

August 24, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, August 24, 2009, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson and Councilors Kaye Holman, Paul Peterson, Greg Dykstra, Brent Scott, Pete Enblade, and Gary Castonia.

Absent: Councilor Weston who was excused.

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

Invocation was pronounced by Councilor Enblade.

Pledge to the Flag was given.

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

The meeting was opened for public comments.

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

Moved by Councilor Scott, seconded by Councilor Holman, to approve the minutes of the regular meeting on 8/10/09. Motion Carried.

The meeting was opened to hear public comments on the proposed Obsolete Property Rehabilitation District at 225 W. Ludington Avenue.

Bob Neal, 110 William St. and Westnd Development, LLC is his company. He explained that 225 W. Ludington, the property for which the OPRA district is being requested, is the old bowling alley which is not usable in its present form. He is asking that the OPRA district be established as he is trying to bring six new retail stores in this building by next summer and charge rent on a percentage of sales with no minimum. He believes that this will help the downtown with another block for shopping.

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

RESOLUTION FOR THE ESTABLISHMENT OF A  
OBSOLETE PROPERTY REHABILITATION DISTRICT FOR  
Westnd Development LLC

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, July 27, 2009, Westnd Development LLC, has requested the City Council 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 August 14, 2009; 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 City Assessor of the City of Ludington sets forth a finding and determination that the district meets the requirements set forth in section 3(1) of Public Act 146 of 2000; and

WHEREAS, before acting on said application, the Ludington City Council held a hearing on August 24, 2009, at the Ludington Municipal Building, City Council Chambers, 400 S. Harrison St., Ludington, Michigan, at 6:30 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 a 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 Westnd Development LLC is hereby established and is legally described as follows:

ORIGINAL PLAT COMMENCING AT THE NE CORNER OF LOT 1 THENCE W 101 ½ FT, S 140 FT, E 25.5 FT, N 38 FT, E 76 FT, N 102 FT TO BEGINNING. ALSO THE W 20 FT LOT 2, LOT 3 AND E 36 FT OF LOT 4, ALL IN BLOCK 46, commonly known as 225 W. Ludington Ave., all situated in the City of Ludington, Mason County, Michigan

Moved by Councilor Holman, seconded by Councilor Peterson, that the above Resolution for the Establishment of an Obsolete Property Rehabilitation District for Westnd Development LLC be adopted. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$543,024.26 for this period be approved and orders drawn according to the City Charter. 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, 2009 through May 31, 2010.

Moved by Councilor Castonia, seconded by Councilor Scott, that the foregoing Resolution Authorizing Fire Protection Service Outside of the city Limits be adopted. Motion Carried.

His Honor Mayor Henderson reminded all of the special meeting August 31, 2009, at 5:30 p.m. in the Council Chambers.

Councilor Holman commented that she had heard from a resident who questioned whether the Finance Committee actually looked at every bill prior to each council meeting. Councilor Holman assured the public that the Finance Committee does look at each expenditure and questions these expenditures in great detail.

Councilor Castonia thanked the City for the promptness in handling the painting of directional arrows in Stearns Outer Driver after the suggestion made by Bruce Fletcher at the last council meeting.

Moved by Councilor Engblade, seconded by Councilor Dykstra, that the meeting be adjourned. So carried at 6:40 p.m.

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Deborah L. Luskin, CMC  
City Clerk