CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 8, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
    - A. Approval of Minutes. CITY CLERK
    - B. SECOND READING: Vacant Building Ordinance. CITY MANAGER
    - C. Amendment to the Zoning Ordinance – Remove Reference to Section 2308. PLANNING & ECONOMIC DEVELOPMENT
    - D. Service Agreement with Professional Med Team Inc. POLICE
    - E. Gaming License - Muskegon Film Festival. CITY CLERK
- PUBLIC HEARINGS:
    - A. Amendments to Brownfield Plan - Heritage Square Development, LLC. PLANNING & ECONOMIC DEVELOPMENT
- COMMUNICATIONS:
- CITY MANAGER'S REPORT:
- UNFINISHED BUSINESS:
- NEW BUSINESS:
    - A. Cable Resolution. CITY MANAGER
    - B. Renaissance Zone Extension for Heritage Square Development. 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 ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: January 8, 2008

To: Honorable Mayor and City Commissioners

From: Ann Marie Becker, City Clerk

RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the December 3rd Commission Worksession, and the December 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 8, 2008

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 8, 2008.

Mayor Warmington opened the meeting with a prayer from Reverend Dennis Remenschneider from St. Paul's Episcopal Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Commissioner Clara Shepherd (arrived at 5:45 p.m.)

2008-03 INTRODUCTIONS/PRESENTATION:

Mayor Warmington introduced Helen Wilcox, the new Customer Service Rep. I in the City Clerk's Office.

2008-04 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the December 3rd Commission Worksession, and the December 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Vacant Building Ordinance. CITY MANAGER

SUMMARY OF REQUEST: To approve an ordinance to require the registration of vacant buildings and require annual registration fees.

FINANCIAL IMPACT: Unknown at this time what revenues and expenses will be generated from this ordinance.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance.

C. <u>Amendment to the Zoning Ordinance – Remove Reference to Section 2308.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1301 #14, of Article XIII (B-4, General Business Districts), Section 1400, #13, of Article XIV, (I-1, Light Industrial Districts), and Section 1500, #9, (I-2, General Industrial Districts), of Article XV, to remove the reference to Section 2308, (1)(f).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to remove the reference to Section 2308, (1)(f).

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their December 13, 2007 meeting. The vote was unanimous with J. Aslakson and B. Smith absent.

(Requires Second Reading)

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the Consent Agenda as read minus items D and E.

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

Nays: None

MOTION PASSES

2008-05 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. <u>Service Agreement with Professional Med Team Inc.</u> POLICE

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.

FINANCIAL IMPACT: The cost to the department will be $75 per blood draw.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the service agreement with Professional Med Team Inc.

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

Nays: None

MOTION PASSES

E. <u>Gaming License - Muskegon Film Festival.</u> CITY CLERK

SUMMARY OF REQUEST: Muskegon Film Festival 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.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the gaming license request for Muskegon Film Festival.

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

Nays: None

MOTION PASSES

2008-06 PUBLIC HEARINGS:

A. <u>Amendments to Brownfield Plan - Heritage Square Development, LLC.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Heritage Square Development, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a commercial project will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing and approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for January 8, 2008 at their November 27, 2007 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on

November 14, 2007 and further recommends that the Muskegon City Commission approve the Plan amendment.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to close the Public Hearing and approve the amendments to the Brownfield Plan for the inclusion of property owned by Heritage Square Development, LLC.

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

Nays: None

MOTION PASSES

2008-07 NEW BUSINESS:

A. <u>Cable Resolution.</u> CITY MANAGER

SUMMARY OF REQUEST: This is a request to adopt the resolution requiring Comcast Cablevision to preserve the existing channel locations for public, educational and governmental access channels (PEG) and to agree not to change channels without written consent of the City. It is also a request to require new providers of cable and video services to furnish public, educational and governmental access channel lineups and are consistent with existing providers.

Motion by Commissioner Carter, second by Commissioner Wierengo to adopt the cable resolution.

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

Nays: None

MOTION PASSES

Commissioner Shepherd arrived (5:45 p.m.).

B. <u>Renaissance Zone Extension for Heritage Square Development.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Development Agreement and Resolution extending the duration of Renaissance Zone designation for the properties owned by Heritage Square Development, LLC.

FINANCIAL IMPACT: The City will forego approximately $6,300 per year for a total of $50,133 in taxes for the additional eight years of Renaissance Zone designation.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement and the Resolution extending the Renaissance Zone designation.

COMMITTEE RECOMMENDATION: At its last meeting, the Brownfield Redevelopment Authority passed a motion to support a Renaissance Zone extension for Heritage Square Development, LLC.

Motion by Commissioner Spataro, second by Commissioner Wisneski to approve the development agreement and resolution extending the Renaissance Zone designation for Heritage Square Development, LLC.

ROLL VOTE: Ayes: Gawron, Spataro, Wierengo, and Wisneski

Nays: Shepherd, Warmington, and Carter

MOTION PASSES

2008-08 ANY OTHER BUSINESS:

A. Commission was asked to check their calendars and let the Administration Office know if February 8th is a good date for the Goal Setting Session.

2008-09 PUBLIC PARTICIPATION:

A. Ann Bradsberg from Digital Spectrum Enterprise announced that the Commission Meetings will be aired on Channel 915.

B. Request to waive the Special Event Fee.

Motion by Commissioner Carter, second by Commissioner Shepherd to waive the Special Event fee for the January 14, 2008, Dr. Martin Luther King March.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Ann Marie Becker

Ann Marie Becker, MMC
City Clerk

AGENDA ITEM NO. ____________

CITY COMMISSION MEETING ________________

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 1, 2007

RE: Vacant Building Ordinance

SUMMARY OF REQUEST:
To approve an ordinance to require the registration of vacant buildings and require annual registration fees.

FINANCIAL IMPACT:
Unknown at this time what revenues and expenses will be generated from this ordinance.

BUDGET ACTION REQUIRED:
None.

STAFF RECOMMENDATION:
To approve the attached ordinance.

COMMITTEE RECOMMENDATION:
None.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2240

An Ordinance adopting Chapter 10, Section 107 of the Code of Ordinances concerning annual registration of vacant buildings and registration fees.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 10, Section 107 of the Code of Ordinances shall be adopted to read as follows:

SECTION 10-107. ANNUAL REGISTRATION OF VACANT BUILDINGS AND REGISTRATION FEES

10-107. Annual registration of vacant buildings and registration fees.

(a) *Purpose.* The purpose of this section requiring the registration of all vacant buildings, including dwellings that are subject to chapter 10 as referenced below, and the payment of registration fees is to assist the city government, particularly the Department of Public Safety (DPS) and Planning Departments in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the city, to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Muskegon City Code.

(b) *Definitions and applicability; registration statement and fees.*

(1) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(A) *Boarded:* A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(B) *Exterior maintenance and major systems:* The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive-way, if any, area of the lot, as applicable and as enforced by the DPS, particularly in connection with subsections 10-82 (inspection of unoccupied building) and 10-101 (abatement of dangerous buildings) of this section of this code.

(C) *Occupied:* Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid city business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

(D) *Open:* A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and, or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(E) *Owner:* An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

(F) *Vacant:* A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis.

(2) *Applicability.* The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant for more than 90 consecutive days and to each owner of residential property consisting of one or more vacant dwellings that shall have been vacant for more than 90 consecutive days. Each such owner shall cause to be filed a notarized

registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the city. The registration fee(s) as required by subsection (b)(3) of this section shall be billed by the city and shall be paid by January 1 of each year. For purposes of this section, the following shall also be applicable:

(A) If the owner is a corporation or a limited liability corporation, the registration statement shall provide the names and residence addresses of all officers, directors and/or members and shall be accompanied by a copy of the most recent annual tax report filed with the State of Michigan;

(B) If an estate, the name and business address of the executor of the estate;

(C) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(D) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(E) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(F) If an individual person, the name and residence address of that individual person.

(3) *Registration statement and fees; local agent.* If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 90 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering. The owner of the vacant property as of January 1 of each calendar year shall be responsible for the

payment of the non-refundable registration fee. Said fee shall be billed by the city and based on the duration of the vacancy as determined by the master fee resolution.

(4) *Appeal rights.* The owner shall have the right to appeal the imposition of the registration fees to a committee appointed by the city manager, upon filing an application in writing with the applicable $50.00 non-refundable filing fee to the city manager's office no later than 15 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy.

(5) *One time waiver of registration fee.* A one-time waiver of the registration fee may be granted by the committee appointed by the city manager upon application of the owner if the owner:

(i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and

(ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or

(iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.

(6) *Two-year waiver.* Upon application by the owner and satisfaction of subsection (b)(5) above, the committee appointed by the city manager may grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organizations as defined by section 501(c)(3) of the Internal Revenue Code.

(7) *Delinquent registration fees as a lien.* After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b)(4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect such the unpaid debt.

(c) *Duty to amend registration statement.* If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the planning department within 30 days of the occurrence of such change and advise the department in writing of those changes.

(d) *Exceptions.* This section shall not apply to any building owned by the United States, the state, the city, nor to any of their respective agencies or political subdivisions.

(e) *Violations; penalties.* The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than $100.00 nor more than $500.00 for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable. In such cases, whenever the minimum fine of $100.00 is imposed, it shall not be subject to suspension or reduction for any reason.

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

Adoption Date: January 8, 2008
Effective Date: January 26, 2008
First Reading: December 11, 2007
Second Reading: January 8, 2008

CITY OF MUSKEGON

By Ann Marie Becker

Ann Marie Becker
Clerk, City of Muskegon

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 8th day of January, 2008, 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 8, 2008

Ann Marie Becker

Ann Marie Becker
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 8, 2008, the City Commission of the City of Muskegon adopted Chapter 10, Section 107 of the Muskegon City Code of Ordinances concerning annual registration of vacant buildings and registration fees. Section 107 is adopted to read as follows:

1. Section 10-107(a) is adopted to reflect the purpose of the new section which is to require registration of all vacant buildings in an effort to assist the city government in protecting the health, safety and public welfare and promote substantial efforts to rehabilitate vacant buildings.

2. Section 10-107(b) is adopted to give notice of the definitions, applicability of the section, and related fees.

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

Published: January 16, 2008.

CITY OF MUSKEGON

By__________________________

Ann Marie Becker
Clerk, City of Muskegon

Commission Meeting Date: January 8, 2008

Needs 2nd Reading

Date: December 27, 2007

To: Honorable Mayor and City Commissioners

From: Planning & Economic Development

RE: Amendment to the Zoning Ordinance – Remove Reference to Section 2308

SUMMARY OF REQUEST:

Request to amend Section 1301 #14, of Article XIII (B-4, General Business Districts), Section 1400, #13, of Article XIV, (I-1, Light Industrial Districts), and Section 1500, #9, (I-2, General Industrial Districts), of Article XV, to remove the reference to Section 2308, (l) (f).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to remove the reference to Section 2308, (l) (f).

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 12/13/07 meeting. The vote was unanimous with J. Aslakson and B. Smith absent.

City Commission Meeting
Tuesday January 8, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: December 19, 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:

The cost to the department will be $75.00 per blood draw.

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

2008-05(d)

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 January 1, 2008, through and including December 31, 2008 or until terminated under the terms set forth in paragraph 3 above.

Muskegon Police Department	Professional Med Team, Inc.
[signature]	[signature]
Director of Public Safety	Director of Operations
Date: 1-8-08	Date: 12/19/07

Date: **January 8, 2008**

To: **Honorable Mayor and City Commissioners**

From: **Ann Marie Becker, City Clerk**

RE: **Gaming License – Muskegon Film Festival**

SUMMARY OF REQUEST: Muskegon Film Festival 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

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

2008-05(e)

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

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

called to order by Mayor Warmington on January 8, 2008 (DATE)

at 5:30 (TIME) ~~a.m.~~/p.m. the following resolution was offered:

Moved by Commissioner Spataro and supported by Vice Mayor Gawron

that the request from Muskegon Film Festival (NAME OF ORGANIZATION) of Muskegon (CITY),

county of Muskegon (COUNTY NAME), asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for Approval (APPROVAL/DISAPPROVAL).

APPROVAL		DISAPPROVAL	
Yeas:	6	Yeas:	
Nays:	0	Nays:	
Absent:	1	Absent:	

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD) at a Regular (REGULAR OR SPECIAL) meeting held on January 8, 2008 (DATE).

SIGNED: Ann Marie Becker (TOWNSHIP, CITY, OR VILLAGE CLERK)

Ann Marie Becker, MMC, City Clerk
PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R10/06)

Dear City Manager,

The Muskegon Film Festival requests that we be recognized as a non-profit organization within the community of Muskegon.

We would like to host a charitable poker tournament to raise money for the Muskegon Film Festival which takes place this February. The funds will be used to support a great cultural event for downtown Muskegon.

Sincerely,

Emily M. Kordecki
Vice-President, Muskegon Film Festival

Internal Revenue Service

Date: July 6, 2005

MUSKEGON FILM FESTIVAL INC
% KEITH L MCEVOY
221 W WEBSTER AVE STE 502
MUSKEGON MI 49440-1243

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Ms. Benson #31-07273
Customer Service Representative
Toll Free Telephone Number:
8:30 a.m. to 5:30 p.m. ET
877-829-5500
Fax Number:
513-263-3756
Federal Identification Number:
38-3549103

Dear Sir or Madam:

This is in response to your request of July 6, 2005, regarding your organization's tax-exempt status.

In December 2000 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

Janna K. Skufca

Janna K. Skufca, Director, TE/GE
Customer Account Services

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: DEC 0 5 2000

MUSKEGON FILM FESTIVAL,
C/O KEITH L MCEVOY
PO BOX 786
MUSKEGON, MI 49443-0000

Employer Identification Number:
38-3549103
DLN:
17053281061040
Contact Person:
JULIE Y. CHAN ID# 95081
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(2)
Advance Ruling Period Begins:
June 21,2000
Advance Ruling Period Ends:
December 31, 2004
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in section 509(a)(2).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make

RECEIVED DEC 11 2000

Letter 1045 (DO/CG)

a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of $100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally $25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally $25,000 or less, and sign the return. Because you will be treated as a public charity for return filing purposes during your entire advance ruling period, you should file Form 990 for each year in your advance ruling period

MUSKEGON FILM FESTIVAL

that you exceed the $25,000 filing threshold even if your sources of support do not satisfy the public support test specified in the heading of this letter.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of $20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed $10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding $1,000,000 in any year, the penalty is $100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding $1,000,000 shall not exceed $50,000. This penalty may also be charged if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

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If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Steven T. Miller
Director, Exempt Organizations

Enclosure(s):
Form 872-C

December 20, 2007

To whom it may concern:

This letter is to request the City of Muskegon recognize the Muskegon Film Festival as a non-profit organization in the community.

Sincerely,

Emily Stearley
Vice-President
Muskegon Film Festival

Commission Meeting Date: January 8, 2008

Date: **January 2, 2008**

To: **Honorable Mayor & City Commission**

From: **Planning & Economic Development Department** CBC

RE: **Public Hearing for Amendments to Brownfield Plan- Heritage Square Development, LLC**

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Heritage Square Development, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a commercial project will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing and approve the attached resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for January 8, 2008 at their November 27, 2007 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on November 14, 2007 and further recommends that the Muskegon City Commission approve the Plan amendment.

2008-06(a)

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

Heritage Square Development, LLC

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 8th day of January, 2008, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

ABSENT: Members Shepherd

The following preamble and resolution were offered by Member Gawron and supported by Member Wierengo:

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment to add Heritage Square Development, LLC; and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendment to the City Commission requesting its approval of the Brownfield Plan Amendment; and

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment, as required by Act 381; and

WHEREAS, not less than 20 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, a notice of the Public Hearing on the proposed Brownfield Plan Amendment was published twice in the Muskegon Chronicle, the first of which was not less than 20 days before the scheduled Public Hearing; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on January 8, 2008.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Where used in this Resolution the terms set forth below shall have the following meaning unless the context clearly requires otherwise:

"Eligible Property" means the property designated in the Brownfield Plan as the Eligible Property, as described in Act 381.

"Brownfield Plan" means the Brownfield Plan prepared by the Authority, as transmitted to the City Clerk by the Authority for approval, copies of which Brownfield Plan are on file in the office of the City Clerk.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on the Eligible Property.

2. Public Purpose. The City Commission hereby determines that the Brownfield Plan Amendment constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to promote the revitalization of eligible properties in the City to proceed with the Brownfield Plan Amendment.

4. Review Considerations. As required by Act 381, the City Commission has, in reviewing the Brownfield Plan Amendment, taken into consideration whether the Brownfield Plan Amendment meets the requirements set forth in Section 13 of Act 381.

5. Approval and Adoption of Brownfield Plan Amendment. The Brownfield Plan Amendment as submitted by the Authority is hereby approved and adopted. A copy of the Brownfield Plan and all amendments thereto shall be maintained on file in the City Clerk's office.

6. No Capture of Tax Increment Revenues by Authority. The Authority shall not capture Tax Increment Revenues on the Eligible Property, as described in the Brownfield Plan Amendment.

7. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the City assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendment. The City makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to

capture tax increment revenues from the State and local school district taxes for the Brownfield Plan.

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

AYES: Members Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo

NAYS: None

RESOLUTION DECLARED ADOPTED.

Ann Marie Becker, City Clerk

Stephen J. Warmington, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on January 8, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Becker

Ann Marie Becker, City Clerk

Date: **January 8, 2008**

To: **Honorable Mayor & City Commissioners**

From: **City Manager**

RE: **Cable Resolution**

SUMMARY OF REQUEST: This is a request to adopt the attached resolution requiring Comcast Cablevision to preserve the existing channel locations for public, educational and governmental access channels (PEG) and to agree not to change channels without written consent of the City. It is also a request to require new providers of cable and video services to furnish public, educational and governmental access channel lineups and are consistent with existing providers.

FINANCIAL IMPACT:

BUDGET IMPACT:

RECOMMENDATION:

Resolution No.
2008-07(a)
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION REQUESTING PRESERVATION OF EXISTING CHANNEL LOCATIONS FOR PUBLIC, GOVERNMENTAL AND EDUCATIONAL ACCESS CHANNELS, ALSO KNOWN AS PEG

WHEREAS, Comcast Cablevision, is among the companies that furnish or will be furnishing cable television subscriptions to residential customers; and

WHEREAS, the City of Muskegon and other governmental entities have committed substantial resources to deliver programming on governmental and educational access channels, also known as PEG; and

WHEREAS, Comcast Cablevision has indicated that it intends to change the channel lineup and location of the public, educational and government access channels (PEG) from present locations, where they have been situated for many years, to the channel lineup in the 900's, which will require customers to have a digital converter set-top box, a cable card or a QAM* capable television; and

WHEREAS, the result is added costs, inconvenience, and confusion with respect to viewers who intend to view educational and governmental access channels; and

WHEREAS, since Comcast's announcement, concerned residents have contacted the City of Muskegon in opposition to the news that Comcast intends to change the location of PEG channels and require customers to have a digital converter box to receive these channels;

NOW, THEREFORE BE IT RESOLVED THAT:

1. Comcast Cablevision is requested to preserve the existing channel locations for public, educational and governmental access channels (PEG) and to agree that they will not be changed in the future without the written consent of the city and/or governmental entity or entities which provide programming on such channels;
2. The City requests that Comcast respond to the questions posed by the Michigan Chapter of the National Association of Telecommunications Officers and Advisors in its letter dated November 2007 addressing operational and legal issues related to Comcast's actions; and
3. The City requests that Public Act 480 of 2006 be immediately amended to require that public, educational and governmental access channels remain at their current locations and that the same not be subject to change unless the written consent of the affected governmental entity providing the programming is obtained; and
4. The Act be further amended to require new providers of cable and video services to furnish public, educational and governmental access channel lineups and selections that

are consistent with existing providers, with respect to channel locations, ease of access, availability of features, quality parameters, and similarity of surrounding channels and this requirement becomes effective January 1, 2008.

This Resolution is deemed severable and should any provision, clause, word or sentence be deemed unenforceable, the remainder shall remain in full force and effect.

Adopted this 8th day of January 2008.

Stephen J. Warmington
Mayor

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on January 8, 2008. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: ____________________
Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: January 8, 2008

Date: **January 2, 2008**

To: **Honorable Mayor & City Commission**

From: **Planning & Economic Development** CBC **Department**

RE: **Renaissance Zone Extension for Heritage Square Development**

SUMMARY OF REQUEST:

To approve the attached Development Agreement and Resolution extending the duration of Renaissance Zone designation for the properties owned by Heritage Square Development, LLC.

FINANCIAL IMPACT:

The City will forego approximately $6,300 per year for a total of $50,133 in taxes for the additional eight years of Renaissance Zone designation.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the Development Agreement and the Resolution extending the Renaissance Zone designation.

COMMITTEE RECOMMENDATION:

At its last meeting, the Brownfield Redevelopment Authority passed a motion to support a Renaissance Zone extension for Heritage Square Development, LLC.

Resolution No. 2008-07(b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING EXTENSION OF RENAISSANCE ZONE STATUS.

WHEREAS, pursuant to Public Act 376 of 1996, as amended, existing Round II Renaissance Zones have been enabled to modify existing and create new sub-zones (up to 10); and

WHEREAS, the City of Muskegon is committed to the economic growth and well being of its residents; and

WHEREAS, the City of Muskegon is in agreement with the concepts of Renaissance Zones and desires to utilize such zones for the revitalization of certain areas within the City; and

WHEREAS, the City of Muskegon has adopted a policy governing the time extension of existing sub-zones; and

WHEREAS, the City of Muskegon has entered into development agreements with Heritage Square Development, LLC to develop the parcels at 274, 276, 290, & 296 W. Clay and 887 & 889 First St. into units of row house style, live-work, residential condominiums.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission hereby approves the extension of the Renaissance Zone status to qualify Heritage Square Development, LLC, to be eligible for Renaissance Zone status for 15 years from the creation of the extension, for the properties described in the Development Agreement.

BE IT FURTHER RESOLVED, that the Muskegon City Commission approves the request for Heritage Square Development, LLC to develop the parcels at 274, 276, 290, & 296 W. Clay and 887 & 889 First St. into units of row house style, live-work, residential condominiums.

Adopted this 8th day of January, 2008.

AYES:	Gawron, Spataro, Wierengo, and Wisneski
NAYS:	Shepherd, Warmington, and Carter
ABSENT:	None

BY: [signature]
Stephen J. Warmington, Mayor

ATTEST: [signature]
Ann Marie Becker, Clerk

CERTIFICATION
2008-07(b)

This resolution was adopted at a regular meeting of the City Commission, held on January 8, 2008. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Ann Marie Becker

Ann Marie Becker, MMC
City Clerk

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON RENAISSANCE ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49441 ("City") and Heritage Square Development, LLC, a limited liability association, of 4460 Deer Creek, Muskegon, Michigan 49441. ("Company").

Recitals:

A. The City has an established Renaissance Zone. The Company desires to acquire property within the Renaissance Zone. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of the Company in the Renaissance Zone.

B. The Company intends to install the projects set forth in its Application (Attached as Exhibit C) for Renaissance Zone location and approval. The Company understands that the City relies upon the undertakings of the Company in the Agreement to establish and to continue the Company's status as a Renaissance Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. DOCUMENTS ATTACHED. Included in this Agreement are the following documents which have been collected and relied upon by the parties:

Exhibit A	Copy of the Renaissance Zone Act, as amended to date.
Exhibit B	City of Muskegon Extension of Time Period for Existing Renaissance Zone Parcels
Exhibit C	The application for Renaissance Zone Designation filed by Heritage Square Development, LLC.
Exhibit D	Special Assessment Agreement.

2. COMPANY AGREEMENT. The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner:

2.1 The development, to comply with all construction codes, of parcels at 274, 276, 290, & 296 W. Clay and 887 & 889 First St. The development will consist of twenty-two units of row house style, live-work, residential condominiums. The live-work units will be available for light commercial office space and modest retail space, creating between twelve and twenty-four jobs.

2.2 Private investment in the amount of at least $2,000,000 within two (2) years from the date of the property's designation of Renaissance Zone extension status by the State of Michigan, pursuant to paragraph 2.7.

2.3 The performance of all other undertakings set forth in the application.

2.4 Assurance and completion of the payment of all real and personal property taxes due for all years prior to the creation of the Renaissance Zone on the properties.

2.5 Cooperation with City representatives to supply all requested and required documentation necessary in the City's reasonable judgment to determine compliance with the undertakings set forth in this Agreement and its attachments.

2.6 The Company shall take all required precautions to avoid the release of any hazardous substance in violation of any environmental law on its premises, and shall report any releases to the appropriate authority in a timely and complete manner as required by law, providing copies of said documentation to the City. Subject to its rights to contest any proposed orders and actions, the Company shall comply with all orders and actions of any governmental agency having authority.

2.7 The Company shall improve the properties and improvements, in accordance with the Renaissance Zone proposal submitted Heritage Square Development, LLC.

2.8 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

3. AGREEMENT BY THE CITY. Provided this Agreement has been executed and further provided all applications concerning Renaissance Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary the State of Michigan Renaissance Zone Review Board, and with all local review entities by law. The City may consider this agreement in a meeting separate from and prior to the meeting in which the City or any entity considers the creation of the district or approval of the application for Renaissance Zone extension status.

4. EVENTS OF DEFAULT. The following actions or failures to comply, subject to events of force majeure, shall be considered events of default by the Company if not cured within sixty (60) days after receipt of written notice from the City of such act or failure to comply.

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

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

4.3 Failure to expend the funds on equipment and improvements as represented in the attachments within the times required hereby.

4.4 The bankruptcy or insolvency of the Company.

4.5 The failure to pay any taxes other than those exempted by the Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal.

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

5. REMEDIES ON DEFAULT. In the event that 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. The amounts due by reason of the exercise of the remedies, shall be payable by a special assessment as outlined in the attached Special Assessment agreement.

5.1 In the event of default and after investigation of the facts and a public hearing, the Company shall be immediately liable for the amounts below, to be paid forthwith to the City, and the Renaissance Zone status of the Company shall be revoked or void, with the following consequences:

5.1.1 The Company shall begin making payments, as outlined in the attached Special Assessment agreement, to the City, the amount of $6,266.67 per year. The assessment will not be charged during the first two years, pending substantial completion of the proposed project (as stated in 2.2). If substantial completion has not been made within the first two years, the Company shall be liable for payment of the assessment for those two years plus future year's assessments.

5.1.2 The Company shall pay to the State of Michigan all amounts of the corporate income tax which have been abated under the Renaissance Zone Act, if any.

5.1.3 The Company shall immediately pay to the City any corporate City income tax which have been abated under the Renaissance Zone Act, if any.

time set forth in the attachments, the Special Assessment shall be paid to the City.

5.3 Failure to Expend the Funds Represented. In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the Special Assessment shall be paid to the City.

5.4 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court entity with authority that the Special Assessment shall be paid to the City.

5.5 Special Assessment. For any amount to be paid to the City as a result of default by the Company, 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.

5.6 City Considerations for Determination in Matters of Default. The City shall consider the following factors, but the determination to invoke remedies are the sole and reasonable discretion of the City:

5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.

5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.

~~5.6.3 Whether the effect on the City's finances of the Company's actions~~ is material and substantial.

5.6.4 Whether the circumstance affecting the status of the Company was created by occurrences beyond the control of the Company or could reasonably have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

6. 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, and in particular the Renaissance Zone Act of the State, as amended.

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

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

9. Effective Date. This Agreement shall be effective on the date the State of Michigan grants the Renaissance Zone designation.

10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By ______________________
Stephen J. Warmington, Mayor

and ______________________
Ann Marie Becker, Clerk

Dated: January 22, 2008

HERITAGE SQUARE DEVELOPMENT, LLC
a ______________ Corporation
LIMITED LIABILITY CORPORATION

By ______________________
______________, Its MEMBER

Dated: JAN. 9, 2008

Exhibit A

MICHIGAN RENAISSANCE ZONE ACT
Act 376 of 1996

AN ACT to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1999, Act 98, Eff. Oct. 11, 1999.

The People of the State of Michigan enact:

125.2681 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan renaissance zone act".

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2682 Legislative findings and declarations.

Sec. 2. The legislature of this state finds and declares that there exists in this state continuing need for programs to assist certain local governmental units in encouraging economic development, the consequent job creation and retention, and ancillary economic growth in this state. To achieve these purposes, it is necessary to assist and encourage the creation of renaissance zones and provide temporary relief from certain taxes within the renaissance zones.

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2683 Definitions.

Sec. 3. As used in this act:

(a) "Agricultural processing facility" means 1 or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use, and surrounding property.

(b) "Board" means the state administrative board created in 1921 PA 2, MCL 17.1 to 17.3.

(c) "Development plan" means a written plan that addresses the criteria in section 7 and includes all of the following:

(*i*) A map of the proposed renaissance zone that indicates the geographic boundaries, the total area, and the present use and conditions generally of the land and structures within those boundaries.

(*ii*) Evidence of community support and commitment from residential and business interests.

(*iii*) A description of the methods proposed to increase economic opportunity and expansion, facilitate infrastructure improvement, and identify job training opportunities.

(*iv*) Current social, economic, and demographic characteristics of the proposed renaissance zone and anticipated improvements in education, health, human services, public safety, and employment if the renaissance zone is created.

(*v*) Any other information required by the board.

(d) "Elected county executive" means the elected county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573.

(e) "Forest products processing facility" means 1 or more facilities or operations that transform, package, sort, recycle, or grade forest or paper products into goods that are used for intermediate or final use or consumption or for the creation of biomass or alternative fuels through the utilization of forest products or forest residue, and surrounding property. Forest products processing facility does not include an existing facility or operation that is located in this state that relocates to a renaissance zone for a forest products processing facility. Forest products processing facility does not include a facility or operation that engages primarily in retail sales.

(f) "Local governmental unit" means a county, city, village, or township.

(g) "Person" means an individual, partnership, corporation, association, limited liability company, governmental entity, or other legal entity.

(h) "Qualified local governmental unit" means either of the following:

(*i*) A county.

(*ii*) A city, village, or township that contains an eligible distressed area as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(i) "Recovery zone" means a tool and die renaissance recovery zone created in section 8d.

(j) "Renaissance zone" means a geographic area designated under this act.

(k) "Renewable energy facility" means a system that creates energy from a process using residues from agricultural products, forest products, paper products industries, and food production and processing; trees and grasses grown specifically to be used as energy crops; and gaseous fuels produced from solid biomass, animal wastes, or landfills.

(*l*) "Residential rental property" means that term as defined in section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff.

(m) "Review board" means the renaissance zone review board created in section 5.

(n) "Rural area" means an area that lies outside of the boundaries of an urban area.

(o) "Urban area" means an urbanized area as determined by the economics and statistics administration, United States bureau of the census according to the 1990 census.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1999, Act 98, Eff. Oct. 11, 1999;—Am. 2000, Act 259, Imd. Eff. June 29, 2000;—Am. 2005, Act 275, Imd. Eff. Dec. 19, 2005;—Am. 2006, Act 273, Imd. Eff. July 7, 2006;—Am. 2006, Act 304, Imd. Eff. July 20, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2684 Designation of local governmental unit as renaissance zone; application; criteria; additional distinct geographic areas; extension of status.

Sec. 4. (1) One or more qualified local governmental units may apply to the review board to designate the qualified local governmental unit or units as a renaissance zone if all of the following criteria are met:

(a) The geographic area of the proposed renaissance zone is located within the boundaries of the qualified local governmental unit or units that apply.

(b) The application includes a development plan.

(c) The proposed renaissance zone is not more than 5,000 acres in size.

(d) The renaissance zone does not contain more than 10 distinct geographic areas. Except as otherwise provided in this subdivision, the minimum size of a distinct geographic area is not less than 5 acres. A qualified local governmental unit or units may designate not more than 4 distinct geographic areas in each renaissance zone to have no minimum size requirement.

(e) The application includes the proposed duration of renaissance zone status, not to exceed 15 years, except as otherwise provided in this section.

(f) If the qualified local governmental unit has an elected county executive, the county executive's written approval of the application.

(g) If the qualified local governmental unit is a city, that city's mayor's written approval of the application.

(2) A qualified local governmental unit may submit not more than 1 application to the review board for designation as a renaissance zone. A resolution provided by a city, village, or township under section 7(2) does not constitute an application of a city, village, or township for a renaissance zone under this act.

(3) For a distinct geographic area described in subsection (1)(d), a village may include publicly owned land within the boundaries of any distinct geographic area.

(4) Beginning December 1, 2006 through December 31, 2011, a qualified local governmental unit or units in which a renaissance zone was designated under section 8 or 8a(1) or (3) may designate additional distinct geographic areas not to exceed a total of 10 distinct geographic areas upon application to and approval by the board of the Michigan strategic fund if the distinct geographic area is located in an eligible distressed area as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411, or is contiguous to an eligible distressed area, and if the additional distinct geographic area will increase capital investment and job creation. The duration of renaissance zone status for the additional distinct geographic areas shall not exceed 15 years.

(5) Through December 31, 2002, if a qualified local governmental unit or units designate additional distinct geographic areas in a renaissance zone under subsection (4), the qualified local governmental unit or units may extend the duration of the renaissance zone status of 1 or more distinct geographic areas in that renaissance zone until 2017 upon application to and approval by the board.

(6) Through December 31, 2002, a qualified local governmental unit or units in which a renaissance zone

was designated under section 8 or 8a may, upon application to and approval by the board, seek to extend the duration of renaissance zone status until 2017. Upon application, the board may extend the duration of renaissance zone status.

(7) Through December 31, 2011, a qualified local governmental unit or units in which a renaissance zone was designated under section 8 or 8a(1) or (3) that has not experienced significant development may, upon application to and approval by the board of the Michigan strategic fund, seek to extend the duration of renaissance zone status for 1 or more portions of the renaissance zone. The board of the Michigan strategic fund may extend renaissance zone status for 1 or more portions of the renaissance zone under this subsection for a period of time not to exceed 15 years from the date of the application to the board of the Michigan strategic fund under this subsection.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1999, Act 139, Imd. Eff. Oct. 11, 1999;—Am. 2000, Act 259, Imd. Eff. June 29, 2000;—Am. 2002, Act 477, Imd. Eff. June 27, 2002;—Am. 2006, Act 440, Imd. Eff. Oct. 5, 2006.

Compiler's note: Enacting section 1 of Act 477 of 2002 provides:

"Enacting section 1. This amendatory act is retroactive and is effective for 1 or more distinct geographic areas whose duration of renaissance zone status has been extended on and after April 1, 2002. Any action by a qualified local governmental unit on and after April 1, 2002 and until the effective date of this amendatory act to extend the duration of renaissance zone status on additional distinct geographic areas without approval by the board is null and void."

For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2685 Renaissance zone review board; creation; membership; review of applications; recommendations; submission date; compensation; reimbursement for travel and expenses.

Sec. 5. (1) The renaissance zone review board is created. The review board shall consist of the board of the Michigan strategic fund described in section 4 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.

(2) The review board shall review all applications submitted by qualified local governmental units and make recommendations to the board for approval based on the criteria contained in section 7.

(3) The review board and the board shall not consider an application if the application was submitted after September 30, 1996 for designations under section 8.

(4) Members of the board and the review board shall serve without compensation for their membership on the board and the review board, but members of the board and the review board may receive reasonable reimbursement for necessary travel and expenses.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1999, Act 98, Eff. Oct. 11, 1999.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2686 Renaissance zone review board; duties; prohibitions; modifications; payment in lieu of taxes.

Sec. 6. (1) The board shall review all recommendations submitted by the review board and determine which applications meet the criteria contained in section 7.

(2) The board shall do all of the following:

(a) Designate renaissance zones.

(b) Subject to subsection (3), approve or reject the duration of renaissance zone status.

(c) Subject to subsection (3), approve or reject the geographic boundaries and the total area of the renaissance zone as submitted in the application.

(3) The board shall not alter the geographic boundaries of the renaissance zone or the duration of renaissance zone status described in the application unless the qualified local governmental unit or units and the local governmental unit or units in which the renaissance zone is to be located consent by resolution to the alteration.

(4) The board shall not designate a renaissance zone under section 8 before November 1, 1996 or after December 31, 1996.

(5) The designation of a renaissance zone under this act shall take effect on January 1 in the year following designation. However, for purposes of the taxes exempted under section 9(2), the designation of a renaissance zone under this act shall take effect on December 31 in the year of designation.

(6) The board shall not designate a renaissance zone under section 8a after December 31, 2002.

(7) Through December 31, 2002, a qualified local governmental unit in which a renaissance zone was designated under section 8 or 8a may modify the boundaries of that renaissance zone to include contiguous parcels of property as determined by the qualified local governmental unit and approval by the review board.

The additional contiguous parcels of property included in a renaissance zone under this subsection do not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcels of property shall become part of the original renaissance zone on the same terms and conditions as the original designation of that renaissance zone.

(8) Notwithstanding any other provisions of this act, before July 1, 2004, a qualified local governmental unit in which a renaissance zone was designated under section 8a(1) as a renaissance zone located in a rural area may modify the boundaries of that renaissance zone to include a contiguous parcel of property as determined by the qualified local governmental unit. The contiguous parcel of property shall only include property that is less than .5 acres in size and that the qualified local governmental unit previously sought to have included in the zone by submitting an application in February 2002 that was not acted upon by the review board. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

(9) A business that is located and conducts business activity within a renaissance zone designated under this act, except as designated under section 8a(2), shall not make a payment in lieu of taxes to any taxing jurisdiction within the qualified local governmental unit in which the renaissance zone is located.

(10) Notwithstanding any other provisions of this act, before July 1, 2006, a qualified local governmental unit in which a renaissance zone of less than 50 contiguous acres but more than 20 contiguous acres was designated under section 8 or 8a as a renaissance zone in a city located in a county with a population of more than 160,000 and less than 170,000 may modify the boundaries of that renaissance zone to include a contiguous parcel of property as determined by the qualified local governmental unit. The contiguous parcel of property shall only include property that is less than 12 acres in size. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

(11) Notwithstanding any other provisions of this act, before July 1, 2006, a qualified local governmental unit in which a renaissance zone of more than 500 acres was designated under section 8 or 8a as a renaissance zone in a county with a population of more than 61,000 and less than 64,000 may modify the boundaries of that renaissance zone to include a contiguous parcel of property as determined by the qualified local governmental unit. The contiguous parcel of property shall only include property that is less than 12 acres in size. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

(12) Notwithstanding any other provisions of this act, before July 1, 2006, a qualified local governmental unit in which a renaissance zone of more than 137 acres was designated under section 8 or 8a as a renaissance zone in a county with a population of more than 61,000 and less than 63,000 may modify the boundaries of that renaissance zone to include a parcel of property that is separated from the existing renaissance zone by a roadway as determined by the qualified local governmental unit. The parcel of property shall only include property that is less than 67 acres in size. The additional contiguous parcel of property included in a renaissance zone under this subsection does not constitute an additional distinct geographic area under section 4(1)(d). If the boundaries of the renaissance zone are modified as provided in this subsection, the additional contiguous parcel of property shall become part of the original renaissance zone on the same terms and conditions as the rest of the property in that renaissance zone.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1999, Act 139, Imd. Eff. Oct. 11, 1999;—Am. 2000, Act 259, Imd. Eff. June 29, 2000;—Am. 2002, Act 478, Imd. Eff. June 27, 2002;—Am. 2003, Act 93, Imd. Eff. July 24, 2003;—Am. 2004, Act 16, Imd. Eff. Mar. 4, 2004;—Am. 2004, Act 430, Imd. Eff. Dec. 20, 2004;—Am. 2006, Act 116, Imd. Eff. Apr. 11, 2006;—Am. 2006, Act 304, Imd. Eff. July 20, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2687 Renaissance zone; designation; criteria; resolution; report of transaction with or gift to official or employee of local governmental unit.

Sec. 7. (1) The board shall consider the following criteria in designating a renaissance zone:

(a) Shall give priority to applications that include new business activity.

(b) Evidence of adverse economic and socioeconomic conditions within the proposed renaissance zone.

(c) The viability of the development plan.

(d) Whether the development plan is creative and innovative.

(e) Public and private commitment to and other resources available for the proposed renaissance zone.

(f) How renaissance zone designation would relate to a broader plan for the community as a whole.

(g) The level of demonstrated cooperation from surrounding communities.

(h) How the local regulatory burden will be eased for businesses operating in the proposed renaissance zone.

(i) Public and private commitment to improving abandoned real property.

(j) Any other information required by the board.

(2) The board shall not designate an area as a renaissance zone unless each city, village, or township, within which the proposed renaissance zone is to be located, provides a resolution from its governing body that states if the renaissance zone designation is granted, persons and property within the renaissance zone are exempt from taxes levied by that city, village, or township as provided in this act.

(3) Within a 12-month period immediately preceding and immediately following designation of a renaissance zone or submission of an application for consideration as a renaissance zone, an individual who is a resident of a renaissance zone or an area being considered for designation as a renaissance zone, a business that is located and conducts business activity within a renaissance zone or an area being considered for designation as a renaissance zone, or an officer of a business that is located and conducts business activity within a renaissance zone or an area being considered for designation as a renaissance zone shall report to the chief executive officer of the local governmental unit in which the renaissance zone is designated or the local governmental unit that has applied for renaissance zone designation any transaction with or gift to any official or employee of that local governmental unit. As used in this subsection, "gift" means that term as defined in section 4 of 1978 PA 472, MCL 4.414.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 2000, Act 259, Imd. Eff. June 29, 2000.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688 Designation of renaissance zones; limitation; additional zones; submission of designations to legislature; rejection of designations by concurrent resolution.

Sec. 8. (1) Except as otherwise provided in this act, the board shall not designate more than 9 renaissance zones within this state. Not more than 6 of the renaissance zones shall be located in urban areas and not more than 4 of the renaissance zones shall be located in rural areas. For purposes of determining whether a renaissance zone is located in an urban area or rural area under this section, if any part of a renaissance zone is located within an urban area, the entire renaissance zone shall be considered to be located in an urban area.

(2) The board may designate additional renaissance zones within this state in 1 or more qualified local governmental units if that qualified local governmental unit or units contain a military installation that was operated by the United States department of defense and has closed after 1990.

(3) Each renaissance zone designated by the board under section 8a shall be submitted to the legislature, which, by concurrent resolution adopted by a majority vote of those elected to and serving in each house, on a record roll call vote, may reject that designation no later than the earlier of 45 days following the date of the designation by the board or December 31 of the year of designation.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1999, Act 139, Imd. Eff. Oct. 11, 1999;—Am. 2003, Act 93, Imd. Eff. July 24, 2003;—Am. 2003, Act 266, Imd. Eff. Jan. 5, 2004;—Am. 2006, Act 304, Imd. Eff. July 20, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688a Additional renaissance zones; designation; property located in alternative energy zone; definitions.

Sec. 8a. (1) Except as provided in subsections (2), (3), and (4), the board shall not designate more than 9 additional renaissance zones within this state under this section. Not more than 6 of the renaissance zones shall be located in urban areas and not more than 5 of the renaissance zones shall be located in rural areas. For purposes of determining whether a renaissance zone is located in an urban area or rural area under this section, if any part of a renaissance zone is located within an urban area, the entire renaissance zone shall be considered to be located in an urban area.

(2) The board of the Michigan strategic fund described in section 4 of the Michigan strategic fund act,

1984 PA 270, MCL 125.2004, may designate not more than 13 additional renaissance zones within this state in 1 or more cities, villages, or townships if that city, village, or township or combination of cities, villages, or townships consents to the creation of a renaissance zone within their boundaries. The board of the Michigan strategic fund may designate not more than 1 of the 13 additional renaissance zones described in this subsection as an alternative energy zone. An alternative energy zone shall promote and increase the research, development, testing, and manufacturing of alternative energy technology, alternative energy systems, and alternative energy vehicles, as those terms are defined in the Michigan next energy authority act, 2002 PA 593, MCL 207.821 to 207.827. An alternative energy zone shall have a duration of renaissance zone status for a period not to exceed 20 years as determined by the board of the Michigan strategic fund. Not later than April 16, 2004, the board of the Michigan strategic fund may designate not more than 1 of the 13 additional renaissance zones described in this subsection as a pharmaceutical renaissance zone. A pharmaceutical renaissance zone shall promote and increase the research, development, and manufacturing of pharmaceutical products of an eligible pharmaceutical company. The board of the Michigan strategic fund may designate not more than 8 of the additional 13 renaissance zones described in this subsection as a redevelopment renaissance zone. A redevelopment renaissance zone shall promote the redevelopment of existing industrial facilities or the development of property for industrial purposes. Before designating a renaissance zone under this subsection, the board of the Michigan strategic fund may enter into a development agreement with the city, township, or village in which the renaissance zone will be located and the owner or developer of the facility or property located in the renaissance zone. The development agreement for a redevelopment renaissance zone described only in subsection (6)(b)(*vi*) or (*vii*) may provide for the payment of 1 or more of the taxes described in section 9.

(3) In addition to the not more than 9 additional renaissance zones described in subsection (1), the board may designate additional renaissance zones within this state in 1 or more qualified local governmental units if that qualified local governmental unit or units contain a military installation that was operated by the United States department of defense and was closed in 1977 or after 1990.

(4) Land owned by a county or the qualified local governmental unit or units adjacent to a zone as described in subsection (3) may be included in this zone.

(5) Notwithstanding any other provision of this act, property located in the alternative energy zone that is classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, and that the authority, with the concurrence of the assessor of the local tax collecting unit, determines is not used to directly promote and increase the research, development, testing, and manufacturing of alternative energy technology, alternative energy systems, and alternative energy vehicles as those terms are defined in the Michigan next energy authority act, 2002 PA 593, MCL 207.821 to 207.827, is not eligible for any exemption, deduction, or credit under section 9.

(6) As used in this section:

(a) "Eligible pharmaceutical company" means a company that meets all of the following criteria:

(*i*) Is engaged primarily in manufacturing, research and development, and sale of pharmaceuticals.

(*ii*) Has not less than 8,499 employees located in this state, all of whom are located within a 100-mile radius of each other.

(*iii*) Of the total number of employees located in this state, has not less than 4,800 engaged primarily in research and development of pharmaceuticals.

(b) "Redevelopment renaissance zone" means a renaissance zone that meets 1 of the following:

(*i*) All of the following:

(A) Is located in a city with a population of more than 7,500 and less than 8,500 and is located in a county with a population of more than 60,000 and less than 70,000.

(B) Contains only all or a portion of an industrial site of 200 or more acres.

(*ii*) All of the following:

(A) Is located in a city with a population of more than 13,000 and less than 14,000 and is located in a county with a population of more than 1,000,000 and less than 1,300,000.

(B) Contains only all or a portion of an industrial site of 300 or more contiguous acres.

(*iii*) All of the following:

(A) Is located in a township with a population of more than 5,500 and is located in a county with a population of less than 24,000.

(B) Contains only all or a portion of an industrial site of more than 850 acres and has railroad access.

(*iv*) All of the following:

(A) Is located in a city with a population of more than 40,000 and less than 44,000 and is located in a county with a population of more than 81,000 and less than 87,000.

(B) Contains only all or a portion of an industrial site of more than 475 acres.

(*v*) All of the following:
(A) Is located in a city with a population of more than 21,000 and less than 26,000 and is located in a county with a population of more than 573,000 and less than 625,000.
(B) Contains only all or a portion of an industrial site of less than 45 acres in size.
(*vi*) All of the following:
(A) Is located in a city with a population of more than 190,000 and less than 250,000 and is located in a county with a population of more than 573,000 and less than 625,000.
(B) Contains only all or a portion of an industrial site of more than 14 acres and less than 16 acres in size.
(C) Is approved by the board of the Michigan strategic fund on or before April 1, 2007.
(*vii*) All of the following:
(A) Is located in a city with a population of more than 35,500 and less than 36,800 and is located in a county with a population of more than 157,000 and less than 162,000.
(B) Contains only all or a portion of an industrial site comprised of 1 or more adjacent parcels totaling 5 or more acres.
(C) Is approved by the board of the Michigan strategic fund on or before April 1, 2007.
(*viii*) All of the following:
(A) Is located in a city with a population of more than 40,000 and less than 44,000 and is located in a county with a population of more than 81,000 and less than 87,000.
(B) Contains only all or a portion of an industrial site composed of 1 or more adjacent parcels totaling 100 or more acres.
(C) Is approved by the board of the Michigan strategic fund on or before April 1, 2008.

History: Add. 1999, Act 98, Eff. Oct. 11, 1999;—Am. 2000, Act 259, Imd. Eff. June 29, 2000;—Am. 2002, Act 512, Imd. Eff. July 23, 2002;—Am. 2002, Act 587, Imd. Eff. Oct. 16, 2002;—Am. 2004, Act 430, Imd. Eff. Dec. 20, 2004;—Am. 2006, Act 116, Imd. Eff. Apr. 11, 2006;—Am. 2006, Act 440, Imd. Eff. Oct. 5, 2006;—Am. 2006, Act 475, Imd. Eff. Dec. 21, 2006;—Am. 2006, Act 476, Imd. Eff. Dec. 21, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688b Applicability of §§ 15.261 to 15.275 to local governmental units.

Sec. 8b. It is the intent of the legislature that local governmental units subject to this act shall follow all state statutes that relate to condemnation of property and the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

History: Add. 1999, Act 98, Eff. Oct. 11, 1999.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688c Additional renaissance zones for agricultural processing facilities.

Sec. 8c. (1) The board, upon recommendation of the board of the Michigan strategic fund defined in section 4 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004, and upon recommendation of the commission of agriculture, may designate not more than 30 additional renaissance zones for agricultural processing facilities within this state in 1 or more cities, villages, or townships if that city, village, or township or combination of cities, villages, or townships consents to the creation of a renaissance zone for an agricultural processing facility within their boundaries.
(2) Each renaissance zone designated for an agricultural processing facility under this section shall be 1 continuous distinct geographic area.
(3) The board may revoke the designation of all or a portion of a renaissance zone for an agricultural processing facility if the board determines that the agricultural processing facility does 1 or more of the following in a renaissance zone designated under this section:
(a) Fails to commence operation.
(b) Ceases operation.
(c) Fails to commence construction or renovation within 1 year from the date the renaissance zone for the agricultural processing facility is designated.
(4) Beginning on the date of the amendatory act that added this subsection, the board shall consider all of the following when designating a renaissance zone for an agricultural processing facility:
(a) The economic impact on local suppliers who supply raw materials, goods, and services to the agricultural processing facility.
(b) The creation of jobs relative to the employment base of the community rather than the static number of jobs created.

(c) The viability of the project.
(d) The economic impact on the community in which the agricultural processing facility is located.
(e) All other things being equal, giving preference to a business entity already located in this state.
(5) Beginning on the date of the amendatory act that added this subsection, the board shall do all of the following:
(a) Require a development agreement between the Michigan strategic fund and the agricultural processing facility.
(b) Designate not less than 3 of the renaissance zones for agricultural processing facilities that have an initial capital investment of less than $7,000,000.00.
(c) Designate not less than 5 of the renaissance zones for agricultural processing facilities in rural areas.
(6) As used in this section, "development agreement" means a written agreement between the Michigan strategic fund and the agricultural processing facility that includes, but is not limited to, all of the following:
(a) A requirement that the agricultural processing facility comply with all state and local laws.
(b) A requirement that the agricultural processing facility report annually to the Michigan strategic fund on all of the following:
(*i*) The amount of capital investment made at the facility.
(*ii*) The number of individuals employed at the facility at the beginning and end of the reporting period as well as the number of individuals transferred to the facility from another facility owned by the agricultural processing facility.
(*iii*) The percentage of raw materials purchased in this state.
(c) Any other conditions or requirements reasonably required by the Michigan strategic fund.

History: Add. 2000, Act 259, Imd. Eff. June 29, 2000;—Am. 2003, Act 93, Imd. Eff. July 24, 2003;—Am. 2006, Act 284, Imd. Eff. July 10, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688d Tool and die renaissance recovery zones; definitions.

Sec. 8d. (1) The board of the Michigan strategic fund described in section 4 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004, may designate not more than 25 tool and die renaissance recovery zones within this state in 1 or more cities, villages, or townships if that city, village, or township or combination of cities, villages, or townships consents to the creation of a recovery zone within their boundaries. A recovery zone shall have a duration of renaissance zone status for a period of not less than 5 years and not more than 15 years as determined by the board of the Michigan strategic fund. If the Michigan strategic fund determines that the duration of renaissance zone status for a recovery zone is less than 15 years, then the Michigan strategic fund, with the consent of the city, village, or township or combination of cities, villages, or townships in which the qualified tool and die business is located, may extend the duration of renaissance zone status for the recovery zone for 1 or more periods that when combined do not exceed 15 years. Not less than 1 of the recovery zones shall consist of 1 or more qualified tool and die businesses that have a North American industrial classification system (NAICS) of 332997.

(2) The board of the Michigan strategic fund may designate a recovery zone within this state if the recovery zone consists of not less than 4 and not more than 20 qualified tool and die businesses at the time of designation. If the board of the Michigan strategic fund designated 1 or more recovery zones that contain less than 20 qualified tool and die businesses before December 19, 2005, the board of the Michigan strategic fund may add additional qualified tool and die businesses to that recovery zone subject to the limitations contained in this subsection. A recovery zone shall consist of only qualified tool and die business property. The board of the Michigan strategic fund may combine existing recovery zones that are comprised solely of tool and die businesses that are parties to the same qualified collaborative agreement. Where 2 or more recovery zones have been combined, the board of the Michigan strategic fund may continue to designate additional recovery zones, provided that no more than 25 tool and die recovery zones exist at 1 time.

(3) The board of the Michigan strategic fund may revoke the designation of all or a portion of a recovery zone with respect to 1 or more qualified tool and die businesses if those qualified tool and die businesses fail or cease to participate in or comply with a qualified collaborative agreement. A qualified tool and die business may enter into another qualified collaborative agreement once it is designated part of a recovery zone.

(4) One or more qualified tool and die businesses subject to a qualified collaborative agreement may merge into another group of qualified tool and die businesses subject to a different qualified collaborative agreement upon application to and approval by the Michigan strategic fund.

(5) A qualified tool and die business in a recovery zone may have a different period of renaissance zone status than other qualified tool and die businesses in the same recovery zone.

(6) The board of the Michigan strategic fund may modify an existing recovery zone to add 1 or more qualified tool and die businesses with the consent of all other qualified tool and die businesses that are participating in the recovery zone.

(7) As used in this section:

(a) "Qualified collaborative agreement" means an agreement that demonstrates synergistic opportunities, including, but not limited to, all of the following:

(*i*) Sales and marketing efforts.

(*ii*) Development of standardized processes.

(*iii*) Development of tooling standards.

(*iv*) Standardized project management methods.

(*v*) Improved ability for specialized or small niche shops to develop expertise and compete successfully on larger programs.

(b) "Qualified tool and die business" means a business entity that meets all of the following:

(*i*) Has a North American industrial classification system (NAICS) of 332997, 333511, 333512, 333513, 333514, or 333515; or has a North American industrial classification system (NAICS) of 337215 and operates a facility within an existing renaissance zone, which facility is adjacent to real property not located in a renaissance zone and is located within 1/4 mile of a Michigan technical education center.

(*ii*) Has entered into a qualified collaboration agreement as approved by the Michigan strategic fund consisting of not fewer than 4 or more than 20 other business entities at the time of designation that have a North American industrial classification system (NAICS) of 332997, 333511, 333512, 333513, 333514, or 333515.

(*iii*) Has fewer than 75 full-time employees.

(c) "Qualified tool and die business property" means 1 or more of the following:

(*i*) Property owned by 1 or more qualified tool and die businesses and used by those qualified tool and die businesses primarily for tool and die business operations. Qualified tool and die business property is used primarily for tool and die business operations if the qualified tool and die businesses that own the qualified tool and die business property generate 75% or more of the qualified tool and die businesses' gross revenue from tool and die operations that take place on the qualified tool and die business property at the time of designation.

(*ii*) Property leased by 1 or more qualified tool and die business for which the qualified tool and die business is liable for ad valorem property taxes and which is used by those qualified tool and die businesses primarily for tool and die business operations. Qualified tool and die business property is used primarily for tool and die business operations if the qualified tool and die businesses that lease the qualified tool and die business property generate 75% or more of the qualified tool and die businesses' gross revenue from tool and die operations that take place on the qualified tool and die business property at the time of designation. The qualified tool and die business shall furnish proof of its ad valorem property tax liability to the department of treasury.

History: Add. 2003, Act 266, Imd. Eff. Jan. 5, 2004;—Am. 2004, Act 202, Imd. Eff. July 13, 2004;—Am. 2005, Act 276, Imd. Eff. Dec. 19, 2005;—Am. 2006, Act 93, Imd. Eff. Apr. 4, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688e Designation of additional renaissance zones for renewable energy facilities.

Sec. 8e. (1) The board, upon recommendation of the board of the Michigan strategic fund defined in section 4 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004, may designate not more than 10 additional renaissance zones for renewable energy facilities within this state in 1 or more cities, villages, or townships if that city, village, or township or combination of cities, villages, or townships consents to the creation of a renaissance zone for a renewable energy facility within their boundaries.

(2) Each renaissance zone designated for a renewable energy facility under this section shall be 1 continuous distinct geographic area.

(3) The board may revoke the designation of all or a portion of a renaissance zone for a renewable energy facility if the board determines that the renewable energy facility does 1 or more of the following in a renaissance zone designated under this section:

(a) Fails to commence operation.

(b) Ceases operation.

(c) Fails to commence construction or renovation within 1 year from the date the renaissance zone for the renewable energy facility is designated.

(4) When designating a renaissance zone for a renewable energy facility, the board shall consider all of the

following:

(a) The economic impact on local suppliers who supply raw materials, goods, and services to the renewable energy facility.

(b) The creation of jobs relative to the employment base of the community rather than the static number of jobs created.

(c) The viability of the project.

(d) The economic impact on the community in which the renewable energy facility is located.

(e) All other things being equal, giving preference to a business entity already located in this state.

(f) Whether the renewable energy facility can be located in an existing renaissance zone designated under section 8 or 8a.

(5) Beginning on the effective date of the amendatory act that added this subsection, the board shall require a development agreement between the Michigan strategic fund and the renewable energy facility.

(6) Until the maximum number of additional renaissance zones for renewable energy facilities described in subsection (1) is met, if the board designates a renaissance zone under this section, section 8c, or section 8f for a facility that is a forest products processing facility or an agricultural processing facility and that also meets the definition of a renewable energy facility, then the board shall only designate that renaissance zone as a renaissance zone for a renewable energy facility under this section.

(7) As used in this section, "development agreement" means a written agreement between the Michigan strategic fund and the renewable energy facility that includes, but is not limited to, all of the following:

(a) A requirement that the renewable energy facility comply with all state and local laws.

(b) A requirement that the renewable energy facility report annually to the Michigan strategic fund on all of the following:

(*i*) The amount of capital investment made at the facility.

(*ii*) The number of individuals employed at the facility at the beginning and end of the reporting period as well as the number of individuals transferred to the facility from another facility owned by the renewable energy facility.

(*iii*) The percentage of raw materials purchased in this state.

(c) Any other conditions or requirements reasonably required by the Michigan strategic fund.

History: Add. 2006, Act 270, Imd. Eff. July 7, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2688f Forest products processing facility; designation of additional renaissance zones.

Sec. 8f. (1) The board, upon recommendation of the board of the Michigan strategic fund defined in section 4 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004, may designate not more than 10 additional renaissance zones for forest products processing facilities within this state in 1 or more cities, villages, or townships if that city, village, or township or combination of cities, villages, or townships consents to the creation of a renaissance zone for a forest products processing facility within their boundaries. The board shall designate not more than 5 renaissance zones for a forest products processing facility each year until the maximum number of renaissance zones for a forest products processing facility is met.

(2) Each renaissance zone designated for a forest products processing facility under this section shall be 1 continuous distinct geographic area.

(3) The board may revoke the designation of all or a portion of a renaissance zone for a forest products processing facility if the board determines that the forest products processing facility does 1 or more of the following in a renaissance zone designated under this section:

(a) Fails to commence operation.

(b) Ceases operation.

(c) Fails to commence construction or renovation within 1 year from the date the renaissance zone for the forest products processing facility is designated.

(4) Beginning on the effective date of the amendatory act that added this subsection, the board shall consider all of the following when designating a renaissance zone for a forest products processing facility:

(a) The economic impact on local suppliers who supply raw materials, goods, and services to the forest products processing facility.

(b) The creation of jobs relative to the employment base of the community rather than the static number of jobs created.

(c) The viability of the project.

(d) The economic impact on the community in which the forest products processing facility is located.

(e) Whether the forest products processing facility can be located in an existing renaissance zone designated under section 8 or 8a.

(5) Beginning on the effective date of the amendatory act that added this subsection, the board shall require a development agreement between the Michigan strategic fund and the forest products processing facility.

(6) As used in this section, "development agreement" means a written agreement between the Michigan strategic fund and the forest products processing facility that includes, but is not limited to, all of the following:

(a) A requirement that the forest products processing facility comply with all state and local laws.

(b) A requirement that the forest products processing facility report annually to the Michigan strategic fund on all of the following:

(*i*) The amount of capital investment made at the facility.

(*ii*) The number of individuals employed at the facility at the beginning and end of the reporting period as well as the number of individuals transferred to the facility from another facility owned by the forest products processing facility.

(*iii*) The percentage of raw materials purchased in this state.

(c) Any other conditions or requirements reasonably required by the Michigan strategic fund.

History: Add. 2006, Act 305, Imd. Eff. July 20, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2689 Exemption, deduction, or credit.

Sec. 9. (1) Except as otherwise provided in section 10, an individual who is a resident of a renaissance zone or a business that is located and conducts business activity within a renaissance zone shall receive the exemption, deduction, or credit as provided in the following for the period provided under section 6(2)(b):

(a) Section 39b of the single business tax act, Act No. 228 of the Public Acts of 1975, being section 208.39b of the Michigan Compiled Laws.

(b) Section 31 of the income tax act of 1967, Act No. 281 of the Public Acts of 1967, being section 206.31 of the Michigan Compiled Laws.

(c) Section 35 of chapter 2 of the city income tax act, Act No. 284 of the Public Acts of 1964, being section 141.635 of the Michigan Compiled Laws.

(d) Section 5 of the city utility users tax act, Act No. 100 of the Public Acts of 1990, being section 141.1155 of the Michigan Compiled Laws.

(2) Except as otherwise provided in section 10, property located in a renaissance zone is exempt from the collection of taxes under all of the following:

(a) Section 7ff of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.7ff of the Michigan Compiled Laws.

(b) Section 11 of Act No. 198 of the Public Acts of 1974, being section 207.561 of the Michigan Compiled Laws.

(c) Section 12 of the commercial redevelopment act, Act No. 255 of the Public Acts of 1978, being section 207.662 of the Michigan Compiled Laws.

(d) Section 21c of the enterprise zone act, Act No. 224 of the Public Acts of 1985, being section 125.2121c of the Michigan Compiled Laws.

(e) Section 1 of Act No. 189 of the Public Acts of 1953, being section 211.181 of the Michigan Compiled Laws.

(f) Section 12 of the technology park development act, Act No. 385 of the Public Acts of 1984, being section 207.712 of the Michigan Compiled Laws.

(g) Section 51105 of part 511 (commercial forests) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.51105 of the Michigan Compiled Laws.

(h) Section 9 of the neighborhood enterprise zone act, Act No. 147 of the Public Acts of 1992, being section 207.779 of the Michigan Compiled Laws.

(3) During the last 3 years that the taxpayer is eligible for an exemption, deduction, or credit described in subsections (1) and (2), the exemption, deduction, or credit shall be reduced by the following percentages:

(a) For the tax year that is 2 years before the final year of designation as a renaissance zone, the percentage shall be 25%.

(b) For the tax year immediately preceding the final year of designation as a renaissance zone, the percentage shall be 50%.

(c) For the tax year that is the final year of designation as a renaissance zone, the percentage shall be 75%.

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2690 Individuals or businesses ineligible for exemption, deduction, or credit; limitations.

Sec. 10. (1) An individual who is a resident of a renaissance zone or a business that is located and conducts business activity within a renaissance zone or a person that owns property located in a renaissance zone is not eligible for the exemption, deduction, or credit listed in section 9(1) or (2) for that taxable year if 1 or more of the following apply:

(a) The resident, business, or property owner is delinquent on December 31 of the prior tax year under 1 or more of the following:

(*i*) The single business tax act, 1975 PA 228, MCL 208.1 to 208.145.

(*ii*) The income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532.

(*iii*) 1974 PA 198, MCL 207.551 to 207.572.

(*iv*) The commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668.

(*v*) The enterprise zone act, 1985 PA 224, MCL 125.2101 to 125.2123.

(*vi*) 1953 PA 189, MCL 211.181 to 211.182.

(*vii*) The technology park development act, 1984 PA 385, MCL 207.701 to 207.718.

(*viii*) Part 511 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120.

(*ix*) The neighborhood enterprise zone act, 1992 PA 147, MCL 207.771 to 207.786.

(*x*) The city utility users tax act, 1990 PA 100, MCL 141.1151 to 141.1177.

(b) The resident, business, or property owner is substantially delinquent as defined in a written policy by the qualified local governmental unit in which the renaissance zone is located on December 31 of the prior tax year under 1 or both of the following:

(*i*) The city income tax act, 1964 PA 284, MCL 141.501 to 141.787.

(*ii*) Taxes, fees, and special assessments collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(c) For residential rental property in a renaissance zone, the residential rental property is not in substantial compliance with all applicable state and local zoning, building, and housing laws, ordinances, or codes and, except as otherwise provided in this subdivision, the residential rental property owner has not filed an affidavit before December 31 in the immediately preceding tax year with the local tax collecting unit in which the residential rental property is located as required under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff. Beginning December 31, 2004, a residential rental property owner is not required to file an affidavit if the qualified local governmental unit in which the residential rental property is located determines that the residential rental property is in substantial compliance with all applicable state and local zoning, building, and housing laws, ordinances, and codes on December 31 of the immediately preceding tax year.

(2) An individual who is a resident of a renaissance zone is eligible for an exemption, deduction, or credit under section 9(1) and (2) until the department of treasury determines that the aggregate state and local tax revenue forgone as a result of all exemptions, deductions, or credits granted under this act to that individual reaches $10,000,000.00.

(3) A casino located and conducting business activity within a renaissance zone is not eligible for the exemption, deduction, or credit listed in section 9(1) or (2). Real property in a renaissance zone on which a casino is operated, personal property of a casino located in a renaissance zone, and all property associated or affiliated with the operation of a casino is not eligible for the exemption, deduction, or credit listed in section 9(1) or (2). As used in this subsection, "casino" means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

(4) For tax years beginning on or after January 1, 1997, an individual who is a resident of a renaissance zone shall not be denied the exemption under subsection (1) if the individual failed to file a return on or before December 31 of the prior tax year under subsection (1)(a)(*ii*) and that individual was entitled to a refund under that act.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 1998, Act 239, Imd. Eff. July 3, 1998;—Am. 1999, Act 36, Imd. Eff. June 3, 1999;—Am. 1999, Act 139, Imd. Eff. Oct. 11, 1999;—Am. 2000, Act 259, Imd. Eff. June 29, 2000;—Am. 2005, Act 164, Imd. Eff. Oct. 6, 2005.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2691 Application form.

Sec. 11. The form of the application for a renaissance zone designation shall be as specified by the Michigan strategic fund. After the form of the application is specified by the Michigan strategic fund, the Michigan strategic fund shall file a copy of the application with each house of the legislature. The board may request any information from an applicant, in addition to that contained in an application, as may be needed to permit the board to discharge its responsibilities under this act.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 2006, Act 440, Imd. Eff. Oct. 5, 2006.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2692 Reimbursement to intermediate school districts, local school districts, community college districts, public libraries, and school aid fund.

Sec. 12. (1) This state shall reimburse intermediate school districts each year for all tax revenue lost as the result of the exemption of property under this act, based on the property's taxable value in that year, from taxes levied under section 625a of the revised school code, 1976 PA 451, MCL 380.625a; from taxes levied for area vocational-technical program operating purposes under section 681 of the revised school code, 1976 PA 451, MCL 380.681; and from taxes levied for special education operating purposes under section 1724a of the revised school code, 1976 PA 451, MCL 380.1724a.

(2) This state shall reimburse local school districts each year for all tax revenue lost as the result of the exemption of property under this act from taxes levied under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211, based on the property's taxable value in that year.

(3) This state shall reimburse a community college district and a public library each year for all tax revenue lost as a result of the exemption of property under this act, based on the property's taxable value in that year, from taxes levied or collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(4) Intermediate school districts, community college districts, and public libraries eligible for reimbursement under subsections (1) and (3) shall report to and on a date determined by the department of treasury all revenue lost for which reimbursement under subsections (1) and (3) is claimed. A local school district eligible for reimbursement under subsection (2) shall report each year on a date determined by the department of treasury all revenue lost for which reimbursement under subsection (2) is claimed.

(5) This state shall reimburse the school aid fund for all revenues lost as the result of the establishment of renaissance zones. Foundation allowances calculated under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, shall not be reduced as a result of lost revenues arising from this act.

History: 1996, Act 376, Imd. Eff. July 17, 1996;—Am. 2002, Act 745, Imd. Eff. Dec. 30, 2002.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2693 Business conducted at public meeting.

Sec. 13. (1) The board and the review board shall conduct all business at public meetings held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of each meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A record or a portion of a record, material, application, or other data received, prepared, used, or retained by the board or review board is subject to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2694 Construction of act.

Sec. 14. This act shall be construed liberally to effectuate the legislative intent and the purposes of this act and as complete and independent authority for the performance of each and every act and thing authorized by this act, and all powers granted by this act shall be broadly interpreted to effectuate the intent and purposes of this act and not as a limitation of powers.

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2695 Report to legislature.

Sec. 15. The department of Michigan jobs commission shall annually report to the legislature on the economic effects of this act in each renaissance zone. The report shall include, but is not limited to, all of the following for each renaissance zone:

(a) Number of new jobs created.

(b) Percentage change in aggregate taxable value and state equalized value.

(c) Average wage of new jobs created.

(d) Percentage change of adjusted gross income of residents.

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

125.2696 Report by state research university.

Sec. 16. A state research university shall annually report to the legislature on the economic effects of this act in each renaissance zone. The report shall include, but is not limited to, all of the following for each renaissance zone:

(a) Number of new jobs created.

(b) Percentage change in aggregate taxable value and state equalized value.

(c) Average wage of new jobs created.

(d) Percentage change of adjusted gross income of residents.

History: 1996, Act 376, Imd. Eff. July 17, 1996.

Compiler's note: For transfer of Michigan strategic fund from department of management and budget to department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Exhibit B

CITY COMMISSION POLICY

EXTENSION OF TIME PERIOD FOR EXISTING RENAISSANCE ZONE PARCELS
(July 24, 2007)

POLICY: The City will establish a program which allows individuals, businesses, developers and business areas to submit proposals for extending the timeline for properties in the City's Renaissance zone for significant new economic development projects. Applications will be accepted to extend the time period for individual parcels for specific economic development projects located within the existing Zones and will be evaluated on the basis of the criteria identified in this policy.

PURPOSE: To provide guidelines for evaluating and approving requests for extension of Renaissance Zone parcels for new development in zones that have not experienced significant development.

GOALS: The City's goals in extending the time period for existing individual Renaissance Zone parcels are:

1. To create jobs;
2. To encourage investment; and
3. To clean up and reutilize vacant and underutilized properties.

BACKGROUND

In 1999, the Cities of Muskegon and Muskegon Heights were jointly designated as a Renaissance Zone. At that time, the City of Muskegon selected two areas of the city as sub-zones. The City of Muskegon Heights designated four sub-zones. These sub-zones are identified as development zones that are virtually tax free for fifteen years. In 2000, the State of Michigan approved legislation, permitting the Muskegon/Muskegon Heights Renaissance Zone to apply to the Michigan Economic Development Corporation to expand existing zones contiguously and designate up to four new sub-zones. In 2002, four new sub-zones were approved by the State for the City of Muskegon. The goal of the program has been to encourage investment and create jobs by reutilizing vacant, contaminated, and underutilized properties in blighted neighborhoods and industrial zones

In 2006, the State of Michigan approved legislation which allows communities to apply to the Michigan Economic Development Corporation to extend the time period for existing Renaissance Zone parcels when a major economic development opportunity is proposed.

PROGRAM

The City will establish a program which allows individuals, businesses, developers and business areas to submit proposals for extending the timeline for properties in the City's Renaissance Zone for significant new economic development projects. Applications will be accepted to extend the time period for individual parcels for specific economic development projects located within the existing Zones and will be evaluated on the basis of the criteria identified in this policy.

REVIEW PROCESS

Proposal Content: All proposals must demonstrate that the project cannot reasonably be facilitated in the existing Renaissance Zone time frame. They must identify the parcels being proposed for extension of the Zone, the amount of real and personal property tax currently assessed to the site(s), and verify that the property meets at least three of the threshold criteria. Also, proposals should describe the type of use, amount of investment, jobs to be created, and other pertinent information about the project. A pro forma showing the difference in return on investment with and without Renaissance Zone savings must be submitted with the proposal.

The applicant will supply a statement of Renaissance Zone outcomes achieved since inclusion of the property in the zone, which include the number of years that the property has been in the Zone, the total investment in the property and building, the investment in personal property, the employment at the start of the Zone and the current employment at the site. The applicant will provide an estimate of the tax savings, to date, from the Renaissance Zone designation.

Applicants must pay a $5000 application fee and agree to pay all legal fees associated with the preparation of a Development Agreement.

Review: A proposal must meet a minimum of three of the threshold requirements that will be reviewed by City Staff based on the extent to which the project addresses the evaluating factors cited in this policy.

A review of the capacity, if any, below the modified (see next paragraph) $500,000 cap of property and income tax revenue the City may forego to support the Renaissance Zone program will be made as each application is reviewed.

INVESTMENT CAP LIMITATION

- The original City Renaissance Zone established an investment cap in 1999 at $50,000, focusing solely on lost City tax revenue.

- This revised policy maintains the $50,000 cap, but will evaluate projects on a case-by-case basis to determine whether the project is cap neutral, adds cap capacity or reduces available cap capacity.

- Cap Capacity will be determined by analyzing the annual value of income tax receipts from new jobs created within the City Renaissance Zones. The value will be used to calculate the available cap capacity as follows:

$50,000	Base Cap Established 1999
($8,200)	Existing Cap Capacity Utilized
$41,800	Existing Cap Capacity (before Income Tax Factor)

$1,000	Total 1999 Job Value (from new jobs created in Ren. Zone)	
$42,800	Total Remaining Cap Capacity	

Where:

Base Cap	=	The Cap of $50,000 established by City Commission in 1999
Utilized Cap Value	=	The estimated amount of actual property and income tax abated as of January 1999
Existing Cap Capacity	=	The difference between the Base Cap and the Utilized Cap Value
Job Value	=	The total number of jobs created by all projects in the City's Renaissance Zone multiplied by an estimated income tax value of $300 per job
Remaining Cap Capacity	=	Amount of City public revenue remaining to be invested in Renaissance Program

- A project's cap capacity impact will be determined by calculating the difference between property tax loss and income tax to be generated by the proposal. Projects may be neutral, may add cap capacity or may reduce cap capacity.

DEVELOPMENT AGREEMENT

Successful applicants will be required to enter into a development agreement with the City committing to the investment and/or job creation it has proposed and posting a performance bond or other guarantee of performance acceptable to the City. The City Commission will make a determination as to the number years each new or expanded area will be designated as a zone on a case-by-case basis and in compliance with State law. In no case will the designation be for more than fifteen years from the date of application to the Board of the Michigan Strategic Fund.

THRESHOLD CRITERIA

Must meet "a" or "b" of the following criteria plus two others to be considered for a Renaissance Zone Extension.

a. Project will be a catalyst for a major development or for multiple redevelopment opportunities in the City.
b. Project will add significant new City income tax from the creation of jobs new to Muskegon within three years of project completion. This income tax is to offset the loss of property taxes which are abated under the Renaissance Zone expansion.
c. Property has been vacant or fifty percent of building(s) unoccupied, for at least one year.
d. Project investment will be significant on a square foot basis.

e. Property is a contaminated site or functionally obsolete, as defined by current Michigan law.
f. Project shows other evidence of under-utilization or disinvestment.

EVALUATION FACTORS

Proposals for extending existing Zone areas which meet the appropriate threshold criteria will be considered based on the extent to which a project addresses the following evaluation factors:

a. The amount of income tax to be generated by new jobs relative to the amount of local City taxes abated.
b. The amount of investment in buildings and equipment.
c. The project allows a business to expand in the City, retains a significant number of jobs in the City, and/or will add jobs.
d. The project includes other investment in neighborhood revitalization or public infrastructure improvements or utilizes other public and private financing tools to maximize redevelopment benefits.
e. In the case of residential property, the extent to which the project will work to deconcentrate poverty, create mixed use redevelopment or develop downtown housing.
f. The amount of tax loss for the project does not exceed the amount the City Commission identifies for support of Renaissance Zones.
g. The extent to which designation may adversely affect DDA or other City financial obligations.
h. The project will enhance an area of the City and/or cause additional investment.
i. The project is consistent with the City's Master Plan.
j. Compliance with the following City ordinances and policies:
    1. All applicants must be current with all real and personal property taxes.
    2. All applicants must not be under written orders for violations of the zoning ordinance.
    3. All applicants must have a satisfactory record of compliance with regulations enforced by the City's Environmental Services Department.
k. History of investment. What is the history of ownership of and investment in the property since it was designated as a Renaissance Zone? What are the reasons that the property is still blighted and underutilized?

OTHER CONDITIONS

The City reserves the right to not award Renaissance Zone status to any or all proposals, nor is it obligated to abate taxes to the limit of capacity available. It may also decide to exceed the cap, if it believes the benefits of a project to the City warrant doing so. Applications must be filed by October 15, 2011, in order that they can be filed with the State by December 31, 2011. New Renaissance Zone designations are subject to approval by the Michigan Economic Development Corporation.

Exhibit C

HERITAGE SQUARE
TOWNHOMES

November 12, 2007

Ms. Cathy Brubaker-Clarke
Director of Community and Economic Development
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Subject: Heritage Square Town Home
Renaissance Zone Extension Request

Dear Cathy,

Please consider this letter as our request and application for an extension of the time period for an existing Renaissance Zone, namely those parcels included in the Heritage Square Townhome development.

Request

Heritage Square Development, LLC respectfully requests that the City of Muskegon grant a minimum of a seven-year extension to the Renaissance Zone designation for the six parcels (Units 16, 17, 18, 19, 20 and 21 of the Downtown Muskegon Development Center Site Condo No. 1) comprising the Heritage Square Townhome development. As demonstrated in this application, the proposed development meets all the City's goals for extension of an existing Renaissance Zone in that it:

1. creates both short-term and long-term jobs
2. encourages investment
3. cleans up and reutilizes vacant and underutilized properties.

Description of Project

The proposed project has been expanded to include twenty-two units of a row house style, live-work, residential condominium development in downtown Muskegon. Addition of units allows us to provide a wider range of offerings in both price, size and style. The redevelopment of this designated brownfield site will incorporate sustainable development elements such as rain gardens for

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stormwater management, green roofs on portions of the residences, and preservation of green space as shown on the site plans.

The proposed development represents an investment of over $5.0 million in downtown Muskegon. We anticipate that over $1.25 million of that will be construction employment during the build-out of this project. With the live-work concept and units being available for light commercial office space as well as modest retail space, we anticipate between twelve and twenty-four jobs will either be created or relocated into this development.

There are currently several different housing options offered or proposed in downtown Muskegon. Heritage Square Townhomes is different from, but complementary of, the other available options. For downtown Muskegon to be a vibrant, twenty-four/seven community, both retail and residential must thrive. A variety of housing options, resulting in an appropriate blend of residents, is also essential to a successful downtown. Muskegon already has New-York-style loft condos, up-scale waterfront housing, historic housing, senior housing, high-rise, modern-living condos, senior housing, and other affordable and market-rate apartments. Heritage Square Townhomes adds another exciting dimension to the housing choices in downtown Muskegon.

History of Site

Although the site accommodated both residences and businesses in the distant past, since the Muskegon Mall was built in the 1970's the property has been either vacant or used simply for parking for the mall. Since the mall was razed several years ago, the site has been mostly vacant and serves only as overflow parking for downtown events, some parking for residents of 297 Clay and staging for construction equipment and materials. Based on the recent environmental investigation, the property is a contaminated site as defined by current Michigan law.

Argument for Renaissance Zone Extension

Since the Renaissance Zone was created for the defunct mall properties, there has been no investment in building and property, personal property, or employment at this site. Accordingly, there has been no tax savings to date either from the Ren Zone designation. These incentive programs take time in order to be effective. Developers (and others) need to understand them. Projects need to be conceived. A host of other support services need to be created around them. Often, by the time a project breaks ground, much of the time period has been exhausted. Such is the case with this site and this development.

HERITAGE SQUARE
TOWNHOMES

With the original Renaissance Zone created in 1999 – and a fifteen-year incentive period designated - less than half the time remains to benefit from the incentive program. A reasonably anticipated four-year build-out of the project reduces the incentive period even more. By the time the last unit is constructed, the Ren Zone incentives will be phasing out.

Also, for this development the Ren Zone benefits do not so much accrue to the developer as they do to the end users/buyers of the units. This project can be built and is financially viable without the Ren Zone benefits. However, the tax incentives offered by the Ren Zone designation are critical to marketing and attracting the residents and business people to this location. We are still in the 'infancy' stage of creating a demand for residences downtown. Also, the current state of the overall housing market creates additional challenges for a development like this. Being able to offer more time under the Ren Zone designation is critical to the success of this development.

Other Considerations

The proposed Heritage Square Townhome project includes approximately 40,000 square feet of residential and/or work space, not including garages, basements, decks or outdoor living areas. The $5.0 million cost represents both a significant investment and a major addition to the housing stock in downtown Muskegon. With anticipated annual income levels from $40,000 to over $100,000, the project will also add significantly to the City income tax as units are completed and occupied.

The response to this project has so far been very positive. It will no doubt be a catalyst for other developments and redevelopment opportunities in the City. In addition, we anticipate applying for MBT brownfield tax credits in order to maximize the benefits of this project as well as use those funds to make improvements to the public infrastructure such as water and sewer services, sidewalks and streetscapes.

Also, as mentioned earlier, we have recently expanded the project to include a wider range of housing styles and prices. We believe good residential development includes a proper balance of offerings that appeal to both higher and lower income levels. The live-work opportunities naturally create mixed-use integrated with downtown housing.

We are very excited about this project and expect it will make a significant, positive statement in downtown Muskegon. We are ready to move forward quickly and anticipate doing so. Site engineering is underway and a site plan is

P.O. Box 732
Muskegon, MI 49443-0732
Ph. 231-578-2033

Exhibit D

CITY OF MUSKEGON

SPECIAL ASSESSMENT ROLL

Heritage Square Development, LLC, Special Assessment District No.1

The undersigned, pursuant to the direction of the City Commission, and based upon the request and consent of Heritage Square Development, LLC, hereby levies a special assessment on the property described in the attached Schedule "A." The following properties are hereby assessed for the said costs:

OWNER	**PROPERTY NO.**	**ASSESSMENT**
Heritage Square Development, LLC	24-921-012-0001-16	$94,000
	24-921-012-0001-17	
	24-921-012-0001-18	
	24-921-012-0001-19	
	24-921-012-0001-20	
	24-921-012-0001-21	

Installment Payments. The annual principal installments shall be paid over a period of fifteen (15) years. Each said annual payment shall be made on or before December 15. If Heritage Square Development, LLC has fully complied with its obligations pursuant to the Development Agreement for Renaissance Zone status between it and the City, executed on or about January 8, 2008 this special assessment and the consent thereto is void. The payments scheduled for December 15, 2009 and 2010 as in accordance with Schedule B, are waived pending Heritage Square Development, LLC's compliance with terms of the Development Agreement. In the event Heritage Square Development, LLC is in default under the terms of that agreement, the required special assessment shall be due and payable, as in accordance with Schedule B, including amounts temporarily waived in 2009 and 2010 pending compliance with the Agreement.

Acceleration. In the event any annual installment is not timely paid, the entire balance of the assessment, plus interest to accrue a 5% per annum, shall become immediately due and payable. This provision shall apply to the annual installment of the original and unpaid assessment.

Deposit and Investment of Assessment Payments. Assessment payments received shall be held and used by the City in such funds as may be required by the Renaissance Zone Act.

Certification

The above special assessment roll was confirmed on _______, 2008, at a regular meeting held at the City Hall. 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.

Date: _______, 2008

CITY OF MUSKEGON

By_______________
Ann Marie Becker, Clerk

Endorsement and Warrant

The above special assessment roll was confirmed on January ____, 2008, and is hereby endorsed. Warrant is hereby issued to the City Treasurer to collect same in accordance with its terms.

Date: __________, 2008

CITY OF MUSKEGON

By_______________
Stephen J. Warmington, Mayor

Consent to Special Assessment

The Special Assessment approved by the City Commission for the City of Muskegon is being done based upon the request of Heritage Square Development, LLC, owner of all property described in schedule A.

SCHEDULE "A"

Property Description

24-921-012-0001-16

CITY OF MUSKEGON REZ REAL REAL ID #24-233-000-0016-00 DISTRICT 12 DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 1

24-921-012-0001-17

CITY OF MUSKEGON REZ REAL REAL ID #24-233-000-0017-00 DISTRICT 12 DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 1

24-921-012-0001-18

CITY OF MUSKEGON REZ REAL REAL ID #24-233-000-0018-00 DISTRICT 12 DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 1

24-921-012-0001-19

CITY OF MUSKEGON REZ REAL REAL ID #24-233-000-0019-00 DISTRICT 12 DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 1

24-921-012-0001-20

CITY OF MUSKEGON REZ REAL REAL ID #24-233-000-0020-00 DISTRICT 12 DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 1

24-921-012-0001-21

CITY OF MUSKEGON REZ REAL REAL ID #24-233-000-0021-00 DISTRICT 12 DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 1

SCHEDULE "B"

	Total Assessment
February 15, 2009	$6,266.66 (waived)
February 15, 2010	$6,266.66(waived)
February 15, 2011	$6,266.66
February 15, 2012	$6,266.66
February 15, 2013	$6,266.67
February 15, 2014	$6,266.67
February 15, 2015	$6,266.67
February 15, 2016	$6,266.67
February 15, 2017	$6,266.67
February 15, 2018	$6,266.67
February 15, 2019	$6,266.67
February 15, 2020	$6,266.67
February 15, 2021	$6,266.67
February 15, 2022	$6,266.67
February 15, 2023	$6,266.67