

* AGENDA *
LUDINGTON CITY COUNCIL MEETING

Municipal Building
Monday, September 24, 2012
6:30 pm

- 1.) Roll Call
- 2.) Invocation
- 3.) Pledge of Allegiance
- 4.) Approve Agenda
- 5.) Meeting Open for Public Comments
- 6.) Approval of Minutes - Regular Meeting - September 10, 2012
- 7.) Public Hearing - SRS Industries LLC dba Whitehall Industries
 - a.) Close Public Hearing
 - b.) Adopt Agreement to Act 198 Certificate
 - c.) Adopt Resolution to Approve Application
- 8.) Communications
 - a.) LAAC - Approve Placement of Signs for Holiday Crafts Show - 11/24/2012
 - b.) Community Church - Approve Placement of Signs - Stuff a Truck - 10/13/2012
 - c.) DDA - Downtown Trick or Treat Event - 10/27/2012
 - d.) Oxy Wellness Fun Run/Walk - 10/6/2012
- 9.) Committee Reports
 - a.) Finance
 - 1.) Payment of Bills
 - b.) Personnel
 - c.) Public Safety / Public Utilities
 - d.) Buildings & Licenses / Long Range Planning & Industrial Development
 - 1.) Adopt Ordinance No. 248-12 - Rezoning
 - 2.) Adopt Ordinance No. 249-12 - Text Changes
 - e.) Cemetery, Parks, and Recreation / Waterfront
- 10.) Communications from City Officials
 - a.) Mayor
 - 1.) Update on Historic District
 - 2.) Set Public Hearing - 10/22/2012
 - b.) Mayor - Appeal FOIA Decision - September 11, 2012 - FOIA Request Dated 8/31/12
 - c.) City Manager - Closed Session - Discuss McAdams Lawsuit
- 11.) Miscellaneous Business
- 12.) Adjournment



JOHN HENDERSON, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, CITY TREASURER

CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

MEMORANDUM

TO: Mayor Henderson and the Ludington City Council
FROM: John Shay, City Manager JS
DATE: September 20, 2012
RE: City Manager's Report

The following are updates on issues, which are not on the agenda for the September 24, 2012 City Council meeting:

Leaf Pick-Up Schedule and Leaf Corral

The Department of Public Works will begin to pick up leaves at the curb or edge of the roads around October 15 – November 13. The schedule showing the dates that the leaves will be picked up in each section of the City will be available on the City's website. In addition, the City's leaf corral on Bryant Road will be open on Saturdays only from 1:00 p.m. – 5:00 p.m. beginning October 13 and ending November 10. This schedule, of course, may change based upon the weather and the rate at which the leaves actually fall to the ground. The City does not plan to pick up leaves in the spring. Allied Waste will continue to provide yard-waste services until the last Monday in November.

Danaher Water Tower Repainting

Work is continuing on the repainting of both the interior and exterior of the water tower. This work is expected to continue through about the end of October, weather permitting.

On the Shores of Lake Michigan

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, September 10, 2012, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson and Councilors Richard Rathsack, Wally Taranko, Nick Tykoski, and Gary Castonia.

Absent: Councilors Kaye Holman, Les Johnson and Wanda Marrison who were excused for personal reasons and illness as well as Police Chief Barnett who was excused for illness.

Also present were City Manager John Shay, City Attorney Richard Wilson, Police Officer Jacob Miller, Fire Chief Jerry Funk, City Treasurer Linda Rogers, and City Clerk Deborah Luskin.

Invocation was pronounced by Heather Venzke Tykoski.

Pledge to the Flag was given.

Moved by Councilor Castonia, seconded by Councilor Tykoski, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Tom Rotta, City of Ludington, commented that two weeks ago he asked the City Manager to provide to the taxpayers of the City an itemized list of the \$6,500 his spokeswoman says he owes for FOIA requests. He commented, "Put up or shut up." He stated that he does not appreciate that the third party spokeswoman for the City announced at a public meeting that he is in arrears for thousands of dollars to the City and some kind of indigent deadbeat. He questioned why is asking for information for news articles become such an imposition for City Hall that they have to repeatedly publicly attack the requestor using slanderous misinformation and lies. The crutch in the City is deep rooted and the records need to be opened up for all to see. He commented that the newspaper needs to begin acting as a watchdog for the people, not a guard dog for City Hall. He then stated that he was not allowed in City Hall for 14 months and the ban made it impossible for him to inspect FOIA records without the written permission of the FOIA Coordinator. He stated that he was not allowed to come to City Hall to inspect these records nor was he allowed to come to City Hall to vote for himself in the last November election. In February of this year, he still was not able to get to his polling place at City Hall because the City Manager failed to give him permission. The City Manager did reverse the ban from City Hall in early spring this year. He stated that this policy can be placed on anyone in the City if the unelected City Manager, who refuses to take the state mandated oath of office, wants to do so. He thanked Councilor Wanda Marrison for asking City Manager Shay for the fee structure on how much to charge for a FOIA request.

Jerry Funk, Ludington Fire Chief, commented that even though Tom Rotta continues to wear the Ludington Fire Department shirt; he is not a member of the fire department and does not represent the fire department.

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

Moved by Councilor Tykoski, seconded by Councilor Taranko, to approve the minutes of the regular meeting 8/27/12, as presented. Motion Carried.

Moved by Councilor Taranko, seconded by Councilor Tykoski, to approve the minutes of the closed session 8/27/12, as presented. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Tykoski, to approve Ludington High School's Request to hold the Homecoming Pep Assembly Request and Parade on September 21, 2012. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Tykoski, to approve Ludington High School's Request to hold the Homecoming Parade on September 21, 2012. Motion Carried.

Moved by Councilor Taranko, seconded by Councilor Rathsack, that the Finance Report with total expenditures in the amount of \$292,239.10 for this period can be approved and orders drawn according to the City Charter. Motion Carried.

A public hearing was set for September 24, 2012, at 6:30 p.m. in the Council Chambers to hear comments on the application for Industrial Facilities Tax Exemption Certificate by SRS Industries LLC dba Whitehall Industries.

Councilor Castonia commented that the Public Safety Committee did meet on the fireworks ordinance and they are tweaking it to coincide with the State ordinance and will respond back to council at the next meeting.

Ordinance No. 248-12, an ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended, to rezone the "WESCO Block" from Waterfront Marine 2 to Waterfront Central Business District, was presented for the first reading.

Ordinance No. 249-12, an ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended, to allow single-family dwellings in Waterfront Marine 2 only in Original Plat, Lots 7,8,9,10, 11 and 12, Block 48 and Original Plat, Lots 9,10,11 and 12, Block 49, was presented for the first reading.

Ordinances No. 248-12 and 249-12 shall be presented for adoption on 09/24/2012 and are available for public inspection in the City Clerk's office during regular business hours.

Moved by Councilor Taranko, seconded by Councilor Castonia, to approve the Contract for Building Inspection and Plan Review Services between the City of Ludington and Thomas Fulker. The terms are the same between the City and the Contract Building Inspector as was with the previous Building Inspector, Ed Britton. His Honor Mayor Henderson asked that City Manager Shay send a thank you to Ed Britton on behalf of the City for a job well done. Motion Carried.

**DOWNTOWN LUDINGTON BOARD
A RESOLUTION TO MAKE APPLICATION FOR AN MLCC SPECIAL LICENSE
FOR OKTOBERFEST**

WHEREAS, the Ludington Downtown Board is proposing "Oktoberfest" events in downtown Ludington to promote the downtown by providing a variety of activities on October 6, 2012; and

WHEREAS, the proposed location for the festival is North James Street Plaza and that portion of the alley running through the North James Street Plaza area, and adjacent parking lots which will be closed to traffic from 8 p.m. to 8 a.m. for set up and tear down; and

WHEREAS, the event will include a craft show, children's rides, the S.S. Baby Badger, music and beer tent.

WHEREAS, the Downtown Ludington Board has received permission from the Community Church and the Ludington Police Chief for the application for a special liquor license for this event and has taken measures to secure a separate insurance policy for this event.

NOW, THEREFORE, BE IT RESOLVED, that the Ludington City Council approve the Downtown Ludington Board to make application to the MLCC Special License for the sale of either Beer and Wine or Beer, Wine and Spirits for the consumption on the premises to be in effect on October 6, 2012 in the North James Street Plaza.

Moved by Councilor Tykoski, seconded by Councilor Rathsack, that the foregoing resolution be adopted. Motion Carried.

**DOWNTOWN LUDINGTON BOARD
A RESOLUTION TO MAKE APPLICATION FOR AN MLCC SPECIAL LICENSE
FOR NEW YEAR'S EVE**

WHEREAS, the Ludington Downtown Board is proposing "Light Up The Lake" New Year's Eve Ball Drop" event in downtown Ludington to promote the downtown by providing a New Year's Eve Celebration and Ball Drop; and

WHEREAS, the proposed location for the festival is N. James Street Plaza and that portion of the alley running through the N. James Street Plaza area which will be closed to traffic; and

WHEREAS, the event will include a ball drop at midnight on Ludington Avenue, facilitated by the Ludington Police Department, an entertainment tent in the N. James Street Plaza, and a beer tent.

WHEREAS, the Downtown Ludington Board has received permission from the Community Church and the Ludington Police Chief for the application for a special liquor license for this event and has taken measures to secure a separate insurance policy for this event.

NOW, THEREFORE, BE IT RESOLVED, that the Ludington City Council approve the Downtown Ludington Board to make application to the MLCC Special License for the sale of either Beer and Wine or Beer, Wine and Spirits for the consumption on the premises to be in effect on December 31, 2012 and January 1, 2013 in the N. James Street Plaza.

Moved by Councilor Tykoski, seconded by Councilor Rathsack, that the foregoing resolution be adopted. Motion Carried.

City Manager Shay explained that Tom Rotta submitted a FOIA request on August 26, 2012 for court related documents with respect to the McAdam lawsuit against the City and is also looking for correspondence with respect to that case. The City granted the request in part and denied the request in part. The City also required Tom Rotta to pay a deposit in the amount of \$76.71 which represents 50% of the estimated costs to compile these FOIA records and to separate exempt from non-exempt records. Tom Rotta is appealing the decision to deny the request in part and City Manager Shay's recommendation to City Council is to affirm the FOIA Coordinator's response dated September 4, 2012 to Tom Rotta's FOIA request dated August 26, 2012. His Honor Mayor Henderson then provided Tom with five minutes to comment on this appeal. Tom Rotta explained that this request asked for records regarding Joseph McAdams' lawsuit against the City. The lawsuit involved the repeated tasing of a Ludington citizen in 2009 by a Ludington police officer and county deputies, followed by the repeated tasing of the same man at Memorial Medical Center while he was handcuffed to a hospital bed. According to the depositions of the Ludington cop who is now a county deputy, the citizen's only crime was to record a traffic stop involving his mother. Tom Rotta stated that his request was to inspect or receive scanned documents of court related documents received by the City regarding the lawsuit brought against the City by the McAdam party, court-related documents sent to the McAdam party from the

City in response to that suit, and all communications in the City's possession regarding the dispute in question between the McAdam party and the City of Ludington occurring prior to the lawsuit being filed. The City Manager's response was that it would be 2 hours of scanned documents required to comply with the request. Tom Rotta stated that this was the first time that the City Manager required a fee for scanning time. Tom Rotta commented that this was an unnecessary charge under his FOIA request. He also did not choose the lowest paid employee to do the scanning. There also should be no documents requiring attorney client privilege. He stated that City Manager Shay is using extortion in performing his job. He stated that this illustrates how the City Manager with the City Council's approval adapts the FOIA fee structure to suit the need to keep the public documents safe from the public who owns these documents by law. City Attorney Wilson reminded Council to refrain from commenting directly on the McAdam lawsuit and address comments to the appeal only. City Attorney Wilson also explained that he is not the attorney referred to in the attorney client privilege, but he stated that the documents that Tom Rotta is requesting would entail some records from the attorneys handling this case and the City and he has advised City Manager Shay that these records would need to be redacted. He then reminded Council that being typical of Tom Rotta's request, he is asking to receive via copied electronic files to his email or then to personally inspect these files. Under the FOIA, the City is required to respond according to the requestor's request.

Moved by Councilor Castonia, seconded by Councilor Tykoski, to affirm the FOIA Coordinator's response dated September 4, 2012 to Tom Rotta's FOIA request dated August 26, 2012. Motion Carried.


September 19, 2012 was the date set for the Goal Setting Workshop at 5:00 p.m. in the Community Room of City Hall.

His Honor Mayor Henderson has set Thursday, September 13, 2012, as the date to have "Coffee with the Mayor" at 3:30 p.m. at the House of Flavors.

Councilor Castonia asked City Manager Shay to provide information on today's court decision between the City and Tom Rotta. City Manager Shay explained that there was a trial today on the lawsuit that Tom Rotta and Toni Swiger filed against the City. The judge dismissed the lawsuit a couple of months ago and the City filed a counter claim against Tom Rotta and Toni Swiger seeking reimbursement of the costs that the City incurred to compile the records for their various FOIA requests. The City was seeking \$737 in reimbursement and the judge ruled that Tom Rotta was to pay \$316.85 and Toni Swiger was to pay \$380. The Court ruled in the City's favor.

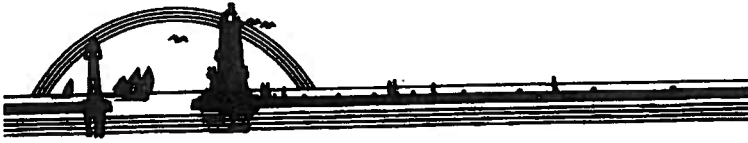
His Honor Mayor Henderson then showed a presentation of the Pure Michigan state-wide Sing-a-Long and he publicly thanked all those who participated with a special thanks to Councilor Taranko for manning the harbor boat.

Moved by Councilor Tykoski, seconded by Councilor Rathsack, that the meeting be adjourned. So carried at 7:03 p.m.



Deborah L. Luskin, CMC
City Clerk





JOHN HENDERSON, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, CITY TREASURER

CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

MEMORANDUM

TO: Mayor Henderson and the Ludington City Council
FROM: John Shay, City Manager *JS*
DATE: September 20, 2012
RE: Whitehall Industries' Request for IFT Exemption (Tax Abatement)

Whitehall Industries is proposing to add \$2 million in machinery and equipment to its South Madison Avenue facility. It is requesting 6-year tax abatement on its personal property taxes.

The City's Tax Abatement Policy provides up to a 6-year 50% abatement of personal property taxes based on the amount of capital investment by a company and based on the number of jobs that will be created or retained. Whitehall is estimating that it will retain 93 jobs and create 30 new jobs as a result of the purchase of this new machinery and equipment. Based on Whitehall's application, it is eligible for a 6-year tax abatement.

CITY MANAGER'S RECOMMENDATION: 1) Approve the Agreement for Act 198 Certificate; and 2) Adopt the Resolution to Approve the Application of SRS Industries LLC DBA Whitehall Industries for an Industrial Facilities Exemption Certificate.

On the Shores of Lake Michigan



WHITEHALL INDUSTRIES

SRS Industries LLC
Signature of Pride

June 25, 2012

Deborah L. Luskin, CMC
City Clerk
City of Ludington
400 S. Harrison St
Ludington, MI 49431

Dear Deborah:

Whitehall Industries has begun some significant personal property capital acquisitions to support the growth of our business.

Enclosed is an Application for an Industrial Facilities Tax Exemption Certificate for personal property in the amount of \$2,000,000.

I have included a check for \$500.00 for the application fee. Please begin the process to review this application and advise us of any additional needs or meeting dates.

Thank you for your help in this matter. Please contact me if you have any questions.

Sincerely,

Drew E. Pehrson
Controller

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Ashleah L. Kuslin</i>	Date received by Local Unit <i>6-28-12</i>
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) SRS Industries LLC dba/Whitehall Industries	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3354	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 801 S. Madison St., Ludington, MI 49431	▶ 1d. City/Township/Village (indicate which) City of Ludington	▶ 1e. County Mason
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located Ludington	▶ 3b. School Code 53040
4. Amount of years requested for exemption (1-12 Years) 6 years Personal Property		

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Acquisition of new Machinery and Equipment to facilitate the continued growth of our business primarily in the automotive supply sector.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ _____ Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ \$2,000,000.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ \$2,000,000.00 Total of Real & Personal Costs

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

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶ _____	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶ _____	1/1/12	12/31/13	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

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

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 93	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 30
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

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

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

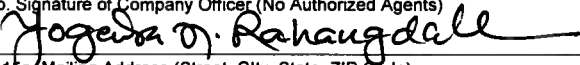
Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) 5/4/81	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Drew Pehrson	13b. Telephone Number (231) 845-5101	13c. Fax Number (231) 845-5230	13d. E-mail Address dpehrson@whitehallindustries
14a. Name of Contact Person Drew Pehrson	14b. Telephone Number (231) 845-5101	14c. Fax Number (231) 845-5230	14d. E-mail Address dpehrson@whitehallindustries
▶ 15a. Name of Company Officer (No Authorized Agents) Yogendra N. Rahangdale			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (231) 845-5230	15d. Date 6/25/2012
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 5175 W. Sixth Street, Ludington, MI 49431		15f. Telephone Number (231) 845-5101	15g. E-mail Address yrahangdale@whitehallindustri

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

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

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

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

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

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

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

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

**SRS Industries LLC
Whitehall Industries
Estimated Capital Expenditures
1/1/2012 - 12/31/2013**

<u>Vendor</u>	<u>Model</u>	<u>Description</u>	<u>Act/Est Installation Date</u>	<u>Madison Plant</u>
Gerotech Inc.	HRT310	Haas Rotary Table	2/1/2012	13,395.00
Gerotech Inc.	HRT310	Haas Rotary Table	2/1/2012	13,395.00
Gerotech Inc.	VF-4SS	Haas Vertical Machining Center	2/1/2012	85,685.00
Gerotech Inc.	VF-4SS	Haas Vertical Machining Center	4/15/2012	97,845.00
Gerotech Inc.	VF-7/40	Haas Vertical Machining Center	2/15/2012	164,125.00
Yaskawa	700765A001	(2) HP20D DX100 Robots	3/15/2012	78,250.00
Carl Zeiss IMT Corp.	G2 RDS 1000	Contura CMM	3rd Qtr 2012	150,826.00
Mazak Corporation	SVC2L12D	Machining Center	5/31/2012	366,140.00
Gerotech	VF7SS	Haas Vertical Machining Center	4th Qtr 2012	172,600.00
Total Expended/Committed M&E Cost				1,142,261.00
Various		Other Manufacturing Equipment	4th Qtr 2012	200,000.00
Gerotech, other		CNC Machines (Full Volume)	2013	450,000.00
Various Vendors		Computers/Systems	3rd Qtr 2012	50,000.00
Various		Contingency Allowance for Assy Fixtures, Installation, etc.	4th Qtr 2012	157,739.00
Total Planned M&E Cost				857,739.00
Total M&E Cost				2,000,000.00

EXHIBIT 1

WHITEHALL INDUSTRIES - LUDINGTON MACHINING DIVISION

LEGAL DESCRIPTION

City of Ludington, County of Mason, State of Michigan, Commencing at a point on the Section line between Sections 14 and 23, Town 18 North, Range 18 West, where the West 1/8 line of said Section 23 intersects said Section line; thence South along said 1/8 line to the water line of Pere Marquette Bayou; thence Northwesterly along said bayou to East line of Madison Street; thence North to said Section line; thence East to the point of beginning.

Parcel #: 53 51 460 057 00

More particularly described as part of the NW 1/4 Section 23, T18N, R18W, Pere Marquette Township, Mason County, Michigan.

Commencing at the NW corner said Section 23.

Thence S-87 -06'33"-E along the North Section line 801.52 feet to the East right of way line of Madison Street for the point of beginning;

Thence S-01 -02'-52"W along the East right of way line of Madison Street 252.11 feet to the North bank of Pere Marquette Bayou;

Thence Southeasterly along the Pere Marquette Bayou S-59 -14' -25"-E 121.35 feet;

Thence S-60 -31' -30"-E 147.55 feet;

Thence S-71 -30' -29"-E 58.65;

Thence S-62 -32' -59"-E 251.37 feet to the West 1/8 line of Section 23;

Thence N-00 -23' -24"-E along West 1/8 line 495.46 feet to the West 1/16 corner of the North Section Line;

Thence N-87 -06' -33"-W along the North Section Line 510.83 feet to the point of beginning.

Containing 4.45 Acres

RESOLUTION FOR ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT
DISTRICT FOR WHITEHALL INDUSTRIES, INC.

WHEREAS, by letter dated March 26, 1981, Whitehall Industries, Inc. has requested the City Commission to establish an Industrial Development District under the provisions of Act No. 198 of the Public Acts of Michigan for 1974, as amended; and

WHEREAS, notice of hearing of said request was published in the Ludington Daily News on April 23, 1981; and

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

WHEREAS, said hearing was held before the Ludington City Commission at 7:30 p.m. on Monday, May 4, 1981; and

WHEREAS, said Act No. 198 of the Public Acts of Michigan for 1974, as amended, provides the local government unit, by resolution of its legislative body, may establish an Industrial Development District; and

WHEREAS, the City of Ludington qualifies by levies of ad valorem taxes at a rate which, when taken together with the rates of ad valorem taxes levied by the taxing authorities which levy taxes within the City of Ludington, equal or exceed Thirty (\$30.00) Dollars for each One Thousand (\$1,000.00) Dollars of state equalized valuation,

NOW THEREFORE, BE IT RESOLVED THAT:

1. In accordance with the provisions of Act No. 198 of the Public Acts of Michigan of 1974, as amended (Plant Rehabilitation and Industrial Development Districts Act), an Industrial Development District for Whitehall Industries, Inc. is hereby established and is legally described as follows:

Commencing at a point on the Section line between Sections 14 and 23, T18N, R18W, where the West 1/8 line of Section 23 intersects said Section line, thence south along said 1/8 line to the water line of Pere Marquette Bayou, thence northwesterly along said Bayou to the east line of Madison Street, thence north to said Section line and east to point of beginning. Section 23, T18N, R18W.

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

Moved by Commissioner Ereon, supported by Commissioner Gregones, that the above resolution be adopted.

Ayes: 8 Nays: 0 Absent: 1 Motion: Carried.

Dated: May 4, 1981

Clarence Fomesbeck
Clarence Fomesbeck, City Clerk

CITY OF LUDINGTON

Industrial Facility Exemption Application Number: _____

Applicant: **SRS Industries LLC dba Whitehall Industries**

AFFIDAVIT

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

CITY OF LUDINGTON

By: _____
John E. Shay, City Manager

Date: _____

By: _____
Deborah L. Luskin, City Clerk

Date: _____

SRS Industries LLC dba Whitehall Industries

By: _____

AGREEMENT FOR ACT 198 CERTIFICATE

THIS AGREEMENT is made this 24th day of September 2012, by and between the **City of Ludington**, a Michigan municipal corporation, with offices at 400 S. Harrison Street, Ludington, Michigan, 49431 (the "City") and **SRS Industries LLC dba Whitehall Industries**, a Michigan corporation, with offices at 801 S. Madison St., Ludington, Michigan 49431 (the "Company"), with reference to the following:

- A. The City has previously established a Industrial Development District (the "District") pursuant to the requirements of Act 198 of the Michigan Public Acts of 1974, as amended (the "Act");
- B. The Company owns and operates an industrial facility located in the District and has requested the City to grant an industrial facilities exemption certificate for the cost of machinery and equipment in the aggregate amount of \$ 2,000,000 (the "Project");
- C. The Company and the City are entering into this Agreement to set forth their respective rights and responsibilities in connection with the granting of an Act 198 Industrial Facilities Exemption Certificate for the proposed Project.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the Company and the City agree as follows:

- 1. Subject to requisite State of Michigan approval, the City shall grant a fifty percent (50%) tax abatement to the company for six (6) years for any personal property associated with the project.
- 2. The Company estimates that 30 new jobs would be created as a result of this Project and agrees to use its best efforts to increase its employment in the City in accordance with this estimate.
- 3. The City may, but is not required to, terminate the tax abatement granted to the Company in accordance with this Agreement, effective with the tax levy following notice to the Company as provided in Paragraph 4 hereof, in the event that any of the following occur:
 - a. The Company ceases substantially all of its operations in the City; or

- b. If the owner or lessee of a facility (the Company) for which an industrial facilities exemption certificate is in effect relocates that facility outside of the industrial development district or plant rehabilitation district during the period in which the industrial facilities exemption certificate is in effect, the owner or lessee is liable to the local governmental unit from which it is leaving, upon relocating, for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that facility for that facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the owner or lessee would have paid if the owner or lessee of that facility did not have an industrial facilities exemption certificate in effect for those years. If the local governmental unit determines that it is in its best interest, the local governmental unit may forgive the liability of the owner or lessee under this subsection. The payment provided in this subsection shall be distributed in the same manner as the industrial facilities tax is distributed.

- 4. If the City wishes to terminate the tax abatement granted to the Company as provided by paragraph 3 above, it shall provide written notice to the Company of such termination at least sixty (60) days before the date of the tax levy that the abatement will be terminated.

- 5. This Agreement applies only to the tax abatement for the Project described herein and does not apply to any other outstanding industrial facilities exemption certificates granted to the Company by the City of Ludington.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered as of the day and year first above written.

CITY OF LUDINGTON

By: _____
John E. Shay, City Manager

By: _____
Deborah L. Luskin, City Clerk

SRS Industries LLC dba Whitehall Industries

By: _____

**RESOLUTION TO APPROVE THE APPLICATION OF
SRS INDUSTRIES LLC DBA WHITEHALL INDUSTRIES
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

WHEREAS, Act No. 198 of the Michigan Public Acts of 1974, as amended, authorizes the City of Ludington to establish Industrial Development and Plant Rehabilitation Districts and to approve applications for Industrial Facilities Exemption Certificates; and

WHEREAS, pursuant to Act No. 198, and after a duly noticed public hearing held, the Ludington City Commission, by resolution adopted on May 4, 1981, created an Industrial Development District for SRS Industries LLC dba Whitehall Industries and

WHEREAS, did on June 28, 2012, file an application with the City of Ludington for an Industrial Facilities Exemption Certificate for new machinery and equipment; and

WHEREAS, the City of Ludington and **SRS Industries LLC dba Whitehall Industries** have entered into a written agreement pursuant to P.A. 334 of 1993; and

WHEREAS, before acting on said application, the Ludington City Council held a hearing on September 24, 2012, at the City Municipal Building, 400 S Harrison Street, Ludington, MI 49431 at 6:30 p.m., at which hearing the applicant, the assessor, 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, this City Council also finds as follows:

(a) That the installation of the new equipment included in the application had not begun earlier than six (6) months before June 28, 2012, the date of the acceptance of the application for an Industrial Facility Exemption Certificate.

(b) The application covers the installation of new machinery and equipment at their existing facility at 801 S Madison St., in the City of Ludington. This project qualifies as a new industrial facility within the meaning of Act 198, and is situated within an Industrial Development District duly established by the City of Ludington.

(c) That the addition of this new equipment is calculated to have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the City.

(d) That the facility does not have the effect of transferring employment from another community within the State of Michigan to the City of Ludington.

(e) That the aggregate state equalized valuation of real and personal property exempt from ad valorem taxes under Act No. 198 including that for which the applicant seeks exemption does not in fact exceed five (5) percent of the total state equalized valuation of the City of Ludington.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the City of Ludington or impairing the financial soundness of any taxing unit which levies an ad valorem property tax in the City of Ludington in which the facility is located.

2. That the application of **SRS Industries LLC dba Whitehall Industries** for an Industrial Facilities Exemption Certificate for new machinery and equipment be and is hereby approved, subject to the following condition:

That the exemption for the personal property included in this application shall remain in force and effect for a period of six (6) years, unless otherwise modified or revoked pursuant to the provisions of Act 198 of 1974, as amended.

The estimated cost of the new machinery and equipment to be added as set forth in their application is \$ 2,000,000. (S.E.V. \$ 1,000,000)

Moved by Councilor _____, and supported by Councilor _____, that the foregoing resolution be adopted.

Ayes: ____ Nays: ____ Absent: ____ Motion: _____.

Dated: September 24, 2012

DEBORAH L. LUSKIN, CMC
City Clerk



To: Ludington City Council

From: Erica Karneisool Reed, Executive Director, Ludington Area Arts Council, and Marion Riedl, Holiday Crafts Show chair

Date: September 15, 2012

Re: Request for placement of sandwich board sign and for placement of small event signs along Ludington Avenue.

The Ludington Area Center for the Arts is hosting a Holiday Crafts Show on Saturday, Nov. 24 (Thanksgiving weekend), at the Center, 107 S. Harrison St.

We are requesting that we be allowed to place a sandwich board sign on Nov. 24 promoting the event. This would be placed on the southeast corner of Ludington Avenue and Harrison Street. The sign will be within the regulation for sandwich boards, (9 sq. ft. and 4 ½ ft. in height).

We are also requesting we be allowed to place promotional event signs (small signs on wires) along Ludington Avenue, beginning Monday, Nov. 19. These signs would be removed after the close of the event, 4 p.m. Nov. 24.

Thank you for your consideration of our requests.

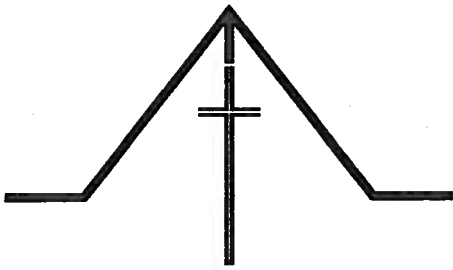
Sincerely,

A handwritten signature in black ink that reads 'Erica Karneisool Reed'. The signature is written in a cursive style with a long, sweeping underline.

Erica Karneisool Reed, Executive Director

A handwritten signature in black ink that reads 'Marion Riedl'. The signature is written in a cursive style with a long, sweeping underline.

Marion Riedl, Holiday Crafts Show chair



COMMUNITY CHURCH
Historically Congregational/Presbyterian

September 17, 2012

City of Ludington
400 S. Harrison St.
Ludington, MI 49431

To the Honorable Mayor and Council of the City of Ludington:

On Saturday, October 13th, 2012, the Community Church of Ludington in cooperation with other Ludington churches will be hosting "Stuff a Truck". Canned and non-perishable food items are being collected by the Community Church in cooperation with other participating churches in the Ludington area to re-stock the depleted shelves of the Salvation Army food pantry.

The public will be notified of this event by public service announcements by local radio stations, advertisement in the Ludington Daily News and through individual church bulletins.

The Community Church of Ludington is seeking permission to place our sidewalk sign on the southeast corner of Harrison and Ludington Ave. on October 13th between the hours of 8 a.m. and 3 p.m. The sign will direct the public to our food collection truck being used for "Stuff a Truck". The truck will be parked in the church parking lot behind the Ludington Post Office.

This sign is a double-faced, swinger sidewalk sign purchased from North Wood Sign Shop. The sign measures 26" wide by 54" tall. The sign is weighted and has wheels for moving.

Sincerely,

Rev. Kathleen A. Dain
Pastor

Robert Laude
Council of Ministries

KD/clc

109 N. HARRISON STREET LUDINGTON, MI 49431
EMAIL: COMMUNITYCH@FRONTIER.COM



PHONE: 231-843-9275 FAX: 888-465-4245
WWW.COMMCH.ORG

Deb Luskin

From: John Shay
Sent: Thursday, September 20, 2012 8:58 AM
To: Deb Luskin
Subject: FW: addition to Okotberfest (Trick or Treat)

John Shay
City Manager
City of Ludington
400 South Harrison Street
Ludington, Michigan 49431
(231) 845-6237 Voice
(231) 845-7302 Fax
jshay@ci.ludington.mi.us

From: Heather Venzke
Sent: Tuesday, September 11, 2012 2:36 PM
To: Heather Venzke; Jackie Steckel; 'John_Henderson@oxy.com'; John Shay
Cc: Mark Barnett
Subject: RE: addition to Okotberfest (Trick or Treat)

The title should have been addition to Downtown Trick or Treat not Oktoberfest. Thank you.

From: Heather Venzke
Sent: Tuesday, September 11, 2012 11:52 AM
To: Jackie Steckel; 'John_Henderson@oxy.com'; John Shay
Cc: Mark Barnett
Subject: addition to Okotberfest

The Downtown Ludington Board is requesting an addition to our Trick or Treat event on Saturday October 27, 2012.

The Downtown Ludington Board would like to add a costume parade commencing at the Courthouse, traveling down Ludington Ave and ending at City Park.

We are requesting a police escort and temporary diversion of traffic from 2:30-3:00pm. Staging for the parade will take place on S Rowe Ave beginning at 2:00pm.

This costume parade will serve as the kick off for the Trick or Treat Event.

The parade is being sponsored by Safe Harbor Credit Union and gift bags and tickets to the haunted fair ground will be distributed at City Park for parade participants.

Chief Barnett has okayed the route for the parade.

Heather L. Venzke-Tykoski

Community Development Director
City of Ludington
400 S Harrison Street

9/20/2012



September 18th 2012

TO: Ludington City Council

Occidental Chemical of Ludington is requesting the council's approval for a wellness event for Oxy Chem employees and their family members (no public invitation.)

The "Oxy Wellness Fun Run/Walk" is planned to be held on October 6th starting at 1100, with an unknown event duration, most likely ending around 1315. The start and end point of this event will be held at the Ludington Water Front Park (we will be utilizing the pavilion space.) Please see the attached map for event route.

We plan on employees using only sidewalks, except when employees will be crossing any roads. I estimate the count of employees to be around 50. I spoke with Chief Barnett regarding the LPD recommendations and he agrees that no PD or barricades/cones are needed.

It would be a great convenience to have 8 picnic tables under the pavilion for employees to rest, event registration as well as a food donation table. Each attendee will bring 2 non-perishable items to be donated to the Salvation Army of Ludington. I would assume 1 or 2 trash cans would be adequate. It would be of great convenience to utilize the bathrooms facilities located on site (if open for the season.)

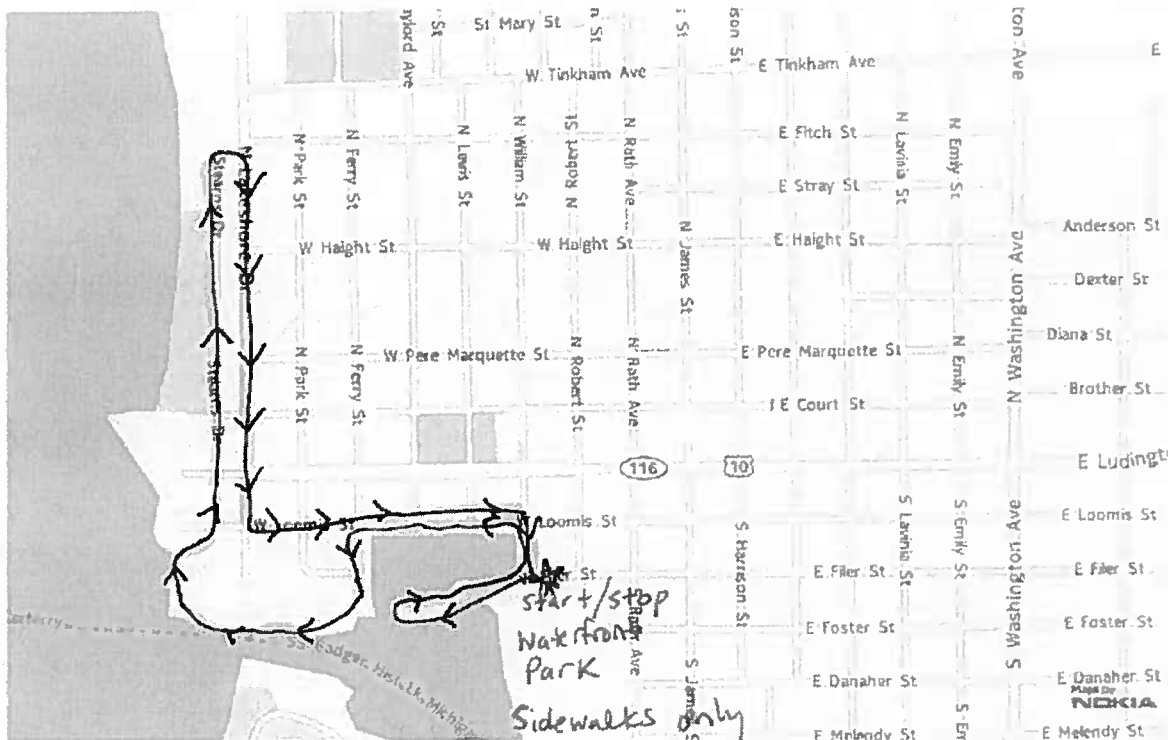
Please see attached document regarding insurance coverage.

Thanks For Your Time,
Danielle Comstock RN

Oxy Chem Fall Fun Run/Walk October 6th 2012 (Saturday)

YAHOO! MAPS

Ludington, MI 49431



- 50-100 people
- Walking mostly - some will run
- only side walks
- no pd needed or barricade
 ↳ unless you'd prefer.

Danielle Comstock ☎ 231.845.4322

Fax 231.845.4341
danielle_comstock@oxy.com

"Resolution For Payment of Bills"

TO HIS HONOR THE MAYOR AND MEMBERS OF THE CITY COUNCIL

THE FOLLOWING ACCOUNTS HAVE BEEN EXAMINED BY YOUR FINANCE COMMITTEE
AND PAYMENT IS HEREBY RECOMMENDED.

TOTAL ACCOUNTS PAYABLE FOR THIS PERIOD:	<u>\$ 292,132.45</u>
TOTAL EXPENDITURES SINCE 09/10/2012, ARE	<u>\$ 191,088.39</u>

THEREFORE THE FINANCE REPORT WITH TOTAL EXPENDITURES IN THE AMOUNT OF	<u>\$ 483,220.84</u>
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FOR THIS PERIOD CAN BE APPROVED AND ORDERS DRAWN ACCORDING TO THE
CITY CHARTER AND I SO MOVE.

INVOICE DISTRIBUTION REPORT FOR THE CITY OF LUDINGTON
 CHECKS DATED FROM 09/11/2012 TO 09/24/2012
 GENERAL FUND

FOR THE CITY COUNCIL MEETING TO BE HELD ON SEPTEMBER 24, 2012

Dept	Account	Payee	Description	Amount
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	32,690.62
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	30,597.78
253	956-000	FIRST NATIONAL BANK OMAHA	FC	48.58
265	853-000	FRONTIER	TELEPHONE	7.53
265	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	2,386.18
265	923-000	DTE ENERGY	UTILITIES - GAS	55.64
268	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.33
268	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.20
268	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	96.46
268	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.20
268	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.20
268	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.33
269	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.20
269	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	59.45
269	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	29.97
276	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	83.86
276	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	13.93
301	740-000	FIRST NATIONAL BANK OMAHA	SHREDDER OIL	24.57
301	744-000	FIRST NATIONAL BANK OMAHA	BOOTS	151.95
301	977-000	FIRST NATIONAL BANK OMAHA	ADAPTER	79.76
301	977-000	FIRST NATIONAL BANK OMAHA	HARD DRIVE	547.33
301	977-000	FIRST NATIONAL BANK OMAHA	PRINTERS/MONITORS/POWER SUPPLY CORDS	474.97
301	977-000	FIRST NATIONAL BANK OMAHA	SOFTWARE	364.49
301	977-000	FIRST NATIONAL BANK OMAHA	POWER SUPPLY/MONITORS/TONER/MOUSE	1,931.67
303	744-000	FIRST NATIONAL BANK OMAHA	HAND CUFF POUCH / BELT KEEPER	84.82
303	921-000	CONSUMERS ENERGY	BELT KEEPER	49.92
336	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	501.06
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	1.41
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	19.24
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	102.57
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	65.16
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	66.92
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	838.44
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	26.51
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	10,255.30
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	32.64
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	27.51
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	31.41
448	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	29.15
528	740-900	ALLIED WASTE SERVICES INC #239	YARD WASTE CONTAINERS PG # 43	120.00
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	285.04
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	27.22
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	23.97
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	22.20

Dept	Account	Payee	Description	Amount
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	6.74
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	11.40
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	38.44
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	383.65
751	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	358.29
756	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	26.98
756	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	76.77
756	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	259.39
			UTILITIES - ELECTRIC	74.30
			Total for fund 101 GENERAL FUND	83,624.65
FUND: 202 MAJOR STREETS FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	2,188.15
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	1,186.87
469	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	27.67
494	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	391.42
			Total for fund 202 MAJOR STREETS FUND	3,794.11
FUND: 203 LOCAL STREETS FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	2,483.47
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	2,037.77
			Total for fund 203 LOCAL STREETS FUND	4,521.24
FUND: 208 RECREATION FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	810.11
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	840.66
			Total for fund 208 RECREATION FUND	1,650.77
FUND: 211 SENIOR CENTER FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	2,244.69
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	2,205.06
000	923-000	DTE ENERGY	UTILITIES - GAS	126.00
			Total for fund 211 SENIOR CENTER FUND	4,575.75
FUND: 493 DDA OPERATING FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	145.33
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	113.03
			Total for fund 493 DDA OPERATING FUND	258.36
FUND: 495 WATCHCASE CONTAMINATION FUND				
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	364.58
			Total for fund 495 WATCHCASE CONTAMINATION FUND	364.58
FUND: 508 CARTIER PARK CAMPGROUND FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	1,536.40
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	1,588.05
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	79.90
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	2,815.92
			Total for fund 508 CARTIER PARK CAMPGROUND FUND	6,020.27
FUND: 591 WATER MAINTENANCE & WATER FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	12,967.05
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	11,881.86
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	56.17
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	74.16
000	923-000	DTE ENERGY	UTILITIES - GAS	47.70
556	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	32.14
556	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	11,424.79

Dept	Account	Payee	Description	Amount
556	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	21.43
Total for fund 591 WATER MAINTENANCE & WATER FUND				36,505.30

FUND: 592 SEWER MAINTENANCE & WASTEWATER FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	7,954.15
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	7,605.75
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	104.02
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	2,548.29
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	47.77
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	27.67
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	293.40
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	65.84
527	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	691.05
527	921-100	CONSUMERS ENERGY	UTILITIES - ELECTRIC	14,094.92
527	923-000	DTE ENERGY	UTILITIES - GAS	49.22
527	923-000	DTE ENERGY	UTILITIES - GAS	47.70
Total for fund 592 SEWER MAINTENANCE & WASTEWATER FUND				33,529.78

FUND: 594 MUNICIPAL MARINA FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	3,684.64
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	3,160.31
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	174.99
000	921-000	CONSUMERS ENERGY	UTILITIES - ELECTRIC	28.84
Total for fund 594 MUNICIPAL MARINA FUND				7,048.78

FUND: 661 MOTOR POOL FUND				
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/08/2012	3,865.70
000	002-100	CITY OF LUDINGTON	PAYROLL WEEK ENDING 09/15/2012	3,616.30
000	921-000	CONSUMERS ENERGY	UTILITIES-ELECTRIC	1,712.80
Total for fund 661 MOTOR POOL FUND				9,194.80

GRAND TOTAL FOR ALL FUNDS: 191,088.39

INVOICE DISTRIBUTION REPORT FOR THE CITY OF LUDINGTON
 CHECKS DATED FROM 09/24/2012 TO 09/24/2012
 GENERAL FUND

FOR THE CITY COUNCIL MEETING TO BE HELD ON SEPTEMBER 24, 2012

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount
Fund 101	GENERAL FUND			
Dept 000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	7,455.62
101-000-068-000	DUE FROM PRIORITY HEALTH	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	159.58
101-000-111-000	SUPPLY INVENTORY	EVERGREEN SOLUTIONS LLC	TISSUE/CLEANER/TOWELS/BLEACH	572.43
101-000-111-000	SUPPLY INVENTORY	EVERGREEN SOLUTIONS LLC	BAGS	75.66
101-000-123-000	PREPAID EXPENSE	MICHIGAN MUNICIPAL RISK MANAGEMENT	INSURANCE	10,067.94
101-000-239-200	DUE TO DELTA DENTAL	MICHIGAN RETAILERS ASSOCIATION	DENTAL INSURANCE	108.58
101-000-239-200	DUE TO DELTA DENTAL	MICHIGAN RETAILERS ASSOCIATION	DENTAL INSURANCE	420.69
101-000-355-300	DEPOSITS	ADAMS, MELISSA	RETURN SECURITY DEPOSIT - 09/08/2012	100.00
101-000-355-300	DEPOSITS	COLLINS, ELIZABETH	RETURN SECURITY DEPOSIT - 09/15/2012	100.00
		Total For Dept 000		19,060.50
Dept 101	CITY COUNCIL & MAYOR			
101-101-956-000	MISCELLANEOUS EXPENSES	WAL-MART COMMUNITY	GOAL SETTING MEETING	83.31
		Total For Dept 101	CITY COUNCIL & MAYOR	83.31
Dept 172	MANAGER'S OFFICE			
101-172-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	1,079.60
101-172-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	41.40
101-172-727-000	OFFICE SUPPLIES	JACKPINE BUSINESS CENTER	BINDER	16.63
101-172-727-000	OFFICE SUPPLIES	STAPLES BUSINESS ADVANTAGE	WEEKLY DAY CALENDARS	12.17
		Total For Dept 172	MANAGER'S OFFICE	1,149.80
Dept 215	CLERK'S OFFICE			
101-215-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	2,159.19
101-215-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	41.40
101-215-727-000	OFFICE SUPPLIES	JACKPINE BUSINESS CENTER	BINDERS	2.78
101-215-727-000	OFFICE SUPPLIES	PITNEY BOWES	MAIL MACHINE LEASE (07/01 - 09/30)	792.00
101-215-802-000	CONTRACTUAL SERVICES	STAPLES BUSINESS ADVANTAGE	WEEKLY DAY CALENDARS	12.17
101-215-802-000	CONTRACTUAL SERVICES	MUNICIPAL CODE CORPORATION	ANNUAL CODE ON INTERNET FEE	550.00
101-215-860-000	TRANSPORTATION	LUSKIN, DEBORAH L	CONFERENCE IN LANSING	179.82
101-215-900-000	PRINTING & PUBLISHING	SHORELINE MEDIA INC	ADVERTISING - AUGUST	792.75
		Total For Dept 215	CLERK'S OFFICE	4,530.11
Dept 253	TREASURER'S OFFICE			
101-253-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	939.61
101-253-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	17.91
101-253-802-000	CONTRACTUAL SERVICES	KCI	SUMMER TAX BILLS	611.41
		Total For Dept 253	TREASURER'S OFFICE	1,568.93
Dept 257	ASSESSOR & BUILDING INSPECTOR'S OFFICE			
101-257-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	1,619.39
101-257-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	38.61
101-257-802-100	CONTRACTUAL SERVICES-BLDG I	BRITTON, EDWARD	BUILDING INSPECTIONS W/E 09/17/2012	149.58

101-257-802-200 CONTRACTUAL SERVICES CSZ SERVICES ASSESSNG & RE-APP ASSESSING SERVICES - SEPTEMBER 3,000.00
 Total For Dept 257 ASSESSOR & BUILDING INSPECTOR'S OFFICE 4,807.58

Dept 265 CITY HALL & GROUNDS
 101-265-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 1,079.60
 101-265-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 20.70
 101-265-802-000 CONTRACTUAL SERVICES CUSTOM SHEET METAL INC REPLACED CONDENSER FANS 287.83
 Total For Dept 265 CITY HALL & GROUNDS 1,388.13

Dept 266 CITY ATTORNEY
 101-266-801-100 PROFESSIONAL SERVICES - CIVIL GOCKERMAN WILSON SAYLOR & HESSLIN RETAINER/SERVICES RENDERED - JULY 4,200.00
 101-266-801-100 PROFESSIONAL SERVICES - CIVIL GOCKERMAN WILSON SAYLOR & HESSLIN RETAINER/SERVICES RENDERED - AUGUST 58.50
 Total For Dept 266 CITY ATTORNEY 4,258.50

Dept 268 CITY PROPERTY-DOWNTOWN
 101-268-740-000 OPERATING SUPPLIES WASTEZERO INC GARBAGE BAGS 1,150.00
 101-268-802-000 CONTRACTUAL SERVICES ALLIED WASTE SERVICES INC #239 REFUSE PICK UP - AUGUST/BAGS/STICKERS 80.00
 101-268-802-000 CONTRACTUAL SERVICES LARSEN'S LANDSCAPING LLC SPRAY TREES 897.00
 101-268-802-000 CONTRACTUAL SERVICES WEST MICHIGAN CMH SYSTEM CLEANING OF PUBLIC RESTROOMS 441.60
 Total For Dept 268 CITY PROPERTY-DOWNTOWN 2,568.60

Dept 269 CITY PROPERTY-OTHER
 101-269-801-000 PROFESSIONAL SERVICES PREIN & NEMHOF, INC. CONSULT ON STORAGE BARN REPAIRS 111.00
 Total For Dept 269 CITY PROPERTY-OTHER 111.00

Dept 276 CEMETERY
 101-276-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 1,979.25
 101-276-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 36.02
 101-276-930-000 REPAIRS, MAINT. & SUPPLIES LOWES BUSINESS ACCOUNT COATED CABLES/SAFETY CHAPS/SHOVEL/SPADE 87.34
 101-276-930-000 REPAIRS, MAINT. & SUPPLIES LOWES BUSINESS ACCOUNT SEALER 26.56
 101-276-930-000 REPAIRS, MAINT. & SUPPLIES LUDINGTON PAINT & GLASS PAINT 35.09
 101-276-936-000 FOUNDATIONS LOWES BUSINESS ACCOUNT SEALER 74.22
 Total For Dept 276 CEMETERY 2,238.48

Dept 301 POLICE DEPARTMENT
 101-301-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 9,356.48
 101-301-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 167.98
 101-301-719-040 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 1,079.60
 101-301-719-040 FRINGE BENEFITS - SSCENT VISION SERVICE PLAN VISION INSURANCE - OCTOBER 20.70
 101-301-740-000 OPERATING SUPPLIES ICOP INC BATTERY PACK 202.42
 101-301-740-000 OPERATING SUPPLIES JACKPINE BUSINESS CENTER WIREBOUND NOTEBOOK 13.49
 101-301-740-000 OPERATING SUPPLIES JACKPINE BUSINESS CENTER TAPE CARTRIDGE 35.98
 101-301-744-000 OPERATING SUPPLIES OCEANA AUTO PARTS & TOWING TOWING - ENL 40.00
 101-301-853-100 CELLULAR PHONE CWP DISTRIBUTORS INC ARMOR VESTS 1,330.00
 101-301-977-000 EQUIPMENT WELLS, JOHN B TELEPHONE REIMBURSEMENT (APR - JUN) 45.00
 Total For Dept 301 POLICE DEPARTMENT 12,211.21
 Total For Dept 301 POLICE DEPARTMENT 12,303.86

Dept 302 POL CLERK/SP POL/PK RNGRS
 101-302-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 1,079.60

101-302-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 20.70
 Total For Dept 302 POL CLER/SP POL/PK RNGRS 1,100.30

Dept 303 SPECIAL POLICE OFFICERS CLOTHING ALLOWANCE & EQUIPM NYE UNIFORM COMPANY UNIFORM SUPPLIES 96.59
 Total For Dept 303 SPECIAL POLICE OFFICERS 96.59

Dept 336 FIRE DEPARTMENT OPERATING SUPPLIES LUDINGTON PAINT & GLASS PAINT/HARDENER/BRUSHES 59.79
 101-336-740-000 OPERATING SUPPLIES NYE UNIFORM COMPANY BELT 19.50
 101-336-744-000 CLOTHING ALLOWANCE Total For Dept 336 FIRE DEPARTMENT 79.29

Dept 441 DPW/MUNICIPAL SERVICES HEALTH INSURANCE 8,632.29
 101-441-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 156.03
 101-441-719-000 OPERATING SUPPLIES EVERGREEN SOLUTIONS LLC TISSUE 39.65
 101-441-740-000 OPERATING SUPPLIES STAPLES BUSINESS ADVANTAGE WEEKLY DAY CALENDARS 12.17
 101-441-740-000 OPERATING SUPPLIES TAIBL, JOSEPH D CLOTHING ALLOWANCE 125.00
 101-441-740-000 OPERATING SUPPLIES WASTEZERO INC GARBAGE BAGS 1,150.00
 101-441-802-000 CONTRACTUAL SERVICES ALLIED WASTE SERVICES INC #239 REFUSE PICK UP - AUGUST/BAGS/STICKERS 150.00
 101-441-802-000 CONTRACTUAL SERVICES SPULLER CONCRETE WEST SHORE BANK REPAIR/REPLACE SIDEWALK @ 423 JAMES 116.88
 101-441-802-000 CONTRACTUAL SERVICES SPULLER CONCRETE LOWES BUSINESS ACCOUNT MOWING / LAWN CARE 280.00
 101-441-930-000 REPAIRS, MAINT. & SUPPLIES LOWES BUSINESS ACCOUNT WASHERS/LAGS 46.93
 101-441-930-000 REPAIRS, MAINT. & SUPPLIES TRACTOR SUPPLY CO. IAG SCREWS/WASHERS 76.82
 101-441-930-000 REPAIRS, MAINT. & SUPPLIES PARKING CHOCKS 83.93
 Total For Dept 441 DPW/MUNICIPAL SERVICES 10,869.70

Dept 444 SIDEWALK CONSTRUCTION HANDICAPPED RAMP 700.00
 101-444-802-200 CONTRACTUAL SERVICES-SIDEWALK SPULLER CONCRETE REPAIR/REPLACE SIDEWALK @ 401 EMILY 426.25
 101-444-802-300 CONTRACTUAL SERVICES-SIDEWALK SPULLER CONCRETE REPAIR/REPLACE SIDEWALK @ 401 EMILY 4,392.50
 101-444-802-300 CONTRACTUAL SERVICES-SIDEWALK Total For Dept 444 SIDEWALK CONSTRUCTION 5,518.75

Dept 528 GARBAGE & RUBBISH ALLIED YARD WASTE SUPPLIES 33,978.12
 101-528-740-900 ALLIED YARD WASTE SUPPLIES ALLIED WASTE SERVICES INC #239 REFUSE PICK UP - AUGUST/BAGS/STICKERS 120.00
 101-528-740-900 ALLIED YARD WASTE SUPPLIES YARD WASTE CONTAINERS PG # 43 34,098.12
 Total For Dept 528 GARBAGE & RUBBISH 34,098.12

Dept 721 PLANNING COMMISSION/BOARD OF APPEALS PRINTING & PUBLISHING SHORELINE MEDIA INC ADVERTISING - AUGUST 422.80
 101-721-900-000 PRINTING & PUBLISHING Total For Dept 721 PLANNING COMMISSION/BOARD OF APPEALS 422.80

Dept 728 ECONOMIC & COMMUNITY DEVELOPMENT HEALTH INSURANCE 899.65
 101-728-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 899.65
 101-728-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 11.54
 101-728-801-000 PROFESSIONAL SERVICES MASON COUNTY REGISTER OF DEEDS RECORDING FEES 26.00
 Total For Dept 728 ECONOMIC & COMMUNITY DEVELOPMENT 937.19

Dept 751 PARKS DEPARTMENT HEALTH INSURANCE 1,979.25
 101-751-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 1,979.25
 101-751-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 36.02

101-751-802-000 CONTRACTUAL SERVICES LARSEN'S LANDSCAPING LLC SPRAY TREES 825.00
 101-751-802-000 CONTRACTUAL SERVICES WEST MICHIGAN CMH SYSTEM CLEANING OF PUBLIC RESTROOMS 441.60
 101-751-921-000 UTILITIES - ELECTRIC CONSUMERS ENERGY ELECTRIC ACCT# 1000 0655 6128 22.20
 101-751-930-000 REPAIRS, MAINT. & SUPPLIES GLC METAL FABRICATORS INC COMPOSIT BENCH BOARDS 186.00
 101-751-930-000 REPAIRS, MAINT. & SUPPLIES LOWES BUSINESS ACCOUNT COATED CABLES/SAFETY CHAPS/SHOVEL/SPADE 122.87
 101-751-930-000 REPAIRS, MAINT. & SUPPLIES TRACTOR SUPPLY CO. POSTS/SNOW FENCE 1,309.83
 Total For Dept 751 PARKS DEPARTMENT 4,922.77

Dept 753 BEACH SAFETY
 101-753-740-000 OPERATING SUPPLIES MOTOROLA RADIO - BOAT 2,017.10
 101-753-853-000 TELEPHONE FRONTIER TELEPHONE 42.44
 Total For Dept 753 BEACH SAFETY 2,059.54

Dept 756 LAUNCHING RAMPS
 101-756-802-000 CONTRACTUAL SERVICES WEST MICHIGAN CMH SYSTEM CLEANING OF PUBLIC RESTROOMS 441.60
 Total For Dept 756 LAUNCHING RAMPS 441.60
 Total For Fund 101 GENERAL FUND 114,615.45

Fund 202 MAJOR STREETS FUND
 Dept 451 CONSTRUCTION & SURFACING FISHBEEK THOMPSON CARR & HUBER INC LUDINGTON/WASHINGTON BR T&L 17,516.00
 202-451-821-000 ENGINEERING EXPENSES PREIN & NEMHOF, INC. DOWLAND ST PROJECT 11,026.65
 202-451-970-000 CAPITAL IMPROVEMENTS Total For Dept 451 CONSTRUCTION & SURFACING 28,542.65
 Total For Fund 202 MAJOR STREETS FUND 28,542.65

Fund 203 LOCAL STREETS FUND
 Dept 451 CONSTRUCTION & SURFACING PREIN & NEMHOF, INC. N GAYLORD ST PROJECT 5,222.20
 203-451-970-000 CAPITAL IMPROVEMENTS TOWNS BROTHERS CONST. CO. GRAVEL - GAYLORD PROJECT 4,456.08
 203-451-970-000 CAPITAL IMPROVEMENTS Total For Dept 451 CONSTRUCTION & SURFACING 9,678.28

Dept 464 SURFACE MAINTENANCE
 203-464-782-000 ROAD MATERIAL & SUPPLIES RIETH-RILEY CONSTRUCTION CO INC COLD PATCH 101.65
 203-464-782-000 ROAD MATERIAL & SUPPLIES RIETH-RILEY CONSTRUCTION CO INC COLD PATCH 67.45
 Total For Dept 464 SURFACE MAINTENANCE 169.10
 Total For Fund 203 LOCAL STREETS FUND 9,847.38

Fund 208 RECREATION FUND
 Dept 000 PRINTING & PUBLISHING SHORELINE MEDIA INC ADVERTISING - AUGUST 430.35
 208-000-900-000 Total For Dept 000 430.35
 Total For Fund 208 RECREATION FUND 430.35

Fund 211 SENIOR CENTER FUND
 Dept 000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 1,299.47
 211-000-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 11.54
 211-000-719-000 Total For Fund 211 SENIOR CENTER FUND 1,311.01

211-000-802-000 CONTRACTUAL SERVICES MICHIGAN OFFICE SOLUTIONS COPIER MAINTENANCE (09-01 / 12/01) 91.50
 211-000-864-000 CONFERENCES & WORKSHOPS MICHIGAN ASSOC OF SENIOR CENTERS CONFERENCE COLE/BADE 260.00
 211-000-921-000 UTILITIES - ELECTRIC CONSUMERS ENERGY ELECTRIC ACCT# 1000 2531 6132 546.86
 Total For Dept 000 2,209.37

Total For Fund 211 SENIOR CENTER FUND 2,209.37

Fund 493 DDA OPERATING FUND
 Dept 000
 493-000-740-000 OPERATING SUPPLIES WAL-MART COMMUNITY BUDGET WORKSHOP 33.04
 493-000-900-000 PRINTING & PUBLISHING SHORELINE MEDIA INC ADVERTISING - AUGUST 250.00
 493-000-921-000 UTILITIES - ELECTRIC CONSUMERS ENERGY ELECTRIC ACCT# 1000 0632 2307 73.21
 Total For Dept 000 356.25

Total For Fund 493 DDA OPERATING FUND 356.25

Fund 495 WATCHCASE CONTAMINATION FUND
 Dept 000
 495-000-927-000 UTILITIES - SEWER CITY OF LUDINGTON WATER 2,987.10
 Total For Dept 000 2,987.10

Total For Fund 495 WATCHCASE CONTAMINATION FUND 2,987.10

Fund 508 CARTIER PARK CAMPGROUND FUND
 Dept 000
 508-000-740-000 OPERATING SUPPLIES JACKPINE BUSINESS CENTER COPIES 8.00
 508-000-740-300 VENDING SUPPLIES LUDINGTON OUTDOOR SERVICES WOOD BUNDLES 112.50
 508-000-802-000 CONTRACTUAL SERVICES MISSION MANAGEMENT INFORMATION SYS WEB BASED SITE REGISTRATION - OCTOBER 190.00
 508-000-930-000 REPAIR, MAINTENANCE, SUPPLIES LOWES BUSINESS ACCOUNT LUMBER 19.63
 508-000-930-000 REPAIR, MAINTENANCE, SUPPLIES LOWES BUSINESS ACCOUNT THINNER/PAINT/BRUSHES 140.31
 508-000-930-000 REPAIR, MAINTENANCE, SUPPLIES LOWES BUSINESS ACCOUNT COUNTER TOPS 195.61
 508-000-930-000 REPAIR, MAINTENANCE, SUPPLIES PREMIER HEATING/COOLING INC. INSTALL WATER HEATER 4,350.00
 Total For Dept 000 5,016.05

Total For Fund 508 CARTIER PARK CAMPGROUND FUND 5,016.05

Fund 591 WATER MAINTENANCE & WATER FUND
 Dept 000
 591-000-123-000 PREPAID EXPENSE MICHIGAN MUNICIPAL RISK MANAGEMENT INSURANCE 7,550.96
 591-000-719-000 HEALTH INSURANCE PRIORITY HEALTH HEALTH INSURANCE - OCTOBER 3,508.67
 591-000-719-000 FRINGE BENEFITS VISION SERVICE PLAN VISION INSURANCE - OCTOBER 58.71
 591-000-740-000 OPERATING SUPPLIES EVERGREEN SOLUTIONS LLC BAGS/SOAP/GREASE GUN LEVER 35.89
 591-000-740-000 OPERATING SUPPLIES GREAT LAKES SERVICE & SUPPLIES INC LONG LEADER HOSE/FIN 172.06
 591-000-740-000 OPERATING SUPPLIES USA BLUE BOOK FLUSHING ELBOW/HYDRO HITCH 1,182.37
 591-000-782-000 ROAD MATERIAL & SUPPLIES RIETH-RILEY CONSTRUCTION CO INC PATCHING 2,434.00
 591-000-801-000 PROFESSIONAL SERVICES PREIN & NEWHOF, INC. WATER / SEWER CONSULTING 90.00
 591-000-801-000 MEMBERSHIP & DUES ALLARD JR, ROBERT J REIMBURSE - EXAM FEE S-2 EXAM 70.00
 591-000-820-000 REPAIRS, MAINT. & SUPPLIES MICHIGAN PIPE & VALVE DUAL SIEVES/BOLT PACKS 2,510.00
 591-000-930-000 REPAIRS, MAINT. & SUPPLIES PREIN & NEWHOF, INC. DOWLAND ST PROJECT 4,778.22
 591-000-970-801 CAPITAL IMPROVEMENT-PROF Total For Dept 000 22,390.88

Total For Fund 591 WATER MAINTENANCE & WATER FUND 22,390.88

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount
Dept 556 WATER FUND				
591-556-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	7,377.23
591-556-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	144.90
591-556-740-000	OPERATING SUPPLIES	JACKLINE BUSINESS CENTER	JOURNAL/NYLON NECK CORD	60.46
591-556-740-000	OPERATING SUPPLIES	SHOP-N-SAVE FOOD CENTER	SOAP	4.58
591-556-740-000	OPERATING SUPPLIES	USA BLUE BOOK	FLUSHING ELBOW/HYDRO HITCH	1,182.38
591-556-801-000	PROFESSIONAL SERVICE	FISHECK THOMPSON CARR & HUBER INC	STUDY PLAN	276.00
591-556-801-000	PROFESSIONAL SERVICE	STATE OF MICHIGAN	WATER SAMPLE TESTING	490.00
591-556-801-100	CDL DRUG/ALCOHOL TESTING	LEXINEXIS OCC HEALTH SOLUTIONS	TESTING	42.50
591-556-802-000	CONTRACTUAL SERVICES	ENGINEERED PROTECTION SYSTEM INC	ALARM SYSTEM MONITORING (10-01 - 12/31)	219.00
591-556-802-000	CONTRACTUAL SERVICES	OUDBIER INSTRUMENT CO.	MAINTENANCE	700.00
591-556-921-000	UTILITIES - ELECTRIC	GREAT LAKES ENERGY	ELECTRIC	30.59
591-556-930-000	REPAIRS, MAINT. & SUPPLIES	DETROIT PUMP & MANUFACTURING	DEHUMIDIFIER PUMPS	3,807.35
591-556-930-000	REPAIRS, MAINT. & SUPPLIES	MEDLER ELECTRIC COMPANY	ELBOW/PVC COUPLINGS/CONDUIT	172.75
591-556-930-000	REPAIRS, MAINT. & SUPPLIES	MEDLER ELECTRIC COMPANY	CLAMPS/GROUND RODS	11.24
591-556-970-801	CAPITAL IMPROVEMENT-PROF	FISHECK THOMPSON CARR & HUBER INC	TRANSFER PUMP	326.00
		Total For Dept 556 WATER FUND		14,844.98

Total For Fund 591 WATER MAINTENANCE & WATER FUND 37,235.86

Fund 592 SEWER MAINTENANCE & WASTEWATER FUND	Dept 000			
592-000-123-000	PREPAID EXPENSE	MICHIGAN MUNICIPAL RISK MANAGEMENT	INSURANCE	7,550.96
592-000-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	1,529.42
592-000-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	26.47
592-000-740-000	OPERATING SUPPLIES	EVERGREEN SOLUTIONS LLC	BAGS/SOAP/GREASE GUN LEVER	35.89
592-000-740-000	OPERATING SUPPLIES	GREAT LAKES SERVICE & SUPPLIES INC	LONG LEADER HOSE/FIN	172.05
592-000-802-000	CONTRACTUAL SERVICES	LARSEN'S LANDSCAPING LLC	SPRAY TREES	364.00
592-000-970-801	CAPITAL IMPROVEMENT-PROF	PREIN & NEWHOF, INC.	DOWLAND ST PROJECT	2,572.88
		Total For Dept 000		12,251.67

Dept 527 WASTEWATER FUND				
592-527-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	2,379.06
592-527-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	39.80
592-527-740-000	OPERATING SUPPLIES	BLARNEY CASTLE OIL COMPANY	DIESEL PURCHASED	894.36
592-527-740-000	OPERATING SUPPLIES	EVERGREEN SOLUTIONS LLC	TISSUE/BUFFING PADS	43.00
592-527-740-000	OPERATING SUPPLIES	KWIK PRINT PLUS OF LUDINGTON	PRINTS	85.75
592-527-740-000	OPERATING SUPPLIES	SEYMOUR'S SALES & SERVICE	TRIMMER LINE	15.95
592-527-740-000	OPERATING SUPPLIES	VWR INTERNATIONAL INC	SILVER NITRATE	193.95
592-527-740-000	OPERATING SUPPLIES	VWR INTERNATIONAL INC	FILTER PAPERS	229.45
592-527-740-000	OPERATING SUPPLIES	WEBB CHEMICAL SERVICE CORP.	CHLORIDE SOLUTION	4,442.56
592-527-801-000	PROFESSIONAL SERVICES	FISHECK THOMPSON CARR & HUBER INC	NPDES RENEW ASSIST	500.00
592-527-802-000	CONTRACTUAL SERVICES	MALBURG'S SANITATION SERVICE INC	AUGUST SERVICES	380.00
592-527-802-000	CONTRACTUAL SERVICES	OUDBIER INSTRUMENT CO.	METER CALIBRATION	273.00
592-527-853-000	TELEPHONE	ALLARD JR, ROBERT J	TELEPHONE / CELL PHONE REIMBURSEMENT	30.00
592-527-853-100	CELLULAR PHONE	ALLARD JR, ROBERT J	TELEPHONE / CELL PHONE REIMBURSEMENT	45.00
592-527-921-000	UTILITIES - ELECTRIC	CONSUMERS ENERGY	ELECTRIC	51.47
592-527-923-000	UTILITIES - GAS	DTE ENERGY	GAS	49.15

592-527-923-000 ULLITIES - GAS Total For Dept 527 WASTEWATER FUND 9,862.50

Fund 594 MUNICIPAL MARINA FUND Total For Fund 592 SEWER MAINTENANCE & WASTEWATER FUND 22,114.17

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount
594-000-123-000	PREPAID EXPENSE	HAMPTON PUBLISHING CO	CHAMBER MAP AD	399.00
594-000-123-000	PREPAID EXPENSE	MICHIGAN MUNICIPAL RISK MANAGEMENT	INSURANCE	2,097.49
594-000-719-000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	1,079.60
594-000-719-000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER	11.54
594-000-751-000	GASOLINE	BRENNER OIL COMPANY	GASOLINE PURCHASED	10,785.75
594-000-751-000	GASOLINE	BRENNER OIL COMPANY	GASOLINE PURCHASED	13,231.42
594-000-751-000	GASOLINE	BRENNER OIL COMPANY	GASOLINE PURCHASED	9,239.55
594-000-751-000	GASOLINE	BRENNER OIL COMPANY	GASOLINE PURCHASED	1,596.93
594-000-751-100	DIESEL	BRENNER OIL COMPANY	DIESEL PURCHASED	5,829.56
594-000-751-100	DIESEL	BRENNER OIL COMPANY	DIESEL PURCHASED	2,383.88
594-000-751-100	DIESEL	BRENNER OIL COMPANY	DIESEL PURCHASED	(2,260.41)
594-000-802-000	CONTRACTED SERVICES	ALLIED WASTE SERVICES INC #239	REFUSE PICK UP - AUGUST/BAGS/STICKERS	60.00
594-000-802-000	CONTRACTED SERVICES	ARCHITECTURAL HARDWARE CO	ALARM LOCK BATTERY PACK	40.49
594-000-802-000	CONTRACTED SERVICES	PORTSIDE FLORAL	RESTROOM ARRANGEMENTS	106.75
594-000-802-000	CONTRACTED SERVICES	PORTSIDE FLORAL	RESTROOM ARRANGEMENTS	59.25
594-000-802-000	CONTRACTED SERVICES	PORTSIDE FLORAL	RESTROOM ARRANGEMENTS	58.00
594-000-802-000	CONTRACTED SERVICES	PRO-MASTER CARPET CLEANING	RESTROOM ARRANGEMENTS	2,975.00
594-000-930-000	REPAIRS, MAINT. & SUPPLIES	EVERGREEN SOLUTIONS LLC	CLEAN RESTROOMS	2,975.00
594-000-930-000	REPAIRS, MAINT. & SUPPLIES	EVERGREEN SOLUTIONS LLC	TOWELS/TISSUES/CAN LINERS	318.49
594-000-930-000	REPAIRS, MAINT. & SUPPLIES	EVERGREEN SOLUTIONS LLC	TISSUES/CLEANER/SOAP	177.71
594-000-930-000	REPAIRS, MAINT. & SUPPLIES	EVERGREEN SOLUTIONS LLC	TISSUE/WINDA SHINE	52.19
594-000-930-000	REPAIRS, MAINT. & SUPPLIES	EVERGREEN SOLUTIONS LLC	SHAMPOO	41.87
		Total For Dept 000		48,284.06
		Total For Fund 594 MUNICIPAL MARINA FUND		48,284.06

Fund	Dept	Technology Fund	Internet Services	Internet Service	Amount
650-000-802-100	000	INTERNET CONNECTIONS	MICHIGAN INTERNET SERVICES	INTERNET SERVICE	70.00
			Total For Dept 000		70.00

Fund	Dept	Motor Pool Fund	Prepaid Expense	Health Insurance	Health Insurance - October	Amount
661-000-123-000	000	PREPAID EXPENSE	MICHIGAN MUNICIPAL RISK MANAGEMENT	INSURANCE	HEALTH INSURANCE - OCTOBER	14,682.40
661-000-719-000	000	HEALTH INSURANCE	PRIORITY HEALTH	HEALTH INSURANCE - OCTOBER	VISION INSURANCE - OCTOBER	3,418.70
661-000-719-000	000	FRINGE BENEFITS	VISION SERVICE PLAN	VISION INSURANCE - OCTOBER		54.13
661-000-740-000	000	OPERATING SUPPLIES	BRIGHTAM'S OF LUDINGTON	CLEANER		11.69
661-000-740-000	000	OPERATING SUPPLIES	EVERGREEN SOLUTIONS LLC	DISINFECTANT/CLEANER		176.26
661-000-751-000	000	PROPANE FILL	LAKE WELDING SUPPLY COMPANY	CYLINDER RENTAL		6.23
661-000-923-000	000	UTILITIES - GAS	DTE ENERGY	GAS		86.74
661-000-930-000	000	REPAIRS, MAINT. & SUPPLIES	BELL EQUIPMENT COMPANY INC	SIDE BROOMS/TOW BARS		401.82
661-000-930-000	000	REPAIRS, MAINT. & SUPPLIES	BRIGHTAM'S OF LUDINGTON	ADAPTOR		55.89
661-000-930-000	000	REPAIRS, MAINT. & SUPPLIES	BRIGHTAM'S OF LUDINGTON	TAILGATE HINGE KIT		12.99

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	BRIGHAM'S OF LUDINGTON	CORE DEPOSIT (24.00)	
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	FASTENAL COMPANY	BRUSH/PAINT MARKER	37.18
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	FASTENAL COMPANY	FELT PADS	76.32
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	FASTENAL COMPANY	MISC STOCK NUTS/BOLTS/WASHERS/TIES	411.37
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	FASTENAL COMPANY	FELT PADS	77.80
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	FASTENAL COMPANY	BOLTS	23.94
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	MARK AUTO PARTS, INC.	TAILGATE	100.00
661-000-930-000	REPAIRS, MAINT. & SUPPLIES	MODEL COVERALL SERVICE	CLEAN MATS/RUNNERS	48.61
661-000-977-000	EQUIPMENT	WINDER POLICE EQUIPMENT INC	LIGHTS	765.69
		Total For Dept 000		20,423.76
		Total For Fund 661 MOTOR POOL FUND		20,423.76

TOTAL FOR ALL FUNDS: 292,132.45

TOTAL FOR ACCOUNTS PAYABLE:

Fund 101 GENERAL FUND	114,615.45
Fund 202 MAJOR STREETS FUND	28,542.65
Fund 203 LOCAL STREETS FUND	9,847.38
Fund 208 RECREATION FUND	430.35
Fund 211 SENIOR CENTER FUND	2,209.37
Fund 493 DDA OPERATING FUND	356.25
Fund 495 WATCHCASE CONTAMINATION FUND	2,987.10
Fund 508 CARTIER PARK CAMPGROUND FUND	5,016.05
Fund 591 WATER MAINTENANCE & WATER FUND	37,235.86
Fund 592 SEWER MAINTENANCE & WASTEWATER FUND	22,114.17
Fund 594 MUNICIPAL MARINA FUND	48,284.06
Fund 650 TECHNOLOGY FUND	70.00
Fund 661 MOTOR POOL FUND	20,423.76

TOTAL FOR ALL FUNDS: 292,132.45

Summary

PREPAID EXPENDITURES


All Funds	\$	191,088.39		
Building Rehab Fund 422	\$	-		
Building Authority Fund 371	\$	-		
Police Pension Fund 732	\$	-		
Tax Distributions	(2943 - 2948)	\$	2,798.34	
TOTAL EXPENDITURES SINCE 09/10/2012:	\$			\$ 193,886.73
LESS TAX DIST., TRANSFERS & CD PURCHASES:	\$			\$ 2,798.34
TOTAL PREPAID EXPENDITURES SINCE 09/10/2012:	\$			\$ 191,088.39

ACCOUNTS PAYABLE

ALL FUNDS:	\$	292,132.45		
TOTAL ACCOUNTS PAYABLE FOR THIS PERIOD:	\$			\$ 292,132.45
TOTAL PREPAID EXPENDITURES:	\$			\$ 191,088.39
TOTAL EXPENDITURES SINCE 09/10/2012:	\$			\$ 483,220.84



Deborah L. Luskin, City Clerk



**CITY OF LUDINGTON
PLANNING COMMISSION
400 S. HARRISON ST. • LUDINGTON, MI 49431
(231)843-2956 • FAX (231)-845-1146**

September 6, 2012

TO: Mayor John Henderson
City Manager, John Shay
Ludington City Councilors

FROM: Ludington Planning Commission

Re: Ludington Zoning Ordinance No. 23-00 Text Changes and rezoning

On August 8, 2012, the Ludington Planning Commission held two public hearings and motions were unanimously approved to recommend to City Council the following:

1. To consider changes to the Ludington Zoning Map in order to rezone the following parcels from WM2 (Waterfront Maritime 2) to WCB (Waterfront Central Business District): Original Plat Lots 6, 7, 8, 9 and 10 **Block 47**. (“Wesco Block”)
2. To consider a text change to the Ludington Zoning Ordinance #23-00, Article 400.17 WM1 and WM2 (Waterfront Maritime), Section 400.17:2, Permitted Principal Uses, to allow single-family residential in the WM 2 district as listed below: Original Plat, Lots 7, 8, 9, 10, 11 and 12, **Block 48** and Original Plat, Lots 9,10, 11 and 12, **Block 49**

Respectfully submitted:

Carol Ann Foote
Planning/Zoning Administrator

CITY OF LUDINGTON
PLANNING COMMISSION
400 S. HARRISON ST. • LUDINGTON, MI 49431
(231)843-2956 • FAX (231)-845-1146

August 9, 2012

TO: Mayor John Henderson
City Manager, John Shay
Ludington City Councilors

FROM: Ludington Planning Commission

Re: Ludington Zoning Ordinance No. 23-00 Text Changes and rezoning

On May 1, 2012, the City of Ludington Planning Commission unanimously approved a motion to recommend to City Council for approval, text changes to the Ludington Zoning Ordinance #23-00, Article, 400.17 WM1 and 2 (Waterfront Maritime District), Section 400.17:2, Permitted Principal Uses, in order to allow single-family dwellings in the WM 2 district as a permitted principal use.

The Building and Licenses Committee met on May 10, 2012 to review this recommendation. The Committee referred this back to the Planning Commission because they felt that single-family dwellings would not be suitable for development on the south half of Block 47, also known as the "Wesco" block.

The Planning Commission reviewed this and agreed that Block 47 was more commercial in nature. At their regular meeting of August 8, 2012 two public hearings were held and motions were unanimously approved to recommend to City Council the following:

1. To consider changes to the Ludington Zoning Map in order to rezone the following parcels from WM2 (Waterfront Maritime 2) to WCB (Waterfront Central Business District): Original Plat Lots 6, 7, 8, 9 and 10 **Block 47**. ("Wesco Block")
2. To consider a text change to the Ludington Zoning Ordinance #23-00, Article 400.17 WM1 and WM2 (Waterfront Maritime), Section 400.17:2, Permitted Principal Uses, to allow single-family residential in the WM 2 district as listed below: Original Plat, Lots 7, 8, 9, 10, 11 and 12, **Block 48** and Original Plat, Lots 9,10, 11 and 12, **Block 49**

By rezoning lots 6, 7, 8, 9, and 10, Block 47 to WCB (Waterfront Central Business District), the permitted uses and special land uses would allow more commercial uses than WM2 would allow, yet it would not allow single-family dwellings. The maximum height permitted in the WCB district is 45' in comparison to 75' allowed in the CBD (Central Business District).

The text change to the Ludington Zoning Ordinance, Article 400.17, WM1 and WM2 (Waterfront Maritime), Section 400.17:2, Permitted Principal Uses, would allow single-family dwellings on the south half of Block 48 (South of Lakewinds Dental) and the four lots that are occupied by P. M. Steamers.

Copies of the permitted uses and special land uses for both WM1/WM2 and WCB districts are attached.

Respectfully submitted:

Carol Ann Foote
Planning/Zoning Administrator

CITY OF LUDINGTON

ORDINANCE NO. 248-12

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

THE CITY OF LUDINGTON ORDAINS:

Section 1: The following described area of the zoning map of the City of Ludington is hereby rezoned from “WM2” (Waterfront Maritime 2) to “WCB” (Waterfront Central Business District): Original Plat Lots 6, 7, 8, 9 and 10 Block 47.

Section 2: 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 or of any other provisions of the City of Ludington Zoning Ordinance.

Section 3: Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4: Effective date: This ordinance shall be effective 20 days from the date hereof.

Dated: _____

Deborah L. Luskin, City Clerk

CITY OF LUDINGTON

ORDINANCE NO. 249-12

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 400.17 WM 1 And 2 (Waterfront Maritime) shall be amended to read as follows:

ARTICLE 400.17 WM 1 AND 2 (WATERFRONT MARITIME)

SECTION 400.17:2 Permitted Principal Uses

- (1) Libraries, museums, and other governmental facilities;
- (2) Multi-family residential;
- (3) General and professional offices
- (4) *Single-Family dwellings in WM2 only*

Section 2. 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 3. Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date: This ordinance shall take effect twenty (20) days after publication.

Dated: _____

Deborah L. Luskin, City Clerk

ARTICLE 400.17 WM 1 AND 2 (WATERFRONT MARITIME)

SECTION 400.17:1 Intent. This district is designed to provide a bridge between the established business areas and the developing waterfront area. The mixing of residential and non-residential uses on the same property is encouraged to promote an active waterfront area and prosperous downtown business environment. The use, improvement and preservation of existing streets and alleys to promote pedestrian traffic circulating in the waterfront area and the downtown area are viewed as an enhancement to the community. Existing public right-of-ways should only be altered to enhance the overall objectives of the City. District regulations are designed to promote physical developments and reuse existing buildings where feasible which are aesthetically, visually, and functionally compatible with the surrounding area.

SECTION 400.17:2 Permitted Principal Uses

- (1) Libraries, museums, and other governmental facilities;
- (2) Multi-family residential;
- (3) General and professional offices;

SECTION 400.17:3 Permitted Accessory Uses

- (1) Any use customarily incidental to the permitted principal use;
- (2) During the period from April 1st to December 1st, outdoor storage of boats is allowed as an accessory to any permitted use, but is not permitted in any required setback;
- (3) Retail uses subordinate to and used in conjunction with a principal permitted or special land use and when conducted entirely within an enclosed building.
- (4) Accessory uses provided in Section 400.6:3 subject to the conditions of subsections (2) and (3) of Section 400.6:3 and to the conditions of Section 400.17:5 except as to setback.

SECTION 400.17:4 Special Land Uses

- (1) Planned unit waterfront development (refer to Chapter Xa);
- (2) Restaurants and cafes;
- (3) Hotels, motels, convention facilities or meeting facilities;
- (4) Bed and Breakfast establishments
- (5) Outdoor food or beverage service or outdoor entertainment;
- (6) Artisan shops;
- (7) Fences

SECTION 400.17:5 Required Conditions

- (1) Site plan review is required for all uses, buildings, and structures. (Refer to Chapter XI)
- (2) Area, height, and placement regulations:
 - a) Maximum floor area of principal and accessory buildings will be governed by setback and parking requirements.
 - b) Setback Requirements: Ten (10) feet from any street, alley or property line; twenty-five (25) from the high water mark for all uses except docks, wharves and similar structures; all buildings or structures (notwithstanding SECTION 500.4:1) must conform to these setback requirements: except in the case of a Special Land Use for boat storage where the Planning Commission may

allow fences and boat storage, but no other structures within the setback areas. Parking must be at least thirty (30) from the high water mark.

- c) Minimum lot sizes will be determined by the use and the setback and parking requirements;

ARTICLE 400.18 WCB (WATERFRONT CENTRAL BUSINESS)

SECTION 400.18:1 Intent. The intent of this District has a dual purpose. The first is to permit an expansion of the Central Business District while encouraging pedestrian traffic to engage the natural assets of the waterfront during a shopping experience. The second is to allow higher residential densities that foster preservation and enhancement of the neighboring business district and to encourage pedestrian traffic to and from the waterfront. These regulations are also designed to promote physical developments that encourage land use developments, which are aesthetically, visually, and functionally compatible with an accessible waterfront.

SECTION 400.18:2 Permitted Principal Uses

- (1) Parks, parkways, play areas;
- (2) Libraries, museums, and other governmental facilities;
- (3) Multi-family residential;
- (4) General and professional offices;
- (5) Banks;

SECTION 400.18:3 Permitted Accessory Uses

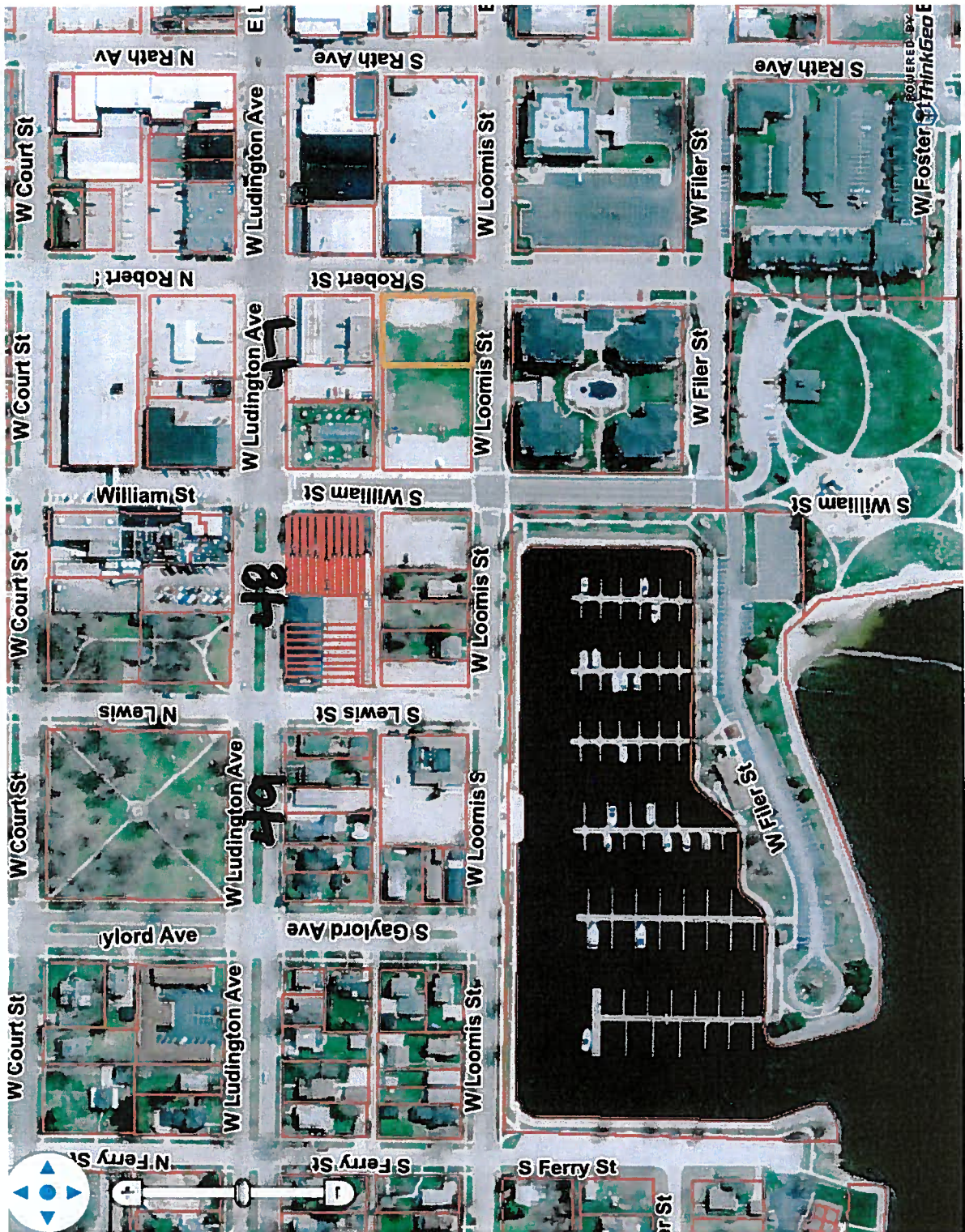
- (1) Any use customarily incidental to the permitted principal use;
- (2) During the period from April 1st to December 1st, outdoor storage of boats is allowed as an accessory to any permitted use, but is not permitted in any required setback;
- (3) Except in any public park, or other publicly owned facility, outdoor food or beverage service or outdoor entertainment shall be by special land use only.
- (4) Accessory uses provided in Section 400.6:3 subject to the conditions of subsections (2) and (3) of Section 400.6:3 and to the conditions of Section 400.18:5 except as to setback and such accessory uses shall not be subject to subsection (8) of Section 400.18:5.

SECTION 400.18:4 Special Land Uses

- (1) Planned unit waterfront development (refer to Chapter Xa).
- (2) Restaurants and cafes;
- (3) Hotels, motels, convention facilities or meeting facilities;
- (4) Bed and Breakfast establishments
- (5) Retail stores or establishments, not including sales of cars, trucks, farm equipment, boats, or other similar items;
- (6) Artisan shops;
- (7) Fences
- (8) Outdoor service of food and beverage, including alcoholic beverages, not otherwise allowed under Section 400.18:3, when the service is accessory to a permitted food and beverage service use (See Section 900.3:21).

- C-1 OLD TOWN NEIGHBORHOOD DISTRICT
- C-2 GENERAL RETAIL DISTRICT
- CBD CENTRAL BUSINESS DISTRICT
- G-1 GOVERNMENT SERVICE DISTRICT
- LC LIMITED COMMERCIAL DISTRICT
- M-1 WHOLESALE AND LIGHT INDUSTRY DISTRICT
- M-2 HEAVY INDUSTRY DISTRICT
- MC MARITIME COMMERCIAL DISTRICT
- MR MOTEL-RESORT DISTRICT
- P PARKING DISTRICT
- R1-A SHOREFRONT RESIDENTIAL
- R1-B SINGLE-FAMILY RESIDENTIAL DISTRICTS
- R1-C PLANNED RESIDENTIAL DISTRICT
- R2-A GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT
- R3-A MULTI-FAMILY RESIDENTIAL DISTRICT
- R4-A MOBILE HOME PARK DISTRICT
- W WATERFRONT DISTRICT
- WS WATERFRONT/SHIPPING DISTRICT
- WM-1 WATERFRONT MARITIME 1 DISTRICT
- WM-2 WATERFRONT MARITIME 2 DISTRICT
- WCB WATERFRONT CENTRAL BUSINESS DISTRICT







JOHN HENDERSON, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, CITY TREASURER

CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

MEMORANDUM

TO: Mayor Henderson and the Ludington City Council
FROM: John Shay, City Manager *JS*
DATE: September 20, 2011
RE: Proposed Historic District Ordinance

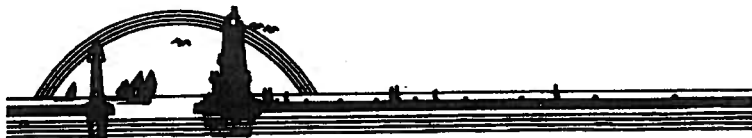
In October 2009, the City Council, in response to the request of several citizens on East Ludington Avenue, established a Historic District Study Committee composed of the following members: Bill Anderson, Sharon Bluhm, Dave Germain, Bill Stumpf, Kendra Thompson, Heather Venzke and Ron Wood. The committee was charged with the responsibility to perform a photographic inventory, research and evaluate properties using National Register of Historic Places criteria. Having completed these steps, the study committee prepared a preliminary historic district study committee report according to the State of Michigan Public Act 169. The report is recommending that the City Council adopt an historic district ordinance, which would create an Historic District Commission. This commission would have the authority to regulate the renovation and repair of the exterior of the properties on both sides of East Ludington Avenue between Harrison Street and Staffon Street in order to preserve and maintain the historically significant features of these properties.

After review of the report by the City Council's Building & Licenses Committee, the State Historic Preservation Office, Michigan Historical Commission and State Review Board, Public Act 169 specifies a public hearing.

The study committee is requesting that the City Council schedule a public hearing to receive public comment on Monday, October 22, 2012 at 6:30 p.m. in the City Council Chambers at City Hall. Copies of the Study Committee Report may be reviewed at City Hall, the Mason County District Library and Historic White Pine Village.

CITY MANAGER'S RECOMMENDATION: Set a public hearing for Monday, October 22, 2012 at 6:30 p.m. to receive public comment on the proposed local historic district ordinance.

On the Shores of Lake Michigan



JOHN HENDERSON, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, CITY TREASURER

CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

MEMORANDUM

TO: Mayor Henderson and the Ludington City Council
FROM: John Shay, City Manager JS
DATE: September 21, 2012
RE: Tom Rotta's Appeal of FOIA Decision

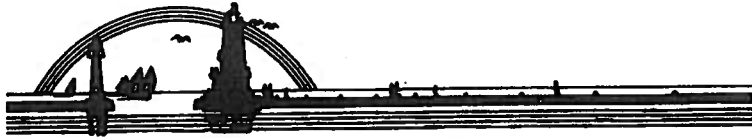
I have attached a FOIA request from Tom Rotta dated August 31, 2012 in which he requested to receive copied electronic files or to personally inspect:

“The minutes of the meeting that the City Council declared was a ‘closed meeting’ under false pretenses, that took place at the end of the 8-27-2012 Ludington City Council meeting.”

As you can see from the attached e-mail thread, the City Attorney responded to Mr. Rotta that the City did not violate the Open Meetings Act by going into closed session to discuss the McAdam lawsuit and that the FOIA Coordinator acted properly in denying the release of the minutes to this closed session of the City Council. Mr. Rotta is appealing the FOIA Coordinator's decision to deny releasing the minutes.

CITY MANAGER'S RECOMMENDATION: Affirm the FOIA Coordinator's response dated September 11, 2012 to Mr. Rotta's FOIA request dated August 31, 2012.

On the Shores of Lake Michigan



JOHN HENDERSON, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, CITY TREASURER

CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

September 11, 2012

Mr. Tom Rotta
137 East Dowland Street
Ludington, Michigan 49431

RE: Response to Freedom of Information Act ("FOIA") Request Received Via E-Mail on September 4, 2012

Dear Mr. Rotta:

Your recent request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), MCL §15.231 et seq, as amended, is hereby:

- Granted, requested record(s) available. Please remit \$_____ to cover costs (see e-mail).
- Granted, however the cost of responding to your request is estimated to exceed \$50.00, therefore a deposit of \$_____ (1/2 estimated cost) will be required. Upon receipt of your deposit, the City will compile the requested record(s).
- Granted, your name will be placed on a subscription list for future issuances of the requested record(s) disseminated on a regular basis. This subscription shall be valid for six (6) months and shall be renewable only upon written request each six (6) months.
- Denied, requested records(s) exempt from disclosure for the following reason(s):
 - A public record does not exist under the name given or by another name reasonably known by the FOIA Coordinator.
 - Requested record(s) are of a personal nature and the disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
 - Requested records are investigative records compiled for law enforcement purposes and disclosure would interfere with law enforcement proceedings, deprive a person of the right to a fair trial or impartial administrative adjudication, constitute an unwarranted invasion of personal privacy or disclose the identity of a confidential source or disclose confidential information furnished by a confidential source.
 - Records or information specifically described and exempted from disclosure by statute.

On the Shores of Lake Michigan

- Requested record(s) would prevent the body from complying with Section 444 of subpart 4 of part C of the General Education Provisions Act, 20 USC 1232g.
- Requested record(s) are trade secrets or commercial or financial information voluntarily provided to an agency for developing governmental policy.
- Requested record(s) are subject to the attorney-client privilege.
- Requested record(s) are subject to the physician-patient, psychologist-patient, minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.
- Requested record(s) are a bid or proposal to enter into a contract or agreement prior to the time established for submission or public opening.
- Requested record(s) are appraisals of real property to be acquired prior to an agreement for purchase, or less than three (3) years after the appraisal date.
- Requested record(s) are medical, counseling, or psychological facts or evaluations which would disclose an individual's identity.
- Requested record(s) are communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final determination of policy or action.
- Requested record(s) are law enforcement communication codes, or plans for deployment that if disclosed would prejudice the public body's ability to protect the public safety and the public interest in disclosure does not outweigh the public interest in nondisclosure in this particular instance.
- Requested record(s) are testing data for determining whether bidder's products meet specifications.
- Requested records are public records of a law enforcement agency, the release of which would do any of the following: (i) identify or provide a means of identifying an informant; (ii) identify or provide means to identify an undercover officer, agent or plain clothes officer; (iii) disclose the personal address or telephone number of active or retired law enforcement personnel or a special skill they may have; (iv) disclose the name, address or phone number of family members, relatives, children or parents of active or retired law enforcement personnel; (v) disclose operational instructions; (vi) reveal the contents of staff manuals provided to law enforcement personnel; (vii) endanger the life or safety of law enforcement personnel or their family members or those who furnish information to law enforcement agencies; (viii) identify or provide means of identifying a person as a law enforcement officer, agent or informant; (ix) disclose personnel records; or (x) identify or provide means to identifying residences that law enforcement personnel are requested to check in the absence of the owners or tenants; and the public interest in nondisclosure outweighs the public interest in disclosure in this particular instance.
- Requested record(s) are records of security measures.
- Requested record(s) are information relating to a civil action in which the requesting party and the public body are parties.
- Requested record(s) would disclose the social security number of an individual.
- Granted in part, denied in part, see above for explanation, record(s) enclosed.

- Due to unusual circumstances, as stated below, we are extending the period to respond to your request by ten (10) business days, your request will be granted, denied, or granted in part and denied in part by _____. (Response Date)
- The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
- The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

If your request for record(s) is denied, you may submit a written appeal, specifically stating "appeal" and stating the reasons for appeal, to the Ludington City Council, or seek judicial review under Section 10 of the Act within 180 days after the public body's final determination. Within ten (10) days of receiving a request for an appeal, the City Council shall a) reverse the denial; b) issue a written notice upholding the denial; c) reverse in part and uphold in part by written notice; or d) issue a notice extending by ten (10) business days the time to decide the appeal. The City Council is considered to have received your appeal at its first regularly scheduled meeting following the submission of the appeal in writing.

If after judicial review, the Circuit Court determines that the City of Ludington has not complied fully with the disclosure requirements, the Court shall award reasonable attorneys' fees, costs, and disbursements. If the Court determines that the City of Ludington has arbitrarily and capriciously violated the Act, the Court shall award punitive damages in the amount of \$500.00.

A copy of this request will be kept on file for no less than one (1) year.



John Shay, City Manager
FOIA Coordinator

John Shay

From: John Shay
Sent: Friday, September 21, 2012 8:06 AM
To: 'Tom Rotta'
Subject: RE: Affirmation of FOIA Appeal for Fw: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

Tom:

Your appeal will be placed on the agenda for the Ludington City Council meeting on September 24, 2012 at 6:30 p.m.

John Shay
City Manager
City of Ludington
400 South Harrison Street
Ludington, Michigan 49431
(231) 845-6237 Voice
(231) 845-7302 Fax
jshay@ci.ludington.mi.us

From: Tom Rotta [mailto:tomrotta@rocketmail.com]
Sent: Thursday, September 20, 2012 6:55 PM
To: John Shay
Cc: Richard Wilson; rjrathsack@aol.com; wtaranko@charter.net; wlmarrison@charter.net; Les22j@frontier.com; tykoskin@msu.edu; michland50@hotmail.com; kayescare@charter.net; John Henderson
Subject: Affirmation of FOIA Appeal for Fw: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

John,

I haven't heard anything back from the City on this, so I would appreciate the regular affirmation of a FOIA appeal to go in front of September 24's CC meeting based on the denial of these minutes from a closed meeting held fraudulently under the Open Meetings Act. Please also have a legitimate reason why the City did not violate the OMA in doing so when they were not a party to this lawsuit anymore, when they said they were. Thank you.

Tom Rotta
The Ludington Torch

— Forwarded Message —

From: Tom Rotta <tomrotta@rocketmail.com>
To: Richard Wilson <rmw@gwsh.com>
Cc: "rjrathsack@aol.com" <rjrathsack@aol.com>; "wlmarrison@charter.net" <wlmarrison@charter.net>; "wtaranko@charter.net" <wtaranko@charter.net>; "kayescare@charter.net" <kayescare@charter.net>; "michland50@hotmail.com" <michland50@hotmail.com>; "tykoskin@msu.edu" <tykoskin@msu.edu>; "Les22j@frontier.com" <Les22j@frontier.com>; "mayor@ci.ludington.mi.us" <mayor@ci.ludington.mi.us>; John <jshay@ci.ludington.mi.us>
Sent: Tuesday, September 11, 2012 1:35 PM
Subject: Re: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

Richard,

That's what the City of Ludington needed to say three Mondays ago, and put it in the minutes as per the OMA. The minutes for the open part of that meeting (which were approved last night in your presence) states: "Moved... to go into closed session to discuss with Allan Vander Laan, the City's liability insurance attorney , the McAdams lawsuit against the City at 7:10 PM" Unanimous vote, followed by a second motion to allow various figures into closed session.

By your admission and the facts that are in the public record, the statement "lawsuit against the City" is in error, and should have been clarified to what you have just said. You went into a closed session under false pretenses; "specific pending litigation" was not McAdam vs the City, but for McAdam vs Warmuskerken, et. al. The session was not closed because the 'specified' litigation was grossly in error. I insist on the minutes being released to the public, as they should, particularly since there was no action/vote subsequently when the meeting went back into open session which may indicate some illegal decision was made in the closed session.

Thank you, and of course, if you can't clarify this point further, and tell me why the City erred, this FOIA request is under appeal, and a complaint will be sent to your friend the prosecutor for further action on the fraudulently held closed meeting.

Tom Rotta
The Ludington Torch

From: Richard Wilson <rmw@gwsh.com>
To: Tom Rotta <tomrotta@rocketmail.com>
Cc: John Shay <JShay@ci.ludington.mi.us>
Sent: Tuesday, September 11, 2012 11:51 AM
Subject: RE: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

Mr. Rotta,

Please review the Open Meetings Act again. Section 8(e) of the OMA does not require that the City be a party to the "specific pending litigation" which forms the basis for going into closed session. Because the City's insurance policy and the City's retained liability,(i.e., the deductible) under that policy are providing the defense to the former City police officer involved in the McAdams case, consulting with trial counsel in an open meeting would have a detrimental financial effect on the trial and/or settlement position of the City. Accordingly, the decision to deny you a copy of the minutes of the closed session where trial and settlement positions were discussed with counsel is entirely proper for both of the reasons stated in the FOIA Coordinator's response, and trial counsel and I so advised the City.

Richard

Richard M. Wilson, Jr.
Gockerman, Wilson, Saylor & Hesslin, P.C.
Attorneys at Law
414 Water Street
Manistee, MI 49660

231-723-8333
231-723-3888 fax
rmw@gwsh.com

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From: Tom Rotta [mailto:tomrotta@rocketmail.com]
Sent: Tuesday, September 11, 2012 10:58 AM
To: John Shay
Cc: rjrathsack@aol.com; kayescare@charter.net; tykoskin@msu.edu; wtaranko@charter.net; wlmarrison@charter.net; Les22j@frontier.com; michland50@hotmail.com; mayor@ci.ludington.mi.us; Richard Wilson
Subject: Re: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

John,

The Burden of establishing that a meeting of a public body is exempt from the Open Meetings Act is on the public body. Burden me with why the meeting was exempt from the open meetings act, and hence the meeting notes are exempt from my inspection. You failed to include this with your reply.

If the City cannot fully explain why this meetin was held to exempt it from the OMA, consider this a warning that the act of omission in clarifying that could set the City of Ludington up for further liability for violating the OMA. Thanks for your prompt response.

Tom Rotta
The Ludington Torch

From: John Shay <JShay@ci.ludington.mi.us>
To: Tom Rotta <tomrotta@rocketmail.com>
Cc: rmw@gwsh.com
Sent: Tuesday, September 11, 2012 7:41 AM
Subject: RE: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

Tom:

I have attached the City of Ludington's response to your FOIA request.

John Shay
City Manager
City of Ludington
400 South Harrison Street
Ludington, Michigan 49431
(231) 845-6237 Voice
(231) 845-7302 Fax
jshay@ci.ludington.mi.us

From: Tom Rotta [mailto:tomrotta@rocketmail.com]
Sent: Friday, August 31, 2012 1:53 PM
To: John Shay
Subject: FOIA Request: "Closed" meeting minutes from 8-27-2012 meeting

John,
Before you claim that the minutes of a closed meeting are exempt, Mayor Henderson noted for the record that the closed session was to discuss the pending McAdams' lawsuit with their lawyer, Allan Vander Laan. The Open Meetings Act (OMA), declares a closed meeting is permissible by 8e: "To consult with its attorney

regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body."

The City of Ludington Daily News further reported that this lawsuit referred to a Taser lawsuit initiated by Joseph McAdams. At the top of page 3 of this document, http://api.ning.com/files/UCKTJ99b1DdJcV17-SE1Y1UOsKPSK*RWbXDIuPb4fMf8wod2S50YZ0KBtkLlhVC2*ed8FGvRFjUyz7oxKYkwhQcwyPw4mbbc/1251.pdf

it says that "The City of Ludington was voluntarily dismissed (from the lawsuit) by the plaintiff (Joseph McAdam)".

Unless there is a fully separate lawsuit, this lawsuit is not pending against the City of Ludington, and if this is the lawsuit regarding Joseph McAdam being referenced, the City is violating the OMA, by going into closed session without valid reason to.

For future reference, the City should also clarify in words why such a session would have had a detrimental effect on the litigation or settlement position. Here are some points for you and your attorney stable to consider further if you should decide to withhold the minutes of this meeting:

Detroit News v Detroit, 185 Mich App 296 (1990), Burden of establishing that a meeting of a public body is exempt from the Open Meetings Act is on the public body

Wexford County Prosecuting Attorney v Pranger, 83 Mich App 197 (1978) Closed session exceptions of the Open Meetings Act are to be construed strictly to limit the situations that are not open to the public.

Under provisions of the Michigan Freedom of Information Act (MCLA 15.231 et seq; MSA 4.1801 (1) et seq) I am requesting to receive copied electronic files to this E-mail address or failing that, to personally inspect the following public records :

The minutes of the meeting that the City Council declared was a "closed meeting" under false pretenses, that took place at the end of the 8-27-2012 Ludington City Council meeting.

If you need any clarifications of this request, please reply expediently to this E-mail address.

If requested record(s) do not exist, please enumerate which ones do not, as per the Act.

If you determine that some of the requested information is exempt from disclosure, please detail what is being withheld and cite the exemption under FOIA.

If fees to comply with this request exceed \$20, please contact me at this E-Mail address with those fees enumerated.

As provided under FOIA, I would anticipate my request being filled within five working days of receipt of this letter.

Tom Rotta

The Ludington Torch



JOHN HENDERSON, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, INTERIM CITY TREASURER

CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

FYI

September 20, 2012

Dear Property Owner:

In October of 2009 the Ludington City Council in response to the request of several citizens on East Ludington Avenue established a Historic District Study Committee. The Council appointed as members: Bill Anderson; Sharon Bluhm; Dave Germain; Bill Stumpf; Kendra Thompson; Heather Venzke; and Ron Wood. The committee was charged with the responsibility to perform a photographic inventory, research and evaluate properties using National Register of Historic Places criteria. Having completing these steps the study committee prepared a preliminary historic district study committee report according to the State of Michigan Public Act 169.

After review of the report by the Ludington Planning Committee, the State Historic Preservation Office, Michigan Historical Commission and State Review Board the Public Act 169 specifies a public hearing.

The City Council will be scheduling a hearing to receive public comment on Monday, October 22, 2012 at 6:30 PM at the City Hall in the Council Chambers. Copies of the Study Committee Report may be reviewed at City Hall, the Mason County District Library and Historic White Pine Village.

**John Henderson
Mayor**

On the Shores of Lake Michigan

**CITY OF LUDINGTON
BOARD OF ZONING APPEALS
LUDINGTON MUNICIPAL BUILDING
400 S HARRISON ST., LUDINGTON, MI 49431**

**AGENDA
Wednesday, October 10, 2012
5:30 P.M.**

1. Call to Order
2. Roll Call
3. Agenda Approval
4. Public Comments
5. Approval of Minutes:
September 6, 2012
6. Public Hearing:
7. Old Business:
Consideration of a request by John W. Fisher for a side yard setback variance in order to complete construction of a single-family home within six feet, ten inches (6' 10") of the south side yard property line. Ludington Zoning Ordinance 23-00, Section 400.14 requires a minimum of a seven and one-half feet (7' 6") side yard setback.: PART OF LOTS 31, 32 & 33 BLK 1 ASSESSORS PLAT OF SIXTH ADDITION TO THE CITY OF LUDINGTON, BING THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4: DESC AS COM AT THE W 1/4 COR OF SEC 10; TH S 00 DEG 30' 25" E ALG THE W LINE OF SEC 10, 661.76 FT; TH N 87 DEG 46' 48" E PARALLEL WITH THE N LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SEC 10, 159.90 FT TO THE E LINE OF A VACATED ALLEY; TH S 00 DEG 31' 04" E ALG THE E LINE OF THE VACATED ALLEY, 75.04 FT TO POB; TH N 87 DEG 46' 48" E PARALLEL WITH THE N LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4 , 139.91 FT TO THE W ROW LINE OF VOGEL ST AS PLATTED; TH S 00 DEG 31' 43" E ALG THE W ROW LINE OF VOGEL ST, 75.03 FT TO THE S LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4; TH S 87 DEG 46' 48" W PARALLEL WITH THE S LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, 139.92 FT TO THE E LINE OF A VACATED ALLEY; TH N 00 DEG 31" 04" W ALG THE E LINE OF THE VACATED ALLEY, 75.03 FT TO P OF BEG SEC 10 T18N R18W 0.24 AC +/-, also known as 1011 Vogel St.
8. New Business:
9. Adjournment

CITY OF LUDINGTON
ZONING BOARD OF APPEALS
Minutes – 09/06/12

A regular meeting of the Ludington Board of Zoning Appeals was held on September 6, 2012 at the Ludington Municipal Building, 400 S Harrison St., Ludington, MI, and was called to order by Roger Starr, Chairperson at 5:30 p.m.

PRESENT: Roger Starr, Brian Purtee, Tracy Hutchinson, and Kathy Winczewski

ABSENT: None

ALSO PRESENT: Recording Secretary Carol Ann Foote

ROLL CALL:

The roll call gave the above results.

AGENDA APPROVAL:

A motion was made by Brian Purtee to approve the agenda seconded by Kathy Winczewski. Motion carried unanimously.

MINUTES:

A motion was made by Tracy Hutchinson to approve the minutes of March 5, 2012 seconded by Brian Purtee. Motion carried unanimously.

PUBLIC HEARING:

Consideration of a request by John W. Fisher for a side yard setback variance in order to complete construction of a single-family home within six feet, ten inches (6' 10") of the south side yard property line. Ludington Zoning Ordinance 23-00, Section 400.14 requires a minimum of a seven and one-half feet (7' 6") side yard setback.: PART OF LOTS 31, 32 & 33 BLK 1 ASSESSORS PLAT OF SIXTH ADDITION TO THE CITY OF LUDINGTON, BING THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4: DESC AS COM AT THE W 1/4 COR OF SEC 10; TH S 00 DEG 30' 25" E ALG THE W LINE OF SEC 10, 661.76 FT; TH N 87 DEG 46' 48" E PARALLEL WITH THE N LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SEC 10, 159.90 FT TO THE E LINE OF A VACATED ALLEY; TH S 00 DEG 31' 04" E ALG THE E LINE OF THE VACATED ALLEY, 75.04 FT TO POB; TH N 87 DEG 46' 48" E PARALLEL WITH THE N LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, 139.91 FT TO THE W ROW LINE OF VOGEL ST AS PLATTED; TH S 00 DEG 31' 43" E ALG THE W ROW LINE OF VOGEL ST, 75.03 FT TO THE S LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4; TH S 87 DEG 46' 48" W PARALLEL WITH THE S LINE OF THE N 150 FT OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, 139.92 FT TO THE E LINE OF A VACATED ALLEY; TH N 00 DEG 31' 04" W ALG THE E LINE OF THE VACATED ALLEY, 75.03 FT TO P OF BEG SEC 10 T18N R18W 0.24 AC +/-, also known as 1011 Vogel St.

Jason Porter, Absolute Service, told the Board that he was the contractor of the project. He stated that he went to the site to stake it out he found the four corners of the stakes. He measured the front road stake and it was seventy-five feet. The south side of the property had a lot of trees and shrubs so he could not get a true straight line there. The north stakes were wide open so he put a string line there, came 7 ½ feet and started the foundation. The house is sixty feet wide and with a lot 75 ft wide gave me 7 ½ feet on both sides. We started the project and the neighbor called in a complaint that we were over what the setback was to be. We met on site, pulled out a tape measure and found that we were anywhere from 6'8" to 6' 10". He said that when he pulled a tape on the back two pins on the property, instead of being seventy-five feet, it was seventy-four feet. The northwest corner was a foot off when the surveyor put the pin in. When I put the house on those two pins, it shifted it to the south and put us over the setback. Kathy Winczewski asked Jason if the surveyor made a mistake. Mr. Porter said that he put one pin in the wrong spot. She asked if this happened very often. Mr. Porter stated that he had been doing this for twelve years, and this is the first time he has seen it. Ms. Winczewski asked who the surveyor was. John Fisher, owner of the property, said that the survey was originally given to him by John Larson, the original owner of the lot. Ms. Winczewski asked him if he got another survey correcting that one. Mr. Fisher said that he did not. Mr. Porter said that there were pins on the

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north vacant property and measuring from that, it is seventy-six feet, and Mr. Fisher's measures seventy-four. Both lots should be seventy-five. Brian Purtee asked if a mortgage survey had been done. Mr. Fisher said that one had been done two weeks ago. It was not very detailed just giving the dimensions of the property and the house, but not showing how far away the house was from the property lines. Mr. Porter said that he thought they went off the pins that were there and took some measurements. Mr. Purtee asked if this was a lot that had been sub-divided into two smaller lots. Mr. Porter said that was correct. Mr. Purtee asked if that was the faulty survey. Mr. Porter said yes. Mr. Purtee asked if there had been another survey to definitively establish the lines. Mr. Porter said there had not. Mr. Purtee asked how the correct dimensions would be determined. Mr. Porter said the one pin needed to be moved over. Mr. Purtee asked how they knew what pin was wrong, where any triangulations done? Mr. Porter said that he did not. He said that in talking to the neighbor to the south, he was positive that his stake was correct. They had a survey done when they purchased their home, and the stake was not moved. John Fisher told the Board that the stakes had been in the property since he purchased it. Tracy Hutchinson asked if the stakes were wooden stakes, pins or concrete monuments. Mr. Porter said they were actual pins with orange spray paint on top of them. Ms. Hutchinson asked what the closest building was to the south. Mr. Porter said it was a tennis court, not a structure. Ms. Hutchinson asked if they had considered alternatives. Mr. Porter said the only alternative was to cut eight inches off of one side of the house. Ms. Hutchinson asked if he could bring the foundation in and adjust over. Mr. Porter said that anything they do at this point will be an incredible expense. Mr. Fishers has nothing to gain with the house coming over too far to the south. Roger Starr stated that it sounds like there is one corner post that is off a foot and the current building is not quite square on the lot. Mr. Porter said the southwest corner is closer than the southeast corner. Mr. Starr asked which corner would be 6'10" from the property line. Mr. Porter said it would be the southwest corner.

Fred Hackert, 1025 Vogel St., said that it was important to know what is at issue. The issue is the side yard setback at 7 ½ ft. The ordinance is very clear on that issue. It gives no parameters except that is the minimum. There is no other adjustment to the ordinance. With that being said, when you are building on a seventy-five foot lot and putting a sixty foot structure on it, there is no margin for error. When the house is laid out, you have to be exact. If the north side is at 7 ½ ft. and the house is at an angle, then it can't be right on the north either. He stated that he is on the Ludington Board of Review and dealt with these properties when they were split into three parcels. The survey was done at that time and it is hard to believe that there were errors made. Again it comes back to the side yard setback. That is what the appeals board has to rule on. There is no variance for mistakes. Nobody took the initiative to do a survey. That is the first thing to do when you buy property. Why would you buy something and not know what you have. Then you place a structure on it that does not fit. Something is wrong with the way the house is put in there. The City of Ludington issued a permit to build the structure. The inspector had to inspect the site when the foundation was put in. It looks like there are a lot of players that could be at fault, but who is at fault is not the issue. They violated the setback of 7 ½ ft. and also encroached on the neighbor to the south. Conveniently, they did not encroach on the neighbor to the north because they are planning on building another home on that lot. That is a problem; a problem that the Zoning Board of Appeals has to deal with. Maybe an agreement could be made by property owners to fix the problem. Put fixing the problem is not to allow something less than what the setback is. Then you are in violation of the City ordinance. If the Ordinance is not strong enough to stand up for what it says, why do we have one? The Ordinance is there to protect the property owners on both sides. You cannot make land where there is not land. If it doesn't fit, it is not going to fit. He said that he was also troubled by the fact that the City has allowed the building to continue. He thinks that the request should be denied.

Derik Heimerdinger, 706 N. Lakeshore Drive, said that he was the property owner to the south. He called the City curious of the setback, because of all the dirt on his property while they were digging the basement. He stated that he had a survey done when he bought his house and John Larson had a survey done. The corner post on the northern property boundary is still there. The other corner post is in Amy Hudy's driveway. When I started measuring from the permanent post in the ground, I discovered how close it was. I do not know what I

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am going to do down the road. Will this hurt the re-sale? What if I built another building or add on to my house? I just want clarity of how this is going to affect me down the road. I want a legal document that says that it will not affect me, no matter what goes on there. I do not want to be bothered. This was not my issue to start with. I think it was sloppy. Who would build such an expensive house without spending another \$250.00 on a survey? Now it does affect me. Brian Purtee told Mr. Heimerdinger that if he has established property boundaries, he should have no problems. Mr. Heimerdinger said that he just wants to know what his rights are as a property owner when there is a clear zoning violation. If he wants to build a ten foot fence because he does not want to look at the house, can that slide too? Kathy Winczewski asked if he would need to come for a variance like anyone else, if he wanted a ten foot fence. Brian said that if Mr. Heimerdinger wanted to come up to the 7 ½ ft. setback with a structure, he does not know how that would affect anything. Mr. Heimerdinger said the whole survey of the area has been changed over the years. He said that the survey that he has is the same survey that John Larson has. It was a simple mistake that made a big mess that brought us all in this room.

Terry Wahr, Pere Marquette Township Building Inspector, said that he went out and looked at the site for Carol Foote. He stated that there is a discrepancy in the survey. All four corners are staked, but also there are two center stakes. The two front stakes are 75 ft. and the back ones are 76 ft. and 75 ft. The center line that was referred to as imaginary is staked with capped stakes. Mr. Porter pulled his line off the center stakes. The stakes are only a few years old. Tracy Hutchinson wanted to know if there would still be an issue if it was re-surveyed. Terry Wahr said yes, because he pulled his line to start the house from the two center stakes. Roger Starr asked how far the front of the house on the south was from the line. Jason Porter said it was 6' 8". Kathy Winczewski asked if he had ever seen a mistake like this before. Mr. Wahr said no, it was pretty uncommon. He said the survey stake had not been moved. It would not serve any purpose to move it. Mr. Wahr said the ZBA does have the authority to do this. Mr. Fisher is also a property owner and he does not think this was done to gain any benefit. He said the he personally thought the relief was called for. He thinks it was an unintentional mistake.

Amy Hudy, 708 N. Lakeshore, said that she wanted to express her concerns about the new construction. First of all, she does not believe that enough of a variance is being requested. The southwest corner of the house is 6' 7 1/2" from the property line. This is new construction and thinks it should be built within the 7 ½' setbacks. The requirements for the placement of the home are very clear. A mistake was made where the house was placed on the lot. The contractor must have known that to place a 60 ft. house on a 75 ft. lot, extreme care and exactness would be necessary. This lack of attention should not be rewarded. The responsible thing to do would be fix the mistake. She said that she thought the Board could get a sense of what this has brought into the neighborhood. Mr. Purtee asked Ms. Hudy how she measured. She said she took a tape measure to the line that was drawn and to the foundation of the house. Mr. Purtee has what kind of line was there. She said it was like a piece of twine or rope.

Tim Lux, 1005 Vogel St. asked how hard it was to get a variance in the future because he was thinking of building a two-story garage with living space above it. It would be cool to have eight more inches on that side of the property. So, if they do this variance, he would like to do some more variances too.

Kathy Winczewski asked Mr. Porter to give her an estimate of the cost in case he had to take the eight inches off. Mr. Porter said between five and eight thousand dollars. She asked what was on that side of the house. He told her it was the master suite and bath.

Close Public Hearing

Tracy Hutchinson asked about the actions that were taken by the City. Carol Foote told her that she issued the stop work order until she could talk to the owner and discuss what procedure they needed to go through. After

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that, the building inspector informed her that what was already built would be destroyed due to recent rain and more rain predicted. I contacted the contractor and told him that they could work on the north side with the understanding that whatever decisions the ZBA made, they would have to abide by them. If they had to take a portion off that it would be their responsibility. They were working at their own risk.

Kathy Winczewski said that this was a tough one. There was a surveying mistake made. Jason went off what he felt was correct. The homeowner has to be sick about this. She said she felt that it was interesting that, even knowing that there was a mistake made, the neighbors hold a lot of animosity toward the whole situation.

Brian Purtee said that they could not grant a variance for a situation that was deliberately caused. He said that he does not see that happening in this case. He sees where measurements were done off of a defective survey. It was an unfortunate mistake. He does not see a deliberate attempt to violate the ordinance.

Kathy Winczewski said this is a very serious variance. If we grant this, others could site it. Brian Purtee said that would be different because that would be deliberate. Tracey Hutchinson stated that he did not check the south side because of the brush. Why would someone cut it so close without a survey? Without a survey of how it stands now, they still do not know completely the exact details. Roger Starr said that he was also concerned that they did not have enough detail. There is not a survey that shows how many inches the house is from the property line. The mortgage survey that was done does not identify how close it is to the property lines. Tracey Hutchinson said there were two possible solutions, one being property purchase to expand the lot and using construction techniques to stay in compliance. The Board agreed that there was not enough complete detail. They will table the issue until a detailed site plan, survey and blue prints are submitted.

Kathy Winczewski made a motion to table the variance until the requested information is submitted, seconded by Tracey Hutchinson. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

COMMENT AND COMMUNICATIONS:

None

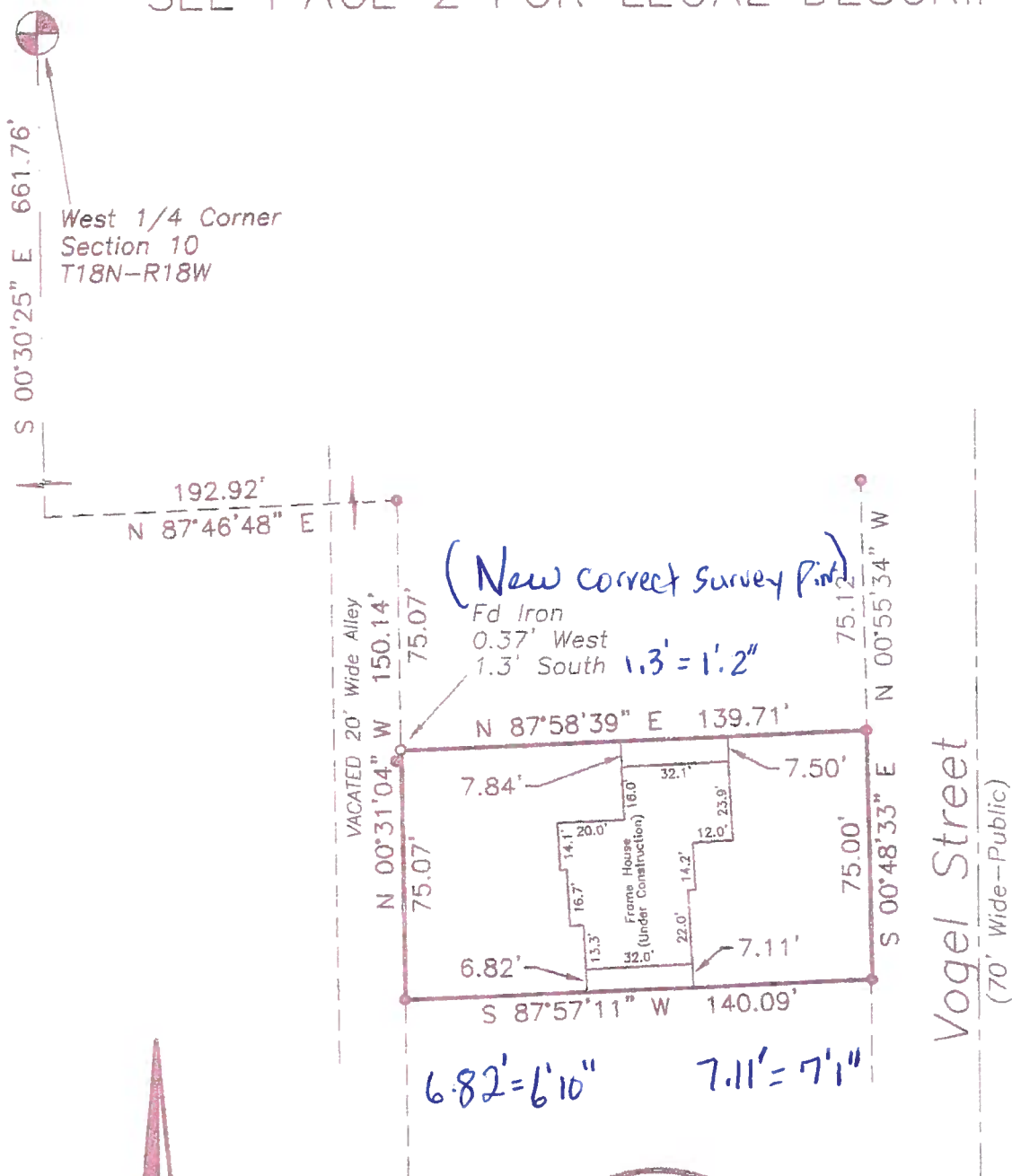
ADJOURNMENT:

Brian Purtee made a motion to adjourn, seconded by Kathy Winczewski. Motion carried and the meeting was adjourned at 6:45 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

CERTIFICATE OF SURVEY

SEE PAGE 2 FOR LEGAL DESCRIPTION



LEGEND

- IRON SET
- IRON FOUND
- MONUMENT SET
- MONUMENT FOUND
- Ⓜ RECORDED
- Ⓜ MEASURED



**LAKESHORE
LAND SURVEYING Inc.**

6008 Bryant Road
Ludington, Mich. 49431

Phone (281) 649-8225 Fax (281) 649-8356

Rex E. Pope P.S. 39093

ERROR OF CLOSURE IS 1/5000+
BASIS OF BEARINGS: Deed of Record

I, REX E. POPE, A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PARCEL OF LAND, THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS WAS WITHIN THE ACCEPTED LIMITS AND THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED.

CLIENT: John Fisher	
FILE NO: 120075	DWG NO: 120075
ARCHIVE DISK: 18	DATE: 9/13/12
DRAWN BY: REP	CHECKED BY: JMP
SHEET NO. 1 OF 2 SHEETS	

CERTIFICATE OF SURVEY

DESCRIPTION FURNISHED: Part of Lots 31, 32 and 33, Block 1, according to the recorded plat of ASSESSOR'S PLAT OF SIXTH ADDITION to the City of Ludington, being in the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 18 North, Range 18 West, City of Ludington, Mason County, Michigan more fully described as Commencing at the West 1/4 corner of Section 10; thence S 00°30'25" E, along the West line of Section 10, 661.76 feet; thence N 87°46'48" E, parallel with the North line of the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10, 192.92 feet to the East line of a vacated alley; thence S 00°31'04" E, along the East line of the vacated alley, 75.04 feet to the Point-of-Beginning; thence N 87°46'48" E, parallel with the North line of the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10, 139.91 feet to the West right of way line of Vogel Street as platted; thence S 00°31'43" E, along the West right of way line of Vogel Street, 75.03 feet to the South line of the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10; thence S 87°46'48" W, parallel with the South line of the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10, 139.92 feet to the East line of a vacated alley; thence N 00°31'04" W, along the East line of the vacated alley, 75.03 feet to the Point-of-Beginning.

ALSO DESCRIBED AS: Part of Lots 31, 32 and 33, Block 1, according to the recorded plat of ASSESSOR'S PLAT OF SIXTH ADDITION to the City of Ludington, being in the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 18 North, Range 18 West, City of Ludington, Mason County, Michigan more fully described as Commencing at the West 1/4 corner of Section 10; thence S 00°30'25" E, along the West line of Section 10, 661.76 feet; thence N 87°46'48" E, parallel with the North line of the North 150 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 10, 192.92 feet to the East line of a vacated alley; thence S 00°31'04" E, along the East line of the vacated alley, 75.07' (recorded 75.04') feet to the Point-of-Beginning; thence N 87°58'39" W, 139.71 feet (recorded N 87°46'48" E, 139.91 feet) to the West line of Vogel Street as platted; thence S 00°48'33" E, along the West right of way line of Vogel Street, 75.00 feet (recorded S 00°31'43" E, 75.03 feet); thence S 87°57'11" W, 140.09 feet (recorded S 87°46'48" W, 139.92 feet) to the East line of the Vacated Alley; thence N 00°31'04" W, along said East line, 75.07 feet (recorded 75.03 feet) to the Point-of-Beginning.



**LAKESHORE
 LAND SURVEYING Inc.**

6008 Bryant Road
 Ludington, Mich. 49431
 Phone (281) 843-8226 Fax (281) 843-8066

ERROR OF CLOSURE IS 1/5000+
 BASIS OF BEARINGS: Deed of Record

Rex E. Pope P.S. 39093

I, REX E. POPE, A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PARCEL OF LAND, THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS WAS WITHIN THE ACCEPTED LIMITS AND THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED.

CLIENT: John Fisher	
FILE NO: 120075	DWG NO: 120075
ARCHIVE DISK: 18	DATE: 9/13/12
DRAWN BY: REP	CHECKED BY: JMP
SHEET NO. 2 OF 2 SHEETS	

LUDINGTON CITY PLANNING COMMISSION

AGENDA

Tuesday

October 2, 2012

7:00 P.M.

Ludington Municipal Building
400 S Harrison, Ludington, MI 49431

1. Call to Order
2. Roll Call
3. Agenda Approval
4. Public Comments & Communications
5. Approval of Minutes:
September 4, 2012
6. Public hearings
7. Unfinished Business:
 - a. To consider a request from Blu Moon Properties, LLC for a special land use for the outdoor service of food and beverage, in accordance with Section 400.8:4 (5) of the Ludington Zoning Ordinance #23-00, at the following described property:
ORIGINAL PLAT N 25 FT OF S 56 FT OF LOTS 6 & 7 BLOCK 35, EXCEPT E 10 FT FOR ALLEY PURPOSES, also known as 125 S. James St.
 - b. Signs
8. New Business
9. Site Plan Review Report:
10. Commissioners' Comments and Communications
 - a. Downtown Ludington Board Report
11. Adjournment

PLANNING COMMISSION
MINUTES
September 4, 2012

A meeting of the Ludington Planning Commission was held on Tuesday, September 4, 2012. The meeting was held at the Ludington Municipal Building, 400 S. Harrison St., Ludington, MI and was called to order at 7:00 p.m. by Kirk Josvai, Vice-Chairperson.

ROLL CALL: The roll call showed the following results:

Present: Kirk Josvai, Chris Gamble, Roger Starr, Lynn Pontz, Robert Sasin, Mike Lenich, and John Kreinbrink

Absent: Mike Nekola, excused and Kaye Holman, excused

Also Present: Carol Ann Foote, Recording Secretary

AGENDA APPROVAL:

Commissioner Pontz made a motion to approve the agenda seconded by Commissioner Lenich. Motion carried unanimously.

PUBLIC COMMENTS:

Christine Hall, 6954 W. Jackson Rd., Ludington, commented that she had a home in Hamlin and she enjoyed the Blu Moon Restaurant. She is in support of the request.

Mary Wickwire, Longfellow Towers, said that the Backstage Game Store was a good addition to downtown and would hate to see it move because of loud music.

APPROVAL OF MINUTES:

Commissioner Pontz made a motion to approve the August 8, 2012 minutes with corrections, seconded by Commissioner Starr. Motion carried unanimously.

PUBLIC HEARINGS:

a. To consider a request from Blu Moon Properties, LLC for a special land use for the outdoor service of food and beverage, in accordance with Section 400.8:4 (5) of the Ludington Zoning Ordinance #23-00, at the following described property:

ORIGINAL PLAT N 25 FT OF S 56 FT OF LOTS 6 & 7 BLOCK 35, EXCEPT E 10 FT FOR ALLEY PURPOSES, also known as 125 S. James St.

Marilyn Cunic, 125 S James St., told the Commissioners that her family moved to Ludington five years ago and bought the Sunrise Café. They soon renovated it and established the Blu Moon. Her daughter and husband soon moved here from Sault St. Marie and the restaurant became a family business. They opened for business on April 1, 2008 and started with five employees. They have apartments above the restaurant and that is where they choose to live. In 2009 they obtained a liquor license and added a tasteful bar. They purchased Reusch Jewelers in 2010 and added 60 seats. The open air dining area above their building was constructed in 2012. The addition was a phenomenal part of our business. Customers have waited over an hour to get in. If we go up above our residence, you can see the Badger, Lake Michigan and the lighthouse, Ludington's prized treasures. If we had not expanded our business, we would not be here today. Ms. Cunic stated that she was on the Downtown Ludington Board and she feels like she knows what Ludington is looking for as far as growth. She said that they were offering what Ludington wanted to become in terms of newness and new ideas. She said that when they decided to live on James St., they knew what they were coming in to. James St. is bars, restaurants and retail. She stated that the City has been very supportive in the past and they are asking one more time to trust them. It is important to continue to grow the business for the customers, families and employees. Commissioner Gamble said that a number of the negative responses that were received referred to the music. He said that when the first application was approved, Ms. Cunic was made aware that amplification of voice, musical instruments or recordings was not permitted. Ms. Cunic responded that after the first meeting she asked somebody, but does not remember who, what amplification of music was. She was told that anything that comes over a speaker is amplified

music, but they said that it would only be a problem if somebody complained. She said that amplified music was being played throughout Ludington and felt that it was something that people expected. They have stopped playing live music. She said that she thought they came to an agreement with the neighbors on what sound volume was agreeably and it never exceeds that. She said that have a radio that plays on two speakers that are facing their wall. When the neighbor said that the sound was bouncing back towards them, they moved the speakers down and out facing the alley and the street. They have measured the decibels and it does not exceed 70. She stated that the listen to Pandora easy-listening music. Commissioner Starr asked if they had live music. Ms. Cunic said they had live music twice. They stopped playing music when a complaint was made against them. If the ordinance is changed, we will play music according to the ordinance.

Jordon Mumford, 175 N. Hansen Rd., stated that she and her husband Jason were co-owners of the Blu Moon. She said that she did the accounting and payroll for the restaurant. They opened on April 1, 2008 with five employees. For the last payroll, she wrote forty-six pay checks. They are very proud of the growth they have had. The deck was opened on July 4, 2012 with thirty-two employees. The quickly realized that this was not enough and continued to hire. The deck actually created thirteen positions that did not exist before. If we are granted the request, we are estimating adding another fifteen to twenty positions. In a seasonal town, it is important to capture all of the summer business that they can. They have been at capacity during the prime hours which is why we feel we need to add more seats. During construction of the deck they not only added jobs and increased tax base, but they utilized local businesses and will do so again, if they are allowed to expand. Some of the major local vendors were Adams Construction, Carter Lumber, Nordlund and Briggs True Value. Ms. Mumford explained the increase in sales during their expansion times. The increase year to year has increased our tax base, jobs, payroll tax, customer base and all around growth.

Nate Peterson, 117 A S. James St., owner of Backstage Hobby and Games, 119 S. James St. Mr. Peterson stated that their business recently celebrated their fifth year in business. Him and his wife are in the process of remodeling 117 A as their residence. He stated that they are the neighbors of the Blu Moon. He said that he is in opposition of the proposed project as it stands. He said that he was not opposed to growth. He is not opposed to success as they all stand to profit from each others successes. He said that he is opposed to one-sided developments and inconsiderate developments. What benefits one business can harm others. He is for intelligent, considerate development. He cannot support the development as it stands. The application does not mention any residents, much less the seven on the block. We must all make compromises to make downtown a success. He said he has very simple request. He said that he would like to sleep at a reasonable hour with minimal disruption. His wife, an epileptic, needs regular uninterrupted sleep to maintain her condition. Without it, the situation will only worsen and my wife's health will only suffer. The deck today contains no audio barriers posing a serious issue sitting just twenty feet from his home. Every hoot, holler, conversation, outburst and drunks singing to Toto's *Africa* can be heard in their home at all hours of operation. Sleep at a reasonable hour is impossible under these circumstances. The deck does not cease operations until one or two a.m. and has begun as early as eight a.m. The possibility of doubling the capacity to almost 150 people with no barriers and twenty feet from my bedroom terrifies him. He stated that while he cannot support the project as it stands today; there are ways that the existing deck and expansion can be managed so the they can co-exist. In conversations with Marilyn, she stated that neither they nor their patrons wanted to look at my rooftop or the side of the building. This would be a win-win situation. With an acoustic barrier in place the issue of noise could be minimized or eliminated. With performers, unamplified, acoustic performers could be used in the place of stationary amplified performers to minimize excessive sound. Barriers could be used to vent sound towards the streets and away from residents. Given our experiences over the summer, I cannot support the hours of operation for an open air bar on the deck, but could support reasonable hours of operation during the week such as sunset dinners, send off parties for the Badger and other outdoor opportunities. Those hopping from bar to bar late in the evening could be directed to the dining room where they could drink until last call, conduct

themselves as they choose, even host amplified performers rocking out as late as they like. Mr. Peterson said that he would like to clarify a matter that has struck a nerve with the local community. He said he has contacted and spoke to many people locally, but he did not contact the outside agency, BMI, in regards to the Blu Moon's use of music and cannot say who has. He said that he was not interested in destroying another business, but simply wanted to come to a resolution so they can both use their space. Moving forward, this discussion will do a lot to frame what the City will do with residency downtown. If the City wants to encourage families to settle downtown and make their lives here, accommodations and considerations need to be made to allow them to live their lives, raise their children and work allowing businesses to remain profitable. He stated that all he has been asking for these few months is recognition and consideration.

Commissioner Kreinbrink asked the relationship of Mr. Peterson's apartment to the deck. Mr. Peterson said the existing deck was at 121 S. James then there was 119, which is a single story structure, then there is 117 which is a two-story structure that is his apartment. There is no barrier between the deck and the south wall of the apartment. Commissioner Kreinbrink asked if there was a window that opened to the deck. Mr. Peterson said that there were several. Commissioner Kreinbrink asked if there had been an acoustics consultant called. Mr. Peterson said no. He said that where the speakers are placed acts like an echo chamber.

Erica Karneisool Reed, 115 W. Ludington Ave., was in support of the expansion. She stated that she does live in a downtown apartment and it is in a high-traffic area. When she moved into the apartment she realized that she would be in a downtown urban area, but did not know what it entailed. It is a much more amplified acoustic situation than she thought it would be. Some are enjoyable, some not. The bars in her area include Michaels, The Mitten, Sportsman, Lucianos and looks out on The Blu Moon and others on James St. She said the residents above the Tatto Shop take their speakers and point them out of the window, which goes directly to the future nursery of her apartment. She feels that the key to living downtown is cooperation. She said that she is disturbed by the fact that this issue has gone so far as to question if there should be music in downtown Ludington. She said that going to that extreme is so detrimental to the community. She said one thing that she enjoys is listening to the music. With the spirit of cooperation, there should be no reason that the Blu Moon could not expand their operation with amplified music.

Vice-Chairman Josvai reminded the audience that they were not addressing the issue of music at this hearing.

Dawn Whitlow, 203 S. James, stated that she is the owner of the Sandbar. She also started her business in 2008. She has watched both businesses grow; they have helped each other out. They have been very supportive of Ms. Whitlow, and she wants to support them. She said that there were a lot of people excited about the deck expansion. There will be more jobs and a lot of good things that James St. has not had in a long time. She has also expanded on the inside that gave more room and she had to hire another person. She is in support of the expansion and more jobs.

Dave Kozicki, 301 S. Rath Ave., said that he was speaking in favor of the Blu Moon deck expansion. He bought the Grand thirty years ago. At the time, the Star Watchcase building was across the street and a view of stone piles. Over the years, Ludington was blessed with former mayor Jack Scott and others and an infusion of millions of dollars in City, State and private industry, now have a beautiful downtown and waterfront with very few empty store fronts. Downtown Ludington faces competition with the surrounding townships as well as Pentwater and Manistee. Area businesses know that the season is short and we must do as much as we can to get through the lean months. Mr. Kozicki said that he personally chose to live in Riverton Township which was beautiful with orchards and farms. There is a Right to Farm Act, so if I

want to live there I must put up with the sounds and smells of farming. In his case, it means putting up with orchard sprayers four to five months a year at 4 a.m. in the morning. We choose to do that because we choose to live there. The same should apply to the downtown business area. If you choose to live there and benefit from it, you should put up with some minor inconveniences and annoyances. He said that he hopes the Commission approves the request to help with their continued success.

Nicole Peterson, 117A S. James St., said that she was in opposition to the proposal from the Blu Moon as presented. Her and her husband acquired the apartment this spring. We were ecstatic to settle into our own space and started fixing it up and starting our own projects. We planned to take advantage of the downtown façade grants to improve our space. She said that they were unaware of the initial expansion when we signed a lease for the space in March. If we would have known, we may not have signed, let alone a five year lease. She stated that she was epileptic, being diagnosed at the age of fifteen. Prior to the opening of the deck the last minor episode that she had was in March. Since the deck has opened, she said that she has suffered eight noted episodes. This is due to sleep deprivation caused from the hours of operation preventing proper sleep. It should not take a life threatening illness to start discussion about compromise. She said that she could not imagine putting a child to bed in her apartment while 100 people chatter or sing just a few feet from our child's bed. To move is easier said than done. It is not fair to uproot lives when compromise is possible.

Ryan Auble, 1563 S 48th Ave, Shelby Mi, said that he travels from Shelby to go to Back Stage Hobby and Games. He does not think he would return if the store would close.

Briana Nelson, 1011 N William, works at the Blu Moon. She wanted to clarify some of the statements made in a letter submitted by Nate Peterson. She said that when the deck closed, all patrons were gone. They did not stay behind to hoot and holler. At last call, the music is turned off. When the deck is being closed, there are only three employees left to clean the deck. If the employees feel that a customer is intoxicated, they do turn them away. She stated that they worked with the Petersons to adjust the sound level on their music device to an appropriate level. The police have been called to the restaurant and at no time were any citations written for noise violations. She said that parking downtown is always tight during the summer. It should not be blamed solely on the Blue Moon. She stated that Mr. Peterson's complaints are not warranted and should not effect the approval of the deck for Blu Moon.

Tom Paine, spoke in favor of the Blu Moon. He said the Ludington had a lot of exciting things going on and it is because of all the people in the room. It takes all types of people to make it work. He thinks that the expansion is nice for the town.

Rachel Brock, 818 E. Foster, stated that she had several students that work for the Blu Moon. One student in particular came to school beaming. He bought a local car. He was able to do that because of his job. She said that she takes her three children to the establishment because it is a family-oriented restaurant. She realizes there are issues living in the downtown area. A neighbor of hers likes to have bonfires in the summer and she is allergic to burning wood. She stated that if she did not want neighbors, she would not live in a neighborhood. She has neighbors that have loud parties. She said it was her choice to live there. She is in favor of the expansion. The jobs are needed.

Jeff Nixon, 109 S. James St., said that he was the owner of Instrumental Music Store. As of today, they are thirty-one years old. Marilyn and her staff have spent a lot of time and energy becoming creative and successful and he congratulates them for that. Unfortunately, their behavior demonstrates that they do not understand the concept of shared resources. He stated that the Blu Moon does not accept the concept of 2 and 3 hour downtown parking spaces are meant for customer parking. Eight hour parking is for business owners and employees. The area behind their business serves 10 different businesses. Three to six spaces are frequently occupied by owners and employees of the Blu Moon. He also stated that they were

thoughtless during construction. He said that he understands fine dining on the rooftop and that dining experience should end by 9:00 or 10:00 p.m. He does not understand why loud partying is taking place after that time. Mr. Nixon said that he must go on record as opposing the expansion.

Sue Stahl-Smalley, 2624 Blaine St., Free Soil, told the Commissioners that her husband was a handicapped individual. She said that she had been a customer of the Blu Moon, Backstage and Ryan's computer shop. She stated that she did not believe that the current deck was handicapped accessible. Her husband has a scooter and cannot climb stairs. She would like someone to address those issues.

Bill Currans, Memorial Medical Center, said that he was a very enthusiastic participant in many of the restaurants in town. The Blu Moon has been one of the most attractive additions to Ludington. He said that he would encourage the Commission to support the expansion of the deck.

Ryan Pefferle, 119 S. James St., owner of Ryan's Computer Repair, stated that he was in the same building as Backstage. He stated that it is good for the community when a business does well, but it needs to be addressed that expansion of the Blu Moon cannot adversely affect the neighbors before or after construction. There are concerns with the deck that need to be addressed before he can support it. The use of his property during construction without prior arrangements, better control of refuse of the Blu Moon, improved safety during construction and communication from the Blu Moon regarding their plans are issues that need to be resolved.

Rev. Paul Purty, 1717 Vine St., Manistee, MI, stated that he comes to Ludington about four times a month. He said that he comes to Backstage because you do not find a good game store very often.

Bud Washer, 702 St. Paul St., asked what 70 decibels would be like. Commissioner Josvai said that 70 decibels would be equivalent to a vacuum on the inside or normal traffic. It is not excessive. He said that he feels that a resolution could be reached; maybe a baffling system would be the answer.

Deb Russell, 6318 Eagle Ridge Dr, Kalamazoo, told the Commission that she owned a second home at 315 N. William St. She said that she was in favor of the deck. The deck is something unique in the area. She hopes that all of the people can get together and find a good solution.

Lee Hawkins, 212 Thornwild Dr, Scottville, said that he enjoys the Blu Moon. He stated that he is an audiologist by trade. He hopes that the Commission can bring both groups together and find some way to move forward. He understands the issue of noise. Measuring the sound of the conversation in the room using an audiometer on his phone, the decibel level was 67-72. He said that it was his guess that there is more noise from the conversations on the deck than the music. He hopes that more research will go into the possibility of a sound barrier.

Mike Kuczynski, 228 St. Mary's Parkway, Manistee, stated that he feels that this issue could be resolved with a sound barrier. He said that he did not want to see either store close, but Backstage does bring a lot of people to Ludington.

Close public hearing.

Commissioner Gamble reported that the special land use committee did meet, but at the time of their meeting they did not have the written responses. He said that he appreciated everyone's input. The zoning ordinance for special land uses does allow us to impose conditions, even to the extent of hours of operation. He would ask that the commission refer this back to the committee.

Commissioner Gamble made a motion to refer the issue back to the Special Land Use committee, seconded by Commissioner Pontz. Motion carried unanimously.

UNFINISHED BUSINESS:

a. Signs:
No report

SITE PLAN REVIEW:

None

COMMISSIONERS COMMENTS

Downtown Ludington Board:

Commissioner Sassin attended the August meeting of the Downtown Ludington Board. He reported that the majority of the meeting dealt with the parking lot behind the post office. Research is being done to find out who is responsible for the parking lot.

ADJOURNMENT:

Motion was made by Commissioner Lenich, seconded by Commissioner Sassin, to adjourn the meeting. The meeting adjourned at 8:30 p.m.

Respectfully Submitted,
Carol Ann Foote, Recording Secretary

Chris Gamble, Secretary

September 10, 2012 Downtown Ludington Board (DLB)

Ex-Officio Report

Planning Commission (Mike Lenich)

Dear Ludington Planning Commission,

My report below is from the September 10, 2012 Downtown Ludington Board Meeting.

Mike Lenich

Ludington Planning Commission

My Planning Commission (PC) Report to Downtown Ludington Board Meeting

- Public hearing, Blu Moon Properties LLC for a special land use
 - Hearing, status, next steps
-

Report from Downtown Ludington Board Meeting

Agenda Items

- **Presentation by Julie VanDyke - Workforce Development**
 - Overview of new Business Opportunity Center at WSCC
 - Summer/Fall 2012 Business Training Schedule
 - good classes/workshops available, **brochure available on line at:**
 - www.westshore.edu/media/docs/BusinessTrainingSchedule.pdf

Committee Reports

- **Business Recruiting/Retention/Marketing/Communications**
 - Brandy welcomed & reported addition of Megan & Jamie to staff
- **Special Events/Promotions/Activities**
 - Resolution passed for Oktoberfest liquor license
 - Gail reported very well attended & successful *Movies in Park* series
 - New *hanging flower baskets* worked very well
 - will resolve 2013 watering program (every other day, instead of twice/week)
- **Building and Grounds**
 - Bike racks => Presentation by Dave & Jeff
 - Bike rack in front of Mitten always full, bikes around town chained to posts, trees... indicates need for more bike racks in town
 - identified 15 locations for bike racks
 - saw sculpture-like bike racks in Marquette
 - researched & found companies who produce powder-coated bike racks
 - Board discussion included pricing, sponsorship, locations
 - added Bike Rack line item to 2013 Budget
- **Friday Night Live/Christmas Parade/New Years Eve**
 - Resolution passed for New Years Eve liquor license

September 10, 2012 Downtown Ludington Board (DLB)

Ex-Officio Report

Planning Commission (Mike Lenich)

Ex-Officio Reports

- **City Manager** (No report)
- **Conventions & Visitor's Bureau**
 - Brandy presented Fall Marketing overview
- **Chamber of Commerce**
 - Annual golf outing 9/11/12
- **Planning Commission** (see caption above)
- **Growth Alliance**
 - No Report, removed *Growth Alliance* from agendas (direction not determined)
- **Arts Center**
 - Lenich reported interior changes at Center, others commented on *Sweet Summer Celebration* & beauty of gardens around Center
- **Children's Museum**
 - Kristen reported 18,000 visitors, *Cat in the Hat* performance, partnering with WCMU in fund raiser event
 - Museum will share visitor zip code info w/DDA (request from Barry)
- **Library**
 - Great summer => 100 more folks/day visited library, 40% increase in children's book circulation, newsletter available on line featuring many upcoming events (www.MCDLIBRARY.ORG), on line resources include books & now magazines

Old Business

New Business -

- 2013 Budget - draft in process, ideas exchanged, items added/deleted/adjusted

Mike Lenich 9/12/12