

MUSKEGON COUNTY BOARD OF COMMISSIONERS
MUSKEGON COUNTY, MICHIGAN

AGENDA

FULL BOARD

Hall of Justice

990 Terrace, Muskegon, MI

January 24, 2012 - 3:30 PM

Kenneth Mahoney, Chair
I. John Snider, II, Vice-Chair

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Approval of Meeting Minutes of January 12, 2012
7. Public Comment (on an agenda item)
8. Communication/Information
 - City of Muskegon: Application for Issuance of a Commercial Rehabilitation Certificate Public Hearing
9. Committee Reports
 - A. Community Development/Strategic Planning Committee (Page 4)
 - B. Transportation Committee (Page 5)
 - C. Ways & Means Committee (Page 6)

Public Comment

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to **two (2) minutes** for each participant, unless time is extended prior to the public comment period by a vote of a majority of the commission.

10. Chairman's Report/Committee Liaison Reports
 - Citizen Appointments
 1. Accommodations Tax; term 1/1/12 - 12/31/14
 - a. Rasheedah Gillespie-Muhammed/At-Large
 - b. Chris Zahrt/Festivals/Events
 2. Airport Advisory; term 1/1/12 - 12/31/13
 - a. Richard Dolack/City of Norton Shores
 - b. Scott Erdman/Private Sector
 - c. Roger Wade/Public Sector
 - d. Robert Wygant/Private Sector
 3. Lakeshore Coordinating Council; term 1/12/12 - 12/31/13
 - a. L. Scott McNeill/Public
 4. Lakeshore Museum Board; term 1/1/12 - 12/31/14
 - a. Velma Phillips/Public Sector
 5. MSU District Extension Council; term 1/1/12 - 12/31/14
 - a. Kay Deuster/Public Sector
 6. Solid Waste Planning Committee; term 1/1/12 - 12/31/13
 - a. Kim Arter/Township
 - b. Stephanie Barrett/Public Sector
 - c. Jim Fisher/Industrial
 - d. Russ Jones/Solid Waste Management
 - e. Jill Montgomery-Keast/Public Sector
 - f. Vicki Webster/Public Sector
 - g. Gerald Wing/Public Sector
 - h. Doug Wood/Solid Waste Management
 7. White River Zoning; term 1/1/12 - 12/31/14
 - a. Thomas West/Public Sector
11. Administrator's Report
 - Approve the Release of Mortgage Between Homeowner and the Estate for the Property Located at 950 Bob Avenue
12. Old Business
13. New Business
14. Public Comment (on a new topic)
15. Adjournment

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520

Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
(231)724-6724
FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Dept.
(231)724-6792
FAX: (231)724-6985

Income Tax
(231)724-6770
FAX: (231)724-6768

Inspection Services
(231)724-6715
FAX: (231)728-4371

Leisure Services
(231)724-6704
FAX: (231)724-1196

Mayor's Office
(231)724-6701
FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Department
(231)724-6750
FAX: (231)722-5140

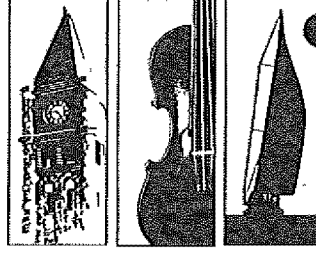
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

January 10, 2012

Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442

RE: Application for Issuance of a Commercial Rehabilitation Certificate

To Whom It May Concern:

An application for a "Commercial Rehabilitation Certificate" as provided by Public Act 210 of the Michigan Public Acts 2005, as amended, has been filed for Lake Welding, 363 Ottawa St, Muskegon, Michigan.

A public hearing regarding the issuance of a Commercial Rehabilitation Certificate has been set for *Tuesday, January 24, 2012* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the request can be obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Franzak".

Mike Franzak
Planner III

The Community Development/Strategic Planning Committee met on January 19, 2012, it was recommended and I move:

CD/SP12/01 - 01 To approve the Tourism Event Marketing Program, including the eligibility requirements, funding parameters, application requirements, and the review and appeal processes of the program.

The Transportation Committee met on January 19, 2012; it was recommended, and I:

- TR12/01-01 Move to approve allowing Airport and Purchasing staff to begin the process of competitively selecting Rental Car Concessionaires interested in providing car rental services at the Airport.
- TR12/01-02 Move to approve a dual-branding request by Avis Rent A Car System, LLC (Avis), allowing Avis to add the Budget brand to its existing concession lease at the Airport.
- TR12/01-03 Move to approve a tri-branding request by Enterprise Leasing Company Of Detroit, LLC, d/b/a National Car Rental and Alamo Rent A Car, allowing Enterprise Leasing Company Of Detroit, LLC to add the Enterprise brand to its existing concession lease at the Airport.
- TR12/01-04 Move to approve the Muskegon Area Transit System's FY2013 application for \$1,213,935 in state operating and capital assistance, to authorize the Resolution of Intent to apply for financial assistance, to name the County Administrator as the Transportation Coordinator, and to publish the public notice.

The Ways and Means Committee met on January 17, 2012, it was recommended, and I move:

- WM12/01 - 07 To approve payment of the accounts payable of \$5,539,713.45 covering the period of December 21, 2011 through January 10, 2012, as presented by the County Clerk.
- WM12/01 - 08 To approve acceptance of the FY2012 Strategic Traffic Enforcement Grant in the amount of \$62,854 and to amend the County's budget accordingly.
- WM12/01 - 09 To approve acceptance of the FY2012 DNR Off-Road Vehicle Law Enforcement Program Grant in the amount of \$4,398 and to adjust the County's budget accordingly.
- WM12/01 - 10 To authorize the adoption of the resolution titled Application for Deferment of Taxes for the purpose of waiving the interest and fees for the period March 1st through April 30th, for taxes paid by May 1st in the first year of delinquency for senior citizens, paraplegics, eligible service veterans, eligible widows of service veterans, the permanently disabled and blind in accordance with the General Property Tax Act sections 211.59 and 211.51.

REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Board of Commissioners	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; border: none;">BUDGETED</td> <td style="width: 33%; border: none;">NON-BUDGETED</td> <td style="width: 33%; border: none;">PARTIALLY BUDGETED</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;">x</td> <td style="border: none;"></td> </tr> </table>	BUDGETED	NON-BUDGETED	PARTIALLY BUDGETED		x	
BUDGETED	NON-BUDGETED	PARTIALLY BUDGETED					
	x						

REQUESTING DEPARTMENT Administration	COMMITTEE DATE January 24, 2012	REQUESTOR SIGNATURE Judith Kell
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SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)


The County of Muskegon is the grantee for Community Development Block Grant Homeowner Assistance funds. These funds are used to rehabilitate homes based on the income of the homeowners. A homeowner may receive rehabilitation funds once per lifetime as well as a once in a lifetime, emergency home repair. Once the work is completed, the homeowner signs a mortgage that indicates that the Borrower (homeowner) will pay the County of Muskegon the amount that was spent rehabilitating the home when the property is sold transferred, or otherwise conveyed, voluntarily or involuntarily, either while the Borrower is living or by reasons of the death of the Borrower or if the Borrower defaults in the terms or payment of any other lien now existing against the Property. The County of Muskegon has the option of releasing the mortgage at any time as well.

The homeowner at 950 Bob Avenue is now deceased and the estate is attempting to settle all of its affairs. Attached you will find a description of the offer by the estate which would ensure that the County of Muskegon received some funds, although considerably less than the original second mortgage. As you will note from the documents, there have been attempts to sell the property that have not been successful. There is a cash offer that has been provided to the estate with the closing to occur on February 5, 2012. The estate and the purchaser have agreed to a price that would reimburse the parties for their interest in the property, albeit at a discounted rate. I contacted the Michigan State Housing Development Authority and they will abide by the decision of the County Board of Commissioners. The staff at MSHDA indicated that short sales in this market especially by an estate would be acceptable.

SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)

I move to release the mortgage between the homeowner and the estate for the property located at 950 Bob Avenue, Lot 3, Block 1, Plat of Cooper's Subdivision, as recorded in Liber 3820, page 195 and to authorize the Chair to execute the Release of the Mortgage.

ADMINISTRATIVE ANALYSIS (AS APPLICABLE)

<u>HUMAN RESOURCES ANALYSIS:</u>	<u>FINANCE & MANAGEMENT ANALYSIS:</u>
<u>CORPORATE COUNSEL ANALYSIS:</u>	<u>ADMINISTRATOR RECOMMENDATION</u> 

AGENDA DATE: 1/24/11	AGENDA NO:	BOARD DATE: 1/24/11	PAGE NO.
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COUNTY OF MUSKEGON
MUSKEGON COUNTY BOARD OF COMMISSIONERS

Re: Sale of 950 Bob Avenue, Laketon Township, Muskegon County

Petitioner: Estate of Gary D. Kroening, Deceased
~ by attorney for estate, Paul M. Ladas

Muskegon County Probate Court File #: 11-87699-DE

PETITION FOR REAL ESTATE SHORT SALE AND SETTLEMENT OF MUSKEGON COUNTY LIEN

NOW COMES Paul M. Ladas, attorney for the estate of Gary D. Kroening, Deceased, who died April 30, 2011, and says:

1. That, the decedent, Gary D. Kroening, did have his estate opened up in the Muskegon County Probate Court and one Claude E. Kroening, a brother, and funder of the decedent's funeral, was appointed Personal Representative on October 5, 2011;
2. That, said appointment was achieved after contests among the three heirs, the children of the deceased: Gary T. Kroening, Shelley A. Kroening, and Trena Johnson, which necessitated litigation, in which the attorney for the estate, Paul M. Ladas, engaged;
3. That, the deceased did have a home at 950 Bob Avenue, in the Township of Laketon, County of Muskegon, which was subject to three (3) liens:
 - (1) With the United States Department of Agriculture, formerly Farm Home Loan Program, the original mortgage on which there is a balance due of approximately \$28,000.00
 - (2) A lien from around 2007 through the neighborhood assistance program for improvements, on which there is a balance of \$23,960.00
 - (3) A lien from 1996 to secure a bail bond in the amount believed to be \$150.00 or possibly \$1,500.00
4. That, there is presently a contract to pay cash for the premises in the amount of \$47,000.00, and with it being a sale price, the closing costs are minimized, as there are no appraisal fees or lending brokerage fees to be paid, but require satisfaction of all liens;
5. That, this purchase is by one Terry Wildfong, and it will be transacted through Nexes Realty with the closing office being Transnation;
6. That, the USDA mortgage is primary, and with payments of over \$400.00, which are delinquent, it will become subject to a foreclosure and sale by the USDA, which means, if accomplished, it would supersede the County's lien succeeded to from the neighborhood improvement agency, and nothing would be availed by Muskegon County;

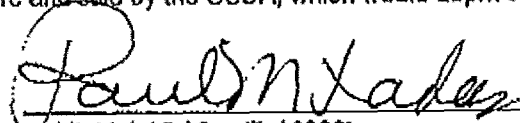
7. That, because a prompt closing can be achieved, this sale price of \$47,000.00 is an appropriate one, since the house has been listed for \$55,000.00 with little interest shown by prospective buyers, and a past deal in that amount fell through;

8. That, in accordance with the attached equity settlement statement, there are closing expenses of \$11,982.20, which include attorney fees, administration expenses, etc.

9. That, after paying off the USDA loan of \$28,000.00, there would be approximately \$19,000.00, and after subtracting the aforementioned closing expenses of almost \$12,000.00, there would be a net of between \$6,000.00 - \$7,000.00, which would inure to the benefit of the County of Muskegon which succeeded to the Neighborhood Agency;

WHEREFORE, it is requested that the Muskegon County through its Muskegon Board of Commissioners approve the aforementioned short sale of \$47,000.00 cash, which will limit the recovery of Muskegon County to recover \$6,000.00 - \$7,000.00 on its lien of \$23,960.00, which, if not taken advantage of, could result in the home going into foreclosure and sale by the USDA, which would deprive the County of any kind of recovery.

Dated: January 18, 2012



PAUL M. LADAS (P-16333)

Attorney for Estate of Gary D. Kroening, Deceased

Estimate of Seller's Net Equity

Prepared for: Kroening Date: 1/13/2012 Agent Prepared
 Property Address: 950 Bob

Selling Price	\$ 47,000.00
Estimated Mortgage Balance (does not include accrued interest)	\$ 28,000.00
Additional Payoff	\$ 23,980.00
Net Before Expenses	SUBTOTAL \$ (4,980.00)
LESS: CLOSING EXPENSES	
Revenue Stamps	\$ 404.20
Title Charges	\$ 818.00
** Calendar Year Tax Proration	\$ 1,500.00
Special Assessments	none known
City Code inspection attorney bill	\$ 3,500.00
Peat inspection delinq sewer	\$ 200.00
Water/Septic Evaluation	\$ 300.00
Septic Pumping	\$ -
Survey	\$ -
Processing Fee	\$ 395.00
Brokerage Fee	\$ 3,280.00
Closing and Recording Fees	\$ 225.00
Closing Cost Allowance	\$ -
Miso. Kroening payoff	\$ 1,500.00
Miso. Bondsman Lien	\$ 150.00
TOTAL ESTIMATED CLOSING EXPENSES	\$ 11,982.20
SELLER'S ESTIMATED NET EQUITY*	\$ (16,942.20)

*Less any mortgage payoff

The figures shown are preliminary calculations and should be used for planning only.
 These figures are estimates and are not exact, thereby removing Nexes Realty from liability.

** Please note - Seller is responsible for taxes billed on 12/01/2011.

Prior to the actual closing there may be additional costs that might be your responsibility.

 Seller(s) Signature(s)