

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 9, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Muskegon Big Reds.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Resolution for Charitable Gaming License – Muskegon Area Chamber of Commerce. CITY CLERK
 - C. Liquor License Request – Dockers Restaurant LLC. CITY CLERK
 - D. SECOND READING: Amend City Ordinance 10-135 Removal of Materials. PUBLIC SAFETY
 - E. Service Agreement with Professional Med Team Inc. PUBLIC SAFETY
 - F. Support Agreement - Internet Crimes Against Children Task Force. PUBLIC SAFETY
 - G. FIRST READING: Zoning Ordinance Amendment – Appointment of Zoning Board of Appeals Members. PLANNING & ECONOMIC DEVELOPMENT
 - H. Extending the Deadline for Taking Action on Proposed Mall Historic District. PLANNING & ECONOMIC DEVELOPMENT
 - I. Sale of Reversionary Interest of Unbuildable Lot Adjacent to 686 Marquette to the New Owner. PLANNING & ECONOMIC DEVELOPMENT

- J. Special Event Application - Muskegon Air Fair. LEISURE SERVICES
- K. Appointment to the Civil Service Commission. COMMUNITY RELATIONS COMMITTEE

❑ PUBLIC HEARINGS:

- A. Request for an Industrial Facilities Exemption Certificate - Ameriform Inc. PLANNING & ECONOMIC DEVELOPMENT

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

- A. Approval of Contract for Payments in Lieu of Taxes for Renaissance Place. PLANNING & ECONOMIC DEVELOPMENT

❑ NEW BUSINESS:

- A. Transportation Improvements Program Submittal for: 2008-2011 and Long Range Plan Projects. ENGINEERING

- B. Lakeside Business Area Plan Endorsement. PLANNING & ECONOMIC DEVELOPMENT

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ ADJOURNMENT:

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

Date: January 9, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the December 11th Commission Worksession, the December 12th Regular Commission Meeting, and the December 28th Special Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 9, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 9, 2007.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from Evanston Avenue 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, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter. Commissioner Clara Shepherd arrived at 5:33 p.m.

2007-02 HONORS AND AWARDS:

A. Muskegon Big Reds. Mayor Warmington presented Muskegon Big Reds Coach Parker with a street sign in recognition of their 2006 Division 2 Football State Championship.

2007-03 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the December 11th Commission Worksession, the December 12th Regular Commission Meeting, and the December 28th Special Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Resolution for Charitable Gaming License - Muskegon Area Chamber of Commerce. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Area Chamber of Commerce is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been

recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

C. Liquor License Request – Dockers Restaurant LLC. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Dockers Restaurant LLC to transfer ownership of the 2006 Class C Licensed Business with Dance-Entertainment Permit, held in escrow, from Dockers, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval contingent upon final inspection.

D. SECOND READING: Amend City Ordinance 10-135 Removal of Materials. PUBLIC SAFETY

SUMMARY OF REQUEST: On occasion each year Public Safety Division staff is asked to waive the portion of the ordinance that addresses the removal of below grade materials. This is generally associated with a project where the removal is extremely costly and where acceptable options are available.

In order to streamline this process, staff is asking the Commission to amend Section 10-135 of the Code of Ordinances regarding the removal of materials during demolition. The amendment would allow the City Manager to waive all or part of the ordinance regarding the removal of below grade materials. Such waiver requests would include a review by the City Engineer.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the amended language.

G. FIRST READING: Zoning Ordinance Amendment - Appointment of Zoning Board of Appeals Members. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2501 (Creation and Membership, paragraph 1) of Article XXV (Zoning Board of Appeals) regarding the appointment of successor ZBA members within one month after the term of the preceding member has expired.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding the appointment of successor

ZBA members.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their December 14, 2006, meeting. The vote was unanimous with T. Harryman, B. Smith, and T. Michalski absent.

H. Extending the Deadline for Taking Action on Proposed Mall Historic District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004, but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. City Commission extended this deadline for one year in January of 2005 and again in January 2006. Because that deadline will expire shortly, staff is requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

I. Sale of Reversionary Interest of Unbuildable Lot Adjacent to 686 Marquette to the New Owner. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the reversionary interest of the unbuildable lot adjacent to 686 Marquette to Baymark Homes, LLC. The property was originally sold to Charles and Lisa Hippchen and the bank (Wells Fargo Bank NA) foreclosed on the home. Due to the reversionary clause in the quit claim deed, the property reverts back to the City. Baymark Homes, LLC has since bought the home at 686 Marquette and has paid the fee for the unbuildable lot.

FINANCIAL IMPACT: The sale of the reversionary interest of the unbuildable lot to Baymark Homes, LLC will keep the property intact and the City will not be responsible for the maintenance.

BUDGET ACTION REQUIRED: None

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

J. Special Event Application - Muskegon Air Fair. LEISURE SERVICES

SUMMARY OF REQUEST: The Muskegon Air Fair is requesting to host a Marti Gras Fundraiser on February 17, 2007, to be held at the Greater Muskegon Woman's Club. They are requesting to stop selling drink tickets at 11:30 p.m., stop pouring beverages at 12:00 a.m., and have the area cleaned up by 12:30 a.m. The Leisure Services Special Event Policy section II, item f states: *For Alcohol events, the applicant shall agree to stop selling drink tickets at 10:30 p.m., stop pouring*

beverages at 11:00 p.m., and have the area cleaned up by 11:30 p.m.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approved by Tony Kleibecker, Director of Public Safety.

K. Appointment to the Civil Service Commission. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To appoint David-George Newsome to the Civil Service Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as read minus items E and F.

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

Nays: None

MOTION PASSES

2007-04 ITEMS REMOVED FROM THE CONSENT AGENDA:

E. Service Agreement with Professional Med Team Inc. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a service agreement with Professional Med Team (Pro-Med) to provide a paramedic for the purpose of performing a blood draw, when needed, of suspected intoxicated drivers. The paramedic will be dispatched directly to the jail to perform the draw. This service will be utilized by all law enforcement agencies within Muskegon County. Pro-Med is located within the City.

FINANCIAL IMPACT: This agreement will reduce the cost of a blood draw from the current rate of \$120 (area hospital) to \$75.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

(Voted with item F.)

F. Support Agreement - Internet Crimes Against Children Task Force. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a cooperative agreement with the United States Department of Justice Internet Crimes Against Children Task Force and the Michigan State

Police. The agreement will result in the formation of a multi-agency work group intended to combat crimes committed against children through the use of the internet.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Service Agreement with Professional Med Team Inc. and the Support Agreement for the Internet Crimes Against Children Task Force.

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

Nays: None

MOTION PASSES

2007-05 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate - Ameriform Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Ameriform Inc., 1790 Sun Dolphin, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1790 Sun Dolphin Drive, Muskegon. The total capital investment is approximately \$4,800,700 with \$1,123,000 in real property and \$3,677,700 in personal property. This request qualifies Ameriform Inc. for a term of 12 years for real property and 9 years for personal property.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 9 years for personal property.

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:55 p.m. and approve the Industrial Facilities Exemption Certificate for Ameriform Inc.

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

Nays: None

MOTION PASSES

2007-06 UNFINISHED BUSINESS:

A. Approval of Contract for Payments in Lieu of Taxes for Renaissance Place. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A contract providing for a Payment in Lieu of Taxes for a proposed senior housing development known as Renaissance Place LDHA LP, has been requested in accordance with Section 2-6 of the City Code of Ordinances. The property is located at 552 & 570 W. Clay Avenue. The applicant, Mr. Karl Chew, is planning to develop 23 senior citizen units, and one market rate unit (total of 24 units). The Commission and staff have requested that Mr. Chew increase the number of market rate apartments in the development, but Mr. Chew has declined to make adjustments, citing financial reasons.

FINANCIAL IMPACT: Payments under the contract are proposed at 10%. However, the first 1 - 6 years no taxes will be paid as the property is within a Renaissance Zone. The payments will be made between years 7 -15.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The desire for additional market rate units remains. If the developer is unwilling to make any further adjustments, the Commission can either deny or approve the contract. If the Commission approves the contract, the Mayor and Clerk should be authorized to execute the contract on behalf of the City.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the contract for Payments in Lieu of Taxes for Renaissance Place.

ROLL VOTE: Ayes: Carter, Shepherd, and Warmington

Nays: Davis, Gawron, Spataro, and Wierengo

MOTION FAILS

2007-07 NEW BUSINESS:

A. Transportation Improvements Program Submittal for: 2008-2011 and Long Range Plan Projects. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to submit the list of projects to the West Michigan Shoreline Regional Development Commission for inclusion in the FY 2008-2011 Transportation Improvement Program (TIP). Projects submitted will be considered for Federal and State transportation funding. Adoption of the resolution is required as part of the submittal to commit the local match should grants become available.

FINANCIAL IMPACT: None at this time; however, a local match will be required should we receive a grant for a particular project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the project submittal and resolution.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Transportation Improvements Program submittal for 2008-2011 and long-range plan projects.

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

Nays: None

Absent: Wierengo (stepped out of the room)

MOTION PASSES

B. Lakeside Business Area Plan Endorsement. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to endorse the Lakeside Area Business Plan, with recommendations.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends endorsing the plan, with the recommendations provided by Planning Commission.

COMMITTEE RECOMMENDATION: The Planning Commission recommended endorsing the plan, with specific recommendations, at their December 14, 2006, meeting. The vote was unanimous with B. Smith, T. Michalski, and T. Harryman absent.

Motion by Vice Mayor Gawron, second by Commissioner Carter to endorse the Lakeside Business Area Plan with the recommendations.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 6:27 p.m.

Respectfully submitted,



Linda Potter, CMC
Acting City Clerk

Date: January 9, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Resolution for Charitable Gaming License

SUMMARY OF REQUEST: The Muskegon Area Chamber of Commerce is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



December 13, 2006

City of Muskegon
City Clerks Office
933 Third Street
Muskegon, MI 49440

Dear Linda:

The Muskegon Area Chamber of Commerce is hosting its Annual Salute on February 22, 2007. As part of our racing theme this year we would like to raffle off a Harley-Davidson Motorcycle. I would appreciate it if you could add us to the agenda for approval of a local governing body resolution for charitable gaming licenses at the City Commissioner's meeting on January 9, 2007. We will be sending in an application to the Charitable Gaming Division in Lansing to obtain a license for our event.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Witham'.

Darlene Witham
Event Coordinator



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

2007-03(b)

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(9))

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

called to order by Mayor Warmington on January 9, 2007
DATE

at 5:30 ~~A.M.~~/p.m. the following resolution was offered:
TIME

Moved by Vice Mayor Gawron and supported by Commissioner Wierengo

that the request from Muskegon Area Chamber of Commerce of Muskegon,
NAME OF ORGANIZATION CITY

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

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

gaming license, be considered for Approval.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas:

Nays:

Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on January 9, 2007.
DATE

SIGNED: Linda Potter
TOWNSHIP, CITY, OR VILLAGE CLERK

Linda Potter, Acting City Clerk

PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R10/06)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



December 14, 2006

Bureau of State Lottery
Charitable Gaming Division
Box 30023
Lansing, MI 48909

To Whom It May Concern:

The Muskegon Area Chamber of Commerce Foundation Inc., has submitted their paperwork for a Charitable Gaming License to the City Clerk's Office. Their request will be placed on the agenda for the January 9, 2007, City Commission Meeting.

Thank you,

Linda Potter
Acting Clerk

[illegible]

Date: January 9, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Request
Dockers Restaurant LLC, 3505 Marina View Point

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Dockers Restaurant LLC to transfer ownership of the 2006 Class C Licensed Business with Dance-Entertainment Permit, held in escrow, from Dockers, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval contingent upon final inspection.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

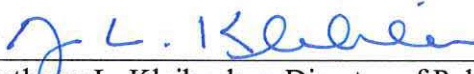
980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

October 30, 2006

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 3505 Marina View Point
Transfer of 2006 Class C-SDM Licensed Business with Permits

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Dockers Restaurant LLC, comprised of Fred Schramer, Andrew Harris, and Michelle Harris, all of Muskegon Mi.

Dockers LLC requests to transfer ownership of 2006 Class C-SDM licensed business with Dance-Entertainment Permit, Official Permit (Food), Outdoor Service (1 Area), and 2 Bars located in escrow at 3505 Marina View Point, from Dockers Inc. The applicants have experience in the alcohol service industry and are aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances.

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

ALK/kd

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 10-30-06

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Dockers Restaurant LLC of 3505 Marina View Point, Muskegon, MI. 49441.

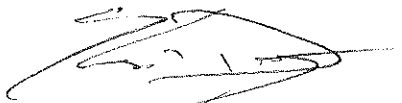
Dockers Restaurant LLC is requesting to transfer ownership of 2006 Class C-SDM licensed business with Dance-Entertainment Permit, Official Permit (Food), Outdoor Service (1 Area), and 2 Bars, located in escrow at 3505 Marina View Point, Muskegon, MI. 49441 from Dockers, Inc.

Dockers Restaurant LLC is comprised of Fred Schramer of 1058 Fordham Court, Muskegon MI, Andrew Harris of 2035 Lawnel, Muskegon MI., and Michelle Harris of 1058 Fordham Court, Muskegon MI.

The applicants have experience in the alcohol service industry as managers of Pints –N-Quarts located at 950 W. Norton, Roosevelt Park, MI. They have been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,

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

Det. Kurt Dykman

data/common/liquor/Dockers02



RECEIVED

OCT 03 2006

MUSKEGON
CITY MANAGER'S OFFICE

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

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

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

mm 9-25-06

FOR MLCC USE ONLY

Request ID # 364905

Business ID # 175312

September 20, 2006

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



APPLICANT: DOCKERS RESTAURANT LLC

Home Address and Telephone No. or Contact Address and Telephone No.:

ANDREW HARRIS, 2035 LAWNEL, MUSKEGON, MI 49441 H(231)578-2641/B(231)830-9889

MICHELLE HARRIS, 1058 FORDHAM COURT, MUSKEGON, MI 49441

H(231)578-2643/B(231)830-9889

FRED SCHARMER, 1058 FORDHAM COURT, MUSKEGON, MI 49441

H(231)740-4329/B(231)830-9889

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

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

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 366-4634.

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

Revised

Request ID # 364905

2007-03(c)
RESOLUTION

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

called to order by Mayor Warmington on January 9, 2007 at 5:30 P.M.

The following resolution was offered:

Moved by Vice Mayor Gawron and supported by Commissioner Wierengo

That the request to TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 3505 MARINA VIEW POINT, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM DOCKERS, INC. TO DOCKERS RESTAURANT LLC.

be considered for Approval
(Approval or Disapproval)

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

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

Recommended for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of Muskegon _____)

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

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on January 9, 2007.
(Date)

SEAL

(Signed) [Signature]
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

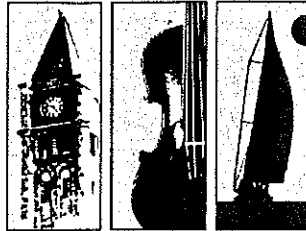
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

March 12, 2007

Michigan Liquor Control Commission
7150 Harris Drive
PO Box 300005
Lansing, MI 48909-7505

Applicant: Dockers Restaurant LLC
3505 Marina View Point
Muskegon, MI 49441

The City of Muskegon does hereby remove the inspection contingencies from its resolution dated January 9, 2007 and does recommend approval of the request from Dockers Restaurant LLC to transfer ownership of the 2006 Class C Licensed Business with Dance Entertainment Permit, held in escrow, from Dockers, Inc.

Sincerely,

Ann Marie Becker, MMC
City Clerk

mm 9-25-06

Request ID # 364905

2007-03(c)

RESOLUTION

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

called to order by Mayor Warmington on January 9, 2007 at 5:30 P.M.

The following resolution was offered:

Moved by Vice Mayor Gawron and supported by Commissioner Wierengo

That the request to TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 3505 MARINA VIEW POINT, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM DOCKERS, INC. TO DOCKERS RESTAURANT LLC.

be considered for Approval pending final inspection
(Approval or Disapproval)

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

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

Recommended for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of Muskegon _____)

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

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on January 9, 2007.
(Date)

SEAL

(Signed) Linda Potter
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)



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 # 364905

Business ID # 175312

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:

DOCKERS RESTAURANT LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED IN ESCROW AT 3505 MARINA VIEW POINT, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM DOCKERS, INC.

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

ANDREW HARRIS – MEMBER

2035 LOWNEL

MUSKEGON, MI 49441

H(231)578-2641/B(231)830-9889

DATE FINGERPRINTED: 10-24-06

DATE OF BIRTH: 2-14-82

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:

APPLICANT #2:

MICHELLE HARRIS – MEMBER

1058 FORDHAM COURT

MUSKEGON, MI 49441

H(231)578-2643/B(231)830-9889

DATE FINGERPRINTED: 10-24-06

DATE OF BIRTH: 1-12-79

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 & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

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

☐ No ☒ Yes, complete LC-1636

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

Section 3.

LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

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

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

Section 4.

RECOMMENDATION

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

[Signature]
Signature (Sheriff or Chief of Police)

1-22-07
Date

MUSKEGON POLICE DEPARTMENT



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 # 364905

Business ID # 175312

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:

DOCKERS RESTAURANT LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED IN ESCROW AT 3505 MARINA VIEW POINT, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM DOCKERS, INC.

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

FRED SCHARMER – MEMBER
1058 FORDHAM COURT
MUSKEGON, MI 49441
H(231)740-4329/B(231)830-9889

APPLICANT #2:

DATE FINGERPRINTED: 10-24-06

DATE FINGERPRINTED:

DATE OF BIRTH: 6-6-77

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

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 permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

*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 & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

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

☐ No ☒ Yes, complete LC-1636

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

Section 3.

LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

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

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

Section 4.

RECOMMENDATION

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

X [Signature]
Signature (Sheriff or Chief of Police)

10-30-06
Date

MUSKEGON POLICE DEPARTMENT

mm 9-25-06



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

FOR MLCC USE ONLY

Request ID # 364905

Business ID # 175312

LAW ENFORCEMENT RECOMMENDATION

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

September 20, 2006

TO:

Re: DOCKERS RESTAURANT LLC

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 to the offices of the MLCC 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: FOOD

Weekdays 10:00 A.M. to 2:00 A.M.
11:00
Sundays 10:00 A.M. to 2:00 A.M.
11:00

☒ 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

Law Enforcement Recommendation (cont'd)

Page 2

September 20, 2006

☒ OUTDOOR SERVICE

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

☐ PARTICIPATION PERMIT

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

☒ ADDITIONAL BAR PERMIT

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

☐ OTHER

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

Signed:

X *Anthony L. Kleiberger* Director of Public Safety
Signature and Title

ANTHONY L. KLEIBERGER DIRECTOR OF PUBLIC SAFETY
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: 10-30-06

January 4, 2007

Mr. Andrew Harris
2035 Lawnel
Muskegon, MI 49441

Dear Mr. Harris:

This letter is to inform you that your request to transfer ownership of the 2006 Class C licensed business with dance-entertainment permit located at 3505 Marina View Point, will be presented to the City Commission on January 9, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

January 4, 2007

Ms. Michelle Harris and
Mr. Fred Scharmer
1058 Fordham Court
Muskegon, MI 49441

Dear Ms. Harris and Mr. Scharmer:

This letter is to inform you that your request to transfer ownership of the 2006 Class C licensed business with dance-entertainment permit located at 3505 Marina View Point, will be presented to the City Commission on January 9, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

January 4, 2007

Ms. Bonnie Witt, President
Beachwood/Bluffton Neighborhood Assoc.
2261 Surfwood
Muskegon, MI 49441

Dear Ms. Witt:

We have received a letter from the Liquor Control Commission reference a request from Dockers Restaurant LLC to transfer ownership of the Class C licensed business located at 3505 Marina View Point from Dockers, Inc. A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. On Tuesday, January 9, 2007, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on January 9, 2007, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

LIQUOR LICENSE REVIEW FORM

RECEIVED
OCT 9 2006
MUSKEGON POLICE DEPT.
CHIEF OF POLICE

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris,
+ Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature J. L. Schuler 10-30-06

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

mm 9-25-06



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

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

September 20, 2006

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

Request ID #: 364905

Applicant:

DOCKERS RESTAURANT LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED IN ESCROW AT 3505 MARINA VIEW POINT, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM DOCKERS, INC.

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

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

LIQUOR LICENSE REVIEW FORM

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris,
+ Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☒

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

[Signature]

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris
+ Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☒ Amount: SEE ATTACHED
PERSONAL PROPERTY
TAX NOTICE.

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

☐ FAXED ☐ RECEIVED ☐

OCT - 9 2006

☐ APPROVED ☐ POSTED ☐
CITY OF MUSKEGON TREASURY

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

**CITY OF MUSKEGON
DELINQUENT TAX NOTICE**

CITY OF MUSKEGON TREASURER
933 TERRACE STREET
PO BOX 536
MUSKEGON MI 49443-0536
231-724-6720

WWW.MUSKEGON-MI.GOV

DOCKERS

3505 MARINA VIEW PT
MUSKEGON MI 49441-0000

PROPERTY INFORMATION

Property Number: 24-900-251-1695-00
School Dist: MUSKEGON PUBLIC SCHOOLS
Property Address:

3505 MARINA VIEW PT
MUSKEGON MI 49441

LEGAL DESCRIPTION:

PERSONAL PROPERTY 3505 MARINA VIEW PT

THIS IS A DELINQUENT PERSONAL OR SPECIFIC
PROPERTY TAX FOR THE YEAR SHOWN. PLEASE PAY
THE AMOUNT DUE IN ORDER TO AVOID ADDITIONAL
PENALTIES AND INTEREST. MAKE CHECKS PAYABLE
TO THE CITY OF MUSKEGON AND MAIL TO: CITY

DELINQUENT TAXES DUE

TAX YEAR	TAX DUE	TOTAL DUE IF PAID BY 10/31/06	TOTAL DUE IF PAID BY 11/30/06	TOTAL DUE IF PAID BY 12/31/06
2005	1,711.15	1,912.63	1,929.74	1,946.86

TOTAL	1,711.15	1,912.63	1,929.74	1,946.86
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Please detach along perforation. Keep the top portion for your records.

**CITY OF MUSKEGON
DELINQUENT TAX NOTICE**

CITY OF MUSKEGON TREASURER
933 TERRACE STREET
PO BOX 536
MUSKEGON MI 49443-0536
231-724-6720

WWW.MUSKEGON-MI.GOV

DOCKERS

3505 MARINA VIEW PT
MUSKEGON MI 49441-0000

DELINQUENT TAXES DUE

		TOTAL DUE IF PAID BY 10/31/06	TOTAL DUE IF PAID BY 11/30/06	TOTAL DUE IF PAID BY 12/31/06
TAX YEAR	TAX DUE			
2005	1,711.15	1,912.63	1,929.74	1,946.86

PROPERTY INFORMATION

Property Number: 24-900-251-1695-00
School Dist: MUSKEGON PUBLIC SCHOOLS
Property Address:

3505 MARINA VIEW PT
MUSKEGON MI 49441

LEGAL DESCRIPTION:

PERSONAL PROPERTY 3505 MARINA VIEW PT

TOTAL	1,711.15	1,912.63	1,929.74	1,946.86
-------	----------	----------	----------	----------

THIS IS A DELINQUENT PERSONAL OR SPECIFIC
PROPERTY TAX FOR THE YEAR SHOWN. PLEASE PAY
THE AMOUNT DUE IN ORDER TO AVOID ADDITIONAL
PENALTIES AND INTEREST. MAKE CHECKS PAYABLE
TO THE CITY OF MUSKEGON AND MAIL TO: CITY

Please detach along perforation. Keep the top portion for your records.

Pay this tax to:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

CITY OF MUSKEGON TREASURER
933 TERRACE STREET
PO BOX 536
MUSKEGON MI 49443-0536

Delinquent Tax for Property Number:
24-900-251-1695-00

TAXPAYER NOTE: Are your name & mailing address correct?
If not, please make corrections below. Thank You.

Property Address:
3505 MARINA VIEW PT
MUSKEGON MI 49441

DOCKERS

3505 MARINA VIEW PT
MUSKEGON MI 49441-0000

Due if paid by 10/31/06	1,912.63
Due if paid by 11/30/06	1,929.74
Due if paid by 12/31/06	1,946.86

Make check payable to:

CITY OF MUSKEGON TREASURER

Amount Remitted: _____

11/7/06 11:07 AM
CASH
250.00
74-1394/724
4791

PINTS & QUARTS PUB & GRILL
950 W. Norton Ave.
Muskegon, MI 49441

4791

74-1394/724

STYLE 999

PAY
TO THE
ORDER OF

City of Muskegon

DATE 11/7/06

Two hundred fifty 00/100

\$ 250-

DOLLARS

COMMUNITY
SHORES BANK
MUSKEGON, MI 49441

Security
Features
Details on
Back

FOR

Cash

⑈004791⑈ ⑆072413942⑆ 1000017458⑈

LIQUOR LICENSE REVIEW FORM

RECEIVED

OCT 09 2006

MUSKEGON
LICENSING DEPARTMENT

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris,
+ Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☒

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Gail A. Kunder

Please return to the City Clerk's Office
Gail A. Kunder,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris
+ Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☒

Amount: 30.00 + register

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Mail was returned for 2006
renewal

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris,
+ Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☒

Inspection of the premises

Shall be conducted before approval
due to water damage from
freezing of pipes. winter of 2003.

Department Signature

Mary Metcalfe

Please return to the City Clerk's Office
Gail A. Kunder,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Dockers Restaurant

AKA Business Name (if applicable): Andrew Harris, Michelle Harris, & Fred Scharmer

Operator/Manager's Name: _____

Business Address: 3505 Marina View Point

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

PENDING FINAL INSPECTION

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunder, Liquor License Coordinator

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



7006 0100 0004
8340 7046

January 10, 2007

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

REF: Req ID #364905
Dockers Restaurant LLC
3505 Marina View Point
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, Form LC-1800, Form LC-1636, print cards and check for Dockers Restaurant LLC. This was recommended for approval contingent upon final inspection by the City Commission at their January 9, 2007, City Commission Meeting.

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

Sincerely,

Linda Potter
Acting Clerk

enc.

Affirmative Action
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FAX (231)722-1214

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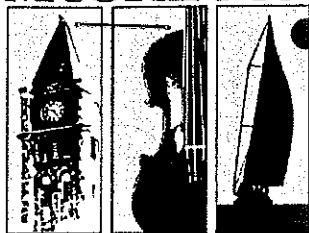
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Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

March 12, 2007

Michigan Liquor Control Commission
7150 Harris Drive
PO Box 300005
Lansing, MI 48909-7505

Applicant: Dockers Restaurant LLC
3505 Marina View Point
Muskegon, MI 49441

The City of Muskegon does hereby remove the inspection contingencies from its resolution dated January 9, 2007 and does recommend approval of the request from Dockers Restaurant LLC to transfer ownership of the 2006 Class C Licensed Business with Dance Entertainment Permit, held in escrow, from Dockers, Inc.

Sincerely,

Ann Marie Becker, MMC
City Clerk

**City Commission Meeting
Tuesday December 12, 2006**

*2nd
Reading*

TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
DATE: November 29, 2006
SUBJECT: Amend City Ordinance 10-135: Removal of Materials

Summary of Request:

On occasion each year Public Safety Division staff is asked to waive the portion of the ordinance that addresses the removal of below grade materials. This is generally associated with a project where the removal is extremely costly and where acceptable options are available.

In order to streamline this process, staff is asking the Commission to amend Section 10-135 of the Code of Ordinances regarding the removal of materials during demolition. The amendment would allow the City Manager to waive all or part of the ordinance regarding the removal of below grade materials. Such waiver requests would include a review by the City Engineer.

Financial Impact:

None.

Budget Action Required:

None

Staff Recommendation:

Approval of the amended language.

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2213

THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 10-135 of the Code of Ordinances of the City of Muskegon concerning Demolition of Buildings is amended to state as follows:

Section 10-135. Removal of Materials

(a) All buildings and structures to be demolished shall be completely razed and all materials shall be removed from the site, and disposed of in accordance with all applicable laws and regulations. All materials, including, without limitation, every installation, part of a building or accessory building or other improvement on the premises, whether above or below grade, shall be completely removed from the site. No part of any basement or *infrastructure* below grade ~~infrastructure~~ shall remain.

(b) *Under unusual and extraordinary circumstances and upon written request of the land owner, the City Manager may waive all or part of the above requirement regarding removal of below grade materials or infrastructure. Upon approval of the waiver, the landowner shall execute and record with the Muskegon County Register of Deeds a notice indicating to future owners of the property that underground materials or infrastructure remains on the property.*

This ordinance adopted:

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

Adoption Date: January 9, 2007

Effective Date: January 23, 2007

First Reading: December 12, 2006

Second Reading: January 9, 2007

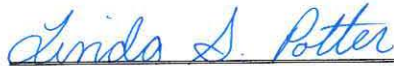
CITY OF MUSKEGON

By Linda S. Potter
Linda S. Potter
Acting 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 9th day of January, 2007, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: January 9, 2007



Linda S. Potter
Acting Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on January 9, 2007, the City Commission of the City of Muskegon adopted an amendment to Section 10-135, Removal of Materials under the Demolition of Buildings ordinance of the City of Muskegon, summarized as follows:

Section 10-135. Removal of Materials

(a) All buildings and structures to be demolished shall be completely razed and all materials shall be removed from the site, and disposed of in accordance with all applicable laws and regulations. All materials, including, without limitation, every installation, part of a building or accessory building or other improvement on the premises, whether above or below grade, shall be completely removed from the site. No part of any basement or infrastructure below grade shall remain.

(b) Under unusual and extraordinary circumstances and upon written request of the land owner, the City Manager may waive all or part of the above requirement regarding removal of below grade material or infrastructure. Upon approval of the waiver, the landowner shall execute and record with the Muskegon County Register of Deeds a notice indicating to future owners of the property that underground material or infrastructure remains on the property.

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

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

CITY OF MUSKEGON

Published: January 13, 2007

By _____
Linda S. Potter, Its Acting Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: January 9, 2007

Date: December 27, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Zoning Ordinance Amendment – Appointment of ZBA Members

SUMMARY OF REQUEST:

Request to amend Section 2501 (Creation and Membership, paragraph 1) of Article XXV (Zoning Board of Appeals) regarding the appointment of successor ZBA members within one month after the term of the preceding member has expired.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the language regarding the appointment of successor ZBA members.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 12/14/06 meeting. The vote was unanimous with T. Harryman, B. Smith, and T. Michalski absent.

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

December 14, 2006

Hearing; Case 2006-58: Staff initiated request to amend the Section 2501, (Creation and Membership, paragraph 1) of Article XXV, Zoning Board of Appeals, regarding the appointment of successor ZBA members.

BACKGROUND

This amendment is required by the recently enacted Michigan Zoning Enabling Act of 2006. It requires that language shall be included in the zoning ordinance to address appointments of new ZBA members.

NEW LANGUAGE

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

SECTION 2501: CREATION AND MEMBERSHIP [amended 9/05]

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of seven (7) members appointed by the City Commission, and shall include one (1) member of the City Commission and one (1) member of the Planning Commission. Every member shall be a legal resident of the City. The term of the representative of the City Planning Commission and the term of the City Commission representative shall expire with that of his/her Planning Commission or City Commission office. The terms of all members except the representative of the City Planning Commission and the City Commission shall be for periods of three (3) years each. **A successor member of the ZBA must be appointed not more than one month after the term of the preceding member has expired.** The ZBA shall annually elect its own Chairman and Vice-Chairman.

DELIBERATION

I move that the amendment to Section 2501, (Creation and Membership, paragraph #1), of Article XXV, (Zoning Board of Appeals), of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2214

An ordinance to amend Section 2501 (Creation and Membership, paragraph 1) of Article XXV (Zoning Board of Appeals) regarding the appointment of successor ZBA members.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2501 (Creation and Membership, paragraph 1) of Article XXV (Zoning Board of Appeals) is amended regarding the appointment of successor ZBA members, as follows:

SECTION 2501: CREATION AND MEMBERSHIP [amended 9/05]

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of seven (7) members appointed by the City Commission, and shall include one (1) member of the City Commission and one (1) member of the Planning Commission. Every member shall be a legal resident of the City. The term of the representative of the City Planning Commission and the term of the City Commission representative shall expire with that of his/her Planning Commission or City Commission office. The terms of all members except the representative of the City Planning Commission and the City Commission shall be for periods of three (3) years each. A successor member of the ZBA must be appointed not more than one month after the term of the preceding member has expired. The ZBA shall annually elect its own Chairman and Vice-Chairman.

This ordinance adopted:

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

Nayes: None

Adoption Date: January 9, 2007

Effective Date: January 23, 2007

First Reading: January 9, 2007

Second Reading: N/A

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC, Acting 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 9th day of January, 2007, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: January 9, 2007.

Linda S. Potter
Linda S. Potter, CMC
Acting 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 January 9, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2501 (Creation and Membership, paragraph 1) of Article XXV (Zoning Board of Appeals) regarding the appointment of successor ZBA members.

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 January 13, 2007

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: January 9, 2007

Date: December 20, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Extending the deadline for taking action on proposed
Mall Historic District

SUMMARY OF REQUEST:

To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004 but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. City Commission extended this deadline for one year in January of 2005 and again in January 2006. Because that deadline will expire shortly, Staff is requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

COMMITTEE RECOMMENDATION:

Resolution No. 2007-03(h)

MUSKEGON CITY COMMISSION
RESOLUTION TO EXTEND THE DEADLINE FOR CONSIDERATION OF THE POTENTIAL
MALL HISTORIC DESIGNATION

WHEREAS, the Muskegon City Commission previously designated a historic district study committee to conduct basic research, inventory, and determine the historic significance of a resource or resources within a proposed historic district located in the mall, described as: CITY OF MUSKEGON REVISED PLAT OF 1903, Lot 16 EXC SWLY 8 FT, BLK 565 (Daniels); CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 17, BLK 565 (Century Club); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 18, BLK 565 (Savings and Loan/ GTE); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 8, BLK 311 (National City); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 11, BLK 310, AND THE E 35 FT OF N 10 FT OF VAC FIRST ST AND N ½ OF VAC E/W ALLEY ADJ. TO SD PROP (Hackley Bank);

WHEREAS, the one year deadline to take action will expire on January 10, 2007, and

WHEREAS, under state statute in establishing an historic district (section 399.203 of Public Act 169), the local legislative body may extend the deadline for taking action on whether or not to designate a historic district,

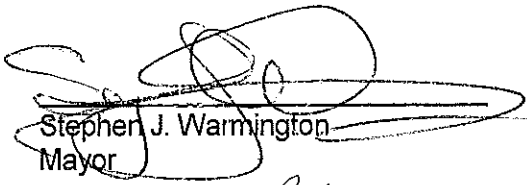
NOW THEREFORE BE IT RESOLVED, that the deadline for taking action on whether or not to designate this specific proposed historic district be extended for one year to expire on January 10, 2008.

Adopted this 9th day of January, 2007.

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

Nays: None

Absent: None


Stephen J. Warmington
Mayor


Linda Potter, Acting City Clerk

CERTIFICATION

2007-03(h)

I attest that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a meeting held on January 9, 2007.

Linda Potter
Linda Potter, Acting City Clerk

Commission Meeting Date: January 9, 2007

Date: December 27, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Reversionary Interest of Unbuildable lot adjacent to 686 Marquette to the New Owner.

SUMMARY OF REQUEST:

To approve the sale of the reversionary interest of the unbuildable lot adjacent to 686 Marquette to Baymark Homes, LLC. The property was originally sold to Charles and Lisa Hippchen and the bank (Wells Fargo Bank NA) foreclosed on the home. Due to the reversionary clause in the quit claim deed, the property reverts back to the City. Baymark Homes, LLC has since bought the home at 686 Marquette and has paid the fee for the unbuildable lot.

FINANCIAL IMPACT:

The sale of the reversionary interest of the unbuildable lot to Baymark Homes, LLC will keep the property intact and the City will not be responsible for the maintenance.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2007-03(i)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF THE REVERSIONARY INTEREST FOR THE UNBUILDABLE LOTS ADJACENT TO 686 MARQUETTE AVENUE IN JACKSON HILL NEIGHBORHOOD FOR \$1.

WHEREAS, Baymark Homes, LLC be allowed to purchase the reversionary interest for the unbuildable lots adjacent to 696 Marquette for \$1; and

WHEREAS, the price for an ubuildable lot is \$1; and

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

WHEREAS, the sale would insure an illegal lot split is not done to the property at 686 Marquette; and

WHEREAS, the sale is consistent with City policy regarding the disposition of unbuildable lots.

NOW THEREFORE BE IT RESOLVED, that the reversionary interest of the unbuildable lot adjacent to 686 Marquette to Baymark Homes, LLC for \$1.

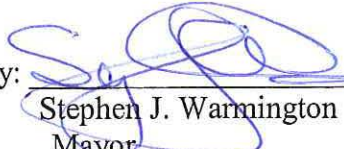
**CITY OF MUSKEGON SUBDIVISION OF BLOCK 3, REVISED PLAT OF 1903,
WEST ½ OF LOT 51**

Adopted this 9th day of January, 2007.

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

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Linda Potter
Acting City Clerk

2007-03(i)
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on January 9, 2007.

By: Linda Potter
Linda Potter
Acting City Clerk

QUITCLAIM DEED

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

QUIT CLAIMS to Baymark Homes LLC, a Michigan Limited Liability Corporation, of 5479 Pine Bluff Lane, Muskegon, MI, 49441 ("Grantee"),

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

CITY OF MUSKEGON SUBDIVISION OF BLOCK 3, REVISED PLAT OF 1903 WEST ½ OF LOT 51.

for the sum of: One Dollar (\$1.00).

Grantor held a reversionary interest in the premises by a March 18, 2004, quitclaim deed to Charles and Lisa Hippchen, recorded at Liber 3593, Page 297, Muskegon County Records. The premises may have reverted to Grantor when the adjoining property was foreclosed upon by Wells Fargo Bank NA and subsequently sold to Grantee, evidence of which is located at Liber 3721, Page 372, Muskegon County Records. Grantor makes no representations and warranties concerning its interest from the possible reversion.

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

Dated this 18 day of January, 2007.

Signed in the presence of:

Jo Ann Kruskowski
Jo Ann Kruskowski

Irene Dempsey
Irene Dempsey

CITY OF MUSKEGON

By Stephen J. Warmington
Stephen J. Warmington, Its Mayor

and Linda Potter
Linda Potter, Acting Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18 day of January, 2007, by STEPHEN J. WARMINGTON and LINDA POTTER, the Mayor and Acting Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

WHEN RECORDED RETURN TO: Grantee

Jo Ann M. Kruskowski
Jo Ann M. Kruskowski, Notary Public
Muskegon County, Michigan
My Comm. Expires: 05-13-2011
Acting in Muskegon County, Michigan

SEND SUBSEQUENT TAX BILLS TO: Grantee



DATE: January 4, 2007

TO: Honorable Mayor and City Commissioners

From: Nicole Oman, Interim Recreation and Marina Supervisor

RE: Special Event Application- Submitted by The Muskegon Air Fair

SUMMARY OF REQUEST: the Muskegon Air Fair is requesting to host a Marti Gras Fundraiser on February 17, 2007 to be held at the Greater Muskegon Woman's Club. They are requesting to stop selling drink tickets at 11:30 P.M., stop pouring beverages at 12:00 A.M., and the area cleaned up by 12:30 A.M.

The Leisure Services Special Event Policy section II, item f states:

For Alcohol events, the applicant shall agree to stop selling drink tickets at 10:30 P.M., stop pouring beverages at 11:00 P.M., and have the area cleaned up by 11:30 P.M.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approved by Tony Kleibecker, Director of Public Safety

Amendment to Special Event Policy-Effective February 8, 2005

The City Commission has determined that the Special Event permit application fee will be waived for Veteran Groups and the Neighborhood Associations. However, requests from either group for special events services that result in overtime costs or undue burden to the City will not be waived. 2005-12 (j)

II. The request for a special permit shall be in writing and must be submitted on the appropriate application form. Application for outdoor special liquor licenses shall be for beer and wine only.

II. All special permittees agree to the following:

- a. While a Police Officer's presence may not be required at all special events, it shall be at the discretion of the Chief of Police as to whether or not, and how many, City Police Officers will be required at any special event. Event sponsors will be responsible for payment of officer(s) service based on the time-and-one-half or triple time established rate plus benefits and all overhead cost.
- b. For all alcohol-related events, the applicant will provide a system of Checking I.D.'s to prohibit underage drinking.
- c. Where the event is being held on City-owned or controlled property the applicant shall provide an amount of insurance as set by the City for liquor liability and general liability insurance, naming the City as an additional insured. An acceptable certificate of insurance must be submitted prior to approval.
- d. All outdoor events shall provide adequate restroom (port-o-jon) facilities including adequate handicapped accessible facilities.
- e. Hours of operation shall be posted in the beverage serving area.
- f. For alcohol events, the applicant shall agree to stop selling drink tickets at 10:30 P.M., stop pouring beverages at 11:00 P.M., and have the area cleared by 11:30 P.M.
- g. The applicant shall provide evidence and certification that the organization shall at all times have person's pouring beer or selling beverages that have received alcohol awareness training at every serving station. (The applicant shall provide evidence and certification to the City that persons pouring beer or selling beverages have received alcohol awareness training.)
- h. Checking for underage drinking and over consumption of patrons is the responsibility of the sponsoring group, not the police.
- i. Where the event is held on city owned or controlled property, the Applicant shall be responsible for all clean up of city facilities after an event, and for providing a dumpster. If the event is on other property, the cleanup shall be the responsibility of the owner. The city shall have the right to enforce cleanup measures, including but not limited to entry and cleaning by city personnel and charging and liening the cost to the owner, occupant, or applicant or all of them.

**APPLICATION FOR SPECIAL LICENSE
for SALE OF BEER AND WINE ONLY and/or BEER, WINE AND SPIRITS
for CONSUMPTION ON THE PREMISES**

**GENERAL INSTRUCTIONS
NOTICE: PROCESSING REQUIRES AT LEAST TEN (10) WORKING DAYS**

These general instructions apply to PARTS I AND II of the Application for a Special License and PARTS III AND IV, when required. Each part of the Application for a Special License also has more specific instructions which must be followed.

The Licensing Process

To ensure timely processing of this application, please double-check all required information. The Commission requires at least **TEN (10) WORKING DAYS** to process the application. The Commission's offices are open to the public for application processing from 8:00 a.m. to 4 p.m., Monday through Friday, except holidays.

Qualifying Organizations

A special license is issued only to non-profit organizations. If your organization has not previously been approved by the MLCC, or is not presently licensed by the Commission, you must submit proof of your non-profit status (for example, your charter, by-laws, articles of incorporation, etc.) with this application.

No organization, including its auxiliaries, may receive more than 5 Special Licenses during a calendar year. Applicants for a Special License must be at least 21 years old.

License Period

ONE DAY- A Special License is good for one day. The license will contain the time period for which it is granted. One Application and one Bond are acceptable for consecutive days of an event at the same location. However, a separate license fee is required for each day of the event.

**Location; Restrictions;
Diagram Required**

There are restrictions on the location where a Special License may be issued.

CHURCH OR SCHOOL- No Special License may be issued on the premise of, or within 500 feet of, a church or school without the applicant obtaining approval from the authorized representative of the church or school. Part 1 of the application contains the approval space.

MILITARY INSTALLATION- No Special License may be issued for locations on a military installation without the approval of the Armory Board of Control and the legislative body of the local governmental unit. Applicants who secure this approval must also agree to comply with all the rules and regulations of the Department of Military Affairs in addition to those of the Liquor Control Commission.

DIAGRAM REQUIRED- Applicants must provide a detailed diagram of the area to be licensed to both the MLCC and to the local law enforcement office (whose approval must be obtained on Part I of the Application for Special License). The diagram must show a **clearly marked area** for sales and consumption of alcoholic beverages. If the area is a park, mall, fairground, church grounds, arena, campus, parking lot, vacant lot, etc., the diagram must show the actual **dimensions** and indicate how the area is to be contained (rope, fence, etc.) and indicate how the area will be policed (**security provisions**).

LICENSED LOCATION- If the location where you are requesting a Special License is licensed, submit a letter from the licensee stating the license will be placed in escrow on (**event date**) while the Special License is in effect (due to the fact that the two licenses cannot be in operation at the same time) **OR** a diagram showing the area where the licensee will temporarily drop space in a portion of the building on (**event date**) for the Special License organization and a letter from the licensee requesting the drop space

License Fees

For organizations established less than one year: \$50.00 for each separate, consecutive day of the event. If the event is held on a Sunday, an additional \$7.50 Sunday Sales fee is required – only if spirits are sold.

For organizations established one year or more: \$25.00 for each separate, consecutive day of the event. If the event is held on a Sunday, an additional \$3.75 Sunday Sales fee is required – only if spirits are sold.

The fees must be paid by certified check, bank/postal money order (made payable to "State of Michigan/MLCC") or by credit card. DO NOT MAIL CASH.

APPLICATION (PART 1)

This form is always required before the MLCC will consider an organization for a Special License. The application must be signed by the President and Secretary of the organization, and notarized.

The local police or sheriff must approve the Application for Special License before it is sent to the Commission for consideration. This approval is to certify that the proposed licensed premises meet all local health and sanitation requirements. **ALLOW SUFFICIENT TIME FOR CONSIDERATION OF THE APPLICATION BY THE LOCAL LAW ENFORCEMENT AGENCY.** Remember to submit a diagram with the application.

Type of event – describe the type of event being held, i.e., dance, wine tasting, Vegas night, euchre tournament, Texas hold 'em games, etc.

Enclosures

Diagram- The MLCC must receive a diagram (described on the preceding page) with the Application before it will be considered for approval.

Non-Profit Organization- If the organization is not a local chapter of a national organization or one that previously has been approved by the Commission, please attach a copy of the proof of non-profit status (with by-laws, articles of incorporation, etc.) to Part 1 of the Application for Special License.

Check- Attach a certified check, bank/postal money order or credit card authorization form.

BOND (PART 2)

A 60-day acceptable bond is required with each application. This Bond section is to be completed by a bonding /insurance agency. Attach a copy of the bond (with Power of Attorney form) to PART 1 of the application. The bonding company should keep a copy and the applicant organization should also keep a copy. **EITHER THE PRESIDENT OR SECRETARY OF THE ORGANIZATION MUST ALSO SIGN THIS FORM.**

SUNDAY SALES (PART 3)

If the event is to be held on a Sunday and spirits (alcoholic liquor other than beer and wine) are to be sold, a separate Sunday Sales Affidavit is required to be submitted with Parts 1, 2, and 4. This form must be signed by either the President or the Secretary of the organization and the signature must be notarized.

LOCAL LEGISLATIVE BODY APPROVAL (PART 4)

If the event is to be held on a military installation, the legislative body of the governmental unit wherein the installation is located must also approve the application. Part 4 must be completed and signed by the clerk of the local governmental unit.

Disbursements of Profits

All profits derived from the sale of alcoholic beverages must go to the organization itself and not to any individual.

When having a fund-raiser for another organization (such as the Muscular Dystrophy Association), **a letter from that organization must be submitted with this application** indicating that it will receive the proceeds. Within 15 days following the event, your organization must file with the Commission an accounting statement showing receipts and other disbursements in connection with the event.

Buying Alcoholic Beverages for Resale; B.Y.O.B.; Unlimited Quantity

SPIRITS- All distilled spirits (whiskey, gin, vodka, etc.) must be purchased from a State of Michigan SDD licensee at the established retail price (no discounts).

BEER AND WINE- Beer and wine must be purchased from either a State of Michigan SDM retail licensee or a licensed wholesaler.

B.Y.O.B.- Do not allow B.Y.O.B. (Bring Your Own Bottle) at your event.

UNLIMITED QUANTITY OF ALCOHOL- Do not sell, offer to sell, or advertise the sale of an unlimited quantity of alcoholic beverages at a specific price.

Hours of Operation

WEEKDAYS AND SATURDAYS- Beer, wine, and spirits may be sold from 7:00 a.m. until 2:00 a.m. of the next day provided the sale of spirits is legal in the governmental unit where the license is desired.

SUNDAYS- Legal hours of sale on Sundays are from 12 noon until 2:00 a.m. of the next day provided the sale of alcoholic beverages on Sunday is legal in the governmental unit and the appropriate fees are paid.

Compliance with Liquor Laws

Organizations receiving a Special License must comply with the laws of the State of Michigan and the rules of the MLCC regarding the sale, furnishing, and consumption of alcoholic beverages. Organizations receiving a Special License are responsible for ensuring that all those who will be selling and serving alcoholic beverages are familiar with and will follow the state's liquor laws and rules of the Commission.

City Commission Meeting
Tuesday January 9, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: January 3, 2007

SUBJECT: Service Agreement with Professional Med Team Inc.

Summary of Request:

The Director of Public Safety is requesting approval to enter into a service agreement with Professional Med Team (Pro-Med) to provide a paramedic for the purpose of performing a blood draw, when needed, of suspected intoxicated drivers. The paramedic will be dispatched directly to the jail to perform the draw. This service will be utilized by all law enforcement agencies within Muskegon County.

Pro Med is located within the city.

Financial Impact:

This agreement will produce reduce the cost of a blood draw from the current rate of \$120 (area hospital) to \$75.

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

AGREEMENT FOR SERVICE

This agreement is made between Muskegon Police Department and Professional Med Team, Inc (Pro-Med), both agencies located within Muskegon County Michigan.

Whereas, Muskegon Police Department has a desire to have blood alcohol draws performed by Pro-Med and desires to contract for that service; and

Whereas, Pro-Med is a Life Support agency licensed by the State of Michigan and approved to operate in Muskegon County. Pro-Med has the required equipment and duly trained and licensed personnel to provide the blood draw services and desires to contract with Muskegon Police Department to provide that service.

The parties agree to the following:

1. Pro-Med will:

- a. Provide a paramedic upon request of a police officer for the purpose of performing a blood draw in order to determine the suspects blood alcohol content when analyzed by the State Police Crime Lab.
- b. Provide a bill to Muskegon Police Department at the end of each month for services rendered. Each blood draw is to be billed at a rate of \$75.00. {Muskegon P.D. 980 Jefferson St. Muskegon, Mi. 49443}

2. Muskegon Police Department will:

- a. Make payment to Professional Med Team within thirty days after receipt of Pro-Med's bill, {Pro-Med 965 Fork St Muskegon, MI. 49442}

3. Termination of Service

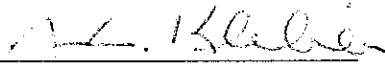
- a. This agreement will remain in force unless terminated at the request of either party with thirty (30) days advanced written notice.

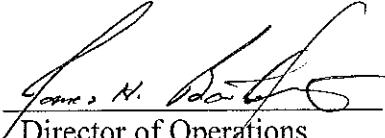
4. Period of Agreement

By signing below, both parties agree to the terms outlined above. This agreement is effective December 17, 2006 through and including December 31, 2007 or until terminated under the terms set forth in paragraph 3 above.

Muskegon Police Department

Professional Med Team, Inc.


Director of Public Safety


Director of Operations

Date: 1-10-07

Date: 12/11/06

City Commission Meeting
Tuesday January 9, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: January 3, 2007

SUBJECT: Support Agreement-Internet Crimes Against Children Task Force

Summary of Request:

The Director of Public Safety is requesting approval to enter into a cooperative agreement with the United States Department of Justice Internet Crimes Against Children Task Force and the Michigan State Police. The agreement will result in the formation of a multi-agency work group intended to combat crimes committed against children through the use of the internet.

Financial Impact:

None

Budget Action Required:

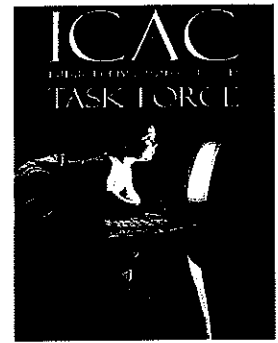
None

Staff Recommendation:

Approval of the agreemer



out
out for
sig



**Internet Crimes Against Children Task Force
Cooperative Support Agreement
Between
The Michigan State Police
And
Muskegon Police Department**

The Michigan State Police, the United States Department of Justice Internet Crimes Against Children, and the **Muskegon Police Department** have joined in a multi-agency work group intended to combat crimes committed against children through the use of the Internet.

Definitions:

Michigan State Police – MSP
Michigan State Police Computer Crimes Unit – MSP CCU
Muskegon Police Department - MPD
Office of Juvenile Justice Delinquency Prevention – OJJDP
U.S. Department of Justice ICAC Task Force Review Board – ICAC Board
Internet Crimes Against Children – ICAC

JURISDICTION:

The principal sites of task force activity will be within the jurisdictional areas of the respective member law enforcement agencies, consistent with the level of membership of that law enforcement agency and statutes governing mutual aid.

Nothing in this agreement shall otherwise limit, or enhance the jurisdiction and powers normally possessed by an employee as a member of the employee's Agency.

INVESTIGATION RESPONSIBILITIES:

Your department agrees to investigate and seek prosecution on tips related to Internet crimes against children. These tips may come from such entities as the National Center for Missing and Exploited Children, the State of Michigan Webmaster, Law Enforcement agencies, and other Internet Crimes Against Children task forces.

The MSP CCU will act as a resource and will provide assistance to ensure the successful investigation of tips.

EVIDENCE:

Seized evidence and any other related forfeitures will be handled in a manner consistent with the seizing law enforcement agency's policy.

RECORDS, REPORTS AND PRESENTATIONS:

Your department will maintain their own agency records and reports. To the extent possible, all investigative information will be available to each of the participating law enforcement agencies. Statistical information on ICAC cases worked within your jurisdiction will be forwarded to the MSP CCU on a monthly basis so those stats can be added to the monthly reporting form for all agencies participating, which will then be submitted to OJJDP as required by the grant.

With the ever-growing need for public education, the Agency may be called upon to conduct public awareness presentations.

RESOURCES:

ICAC will continue to seek resources through grant funds and elsewhere specifically to support task force activities. These resources will be made available to your task force members to the extent necessary to promote and accomplish ICAC's goals and objectives.

OJJDP INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM GUIDELINES:

Parties to this agreement acknowledge that they have received and reviewed the attached OJJDP ICAC Task Force Program Guidelines. These guidelines specify how ICAC investigations shall be conducted. By entering into this agreement, the parties agree to abide by all covenants, restrictions, limitations, and guidelines contained in the attached ICAC policies and procedures.

TERMS OF AGREEMENT:

This agreement shall be effective upon signature of both parties and will continue for an indefinite period of time. This agreement may be terminated in writing by any one of the signatories at any time.

For the Michigan State Police

Captain Charles Bush
Division Commander
West Region Special Investigation Division

Date _____

For the Participating Agency

Muskegon Police Department

Date _____

Commission Meeting Date: January 9, 2007

Date: December 21, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – Ameriform Inc.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Ameriform Inc., 1790 Sun Dolphin, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1790 Sun Dolphin Drive, Muskegon. The total capital investment is approximately \$4,800,700.00 with \$1,123,000.00 in real property and \$3,677,700.00 in personal property. This request qualifies Ameriform Inc. for a term of twelve (12) years for real property and nine (9) years for personal property.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and nine (9) years for personal property.

COMMITTEE RECOMMENDATION: None



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

Ameriform, an existing manufacturing company located at 1790 Sun Dolphin Drive, Muskegon, Michigan, is constructing a new addition and installing new machinery and equipment to expand its present operation. The company does custom thermoforming of plastics. Due to the fact that the company is investing \$1,123,000 in real property and \$3,677,700 in personal property it is eligible for a twelve (12) year exemption for real property and nine (9) year exemption for personal property.

Employment Information:

Racial Characteristics:			
White	143	86%	
Minority	23	14%	
Total	166	100%	
Gender Characteristics:			
Male	141	85%	
Female	25	15%	
Total	166	100%	

Total No. of Anticipated New Jobs: 28

Investment Information:

Real Property:	\$1,123,000
Personal Property	\$3,677,700
Total:	\$4,800,700

Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$134,420	\$24,004
Value of Abatement	\$ 67,210	\$12,002
Total New Taxes Collected	\$ 67,210	\$12,002

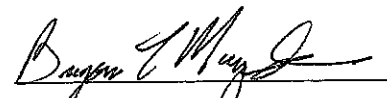
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$6,988

Company Requirements:

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


Lonna Anguilm
Planner III


for Affirmative Action Director

Resolution No. 2007-05 (a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*AMERIFORM INC.***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on February 27, 1997, this Commission by resolution established an Industrial Development District as requested by Ameriform Inc., 1790 Sun Dolphin, Muskegon, Michigan 49441; and

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

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on January 9, 2006, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

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

(See Attachment A)

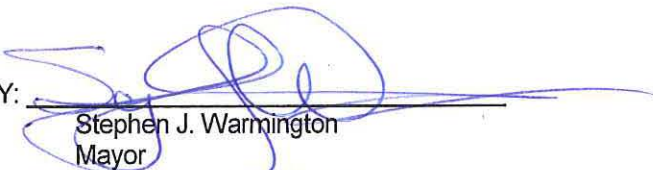
- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property and twelve (12) years on real property.

Adopted this 9th Day of January 2007.

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

Nays: None

Absent: None

BY: 

Stephen J. Warmington
Mayor

ATTEST: 

Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on January 9, 2007.



Linda Potter, Acting City Clerk

ATTACHMENT A: PROPERTY DESCRIPTION

CITY OF MUSKEGON SEC 34 T10N R16W THAT PT S 1/2 SW 1/4 PARCEL 1 DESC AS COM @ S 1/4 COR SD SEC TH S 89D 34M 26S W ALG S LN SD SEC 1382 FT TH N 00D 46M 26S E PAR TO N/S 1/4 LN SD SEC 900 FT TH S 89D 34M 26S W PAR TO S LN SD SEC 340 FT FOR POB TH N 00D 46M 26S E PAR TO SD N/S 1/4 LN 440.45 FT TO N LN SD S 1/2 SW 1/4 TH S 89D 46M 13S W ALG SD N LN 940.12 FT TO W LN SD SEC TH S 01D 08M 39S W AGL SD W LN 7.32 FT TO NELY LN MI ST HWY DEPT ROW AS DESC IN DEED RECOR'D 703/374 TH S 34D 43M 34S E ALG SD NELY LN 528.10 FT TH N 89D 34M 26S E 633.50 FT TO POB THAT PRT S 1/2 SW 1/4 DESC AS COM @ S 1/4 COR SD SEC TH N 00D 46M 26S E ALG N/S 1/4 LN SD SEC 350 FT TO N LN SHERMAN BLVD TH S 89D 34M 26S W PAR TO S LN SD SEC & ALG N LN SD SHERMAN BLVD 350 FT TH N 00D 46M 26S E PAR TO N/S 1/4 LN 411.78 FT TH NLY ALG ARC OF 200 FT RD CURVE TO LT DIST OF 19.22 FT (CNTRL ANG SD CURVE IS 05D 30M 20S & LC SD CURVE BEARS N 01D 58M 44S W 19.21 FT) TO POB TH NWLY ALG ARC OF 200 FT RD CURVE TO LT DIST 299.13 FT (CENTRAL ANG SD CURVE IS 85D 41M 40S & LC SD CURVE BEARS N 47D 34M 44S W 272.02 FT) TH S 89D 34M 26S W 1007.78 FT TH N 30D 12M 47S W 67.97 FT TH S 89D 34M 26S W 125 FT TH N 00D 46M 26S E 315.45 FT TO N LN SD S 1/2 SW 1/4 TH N 89D 46M 13S E ALG SD N LN 733.30 FT TO SLY LN CONSUMERS POWER CO PROP (100 FT WIDE ADJ TO 50 FT WIDE PENN RR PROP) TH S 71D 07M 50S E ALG SD SLY LN 1039.86 FT TO N/S 1/4 LN SD SEC TH S 58D 36M 41S W 414.43 FT TO POB SBJT TO ESMNT FOR UTILITY PURPOSES VESTED IN CITY RECOR'D 1157/134 PARCELS 1 & 2 ARE TOGETHER WITH ESMNT FOR INGRESS/EGRESS RECOR'D 1459/18 & 1513/416 PARCEL 3 THAT PRT SW 1/4 SW 1/4 SD SEC DEX AS COM @ SW COR SD SEC TH N 89D 34M 28S E ALG S LN SD SEC DIST 865.76 FT TH N 00D 25M 32S W 120.75 FT TH N 34D 43M 34S W 943.05 FT TO POB TH CONT N 34D 43M 34S W 528.10 TO POINT ON W LN SD SEC TH S 06D 33M 43S E 438.78 FT TH N 89D 34M 26S E 250.70 FT TO POB THERE SHALL BE NO RT OF DIRECT INGRESS/EGRESS FROM HWY US 31 OR FROM SHERMAN BLVD TO NORTHBOUND HWY US 31 RAMP TO & FROM & BETWEEN LANDS HEREIN. DESC

Application for Industrial Facilities Tax Exemption Certificate

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

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit <u>12/18/06</u>
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) <u>Ameriform, Inc</u>		1b. Standard Industrial Classification (SIC) Code - Sec. 2(18) (4 or 6 Digit Code) <u>3732</u>	
1c. Address of Facility (real property or personal property location) <u>1790 Sun Dolphin Dr</u>		1d. City/Township/Village (indicate which) <u>Muskegon</u>	1e. County <u>Muskegon</u>
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located <u>Orchard View</u>	3b. School Code
☐ Transfer (1 copy only) ☐ Rehabilitation (Sec. 3(1))		4. Amount of years requested for exemption (1-12 Years) <u>12 years</u>	

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

The expansion of our facilities to house a new extrusion line. The addition of a new shredder to process recycled material. This is necessary to handle an increase in business domestically and overseas.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	<u>\$1,123,000.00</u> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation plus total costs	<u>\$3,677,700</u> Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	<u>\$4,800,700.00</u> Total of Real & Personal Costs

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

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	<u>12/01/06</u>	<u>7/30/07</u>	☐ Owned ☒ Leased
Personal Property Improvements	<u>12/01/06</u>	<u>3/01/07</u>	☒ Owned ☐ Leased

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

9. No. of existing jobs at this facility that will be retained as a result of this project. 166
10. No. of new jobs at this facility expected to create within 2 years of completion. 28

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

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

12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)

5/11/93

12c. Is this application for a speculative building (Sec. 3(8))?

☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Daniel Harris	13b. Phone Number 231-733-1113	13c. Fax Number 231-739-4502	13d. E-mail Address dharris@ameriform.us
14a. Name of Contact Person Daniel Harris	14b. Phone Number 231-733-1113	14c. Fax Number 231-739-4502	14d. E-mail Address dharris@ameriform.us
15a. Name of Company Officer (No Authorized Agents) Daniel Harris			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date
15e. Mailing Address (Street, City, State, ZIP) 1790 Sun Dolphin Dr. Muskegon, MI 49444		15f. Phone Number 231-733-1113	15g. E-mail Address dharris@ameriform.us

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

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

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

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Phone Number	19f. Fax Number	

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

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

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

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and Ameriform, Inc. ("Company").

Recitals:

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

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

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

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

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

NOW THEREFORE THE PARTIES AGREE:

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

1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**

- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of 12% employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$4,800,700.00 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.
- 1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

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

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

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

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

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

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

3.5 The bankruptcy or insolvency of the Company.

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

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

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

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

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

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

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

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

4.3 **Failure to Expend the Funds Represented.** In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll, **unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less than expected).**

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

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

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

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

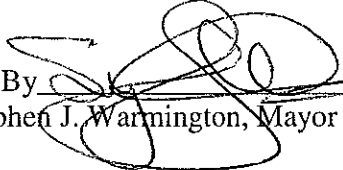
5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

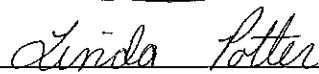
6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

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

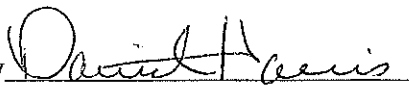
8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company an Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

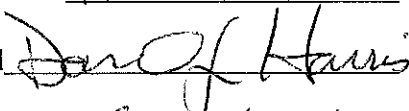
By 
Stephen J. Warmington, Mayor

and 
Linda Potter, Acting City Clerk

Ameriform Inc.

By 
David Harris

Its PRESIDENT

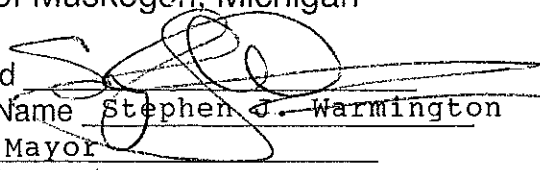
and 
Dan O'Harris

Its Secretary

INDUSTRIAL FACILITIES EXEMPTION APPLICATION AFFIDAVIT OF FEES

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

City of Muskegon, Michigan

Signed 
Print Name Stephen J. Warmington
Title Mayor
Dated 1-16-07

Applicant: Ameriform Inc.
Signed 
Print Name DANIEL HARRIS
Title PRESIDENT
Dated 12-26-06

Commission Meeting Date: December 12, 2006

Date: December 4, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Approval of Contract for Payments in Lieu of
Taxes (PILOT) for Renaissance Place

SUMMARY OF REQUEST: A Contract providing for a PILOT for a proposed senior housing development known as Renaissance Place LDHA LP, has been requested in accordance with Section 2-6 of the City Code of Ordinances. The Contract is attached. The property is located at 552 & 570 W. Clay Avenue. The applicant, Mr. Karl Chew, is planning to develop 23 senior citizen units, and one market rate unit (total of 24 units). The Commission and staff have requested that Mr. Chew increase the number of market rate apartments in the development, but Mr. Chew has declined to make adjustments, citing financial reasons.

FINANCIAL IMPACT: Payments under the contract are proposed at ten percent (10%). However, the first 1-6 years no taxes will be paid as the property is within a Renaissance Zone. The payments will be made between years 7-15.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The desire for additional market rate units remains. If the developer is unwilling to make any further adjustments, the Commission can either deny or approve the Contract. If the Commission approves the Contract, the Mayor and Clerk should be authorized to execute the Contract on behalf of the City.

CITY OF MUSKEGON

CONTRACT FOR HOUSING EXEMPTION

This Agreement between Brookstone Capital LLC, 6857 Eastman Avenue, Midland, MI 48642 ("Developer") and City of Muskegon, 933 Terrace Street, Muskegon, Michigan ("City") is made pursuant to the following terms:

RECITALS

A. Developer has acquired an option to purchase a site in the City of Muskegon for the construction of a proposed low-income housing project (for the elderly) as defined in Muskegon City Code, Sections 82-46 through 82-59 (the "Project").

B. Developer and an affiliate of Developer, to be formed, have or will enter into an agreement to form a limited dividend housing association to function as owner of the proposed low-income housing project. The owning entity to be formed will be identified as Renaissance Place Limited Dividend Housing Association Limited Partnership.

C. The City encourages construction and financing of the said low-income housing project which is identified by the working name of Renaissance Place.

D. To further enable and encourage the construction of the housing project, Developer and the City enter into this Agreement.

E. The legal description of the Project is set forth in Exhibit A attached to this Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Grant of Exemption. As contemplated and pursuant to Act 346 of the Public Acts of 1966, as amended, the State Housing Development Authority (the "Act"), the City hereby grants an exemption from all property taxes attributable to the buildings which consist of rental units offered to eligible low income persons and families as defined by the Michigan State Housing Development Authority (the "Authority").

2. Term of Exemption. This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions pursuant to Section 42 of Internal Revenue Service Codes of 1986, as amended (IRS Codes), or the Authority Regulatory Agreement, but no later than December 30, 2023. The City agrees to be contractually bound by this Agreement to honor the exemption status of the proposed project as provided therein and in this Agreement for the entire period during which the Project is financed by the Authority or receives low income housing tax credits under

Section 42 of the IRS Codes, provided that the said loan or a loan originally financed by the low income housing tax credits continues outstanding and not in default as more particularly set forth in Muskegon City Code, Sections 82-46 through 82-59, but such obligation shall expire December 30, 2023. It is further understood that the property is in a Renaissance Zone and no payments will be made between the years 2007-2014. The payments will begin in the year 2015 and conclude in the year 2023.

3. Responsibilities of the Developer. The Developer agrees to perform the following:

3.1 The Developer shall pay the service charge and payment in lieu of taxes set forth in Muskegon City Code, Sections 82-46 through 82-59 in a timely manner (on or before July 1, of each year during the time the exemption is in effect). For said purposes the Developer recognizes and will abide by all of the collection provisions of the ordinance, including without limitation, the acceptance of the lien provisions status of the payments in lieu of taxes in the event of default as set forth in Muskegon City Code, Sections 82-46 through 82-59. The service charge shall equal ten percent (10%) of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not and whether or not the rents are paid. The developer agrees to construct 23 dwelling units for low income elderly persons and one (1) elderly market rate dwelling unit.

3.2 The Developer agrees to file all information required by the Ordinance and further to meet its obligations to the Authority in connection with the Authority's administration of the low income housing tax credit program.

4. Term. This Agreement shall continue in effect for the entire period of eligibility for the exemption as set forth in the Ordinance. The City considers itself bound by this Agreement for the entire term hereof.

5. Interpretation of Financing. The City agrees that the financing of the mortgage by the use of low income housing tax credits constitutes financing of the loan by the Authority in fulfillment of the requirements of Muskegon City Code, Sections 82-46 through 82-59.

6. Third Party Beneficiary. This Agreement shall benefit the parties named, including the limited dividend housing association to be formed, and further shall benefit the Authority, or such other mortgagee as may have financed the housing project, which may enforce this Agreement, both as its interest may appear, and on behalf of the Developer and its successors and assigns. No other party is a beneficiary of this Agreement.

7. Counterparts. This Agreement may be executed in several counterparts and an executed copy hereof may be relied upon as an original.

8. Binding and Benefit. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.

9. Effective Date. The effective date of this Agreement is _____, 2006.

IN WITNESS WHEREOF, the parties have signed this Agreement on the dates indicated below.

Dated: _____, 2006

CITY OF MUSKEGON

By: _____
Stephen J. Warmington, Mayor

Dated: _____, 2006

Linda Potter, Acting Clerk

Brookstone Capital LLC

Dated: _____, 2006

By: _____
Karl Chew, Principal

Exhibit A

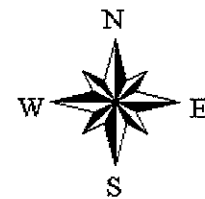
552 West Clay Avenue:

Permanent parcel 61-24-205-316-0017-00, CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 17 AND EAST 20 FEET 7 INCHES IN LOT 16 ALSO WEST 10 FEET 3 INCHES IN LOT 18 BLOCK 316.

570 West Clay Avenue:

Permanent parcel, 61-24-205-316-0015-00, THE EAST 32 FEET OF LOT 14, ALL OF LOT 15, AND LOT 16, EXECPT THE EAST 20 FEET 7 INCHES OF SAID LOT 16, BLOCK 316, OF THE CITY OF MUSKEGON REVISED PLAT OF 1903, AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGEON COUNTY RECORDS.

Renaissance Place



Brookstone Capital LLC

6857 Eastman Ave., Midland, MI 48642 Tel: (989) 837-6272 Fax: (989) 794- 5913

Bryon L. Mazade
City Manager
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443

November 13, 2006

Dear Mr. Mazade:

Please allow this letter to serve as formal request to be placed on the November 28, 2006, Regular City Commission Meeting agenda for the introduction and adoption of a Payment In Lieu Of Tax Ordinance (PILOT) for proposed senior housing development known as Renaissance Place LDHA LP, to be located at 552 & 570 West Clay Avenue, Muskegon, Michigan.

Renaissance Place is a twenty-four (24) unit town home/apartment urban infill senior community proposed for new construction located in the Downtown Western Clay historic neighborhood of Muskegon, Michigan. The new development will consist of twenty three (23) affordable units and one (1) market rate unit. This project is being undertaken by Brookstone Capital LLC, and the ownership entity would be the Renaissance Place Limited Dividend Housing Association Limited Partnership.

Immediate Surrounding Area

The site is located directly adjacent to Downtown Muskegon, Michigan, which will transition residential neighborhood into historic retail and commercial business area. Downtown Muskegon has undergone a revitalization of housing renovation, new construction, a wonderful historic district whose buildings are characteristic of early turn-of-the-century, many great shops, restaurants and entertainment destinations.

The new construction senior residential rental town home/apartment building development site located between 6th and 7th, along West Clay Avenue was selected as it is located in the designated State of Michigan Cool Cities neighborhood under Governor's Cool Cities Initiative to bring people back to the downtown to live, work and shop. In addition, the building is located in Renaissance Zone known as Boilerworks/Amazon Sub zone.

Present Heritage District zoning allows multiple family residential uses by Special Land Use permit. The proposed new construction senior development, Renaissance Place assists the city in meeting its Master Land Use Plan, of which goal is to "Promote ongoing housing in-fill programs. As part of the in-fill effort, work with area builders to determine possible joint public/private partnerships for the construction of affordable housing." In addition, the proposed new construction residential development fulfills the Downtown Muskegon Market Study which trends suggest potential for about 80 to 100 new downtown housing units through 2009.

Building Construction/Amenities

The current site located 552 West Clay Avenue is a vacant parcel, adjacent at 570 West Clay Avenue is a one-story commercial warehouse. The two lots will be combined into a larger .77 acre parcel in which the current warehouse will be removed to create a new residential neighborhood streetscape community. The proposed Renaissance Place will be a single low rise residential building with twelve town home units fronting West Clay Avenue.

The proposed residential rental units will compose of twelve (12) two-bedroom town homes at street level along West Clay Avenue and twelve (12) two-bedroom apartments above the town home units with average square footages of 1,700 and 950 respectively. Each town home/apartment will contain one bath per every bedroom, fully equipped kitchen with electric range, frost free refrigerator, dish washer, central air and in unit washer/dryer. A community space within the building will be provided for the use of the residents as social gather place. The proposed ground level parking on site will accommodate forty-eight (48) parking spaces with buffer area of the common alleyway.

Total construction development costs estimated \$3.0M with a majority of this investment will infuse directly into the Muskegon City's economy as the development uses local engineers, surveyors, architects, construction suppliers and sub contracting vendors. The proposed development will create; sustain jobs for local workers not only during but after construction phase for ongoing maintenance and management personnel. In addition, the development will make contribution in form of permanent substantial infill residential downtown structure. The proposed new construction will provide quality downtown rental housing for the City's senior residents. The new construction is anticipated to begin summer 2007 with completion estimated midsummer 2008.

The proposed development has received conditional approval from Muskegon Historic District, Certificate of Appropriateness on October 3, 2006. In addition, City Planning Commission approved Special Land Use permit for the proposed multifamily development on October 12, 2006.

Financing

Renaissance Place will utilize several development funding resources. Majority of the funding will come from Michigan State Housing Development Authority (MSHDA) under Housing Tax Credit program specifically for Cool Cities designated neighborhoods and private lender.

Identified Target Market

A comprehensive market study of residential and housing marketing potential of the downtown City of Muskegon completed in Fall of 2004 supports the emerging market for downtown housing for new construction and adaptive re-use of existing buildings. The household groups that comprise the potential market are younger singles and childless couples including, among others, young professionals, office workers and small business owners; empty nesters, active adult age 55 and retirees. The market study suggested that successful development/redevelopment in Downtown Muskegon must be consolidated into identifiable residential "addresses" (creating Downtown residential neighborhoods where none currently exist) and a "primary retail zone" with concentrated retail activity. Preliminary Market Study completed by Woods Consulting of Muskegon surveyed area senior housing developments reported a high occupancy rates in their senior communities. The additional new residential units will assist the community with additional senior housing units as this segment of the population increases in numbers in the coming years.

Renaissance Place is located within "The Historic Western Clay District". These "new" downtown households would provide a local presence, active source of disposable income spending for the economic revitalization of City of Muskegon downtown merchants as a destination for retail, dining, and entertainment venues. More importantly, Renaissance Place would provide quality convenient housing for senior residents who wish to live near the Lakeshore area.

Local Support Initiatives

The development will support Governor Granholm's initiative for Michigan Cool Cities to attract, retain people to live, work and shop in Michigan's downtown cities; to help prevent further suburban sprawl in our neighboring communities and encourage new housing developments to utilize existing infrastructure in downtown. The sponsor of the new construction development, Brookstone Capital LLC, will assist to bring in approximately over \$3.0M investment through housing tax credit and private lender. To support this new construction senior housing development, the sponsor **requests the City of Muskegon Commission a conditional approval for Tax Exemption and Payment in Lieu of Taxes (PILOT) for Renaissance Place LDHA LP.** The City of Muskegon has an ordinance (Article 2. Tax Exemption Ordinance, Chapter 82 of the City of the City code) which allows the City Commission to grant property tax exemptions and charge a four percent (4%) service fee as payment in lieu of taxes for a period of fifteen (15) years.

Additionally, a PILOT ordinance by the City of Muskegon will assist this new development proposal receive more considerations from MSHDA to allocate limited and competitive state housing tax credit as local municipality shows support of long term economic feasibility for this sustained senior housing and demonstrates the its advocacy for the creation of downtown housing opportunity.

Current City of Muskegon annual property taxes assessed on 552 & 570 West Clay Avenue proprieties is approximately \$825. The proposed residential redevelopment property tax revenue is estimated at \$6847 for the first year in operation which is based on net shelter rental income of \$171,171 and four percent PILOT. Therefore, tax revenue to the City of Muskegon at Renaissance Place will increase as annual rents increase. In addition, the city will benefit from the addition of twenty-four (24) new residential units with water revenue sources.

Summary

Renaissance Place proposed new construction senior residential development will offer the community of Muskegon many benefits. These benefits include revitalizing the residential streetscape along West Clay Avenue between 6th and 7th Street of Downtown Muskegon, increasing stock of quality residential living units within the downtown area to support economic growth of downtown merchants, adding several million to local construction economy in addition to extra tax and water revenue to the City of Muskegon.

We are seeking to obtain the support in redevelopment initiatives and ordinance approval by November 2006 to meet state funding application and project timeline. On behalf of Brookstone Capital, our development team, thank you for your time and allowing us an opportunity to work with you and the City of Muskegon on providing additional needed quality affordable housing in downtown and making it a successful reality. If you need further information, please advise us.

Sincerely,

Karl Chew
Principal

Market Profile - Brookstone Capital

24 Units of Senior Housing – City of Muskegon

Market Area – 3.0 Mile Radius of Project Site

Date of Market Entry: 2008

Proposed Configuration: 24 – 2BR/2Bath units; 23 LIHTC; 1 – Market Rate

Contract Rents: \$301 - \$650 (LIHTC); \$750 - Market

Gross Rents: \$418 - \$837 (LIHTC); \$867 - Market

Target Income Range: \$12,540 - \$29,760

Household Income Distribution by Tenure in 2008 Age 65 plus: Primary Market Area

Household Income	Total # Households	Renter Households	Owner Households
Less than \$15,000	1,403	772	631
\$15,000 - \$24,999	1,027	236	791
\$25,000 - \$34,999	759	71	688
\$35,000 - \$49,999	610	38	572
\$50,000 - \$74,999	650	25	625
\$75,000 - \$99,999	322	3	319
\$100,000 – plus	437	7	430
Totals:	5,208	1,152	4,056

Assumptions:

- Total # households based upon projections for Primary Market Area prepared by ESRI
- Distribution of household income for 2008 based upon projections for Primary Market Area by ESRI
- Tenure of households by income based upon 2000 Census information for Muskegon County tabulated by HUD (# of households by tenure and income for age 65+ in Muskegon County in Census 2000)

Conclusions:

- Based upon Target Income Range noted above, Primary Market Area will contain 463 income-qualified renter households over age 65 at date of market entry
- Based upon Target Income Range noted above, Primary Market Area will contain 1,279 income-qualified owner households over age 65 at date of market entry.
- At date of market entry, PMA will contain 579 renter households whose income falls *below target income range* and 0 renter households whose income *is greater than the target income range*.
- At date of market entry, PMA will contain 473 owner households whose income falls *below target income range* and 0 owner households whose income *is greater than the target income range*.
- Estimated demand for 23 LIHTC units is 96 income-qualified households (82 renters and 14 owners); estimated demand for 1 Market-rate unit is 19 renters and 27 owners.

General Market Trends for Age 65+ Households in Primary Market Area

	<i>2000 Census</i>	<i>2006</i>	<i>2011</i>	<i>2008 (Market Entry)</i>
Population 65+	8,179	7,655	7,682	7,666
Population 75+	4,560	4,485	4,343	4,428
# Households 65+	5,556	5,181	5,238	5,204
# Households 55-64	2,495	3,202	4,087	3,556
# Renter HH 65+	1,614			
# Owner HH 65+	3,919			

- Age 65+ population and households forecast to decline between 2000 – 2006 and then increase slightly between 2006- 2011
- Age 55-64 households forecast to increase by 64% from 2000 – 2011
- All forecasts provided by ESRI

Comparable Senior Housing Projects in Primary Market Area

The Muskegon area features several affordable senior housing projects. Three of these projects are profiled below. They include the “newest” projects (Nelson Place and the Village at Park Terrace) plus Barclay Village.

Nelson Place
350 Houston Street
Muskegon, MI 49441
727-4077 (Sandy – Resident Manager)

- Project contains 101 units: 91-1BR and 10-2BR
- Rents for the 2BR (comparable to the proposed project) are \$740 for a 954 s.f. unit
- Rent includes heat and water/sewer utilities
- Site offers tenants community meals on weekdays, planned activities and scheduled bus trips
- Project manager reported 1 vacancy

The Village at Park Terrace
1350 W. Hackley Ave.
Muskegon, MI 49441
755-6560

- Project contains 122 units in a mix of 72-1BR; 41-2BR, and 9 – 2BR “cottages”
- Project mix includes 52 “affordable” and 70 market rate units
- “Affordable” rents range from \$630 for 1BR to \$785 for 2BR unit
- Rent includes water/sewer and BASIC cable-TV
- On-site amenities include secure access, community meals with dining packages available, planned activities, beautician on-site, exercise room, movie theatre, and computer room
- Project manager reported 1 – 1BR vacancy

Market Rate Senior Housing

Barclay Village
2081 Barclay
Muskegon, MI 49441
755-3939

- Resident manager reports that 80% of residents are elderly – many of whom have lived at the property for 20 or more years (very stable population)
- Rents range from \$530-\$575 for a 2BR/1Bath unit
- Rent includes all utilities except electricity/telephone/Cable-TV
- Currently has 3-2BR units available

The Village at Park Terrace
1350 Hackley Ave.
Muskegon, MI 49441
755-6560

- Project offers market rate units with rental rates at \$735 for 1BR and \$890 for 2BR
- Project also offers 9 “cottages” with rental rates at \$1,050
- Currently no 2BR market rate units available; 1-1BR market unit available

The Village at the Oaks Retirement Community
1740 Village Drive
Muskegon, MI
767-7100

- Newest senior development in Muskegon – affiliated with Mercy General Health Partners
- Offers both independent living (apartments) and assisted living
- Independent living offers 80 units of studio, 1BR, and 2BR
- Rents for 1BR/1Bath units are \$1,350 for 1-person and \$1,750 for 2-persons; rents for 2BR/2Bath units are \$1,775 for 1-person and \$2,175 for 2-persons
- Rents include 1 meal per day; housekeeping service 1X/week; all utilities, scheduled transportation (doctor’s appointments, etc.), and small storage space
- Currently 1-1BR available with 1-2BR expected to become available in 30 days

Sources and Uses
Renaissance Place
24 Active Adult Apartment Homes
10% PILOT

<u>Uses</u>	0 Market Unit	1 Market Unit		2 Market Unit		3 Market Unit	
			Increase (Decrease) Compared to 0 Market Unit		Increase (Decrease) Compared to 0 Market Unit		Increase (Decrease) Compared to 0 Market Unit
Land Cost	276,000	276,000	-	276,000	-	276,000	-
Construction Hard Cost	3,057,835	3,057,835	-	3,057,835	-	3,057,835	-
Soft Cost	1,232,477	1,232,477	-	1,232,477	-	1,232,477	-
	4,566,312	4,566,312		4,566,312	-	4,566,312	-
Sources							
Debt	\$629,236.76	\$675,438.94	\$46,202.19	\$651,086.76	21,850	\$661,011.76	31,775
Housing Tax Credit	3,847,021	3,686,582	(160,439)	3,526,155	(320,866)	3,365,742	(481,279)
	4,476,258	4,362,021	(114,237)	4,177,242	(299,016)	4,026,754	(449,504)
Funding Gap	90,054	204,291		389,070		539,558	

DISTRIBUTION OF RENTS with 1 Market Rate Unit and 23 Tax Credit Units						
#	Bed-rooms	#	Bath-rooms	#	Units	Base Rent Per Unit (Not Including Utilities)
	2	2		1		301
	2	2		3		538
	2	2		19		650
	2	2		1		750
TOTAL:				24		
Total Monthly Income						15,015
Annual income						180,180
Income Less 5% Vacancy						-
10% PILOT						18,018

4/11/96

CITY OF MUSKEGON

ORDINANCE NO. 1107

An Ordinance amending the Low Income and Elderly Housing Tax Exemption Ordinance of the City by providing for a complete change in the language thereof.

Sec. 2-6 State tax exemption for certain residential projects not applicable within the city, except as provided; amount of payment in lieu of taxes for exempted projects; standards; provision for contract; lien on property; collections.

1. **General Denial of Exemption.** The exemption from ad valorem property taxes provided by Sec. 15a of Act 346 of the Public Acts of 1966, as amended, (MCL 125.1415a, MSA 16.114(15a)) shall not apply to all or any class of housing projects within the city boundaries except as provided in this ordinance. This denial of exemption is made pursuant to subsection 5 of the Act.
2. **Limited Exemption Stated.** A limited exemption, only if authorized by the Act, is hereby granted, limited however to the projects described and authorized by this ordinance and further having a signed contract with the city pursuant to the ordinance, entered into by the city in its sole discretion. No other residential project, even if authorized by the Act, shall be entitled to an exemption.
3. **Definitions.**
 - 3.1 **Act** means the State Housing Development Authority Act of 1966, as amended, being Act 346 of the Public Acts of 1966, as amended.
 - 3.2 **Authority** means the Michigan State Housing Development Authority.
 - 3.3 **HUD** means the United States Department of Housing and Urban Development.
 - 3.4 **Contract rents** mean all rents in the housing project, expected either directly from a tenant or by subsidy, vendor payments or paid by a government or other assisting entity on behalf of a tenant to the owner or owner's designee or agent of a housing project. Contract rents includes the rental

amounts to be currently charged for units in the housing project, whether a unit is vacant or not, and whether or not the rent is actually paid. Contract rents also includes the rentals to be paid for additional facilities by tenants, such as carports or garages, and further includes miscellaneous income, such as income from vending machines or laundry equipment. The portion of additional facility rents and miscellaneous income to be attributed to contract rents shall be determined by reference to the floor plan of the facility which includes and clearly exhibits the housing project, (therefore the exempt portion of the facility), and the said portion of contract rents shall be determined by the ratio of the housing project square footage to the entire square footage of the facility. The term "contract rents" does not include charges for utilities as defined herein.

- 3.5 **Housing project** means a residential facility consisting of rental units offered to the following persons. It does not mean the portion of any facility which is not so occupied:
- 3.5.1 Elderly persons as herein defined.
- 3.5.2 Low income persons and families as defined by the authority.
- 3.6 **Elderly persons means** persons aged sixty-two (62) or older who are of low or moderate income and who would qualify by the rules, standards or practices of the authority for residency in projects aided by the authority. This definition does not expand the projects which are eligible under this ordinance.
- 3.7 **Low income persons and families** is defined to include all low income persons and families included in the definitions found at section 15a(7) of the Act.
- 3.8 **Mortgage loan** means, for purposes of this ordinance, a loan made by the authority or HUD to the sponsor for the construction and permanent financing of a housing project as defined by this ordinance.
- 3.9 **Utilities** means public water, public sanitary sewer, gas or electric service. Utilities do not include cable or other television services, telephone or communication utilities, or solid waste services.

- 3.10 **Service charge.** The terms "service charge" and "payment in lieu of taxes" mean the same thing.
- 3.11 **Sponsor.** A sponsor is a developer of a housing project. The term "sponsor" includes an applicant for exemption under this ordinance.
4. **Ownership Entities Recognized.** No housing project shall be eligible for an exemption under this ordinance unless it is owned by a non-profit housing corporation, consumer housing cooperative, or limited dividend housing corporation as described in section 15a of the Act. The exemption shall not be available to mobile home park corporations or mobile home park associations.
5. **Housing Projects Eligible.** The following housing projects shall be eligible for the exemption in the City of Muskegon:
- 5.1 Housing projects receiving direct mortgage loans from HUD or the authority for at least 70% of the total construction or rehabilitation costs of the housing project.
- 5.2. Housing projects where at least 70% of the total construction or rehabilitation costs of the housing project come from the proceeds of a grant or advance of funds from the authority.
- 5.3 Housing Projects in which at least 70% of the total construction or rehabilitation costs of the Housing project are funded by the net proceeds from an authority-aided mortgage loan, but only where the authority aid consists of the allocation of tax credits from the authority to the applicant for the exemption.
6. **Payment in Lieu of Taxes; Amount; Standards for Determination.** The payments in lieu of taxes, to be made by housing projects exempt from ad valorem taxes under this ordinance are hereby established by the city pursuant to section 15a of the Act, without regard to the amounts otherwise set forth in the said section of the Act. The service charge to be paid in lieu of taxes by any housing project exempt under this ordinance shall be determined as follows:
- 6.1 **Amount.** The service charge shall be in an amount no less than 4% nor more than 20 % of the contract rents charged for the total of all units in the (exempt) housing project, whether the units are occupied or not and whether or not

the rents are paid. In no event shall the service charge exceed the ad valorem real property taxes which would be paid for the housing project if it were not exempt.

6.2 Standards for determining the amount of the payment in lieu of taxes. In determining the amount of service charge, (not less than the minimum), which will be paid the city for a housing project exempt under this ordinance the following standards shall guide the city. All criteria which apply shall be considered to arrive at the service charge:

6.2.1 In the event the housing project or a substantial part thereof is located in a rehabilitated structure, for that portion of the project found in the rehabilitated structure the city shall establish a lower service charge.

6.2.2 In the event the housing project is located in an area of the city which is part of a tax increment district, and removes taxable property from the tax roll, the city shall establish a higher service charge.

6.2.3 The city shall consider the number of exempt units as compared to non-exempt units which are attached or contiguous to the housing project, but which are developed simultaneously with it by the same developer. To the extent that non-exempt units, including units calling for market rents, are included in the development, the city shall consider lowering the rate of the service charge on the exempt units.

6.2.4 In the event the housing project is proximate to non-subsidized and non-exempt housing which is not part of any project for which the developer of the exempt housing project is responsible, the city shall establish a higher service charge.

6.2.5 In the event the housing project is eligible for other property tax abatements or reductions of any kind, or municipal benefits not generally available to residential properties, the city shall establish a higher service charge.

6.2.6 In the event the housing project results in an increase in the need for public services such as water or sewer extensions, public transportation services,

additional snow plowing, police and fire services, or increased school populations, the city shall establish a higher service charge.

6.2.7 In the event the city determines that the housing project will result in significantly increased traffic generation or street or highway safety problems, the city shall establish a higher service charge.

6.3 **Property or unit becoming ineligible.** In the event any residential unit is found to be occupied by persons who are not eligible to occupy exempt units under this ordinance, the service charge for that unit, prorated, shall equal the general property taxes which would be payable (prorata) for that unit. In the event the city determines that more than 50 % of the units in the housing project are occupied by such ineligible persons, then the entire housing project shall be immediately liable for a service charge in an amount equal to the ad valorem property taxes which would otherwise be charged by tax bills normally issuing in the year of the city's determination.

7. **Term of Exemption.** The exemption term shall begin on the tax day of the year in which a final certificate of compliance or occupancy is issued by the City, therefore affecting the taxes due in the following year, and shall terminate on the happening of any of the following:

7.1 Refinancing of the authority-aided, or authority or HUD mortgage loan, except to convert from a construction to an end loan.

7.2 Any violation or default under this ordinance.

7.3 The day falling 25 years after the effective date of the contract for the exemption required by this ordinance, or the period determined by the contract, which ever is shorter.

8. **Service Charge Constitutes a Lien on the Property.** The service charge shall constitute a lien on the housing project property and improvements, effective at the same times and enforceable in the same manner as general property taxes.

9. **Collection of Service Charge.** The service charge as determined by this section shall be payable in the same manner as general property taxes, except that the annual payment shall be paid on or

before July 1 of each year during which the exemption is in effect. The entire tax collection procedure provided by the General Property Tax Act shall be effective and utilized with respect to such payment, including, but not limited to, the provisions providing for interest and penalties on late payments, return of delinquent taxes, tax liens, and the sale of lands for delinquent taxes. In the event of a delinquency in the payment in lieu of taxes, the city shall issue a tax bill for the premises and include the required payment as a delinquent tax.

10. **Requirement to File Information; Default in Payment; Violations; Loss of Exemption.** The sponsor or owner shall file annually with the City Treasurer a statement of contract rents as defined by this ordinance to be charged and/or received, the said statement to be filed within thirty (30) days after December 31 of each year. Failure to timely file said statement, the filing of an inaccurate statement, any misrepresentation in the amount of rents as defined herein, or the failure to timely pay any service charge, shall be considered violations of this section and the commission of any one (1) violation shall result in the permanent, immediate loss of the exemption for the current year and thereafter. The City may require that information presented in the statement be certified by an independent auditor.
11. **Service Fees and Special Assessments.** Except as otherwise provided by law, a housing project otherwise exempt under this section shall not be exempt from special assessments or service fees or charges levied or charged by the city.
12. **Contract Requirement.** Except for housing projects previously determined to be exempt prior to the enactment of this section, each housing project which is exempt hereunder must sign an agreement with the city by which the exemption set forth herein is granted, and further providing for the payment in lieu of taxes, consenting to the provisions of this ordinance and recognizing the conditions whereby exemption may be lost. The city may require any reasonable conditions in such contract, including but not limited to such matters as limitations on the years for which the exemption may be continued, requirements for completing the project within a time certain, requirements for completing non-exempt units or facilities and time limits for completion, as well as the number of such units. Each contract shall have a complete and final floor plan attached (subject only to insubstantial amendment by as-built drawings), which shall govern the determination of the payment in lieu of taxes as appropriate under this ordinance. No exemption

may be granted unless and until the contract is completed, approved by the city commission and signed.

13. **Denial of Application.** The City is not required by this ordinance to grant an application which may otherwise qualify under this ordinance. The city may deny an application in its sole discretion. In determining whether to deny a project, the city may use, but is not limited to, the following standards. The city would deny a project for exemption if the project applied for:

1. Constitutes a development which diverts, subverts, alters or is contrary to the master plan of the city, or
2. Fails to contribute to the improvement of neighborhoods in the city, or
3. Concentrates exempt housing in one or more areas of the city, or
4. Adversely affects the property tax base of the City, or
5. Creates significant public burdens, such as traffic, public works or infrastructure, health, safety, school population or service capabilities, or
6. Results in the concentration of low income or elderly housing in a neighborhood or is contrary to the encouragement of economically diverse housing development, or
7. Is sponsored by a developer who fails to demonstrate acceptable financial, managerial or construction capabilities, or
8. Results in a project or development which is harmful to the health, safety and welfare of the city.

14. **Effect on Existing Projects.** Housing projects which have been previously determined and treated as exempt pursuant to the Act under previous ordinances of the city shall continue their exempt status, and further shall continue the present payments to the city as presently determined. To the extent their present contracts do not conflict with this amended ordinance, this ordinance shall control their exemptions.

This ordinance adopted:

Ayes: Commissioners Pleimling, Aslakson, Nielsen, Michalski, Smith, Pruim,
Nays: Shepherd
None

Adoption Date: April 23, 1996

Effective Date: May 10, 1996

First Reading: April 23, 1996

Second Reading: _____

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger

CERTIFICATE

This ordinance was adopted at a meeting of the City Commission, held on April 23, 1996. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger
Its City Clerk

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

City of Muskegon
Muskegon County, Michigan

NOTICE OF ADOPTION

TO ALL INTERESTED PERSONS:

Please take notice that the City Commission of the City of Muskegon adopted , on April 23, 1996 the following amendments to the Low Income and Elderly Housing Tax Exemption Ordinance of the City. The changes in the Low Income and Elderly Housing Tax Exemption Ordinance are summarized as follows:

By this ordinance the City has revised its ordinance for exemptions of certain low income and elderly housing projects from taxation and, provided additional standards and procedures for payments and low taxes. The ordinance restates Section 2-6 of the Code of Ordinances of the City. The sections are outlined as follows:

1. **General Denial of Exemption.** This section denies in general the exemption under Act 346 of the Public Acts of 1966.
2. **Limited Exemption Stated.** The ordinance reinstates certain types of housing projects to be treated as exempt.
3. **Definitions.** The definitions section includes certain formal definitions and definitions of contract rents, housing projects, elderly and low income persons, mortgage loans and utilities.
4. **Ownership Entities Recognized.** This section requires that the ownership of an exempt project be the same as described in 1966 PA 346, exempt the exemption is not available to mobile home park corporations or mobile home park associations.
5. **Housing projects eligible.** This section defines what housing projects are eligible. In general the projects involve elderly or low income persons, funded at least 70% by HUD or MSHDA aided financing.
6. **Payment in Lieu of Taxes; Amount; Standards for Determination.** This section establishes the payment in lieu of taxes in terms of the amount, which may range from 4% to 20% of contract rents, and further sets standards for determination by the City of the level of payments in lieu of taxes. The section also provides for a property or unit in a property becoming ineligible for tax exemption.
7. **Term of Exemption.** This section provides that the exemption begins in

the tax year following completion of the project and sets other standards for termination including defaults, refinancing, or terms of years determined by contract or ordinance.

8. **Service Charge Constitutes a Lien on the Property.** The charge becomes a lien, like property taxes, if unpaid.
9. **Collection of Service Charge.** This section sets out the times when the charge is due and provisions for delinquencies.
10. **Requirement to File Information; Default in Payment; Violations; Loss of Exemption.** This section requires information regarding rents to be filed, and provides for defaults, violations and loss of tax exemption.
11. **Service Fees and Special Assessments.** Exempt properties are liable for special assessments and other service fees.
12. **Contract Requirement.** No project is tax exempt without a contract agreed to by the City.
13. **Denial of Application.** This section sets forth standards for denial of applications.
14. **Effect on Existing Projects.** Projects presently exempt under previous ordinances continue their exemption.

The ordinance was adopted on April 23, 1996, and is effective ten days after publication.

Copies of the ordinance may be examined and purchased at the City Hall, City of Muskegon, 933 Terrace Street, Muskegon, Michigan, at the office of the Clerk on ordinary business days.

Published April 30, 1996

CITY OF MUSKEGON

By

Gail A. Kunderger
Gail A. Kunderger
Its Clerk

Number of Housing Units Downtown (Affordable & Market Rate)

Hartford Terrace	Market = 0	Affordable = 160
Nelson Place	Market = 0	Affordable = 101 (10 are 2 bdrm)
Bayview Towers	Market = 0	Affordable = 200 (20 are 2 bdrm)
Amazon	Market = 21	Affordable = 105
ArtWorks	Market = 2	Affordable = 26
WaterMark (condos)	Market = 53	Affordable = 0
Vida Nova	Market = 40	Affordable = 0
Jefferson Towers (202 bldg)	Market = 0	Affordable = 156
297 W Clay (condos)	Market = 37-40	Affordable = 0

Notes:

202 Building = They get special money in order to keep their rent lower.

297 W Clay = They have combined some of their units, so the Assessor's office estimates that they are between 37 and 40.

Date: January 9, 2007

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Transportation Improvements Program Submittal for:
2008-2011 & Long Range Plan projects

SUMMARY OF REQUEST:

Authorize staff to submit the attached list of projects to the West Michigan Shoreline Regional Development Commission for inclusion in the FY 2008 – 2011 Transportation Improvement Program (TIP). Projects submitted will be considered for Federal and State transportation funding. Adoption of the attached resolution is required as part of the submittal to commit the local match should grants become available.

FINANCIAL IMPACT:

None at this time, however, a local match will be required should we receive a grant for a particular project.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the project submittal and resolution.

COMMITTEE RECOMMENDATION:

Resolution No. 2007-07 (a)

RESOLUTION FOR AUTHORIZATION TO REQUEST THE WEST MICHIGAN SHORELINE REGIONAL
DEVELOPMENT COMMISSION TO INCLUDE THE CITY'S PROJECTS IN THE 2008-2011
TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Federal Transit Administration, the Federal Highway Administration and the Federal Aviation Administration, through the Intermodal Surface Transportation Efficiency Act of 1991; Act 51, P.A. 1951; and various other Federal and State acts, in cooperation with the Michigan Department of Transportation, makes funding available for local jurisdictions and agencies for transportation improvements projects; and

WHEREAS, the West Michigan Shoreline Regional Development Commission (WMSRDC) is the organization designated by the Governor as being responsible, together with the state, for carrying out provisions of 23 U.S.C. 134 (Federal Aid Planning Requirements) and the WMSRDC has deferred to the Muskegon Area Transportation Planning Program's (MATPP's) Policy Committee upon recommendation of the MATPP Technical Committee all matters of policy and approval related to transportation planning work programs, the long range transportation plan, and the Transportation Improvement Programs; and

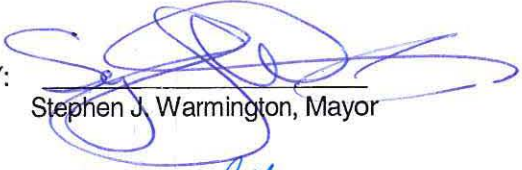
WHEREAS, the WMSRDC is responsible, through the MATPP Advisory Committees (Technical and Policy), for implementing the federally required "3-C" urban transportation planning process, including the development of the transportation Improvement Program; and

WHEREAS, the 3-C planning process for Muskegon County has been certified according to the requirements of 25 CFR 450.114(c); and

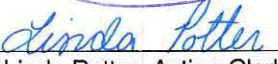
WHEREAS, the City of Muskegon desires to secure financial assistance from the federal and/or State government to help defray the cost of the attached proposed transportation projects; and

WHEREAS, the required local match for the requested funding is available [or will be available] and committed to the proposed projects upon grant approval;

NOW, THEREFORE BE IT RESOLVED that the City of Muskegon requests the West Michigan Shoreline Regional Development Commission to consider inclusion of the projects in the priority list of Transportation Improvement Program for the Fiscal Years 2008-2011.

BY: 

Stephen J. Warmington, Mayor

Attest: 

Linda Potter, Acting Clerk

January 9, 2007

Date

2007-07(a)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on January 9, 2007. 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: Linda S. Potter
Linda S. Potter, Acting City Clerk

THE CITY'S WISH LIST FOR 2008 - 2011 TIP

(The City does not wish to change the 2008 projects)

Type of Fund	Roadway Name	length (ft)	From	Limits To	Year	Estimated Cost	STP Federal share @ 80%	Local Share	Type of Improvements
<u>2008 Projects</u>									
STP	Mcgraff Park	1900	Addison	Glenside	2008	\$250,000.00	\$197,558.00	\$52,442.00	Reconstruction
STP	Division St.	1200	Laketon	Southern	2008	\$252,875.00	\$202,300.00	\$64,000.00	Reconstruction
Sub-total						<u>\$502,875.00</u>	<u>\$399,858.00</u>	<u>\$116,442.00</u>	
<u>2009 Projects</u>									
STP	Clay	1700	Third	Terrace	2009	\$400,000.00	\$320,000.00	\$80,000.00	Reconstruction
STP	Park Street	1400	Southern	Houston	2009	\$300,000.00	\$240,000.00	\$60,000.00	Reconstruction
STP	Home Street	350	Apple	N. of Creek	2009	\$100,000.00	\$80,000.00	\$20,000.00	resurfacing
Sub-Total						<u>\$800,000.00</u>	<u>\$640,000.00</u>	<u>\$160,000.00</u>	
<u>2010 Projects</u>									
STP	Laketon Ave.	1800	Barclay	Henry	2010	\$475,000.00	\$380,000.00	\$95,000.00	Reconstruction
STP	Getty Street	2000	Marquette	Access Hwy	2010	\$450,000.00	\$360,000.00	\$90,000.00	Reconstruction
Sub-Total						<u>\$925,000.00</u>	<u>\$740,000.00</u>	<u>\$185,000.00</u>	
<u>2011 Projects</u>									
STP	Laketon Ave.	2600	US-31	Barclay	2011	\$700,000.00	\$560,000.00	\$140,000.00	Reconstruction
STP	Getty Street	1300	Keating Ave	Laketon	2011	\$375,000.00	\$300,000.00	\$75,000.00	Reconstruction
Sub-Total						<u>\$1,075,000.00</u>	<u>\$860,000.00</u>	<u>\$215,000.00</u>	

Commission Meeting Date: January 9, 2007

Date: December 21, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Lakeside Business Area Plan Endorsement

SUMMARY OF REQUEST:

Request to endorse the Lakeside Area Business Plan, with recommendations.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends endorsing the plan, with the recommendations provided by Planning Commission.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended endorsing the plan, with specific recommendations, at their 12/14/06 meeting. The vote was unanimous with B. Smith, T. Michalski, and T. Harryman absent.

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

December 14, 2006

EXCERPT

OTHER

Lakeside Plan C. Brubaker-Clarke and J. Fitzpatrick were in attendance to present the Lakeside Plan and answer any questions. C. Brubaker-Clarke stated that she would like to obtain Planning Commission support of the plan. Once the plan was in place, it would be possible to apply for grants to do the work. J. Fitzpatrick stated that parts of the narrative section were taken from the City's Master Plan and Waterfront Redevelopment Plan, and the Goals section was the result of meetings with the Lakeside Business Association. B. Larson stated that he would be opposed to disrupting the newly paved Lakeshore Drive. Other board members agreed that the traffic islands would be too disruptive, and that a left turn lane would be needed. B. Mazade stated that the maintenance issues outlined in B. Kuhn's letter should be taken into consideration. L. Spataro stated that it was a good beginning, but there needed to be a balance between the innovative designs and the reality of limited resources.

S. Warmington arrived at 4:25 p.m.

C. Brubaker-Clarke stated that they needed the design portion in order to submit grants, but they would work with other City departments to determine what was feasible. J. Aslakson asked if the traffic plans would come back to this board for approval. C. Brubaker-Clarke asked that if the board members had any problems with the plan, to please voice those concerns now. She didn't think the plan would come back before the Planning Commission, but it would have to be approved by the City Commission. J. Aslakson stated that he was opposed to the traffic islands, and would like to see a left turn lane. J. Fitzpatrick stated that an arch would be an alternative that would not block traffic. There was discussion among staff and board members regarding the designated beginning and end of the "business district". J. Fitzpatrick stated that the Sidock Group had recommended a 4-block area between Moon and Estes as the core pedestrian area. B. Larson asked about parking. L. Spataro asked to hear from two Lakeside business owners who were present. R. Ghezzi stated that he liked the idea of an arch to designate the business area, but thought the commercial area should be between Ruddiman Creek and McCracken. He asked about parking at the boat launch at Lakeshore and McCracken. B. Mazade stated that people could park there, but it was not paved. R. Ghezzi stated that he would be interested in having a small hotel in the area also. S. Warmington stated that parking would be an issue. Also, the Lakeside business owners were a small group, and the improvements would take a large investment. He wasn't sure they would be able to support that on their own. He liked the concept, but was also concerned with the elimination of the left turn lane during the busy summer months. L. Spataro stated that there should be adequate access between the bike path

and the sidewalks. S. Warmington listed some of the areas in Lakeside that were access points. L. Spataro suggested that these areas be made more visible.

A motion that the Planning Commission endorse the Lakeside Business Redevelopment Plan in principal, and concur with the comments of the Public Works director (as listed on page 53 of the plan), was made by B. Larson, supported by L. Spataro and approved, with S. Warmington abstaining, since he was a business owner in the affected district.

There being no further business, the meeting was adjourned at 4:55 p.m.

RESOLUTION NO. 2007-07(b)

MUSKEGON CITY COMMISSION

RESOLUTION OF SUPPORT
ENDORISING THE LAKESIDE BUSINESS AREA PLAN

WHEREAS, the City of Muskegon adopted a Master Land Use Plan in June of 1997; and

WHEREAS. The Master Plan discusses the importance of revitalizing the City's commercial corridors; and

WHEREAS, staff has developed a design plan for the Lakeside Business District in response to interest shown by business leaders and concerned citizens; and

WHEREAS, a discussion was held by the Planning Commission on December 14, 2006, where the Lakeside Business Area Plan was subsequently endorsed, with recommendations from Bob Kuhn, Director of Public Works listed on page 53 of the Lakeside Business Area Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Commission also hereby endorses the Lakeside Business Area Plan, as recommended by Planning Commission.

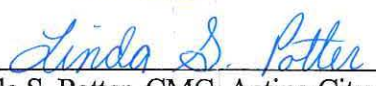
Adopted this 9th day of January, 2007.

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

Nayes: None

Absent: None

By 
Stephan J. Warmington, Mayor

By: 
Linda S. Potter, CMC, Acting City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on January 9, 2007. The meeting was properly held and notices pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976

CITY OF MUSKEGON



Linda S. Potter, CMC
Acting City Clerk