

July 28, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, July 28, 2008, at 7:30 o'clock p.m.

Present: Mayor Pro-Tem Gary Castonia, Councilors Kaye Holman, Paul Peterson, Greg Dykstra, Brent Scott, Dave Weston, and Pete Enblade.

Absent: His Honor Mayor John Henderson.

Also present were City Manager John Shay, Police Chief Mark Barnett, Fire Chief Jerry Funk, and City Clerk Deborah Luskin.

Invocation was pronounced by Councilor Pete Enblade.

Pledge to the Flag was given.

Moved by Councilor Weston, seconded by Councilor Holman, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Debbie Rasmussen, 914 N. Harrison St., questioned whether there would be any aid available under FEMA for damages due to the heavy rains in June and if not, are there other entities that will provide assistance to those homeowners who had property damage and are not covered by flood insurance. City Manager Shay explained that the aid FEMA will distribute is for damage to public infrastructure only and that there would be no aid available for individual homeowners under FEMA. He suggested that there may be a loan program available for those who sustained damage and he would get that information to Mrs. Rasmussen.

After no further comments were received, the regular order of business was resumed.

Moved by Councilor Scott, seconded by Councilor Holman, that the minutes of the regular meeting held 07/14/08 be approved as printed. Motion Carried.

The meeting was opened for the scheduled public hearing on the Determination of Necessity and Confirmation of Assessment Roll at 501 N. Rath Ave. After no further comments were received, the regular order of business was resumed.

Jeff Fortuna, Grand Rapids, Michigan, discussed the assessment for the sidewalk at 501 N. Rath Ave. He owns this property and explained that less than a year ago he was assessed and paid money to have part of the sidewalk replaced. He believes the existing repairs that were done last year were perfected. At the corner of North Rath Avenue and Fitch Street there is a curb cut on this corner he does believe this needs to be fixed however, he explained that he is in real estate and over the last fifteen years he believes this has been the worst year for his type of business. He would rather see his money put inside the house for improvements rather than in the sidewalk.

**SPECIAL ASSESSMENT ROLL CERTIFICATE**  
ADDITION NO. 4 E 95FT OF S ½ OF LOT 4 & E 95 FT OF LOT 5 BLOCK 153  
(501 N. RATH AVE.)  
IN THE CITY OF LUDINGTON

I hereby certify and report that the foregoing is the special assessment roll and the assessments made by me pursuant to a resolution of the City Council of the City of Ludington adopted July 28, 2008, for the purpose of paying that part of the cost which the City Council decided should be paid and borne by special assessment for the repair/construction of sidewalk on the above parcel; that in making such assessment I have, as near as may be and according to my best judgment, conformed in all things to the directions contained in the resolution of the City Council hereinbefore referred to, and the Charter and City Code of the City of Ludington relating to such assessment.

The foregoing Special Assessment Roll was presented and certified by City Assessor Rich Dykstra.

DETERMINATION OF NECESSITY AND CONFIRMATION  
OF ASSESSMENT ROLL  
2008 SIDEWALK REPLACEMENT NO. 1  
ADDITION NO. 4 E 95 FT OF S ½ OF LOT 4 & E 95 FT OF LOT 5 BLOCK 153

(501 N. RATH AVE)  
IN THE CITY OF LUDINGTON

WHEREAS, a combined hearing was held by the City Council to determine the necessity for the above improvement and to consider the confirmation of the proposed assessment roll, and

WHEREAS, due notice was provided by the City Clerk to all property owners or parties in interest in the property to be specially assessed, and

WHEREAS, the City Council finds that the above project is necessary for the benefit of the property owners to be assessed, and

WHEREAS, the City Council finds that the cost of the improvement has been fairly allocated and assessed against the properties benefited,

THEREFORE, BE IT RESOLVED:

1. That the City Council determines that the above improvement is necessary for the benefit of the properties to be benefited.
2. That the Special Assessment District is described as: ADDITION NO. 4 E 95 FT OF S ½ OF LOT 4 & E 95 FT OF LOT 5 BLOCK 153 (501 N. RATH AVE.)
3. That the above improvement is in the best interest of the resident whose property is benefited by such improvement.
4. That the estimated cost of the improvement is: ONE THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS AND SEVENTY-FIVE CENTS (\$1,818.75)
5. That seventy five percent (75%) of the total cost of such improvement shall be paid by special assessments.
6. That the assessments as contained in the attached assessment roll are hereby confirmed.
7. That the assessments may be paid in full or in scheduled monthly installments until June 1, 2009, at which time the remaining balance will be placed on the homeowner's summer taxes.
8. That the assessments shall be a lien upon the property described in the attached assessment roll in accordance with State Statute and Local Ordinances, including Chapter 42 of the Code of the City of Ludington.

After no further comments were received, the regular order of business was resumed.

Moved by Councilor Scott, seconded by Councilor Dykstra, that the foregoing Determination of Necessity and Confirmation of Assessment Roll be adopted. Councilor Holman stated that in committee meeting minutes the City has raised the portion that the homeowner must pay to 75% of the total cost and this would be paid by special assessment with the City paying the remaining, the 25%. Councilor Holman asked if maybe the City should assess 50% to the property owner if he is here to respond to the notice of assessment. City Manager John Shay explained the City sends out letters to those property owners who have sidewalks in poor condition. A letter was sent to Mr. Fortuna asking if he would pay 50% and the City would pay 50% and there was no response to this letter. The City then according to policy, brings this to City Council whereby it special assesses 75% of the total cost to the owner with the reason being is to recoup the City's cost of placing the notice in the newspaper and mailing the letters. The City is proceeding with this assessment as the state of the sidewalk is a public safety issue and by repairing the sidewalk there is also a benefit to the property value itself. City Manager Shay provided pictures of the condition of the sidewalk and explained that the City only pursues property where the sidewalk is in poor condition. Councilor Engblade asked if every property owner who is affected by this assessment receives notification of the assessment. It was explained that notification goes out to every property owner when sidewalks need to be repaired. Councilor Holman stated that she thought even though the owner did not respond to the original letter, he is at the Council meeting and she believes he should be eligible for the 50/50 assessment. Councilor Weston made a motion to amend the original motion to adopt the Determination of Necessity and Confirmation of Assessment Roll with 75% assessed to the property owner to read that the property owner be assessed 50% with the City paying the other 50%. Councilor Holman seconded this amended motion. City Manager Shay asked if the amended motion just applied just to 501 N. Rath and it was affirmed that this amended motion only applied to 501 N. Rath Ave. The result of voting on the amended motion was 3 ayes, 4 nays, Motion lost. Therefore, the language of the initial motion to adopt the foregoing Determination of Necessity and Confirmation of Assessment Roll with the owner paying 75% of the cost of the sidewalk and the City paying 25% was again up for vote. 4 ayes, 3 nays. Motion Carried.

The meeting was opened for the scheduled public hearing on the Resolution for establishing the Obsolete Property Rehabilitation District. After no comments were received, the regular order of business was resumed.

RESOLUTION FOR THE ESTABLISHMENT OF A  
OBSOLETE PROPERTY REHABILITATION DISTRICT FOR  
Keith R. Kolfage & Suzette Hodges-Kolfage

WHEREAS, Act No. 146 of the Michigan Public Acts of 2000, as amended, authorizes the City of Ludington to establish Obsolete Property Rehabilitation Districts; and

WHEREAS, by and according to Section 2(k) of the Act, the City of Ludington is a qualified *local* governmental unit; and

WHEREAS, by letter dated, June 12, 2009, Keith R. Kolfage & Suzette Hodges-Kolfage have requested the City Commission to establish a Obsolete Property Rehabilitation District under the provisions of Act No. 146 of the Michigan Public Acts of 2000, as amended; and

WHEREAS, notice of hearing of said request was published in the Ludington Daily News on July 18, 2008; and

WHEREAS, notice of said hearing was sent by certified mail, return receipt requested, to owners of all real estate in the proposed district and to all taxing jurisdictions effected by the establishment of said district, hereinafter legally described; and

WHEREAS, the Assessor of the City of Ludington has written an opinion finding that the property is a commercial property, according to the Act, and that the property is a functionally obsolete property, thereby meeting the requirements of the Act, and that the property is not a blighted property, nor is it a facility; and

WHEREAS, before acting on said application, the Ludington City Council held a hearing on July 28, 2008, at the Ludington Municipal Building, City Council Chambers, 400 S. Harrison St., Ludington, Michigan, at 7:30 p.m., at which hearing the applicant, the assessor, the owners of all real estate in the proposed district expansion, hereinafter legally described, and a representative of the effected taxing units, who were given previous written notice, were afforded an opportunity to be heard on said application; and

WHEREAS, said Act 146 of the Michigan Public Acts of 2000, as amended provides the local government unit, by resolution of its legislative body, may establish an Obsolete Property District;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

That in accordance with the provisions of Act 146 of the Michigan Public Acts of 2000, as amended (Obsolete Property Rehabilitation Act), an Obsolete Property Rehabilitation District for Keith R. Kolfage & Suzette Hodges-Kolfage is hereby established and is legally described as follows:

KASSON'S ADDITION LOTS 9, 10, 11 & 12, EXCEPT THE N 120 FT OF LOTS 11 & 12, BLOCK 1, AND THAT PARCEL OF LAND BOUNDED ON THE N BY THE S LINE OF LOTS 9 - 12 OF BLOCK 1, ON THE E BY E LINE OF LOT 12 PROJECTED S TO LUDINGTON AVE, ON THE W BY THE WESTLINE OF LOT 9 PROJECTED S TO LUDINGTON AVE., AND ON THE S BY THE NORTH LINE OF LUDINGTON AVE. ALSO IN KASSON'S ADDITION, THE S 60 FT OF THE N 120 FT OF LOTS 11 & 12, BLK 1.

commonly known as 717 E. Ludington Ave., all situated in the City of Ludington, Mason County, Michigan.

Moved by Councilor Engblade, seconded by Councilor Holman, that the foregoing Resolution for the Establishment of an Obsolete Property Rehabilitation District at 717 E. Ludington Ave. be adopted. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$1,252,470.02 for this period be approved and orders drawn according to the City Charter. Motion Carried.

#### ORDINANCE NO. 184-08

An ordinance to Amend and Restate the Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority.

##### Background

The City of Ludington created the Ludington Downtown Development Authority and established the Downtown Development District by Ordinance 794 on November 12, 1984. Such Development District was amended by Ordinance 843 on June 27, 1988. The City of Ludington adopted the Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority by Ordinance No. 864 on December 18, 1989. The Development and Tax Increment Financing Plan was extended for an additional 15 years by Ordinance 118-04 on October 25, 2004. The Ludington Downtown Development Authority has approved and has requested that the City approve the attached Amended and Restated Development & Tax Increment Financing Plan for the Ludington Downtown Development Authority.

THE CITY OF LUDINGTON ORDAINS:

Section 1: The City Council of the City of Ludington hereby finds as follows:

- (a) notice of the hearing or other required notices under the Downtown Development Authority Act, being Act 197 of the Public Acts of the Michigan Public Acts of 1975 as amended (the Act) have been properly given;
- (b) all persons wishing to address the Council in person or in writing have been given an opportunity to do so at the Public Hearing conducted by the City Council;
- (c) that the Amended and Restated Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority meets the requirements of Section 17(2) of the Act;

- (d) that the proposed method of financing the Development is feasible and that the Ludington Downtown Development Authority has the ability to arrange the financing;
- (e) that the Development is reasonable and necessary to carry out the purposes of the Act;
- (f) there is currently no land proposed to be acquired, and the proposed Amendment does preserve the right of the Ludington Downtown Development Authority to acquire property that is reasonably necessary to carry out the purposes of the plan and of the Act in an efficient and economically satisfactory manner;
- (g) that the Amended and Restated Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority is in reasonable accord with the Master Plan of the City of Ludington;
- (h) that public services such as fire and police protection and utilities are or will be adequate to service the project area; and,
- (i) changes, if any, in zoning, streets, street levels, intersections, and utilities shown in the Amended and Restated Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority as amended are reasonably necessary for the project and for the municipality.

Section 2: The City Council further finds that the attached Amended and Restated Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority constitutes a public purpose and is in the best interest of the City of Ludington and the residents of the City of Ludington, for the following reasons:

- (a) the Plan will preserve and enhance the Ludington Downtown area, making it more attractive to residents of the City and visitors to the City;
- (b) the Plan will improve the business climate of the Ludington Downtown area, attract new businesses and encourage the improvement of existing businesses in the Ludington Downtown area;
- (c) the Plan will increase property valuation in the Ludington Downtown area and contribute to the future financial stability of the City.

Section 3: The attached Amended and Restated Development and Tax Increment Financing Plan for the Ludington Downtown Development Authority is hereby approved.

Section 4: Severability: Should any provisions of this ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof.

Section 5: Effective date: This ordinance shall be effective 20 days after publication.

City Manager John Shay explained that this proposed ordinance was discussed at the last council meeting and would allow the Downtown Ludington Board to capture 12% of the increase of taxable value in the Downtown Development District. This money could be used for improvements in the North James Street areas, improvements to the parking lots in the Downtown Development District, marketing, signage, and revitalization of the downtown area. The capture of tax increment revenues shall be applicable to taxes for 2008 though and including the 2019 taxes.

Moved by Councilor Holman, seconded by Councilor Scott, that Ordinance No. 184-08 be adopted.

Roll Call: Ayes: Councilors Weston, Castonia, Scott, Holman, Dykstra, Englade, and Peterson.

Nays: None. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve renewing the City's property and casualty insurance with MMRMA for one year to reflect an increase in the Self-Insured Retention amount from \$75,000 to \$100,000 at a total premium cost of \$224,850. City Manager presented the various options that MMRMA has provided the City of Ludington. Currently, the City could renew the policy as is with a \$75,000 self insured retention at a cost of \$252,401. The City would then be responsible for covering the first \$75,000 of claims and MMRMA would pay anything above this. The City's loss damage fund has \$250,000 which would cover the self insured retention payments if there was a claim. The second option is \$100,000 self insured retention and a cost of \$224,850, with a premium savings of \$27,551. The Finance Committee is recommending the second option for one year and re-evaluate the options one year from now. Motion Carried.

## RESOLUTION AUTHORIZING FIRE-PROTECTION SERVICE OUTSIDE OF THE CITY LIMITS OF THE CITY OF LUDINGTON

WHEREAS, the City of Ludington has the capacity to provide fire-protection service outside of the city limits of the City of Ludington without prejudice or jeopardy to the residents of the City of Ludington; and

WHEREAS, certain owners of properties, real and personal, located outside of the city limits of the City of Ludington have requested the City of Ludington to provide fire-protection service on a contractual fee basis; and

WHEREAS, such fire-protection service outside the city limits is provided in coordination with the Western Mason County Fire District Authority, and the revenues received are used by the Authority for the purchase of equipment; and

WHEREAS, the Western Mason County Fire District Authority is recommending that the City of Ludington provide fire-protection service outside of the city limits of the City of Ludington on a contractual fee basis at a cost equivalent to 1.15 mills multiplied by the taxable value of the properties that receive this service.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ludington hereby authorizes the City of Ludington to provide fire-protection service outside of the city limits of the City of Ludington on a contractual fee basis for 1.15 mills multiplied by the taxable value of the properties that receive this service for the period of June 1, 2008 through May 31, 2009.

Moved by Councilor Weston, seconded by Councilor Scott, that the foregoing Resolution be adopted. Councilor Peterson asked if the millage would be the same as last year and it was confirmed it has been the same since 2004. Motion Carried.

Councilor Weston presented the June 2008 Monthly Police Activity Report. Police Chief Barnett stated that the Gus Macker and the 4<sup>th</sup> of July were more subdued than the past and activity has been lighter this year.

#### PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

RESOLVED WHEREAS, the City of Ludington hereinafter referred to as the "Governmental Agency", periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "Department", for permits, referred to as "Permit", to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the Department granting such Permit, the Governmental Agency agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the Governmental Agency by a contractor or subcontractor will be solely as a contractor for the Governmental Agency and not as a contractor or agent of the Department. Any claims by any contractor or subcontractor will be the sole responsibility of the Governmental Agency. The Department shall not be subject to any obligations or liabilities by vendors and contractors of the Governmental Agency, or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.
2. The Governmental Agency shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the Department, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the Department and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the Permit, it will be considered as a breach of the Permit thereby giving the State of Michigan, the Department, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the Department, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the Governmental Agencies facilities according to a Permit issued by the Department.
4. With respect to any activities authorized by Permit, when the Governmental Agencies requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the Department, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the Department and all officers, agents, and employees thereof, pursuant to a maintenance contract.
5. The incorporation by the Department of this resolution as part of a Permit does not prevent the Department from requiring additional performance security or insurance before issuance of a Permit.
6. This resolution shall continue in force from this date until cancelled by the Governmental Agency or the Department with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Governmental Agency with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the Governmental Agency.

Moved by Councilor Scott, seconded by Councilor Engblade, to adopt the foregoing Performance Resolution for Governmental Agencies. Councilor Peterson asked if this was approved every year and it was confirmed that it is approved every 4 years. Motion Carried.

Councilor Engblade commended Jerry Welton, Code Enforcement Officer for taking down yard sale signs and reminded everyone that it is illegal to put these signs on utility poles. He also thanked the City Assessor for going over with him to look at the proposed development recommended by Keith Kolfage in his request for the OPRA District designation.

#### ORDINANCE NO. 185-08

Short Title: An ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended.

THE CITY OF LUDINGTON ORDAINS:

##### Section 1.

ARTICLE 200.2, Section 200.2:6 shall be amended to read as follows:

##### SECTION 200.2:6

(1) **LOT:** A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description of record.

(2) **LOT AREA:** The total horizontal area within the lot lines of the lot.

(3) **LOT, CORNER:** Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents of the curve, at the points of beginning within the lot or at the points of inter-section of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

(4) **LOT COVERAGE:** That part or percent of the lot occupied by buildings, including accessory buildings.

(5) **LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(6) **LOT, DOUBLE FRONTAGE:** Any lot including a corner lot, as defined herein, having two or more sides abutting on one or more streets or roads.

(7) **LOT, INTERIOR:** Any lot other than a corner lot.

(8) **LOT LINES:** The lines bounding a lot are defined as follows:

(a) **FRONT LOT LINE:** The line separating the lot from the street, *except along the shoreline in RIA where the front lot line is the high water mark.*

(b) **REAR LOT LINE:** The line opposite to and most distant from the front lot line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.

(c) **SIDE LOT LINE:** Any line other than front or rear lot lines.

(d) **STREET OR ALLEY LOT LINE:** Any line separating a lot from a street or alley.

(9) **LOT OF RECORD:** A parcel of land, the deed to which is on record with the County Register of Deeds, and which exists as described.

(10) **LOT, THROUGH:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

(11) **LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

(12) **LOT, ZONING:** A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, does not have to coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

##### Section 2.

ARTICLE 200.2, Section 200.2:11 shall be amended to read as follows:

##### SECTION 200.2:11

(1) **WATERFRONT DISTRICT:** Any reference to "any Waterfront District". "A "Waterfront District" or similar reference shall mean any District the title to which contains the word "Waterfront" whether or not any property within such District borders a lake or stream.

(2) **YARD, LEAST DEPTH OR WIDTH:** The shortest horizontal distance from each of the lot lines to the building thereon.

(3) **YARD, FRONT:** The open space extending the full width of the lot between the main building and front lot line except as provided in SECTIONS 500.10:1 and 500.10:2. *In the case of a shoreline lot in zoning district RIA, Shore Front Residential, the front yard is that which abuts the lake shore.*

(4) **YARD, REAR:** The open space extending the full width of the lot between the main building and rear lot line, except as provided in SECTIONS 500.10:1 and 500.10:4.

(5) YARD, SIDE: The open space extending from the front yard to the rear yard between the main building and the side lot line, except as provided in SECTIONS 500.10:1 and 500.10:3.

(6) ZONING DISTRICTS: The areas into which the City has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in the Ordinance.

Section 3.

ARTICLE 500.10:2, Section 500.10:2 shall be amended to read as follows:

SECTION 500.10:2

(1) In any residential district, *except RIA, Shore Front Residential*, the front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots within 100 feet of said lot and within the same block and fronting on the same street, provided the front depth shall not be less than 15 feet.

Section 4. Severability: It is the legislative intent of the City Council that all provisions of this Ordinance be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City. Should any provision of this Ordinance or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remainder of this Ordinance shall stand, notwithstanding the invalidity of any such provision thereof.

Section 5. Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Effective Date: This ordinance shall take effect twenty (20) days after publication.

Councilor Holman explained that the reasons for the text changes to this ordinance are to resolve the questions that arise when talking about the front and back of shoreline property.

Moved by Councilor Holman, seconded by Councilor Weston, to adopt Ordinance No. 185-08.

Roll Call: Ayes: Councilors Castonia, Holman, Peterson, Engblade, Scott, Dykstra, and Weston.

Nays: None. Motion Carried.

Mason County Growth Alliance President Julie VanDyke presented an update of the activities of the Growth Alliance. She explained that the Growth Alliance is working on a couple of manufacturing prospects which are still pending, and Mason County is in the top 3 with one of these companies. The RFPs that she is seeing are focused on alternative energy. The Growth Alliance is also working with City Manager Shay and Community Development Director Loney on the development of a block in the downtown area as well as the opportunity to receive a Community Development Block Grant. There is a film industry group moving forward with a sound stage in both Manistee and Mason Counties. Bill Kratz is no longer the Mason County MEDC representative, the new representative is Lydia Murray. The Mason County Growth Alliance is going to be providing a Small Business Technology and Development Center representative in Mason County to cover Mason, Oceana and Lake Counties which will be funded through a partnership of the Growth Alliance, West Shore Community College, and in kind with the Chamber of Commerce. This will help prospective businesses as well as current businesses.

Councilor Peterson commented on the costs to the City for the Gus Macker which were \$14,169 for DPW and \$5,300 for the Police Department and he was wondering if the City was going to get anything for this. City Manager Shay explained that the City receives the showcasing of the City. Mayor Pro-Tem Gary Castonia referred the Gus Macker involvement to the Finance Committee to discuss whether the City should charge the Gus Macker Committee for the DPW and Police services that it receives during this event.

Police Chief Mark Barnett reminded all that the first movie provided by Movies in the Park will be on August 7<sup>th</sup> and the movie will begin at dusk.

Moved by Councilor Engblade, seconded by Councilor Holman, that the meeting be adjourned. So carried at 8:23 p.m.

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Deborah L. Luskin, City Clerk