strategy response:

The consolidated plan will be coordinated with other programs and services for which the jurisdiction is responsible as it targets strategies in affordable housing to produce and preserve homeownership. As a deliberate choice, the City of Muskegon has adopted a resale vs. recapture policy for affordability requirements. This will only stabilize the debt of an unfortunate foreclosed foreclosure due to loss of job. Resale allows the repayment of an unsatisfied mortgage subsidy only if there are proceeds available after the sale of the property. Resale limits this debt of a family in an otherwise devastating situation from suffering a long-term debt collection.

Low Income Housing Tax Credit (LIHTC) Coordination (91.315 (k))

1. (States only) Describe the strategy to coordinate the Low-income Housing Tax Credit (LIHTC) with the development of housing that is affordable to low- and moderate-income families.

3-5 Year Strategic Plan LIHTC Coordination response:

Not applicable for the City of Muskegon

NON-HOMELESS SPECIAL NEEDS ANALYSIS

Specific Special Needs Objectives (91.215)

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve over a specified time period.
2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the strategic plan.

3-5 Year Non-homeless Special Needs Analysis response:

As our current economy is uncertain, the City of Muskegon will not prioritize non-homeless special needs in the Five-year Consolidated Plan.

Non-homeless Special Needs (91.205 (d) and 91.210 (d)) Analysis (including HOPWA)

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Estimate, to the extent practicable, the number of persons in various subpopulations that are not homeless but may require housing or supportive services, including the elderly, frail elderly, persons with disabilities (mental, physical, developmental, persons with HIV/AIDS and their families), persons with alcohol or other drug addiction, victims of domestic violence, and any other categories the jurisdiction may specify and describe their supportive housing needs. The jurisdiction can use the Non-Homeless Special Needs Table (formerly Table 1B) of their Consolidated Plan to help identify these needs.

*Note: HOPWA recipients must identify the size and characteristics of the population with HIV/AIDS and their families that will be served in the metropolitan area.

2. Identify the priority housing and supportive service needs of persons who are not homeless but may or may not require supportive housing, i.e., elderly, frail elderly, persons with disabilities (mental, physical, developmental, persons with HIV/AIDS and their families), persons with alcohol or other drug addiction by using the Non-homeless Special Needs Table.
3. Describe the basis for assigning the priority given to each category of priority needs.
4. Identify any obstacles to meeting underserved needs.
5. To the extent information is available, describe the facilities and services that assist persons who are not homeless but require supportive housing, and programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing.

6. If the jurisdiction plans to use HOME or other tenant based rental assistance to assist one or more of these subpopulations, it must justify the need for such assistance in the plan.

3-5 Year Non-homeless Special Needs Analysis response:

The City of Muskegon is not setting aside specific programs to address the needs of special sub-populations, including HOPWA.

Housing Opportunities for People with AIDS (HOPWA)

*Please also refer to the HOPWA Table in the Needs.xls workbook.

1. The Plan includes a description of the activities to be undertaken with its HOPWA Program funds to address priority unmet housing needs for the eligible population. Activities will assist persons who are not homeless but require supportive housing, such as efforts to prevent low-income individuals and families from becoming homeless and may address the housing needs of persons who are homeless in order to help homeless persons make the transition to permanent housing and independent living. The plan would identify any obstacles to meeting underserved needs and summarize the priorities and specific objectives, describing how funds made available will be used to address identified needs.
2. The Plan must establish annual HOPWA output goals for the planned number of households to be assisted during the year in: (1) short-term rent, mortgage and utility payments to avoid homelessness; (2) rental assistance programs; and (3) in housing facilities, such as community residences and SRO dwellings, where funds are used to develop and/or operate these facilities. The plan can also describe the special features or needs being addressed, such as support for persons who are homeless or chronically homeless. These outputs are to be used in connection with an assessment of client outcomes for achieving housing stability, reduced risks of homelessness and improved access to care.
3. For housing facility projects being developed, a target date for the completion of each development activity must be included and information on the continued use of these units for the eligible population based on their stewardship requirements (e.g. within the ten-year use periods for projects involving acquisition, new construction or substantial rehabilitation).
4. The Plan includes an explanation of how the funds will be allocated including a description of the geographic area in which assistance will be directed and the rationale for these geographic allocations and priorities. Include the name of each project sponsor, the zip code for the primary area(s) of planned activities, amounts committed to that sponsor, and whether the sponsor is a faith-based and/or grassroots organization.
5. The Plan describes the role of the lead jurisdiction in the eligible metropolitan statistical area (EMSA), involving (a) consultation to develop a metropolitan-wide strategy for addressing the needs of persons with HIV/AIDS and their families living throughout the EMSA with the other jurisdictions within the EMSA; (b) the standards and procedures to be used to monitor HOPWA Program activities in order to ensure compliance by project sponsors of the requirements of the

program.

6. The Plan includes the certifications relevant to the HOPWA Program.

3-5 Year Strategic Plan HOPWA response:

There are no specific programs set aside for HOPWA opportunities.

Specific HOPWA Objectives

1. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the strategic plan.

3-5 Year Specific HOPWA Objectives response:

Not applicable for the City of Muskegon.

OTHER NARRATIVE

Include any Strategic Plan information that was not covered by a narrative in any other section.