

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

MAY 25, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

### MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, May 25, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson from the Word of Truth Outreach after which the Commission and Public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioners Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kunding.

#### **2004-49 INTRODUCTIONS/PRESENTATION**

##### **A. 2003 4<sup>th</sup> Quarter Employee Suggestion Award. CIVIL SERVICE**

Mayor Warmington presented the 2003 4<sup>th</sup> Quarter Employee Suggestion Award to Laurie Heykoop.

##### **B. 2004 1<sup>st</sup> Quarter Employee Suggestion Award. CIVIL SERVICE**

Mayor Warmington presented the 2004 1<sup>st</sup> Quarter Employee Suggestion Award to Wayne Peterson and also presented the Annual Random drawings to Scott Hemmelsbach and Larry Decou.

#### **2004-50 CONSENT AGENDA:**

##### **A. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, May 10, 2004; and the Regular Commission Meeting that was held on Tuesday, May 11, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

**B. MML – Annual Membership Dues (7/1/04 – 6/30/05). CITY MANAGER**

SUMMARY OF REQUEST: To obtain permission from the City Commission, in accordance with the Purchasing Policies and Procedures, to pay the MML Annual Membership Dues for July 1, 2004, through June 30, 2005.

FINANCIAL IMPACT:

MML Membership Dues:	\$8,190
Environmental Affairs Assessment:	983
Legal Defense Fund Membership:	<u>819</u>
Total Dues:	<u>\$9,992</u>

BUDGET ACTION REQUIRED: None. Cost applied to proper budget line items.

STAFF RECOMMENDATION: Approval

**C. Sale of Buildable Vacant Lot on Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1078 Marquette Avenue to Habitat for Humanity, 280 Ottawa Street, Muskegon MI. The lot is 154 x 142 ft. and is being offered to Habitat for Humanity for \$9,000. They plan to split the lot into two 77 ft. lots and construct two 1,260 sq. ft single-family home as part of the Jimmy Carter home building program. Habitat has met with the Marquette Neighborhood Association and they are supportive of this effort. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

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

BUDGET ACTION REQUIRED: None

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

**D. Sale of Non-Buildable Portion of 1078 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the sale of a non-buildable portion (25 feet) of a larger lot at 1078 Marquette Avenue to Doris Jibson, of 1066 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow Mrs. Jibson to own a house located on a buildable lot and expand her current yard. The remaining 154 feet has been requested by Habitat for Humanity as a buildable lot.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

**E. Sale of Marginal Lot at 604 Orchard Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant marginal lot at 604 Orchard Avenue to Tyrone & Nailah Matthews, 612 Orchard Avenue, Muskegon MI. Approval of this sale will allow the owner to have a home located on a buildable lot and also to expand their current yard. As is outlined in the Dollar Lot Marketing Plan, the Matthews own the smallest adjacent parcel, and are therefore being offered the entire lot for \$1.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

**F. Sale of Non-Buildable Lot at 498 Houston Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable at 498 Houston Avenue to Shannon H. Brown, of 492 Houston Avenue, Muskegon MI. Approval of this sale will allow the owner to have a home located on a buildable lot and also to expand her current yard. Since the other adjacent property owner did not respond to the opportunity to purchase a half of this lot, it is being offered to Ms. Brown for \$1 under the Dollar Lot Marketing Plan for residential lots.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

**G. Sale of Marginal Lot at 1725 Terrace Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OR REQUEST: To approve the sale of a vacant marginal lot at 1725 Terrace Street to Mario & Laurie Perez, owners of 232 E. Larch Avenue and May Property Management, LLC, owner of 1731 Terrace Street, Muskegon, MI 49442. Approval of this sale will allow both property owners to own houses located on

buildable lots, as well as to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1, and will be split between Mr. & Mrs. Perez and May Property Management under the Dollar Lot Policy.

FINANCIAL IMPACT: The sale of this lot will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

**H. Sale of Non-Buildable Lot at 2175 Lakeshore Drive.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 2175 Lakeshore Drive, Muskegon Avenue to Eleanor Daniels, of 2168 Denmark Street, Muskegon MI. Approval of this sale will allow the adjacent property owners to expand her current yard. Other adjacent property owners were offered the opportunity to purchase this lot, but were not interested. This lot is being offered to Mrs. Daniels for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of this lot will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

**I. Request for Final Planned Unit Development Approval for Phase II of V at 920 Washington Ave. - the Watermark Center (former Shaw Walker complex).** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for final approval for Phase II of the Planned Unit Development and associated site plan for the Watermark Center (former Shaw-Walker complex). This request is for 10,840 square feet of commercial space at the corner of Washington and Division. The request is from Hooker Dejong.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final PUD approval for Phase II and approval of the associated plans provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended final approval of Phase II of the PUD and associated plans, with the conditions listed on the resolution, at their regular meeting on 5/13. The vote was unanimous with P. Sartorius, S. Warmington, and B. Smith absent.

**J. FIRST READING: Zoning Ordinance Amendment for Taxi/Limousine Services. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to amend Section 1301 of Article X111 (B-4, General Business Districts) to add Taxi/Limousine Services under Special Land Uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add language regarding Taxi/Limousine services.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S Warmington, B. Smith and B. Mazade absent.

**K. FIRST READING: Zoning Ordinance Amendment for Theaters. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add indoor theaters under Special Land Uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add language regarding theaters.

COMMITTEE RECOMMENDATIONS: The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P.

Sartorius, S. Warmington and B. Smith absent.

**L. FIRST READING: Rezoning Request for Property Located at 135 Ottawa Street. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone property owned by Dale Horton, located at 135 Ottawa Street, from WM, Waterfront Marine to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington, B. Smith and B. Mazade absent.

**M. Authorization to Utilize Staples Business Program for Office Supply**

**Purchases.** PUBLIC SAFETY

SUMMARY OF REQUEST: A committee of City staff responsible for the purchase of supplies was established earlier this year. The task assigned to the group was to investigate various vendors and make a recommendation to the manager for the purchase of office supplies. The committee worked diligently through the process and examined three companies from the area. The first was Daniels Office Supply, the second was Office Max, and the third company was Staples. Through the study it became apparent that significant savings could be realized. Prices from the three companies were examined as well as delivery time, invoicing, ease of use, internet ordering, and having the items required for the operation of the City.

Staples came in first place due to an average savings of 23% over a two month sample of our current orders, next day delivery which is free with a \$25.00 minimum order and a single invoice to the Finance Department broken down by department. Additional items included the availability of cleaning supplies and other items normally not associated with an office supply company.

It is believed that we can obtain a significant savings over our current ordering practices over a two month period.

FINANCIAL IMPACT: None, as these funds are budgeted.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the committee's recommendation.

**N. 2004 Water Treatment Chemical Bids.** WATER FILTRATION

SUMMARY OF REQUEST: Recommend endorsement of lowest responsible bidders to supply aluminum sulfate, sodium hypochlorite, and fluoride for the Water Filtration Plant.

FINANCIAL IMPACT: Annual cost of \$70,498.00 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED: None at this time. These chemicals are budgeted annually.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission endorse the low bids received and the contract renewal and enter into contracts with General Chemical, Alexander Chemical, and Lucier Chemical for aluminum sulfate, sodium hypochlorite, and fluoride respectively.

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

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

**Nays: None**

***MOTION PASSES***

**2004-51 PUBLIC HEARINGS:**

**A. Amendments to Brownfield Plan – “The Watermark” Project. 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 P & G Holdings NY, LLC (“P & G”) in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the development of the condominiums and commercial space, proposed by the owners of “The Watermark” 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 May 25, 2004, at their April 27, 2004 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 April 20, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

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

**Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:54pm and to approve the resolution approving and adopting amendments for the Brownfield Plan, and authorize the Mayor and Clerk to sign the resolution.**

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

**Nays: None**

***MOTION PASSES***

**2004-52 NEW BUSINESS:**

**A. Muskegon Township Water Billing Service Contract. FINANCE**

SUMMARY OF REQUEST: The 2003 sale of the southside water system to Muskegon Township included a provision that the City would continue billing services (at no charge) to Township customers for a one-year period. The one-year period is

now expired and the Township has requested that the City continue billing services for at least one more year. The contract provides for the City to provide these services for one additional year with a possible second-year extension.

FINANCIAL IMPACT: The City will receive payment of \$60,000 to cover costs of billing services during 2004-05.

BUDGET ACTION REQUIRED: No budget action is recommended at this time.

STAFF RECOMMENDATION: Staff recommends approval of the proposed water billing service contract with Muskegon Township contingent upon prior approval by the Township Board.

**Motion by Vice Mayor Larson, second by Commissioner Carter to approve the proposed water billing service contract with Muskegon Township contingent upon prior approval by the Township Board.**

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

**Nays: None**

***MOTION PASSES***

**B. Technical Amendments to Deferred Comp Plan. FINANCE**

SUMMARY OF REQUEST: One of the benefits offered to City employees is the ability to contribute a portion of pay to a "457" tax-advantaged deferred compensation plan. 457 plans are similar in many ways to 401(k) programs but are specifically for public sector employees. Amendments to the Treasury Regulations governing 457 plans were made and our service provider (Hartford Insurance) recommends adoption of the resolution to bring our plan into conformity with the new regs.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the recommendation from service provider Hartford Insurance to adopt the resolution bring our 457 plan into conformity with the amendments to the Treasury Regulations.**

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

**Nays: None**

***MOTION PASSES***

**C. Granting of Easement to Resource Industries. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To grant a 57-foot easement across the City-owned property located at 1537 S. Getty Street to Re-Source Industries, Inc., 1485 S. Getty Street. The easement will be used as a driveway for trucks to access the loading dock area at the rear of their building. The only other access to this area available for Re-Source Industries is across their customer parking lot, which often contains cars, which impedes access.

FINANCIAL IMPACT: Re-Source Industries agreed to pay a one-time amount of \$2,000 for this easement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To grant the easement to Re-Source Industries, Inc.

**Motion by Commissioner Carter, second by Commissioner Davis to approve the easement to Resource Industries, Inc.**

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

**Nays: None**

***MOTION PASSES***

**D. 2004 Comprehensive Economic Development Strategy (CEDS) Project Submissions. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the list of projects for inclusion in the West Michigan Shoreline Regional Development Commission's annual Comprehensive Economic Development Strategy (CEDS). The Comprehensive Strategy is not an application for funds but rather a "wish list" for economic development within the West Michigan region.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution submitting projects from the City of Muskegon for inclusion in the 2004 Comprehensive Economic Development strategy.

COMMITTEE RECOMMENDATION: The City of Muskegon Planning Commission, at its regular meeting on May 13, 2004, recommended approval.

**Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the resolution submitting projects from the City of Muskegon for inclusion in the 2004 Comprehensive Economic Development Strategy.**

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

**Nays: None**

***MOTION PASSES***

**E. Liquor License Request - Vickibob Corporation, 1050 W. Western Avenue, Suite 111. CITY CLERK**

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Vickibob Corp., 1050 W. Western Avenue, Suite 111, in the Hartshorn Center for a new SDM license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on final inspection.

**Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the request from Vickibob Corp., 1050 W. Western Avenue, Suite 111, in the Hartshorn Center for a new SDM License, contingent on final inspection.**

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

**Nays: None**

***MOTION PASSES***

**F. Liquor License Transfer Request - BLMC Enterprises, Inc., 1601 Beach Street. CITY CLERK**

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from BLMC Enterprises, Inc., of 1601 Beach Street, to transfer ownership of the 2003 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 areas), 2 Bars, and Drive-up Window Permit from Beach Street Inn, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on final inspection and a zoning variance may be required for the drive-up window.

**Motion by Commissioner Spataro, second by Commissioner Gawron to approve the request from BLMC Enterprises, Inc of 1601 Beach Street to transfer ownership of the 2003 Class C-SDM licensed business with Dance-Entertainment permit, Official Permit (food), Outdoor Service (2areas), 2 Bars and Drive-up Window Permit from Beach Street Inn, Inc., contingent on final inspection.**

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

**Nays: None**

***MOTION PASSES***

**G. Concurrence with the Housing Board of Appeals Notice and Order to**

**Demolish the Following: PUBLIC SAFETY**

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

**1. 516 Allen – Garage Only – Area 11**

**CASE# & PROJECT ADDRESS:** #EN-040031 – 516 Allen Ave. - Garage

**LOCATION AND OWNERSHIP:** This structure is located on Allen between Williams and Scott Street. It is owned by Amanda Williams.

**STAFF CORRESPONDENCE:** A dangerous building inspection was conducted on 2/6/04. A Notice and Order to Repair was issued 2/9/04. On 4/1/04 the HBA declared the house substandard.

**OWNER CONTACT:** There has been no contact from the owner.

**FINANCIAL IMPACT:** CDBG Funds

**BUDGET ACTION REQUIRED:** None

**STATE EQUALIZED VALUE:** \$17,200 (House and garage)

**ESTIMATED COST TO REPAIR:** \$3,000

**2. 492 White – Area 11**

**CASE# & PROJECT ADDRESS:** #EN-040032 – 492 White

**LOCATION AND OWNERSHIP:** This structure is located on White between Williams and Scott Street. It is owned by the State of Michigan.

**STAFF CORRESPONDENCE:** A dangerous building inspection was conducted on 2/17/04. A Notice and Order to Repair was issued 2/20/04. On 4/1/04 the HBA declared the house substandard.

**OWNER CONTACT:** There has been no contact from the state.

**FINANCIAL IMPACT:** CDBG Funds

**BUDGET ACTION REQUIRED:** None

**STATE EQUALIZED VALUE:** N/A

**ESTIMATED COST TO REPAIR:** \$10,000 plus the cost of interior repairs

**3. 593 W. Western**

**CASE# & PROJECT ADDRESS:** #EN-030170-593 W. Western

**LOCATION AND OWNERSHIP:** This structure is located on Western Ave., between

Fifth and Sixth Streets. It is owned by the Westwood Group.

**STAFF CORRESPONDENCE:** A dangerous building inspection was conducted on 11/10/03. A Notice and Order to Repair was issued 11/10/03. On 1/8/04 the HBA declared the house substandard and on 3/2/04 the HDC concurred with their decision.

**OWNER CONTACT:** A representative of the Westwood Group spoke at the HBA meeting and stated they are trying to sell the building.

**FINANCIAL IMPACT:** General Funds

**BUDGET ACTION REQUIRED:** None

**STATE EQUALIZED VALUE:** \$32,600

**ESTIMATED COST TO REPAIR:** Unable to determine at this time, building is collapsed and scheduled for redevelopment at a cost that is unknown at this time.

#### 4. 1054 W. Grand

**CASE# & PROJECT ADDRESS:** #EN-040019 – 1054 W. Grand

**LOCATION AND OWNERSHIP:** This structure is located on West Grand between Franklin and Hudson and is owned by James Mackenzie.

**STAFF CORRESPONDENCE:** A dangerous building inspection was conducted on 1/27/04 after a complaint from a CPS worker stating he believed the house to be a dangerous situation. Upon inspection it was noted the house had been illegally converted to 2 units and the construction was not safe. A Notice and Order to Repair was issued 1/29/04. On 3/4/04 the HBA declared the house substandard.

**OWNER CONTACT:** The owner stated he is abandoning the house.

**FINANCIAL IMPACT:** General Funds

**BUDGET ACTION REQUIRED:** None

**STATE EQUALIZED VALUE:** \$20,100

**ESTIMATED COST TO REPAIR:** \$40,000

**STAFF RECOMMENDATION:** To concur with the Housing Board of Appeals decision to demolish.

**Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 516 Allen, 492 White, 593 W. Western and 1054 W. Grand and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.**

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

Nays: Davis

***MOTION PASSES***

**5. 586 Allen**

**CASE# & PROJECT ADDRESS:** #EN-040013 – 586 Allen Ave.

**LOCATION AND OWNERSHIP:** This structure is located on Allen between Williams and Scott Street. It is owned by Virginia Kelley (deceased)

**STAFF CORRESPONDENCE:** A dangerous building inspection was conducted on 1/26/04 and the Notice and Order to Repair was issued on the same day. On 4/1/04 the HBA declared the house substandard.

**OWNER CONTACT:** Leona Hendrie (daughter of Virginia) was present at the HBA meeting. She stated her brother who is incarcerated, lived in the house and there is a problem clearing the title. She did schedule an interior inspection which was conducted 4/13/04.

**FINANCIAL IMPACT:** CDBG Funds

**BUDGET ACTION REQUIRED:** None

**STATE EQUALIZED VALUE:** \$10,800

**ESTIMATED COST TO REPAIR:** \$12,000

**STAFF RECOMMENDATION:** To concur with the Housing Board of Appeals decision to demolish.

**Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 586 Allen and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.**

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

***MOTION PASSES***

**6. 782 W. Southern – Area 1**

**CASE# & PROJECT ADDRESS:** #EN-030155 – 782 W. Southern

**LOCATION AND OWNERSHIP:** This structure is located on Southern between Henry and Beidler and is owned by Sharee Hutchins.

**STAFF CORRESPONDENCE:** A dangerous building inspection was conducted on 9/18/03 and an interior inspection was conducted on 10/2/03. A Notice and Order to Repair was issued 10/17/03. On 12/4/03 the HBA declared the house substandard, but the Director of Inspections stated the case would not proceed to City Commission until the 2<sup>nd</sup> meeting in February to allow her time to get permits pulled. Ms. Hutchins stated she was trying to get rental rehab funding through CNS and she had to finish the project she was getting rehab for at the

time before she could apply for another project. She was told at the time that the value on the required repairs was in the \$50,000 range and she must proceed before the February meeting due to the length of time the house had been vacant. Her contractor stated he could pull the building permit by the end of January. She was told if permits were pulled and work commenced the case would not proceed. Building, electrical and mechanical permits were pulled by with the owner. As of 5/5/04 CNS had not received bid proposals form Ms. Hutchins and no commitment had been signed. A plumbing permit was not pulled.

**OWNER CONTACT:** A board up notice was issued to Sharee Hutchins 2/11/02 and on 2/18/02 she notified the Inspection office that she was working on clearing the title and couldn't do anything until after that. On 5/5/03 she was notified that the house was open again and she stated she had clear title and would pull permits to repair as soon as she had the paperwork. She let Inspections know she was still trying to get funding through CNS, but permits were pulled at the last minute and she had problems getting a person to repair the foundation. Her permits expired 5/15/04 and she asked for an extension, which was denied. She was notified of the case preceding the City Commission and asked again for an extension. She was told on 5/15/04 she had ten (10) days to complete the repairs.

**FINANCIAL IMPACT:** General Funds

**BUDGET ACTION REQUIRED:** None

**STATE EQUALIZED VALUE:** \$15,000

**ESTIMATED COST TO REPAIR:** \$50,000

**STAFF RECOMMENDATION:** To concur with the Housing Board of Appeals decision to demolish.

**Motion by Commissioner Gawron, second by Commissioner Spataro to concur with the Housing Board of Appeals decision to demolish 782 W. Southern with a delay for bids for demolition for 90 days.**

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

Nays: None

***MOTION PASSES***

**H. Restrictive Covenant for Michcon RAP CITY MANAGER**

**SUMMARY OF REQUEST:** To approve a restrictive covenant regarding the MichCon RAP on a property owned by the West Michigan Dock & Market Company and the City has an easement on.

**FINANCIAL IMPACT:** None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the documents and authorize the Mayor to execute same.

**Motion by Vice Mayor Larson, second by Commissioner Carter to approve the restrictive covenant regarding the MichCon RAP on a property owned by the West Michigan Dock & Market Company and the City and authorize the Mayor to execute same.**

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

**Nays: None**

***MOTION PASSES***

The Regular Commission meeting for the City of Muskegon was adjourned at 7:15pm.

Respectfully submitted,

Gail A. Kunding, MMC  
City Clerk