

CITY OF PORT HURON
2005
Council-Manager Government

MAYOR

Alan D. Cutchner

COUNCIL

James M. Fisher
David Haynes
Sally A. Jacobs

Timothy A. McCulloch
B. Mark Neal¹

Kimberly C. Prax²
Laurie Sample-Wynn³
Mark Steinborn⁴

¹ Mayor from Jan. 1 - Nov. 14, 2005

² Resigned Oct. 10, 2005

³ Appointed Sept. 12, 2005

⁴ Resigned Aug. 31, 2005

ADMINISTRATIVE OFFICERS

City Manager

Thomas J. Hutka

Bureau of Public Information & Complaints

Pauline M. Repp Director

City Clerk's Office

Pauline M. Repp City Clerk

Community Development

Kimberly A. Harmer Director

Finance Department

John H. Ogden Director

Fire Department

Robert W. Eick Chief

Law Department

John Livesay City Attorney

Marinas

Dan Collins Harbormaster

Parks, Forestry, Cemetery & Parking Div.

Robert W. Eick Supervisor

Personnel Department

John P. Berry Personnel Director

Planning Department

Kimberly A. Harmer Director

Police Department

William J. Corbett Chief

Public Housing

Gerald E. Schock Director

Public Works

Robert E. Clegg City Engineer

Recreation

Betty Dunn Director

BOARDS, COMMISSIONS AND AUTHORITIES

Beautification Commission

David Bennis
Wanda J. Collins
Mary Davis
Betty Eastin
Mary Jo Edson
Christine Gaffney
Margaret A. Gibbs
Mary M. Goschnick
Kathy Holth
Norman R. Langolf
Curt Leahy
Deborah Lemke
Alice Mariani
Carolyn McNeill
Evelyn Rogers
Howard W. Sloan
Ann L. Stine
Jane Sturdevant
Jean S. Webb
Vacancies - 11

Board of Review

Timothy P. Kearns
Judith Novar
Gary F. Westrick

Brownfield Redevelopment Authority

Mark Byrne
Mike Cansfield
Keith Flemingloss
Donna Klune
John H. Ogden
Lynne M. Secory
Vacancy - 1

Canvass Board

Carolyn S. Holley
Karen S. Jamison
Mary J. Sams
Gloria M. Winfield

Construction Board of Appeals

Ronald Bular
Walter Crosby, Jr.
Robert Nelson
Keith Todoroff
James Watson

Downtown Development Authority

Thomas C. Barrett
Rose Bellanca
Mary J. Brooks
Marshall Campbell
Laurie L. Charron
Brian Connelly
Richard C. Engle
Thomas J. Hutka
Kenneth Montgomery

Economic Development Authority

Harlan E. Blomquist
Kathleen C. Doelle
R. James Marsh
John H. Ogden
Larry A. Osborn
Gene A. Ryan
Vacancies - 3

Historic District Commission

Michael R. Artman
Kevin C. Banker
Mary J. Brooks
Larry Krabach
Carl A Moss
Edward A. Peterson
Beverly S. Roberts
Lynne M. Secory
William G. Vogan

Housing Commission

Martha R. Navarro
Jane E. O'Sullivan
Richard S. Pack
Earl Shoulders
William E. Smith

BOARDS, COMMISSIONS AND AUTHORITIES

Income Tax Board of Review

C. Dale Hoy
James McCandless
Rebecca B. McNash

Local Development Finance Authority

Douglas R. Alexander
Robert Beedon
Marshall Campbell
Troy Clark
Shaun Groden
Darlene Jacolik
Kirk A. Kramer
Vickie Ledsworth
John H. Ogden
Joe Vito
Stephanie Wilkinson

McMorran Auditorium Authority

James Bridge
James R. Currier
Juanita A. Gittings
John W. Hill
Audrey E. Pack
Donna K. Schwartz
James R. Shaw, Jr.
Gregory Stremers
Nicole VonHiltmayer

Planning Commission

Sharon Bender
Robert Clegg
Sally Jacobs
Janice T. Littlefield
Mike Rossow
David M. Schwartz
Haddock C. Snyder
Rock Stevens
Jeffrey L. Wine

Port Huron Building Authority

Don B. Cole, II
Vacancies - 2

Rental Housing Board of Appeals

Kenneth Duncan
Linda Reichenbach
Ron Saffee
Jessica Vega
Vacancy - 1

Sister City Commission

Louise Bauman
Mark Byrne
John Cruz
Armstead Diggs
Thomas Hamilton
Steven Loxton
Jennifer Merchant
Irene Michels
Rev. Thomas Seppo

Tax Increment Finance Authority

Douglas R. Alexander
Troy Clark
Thomas J. Hutka
Darlene Jacolik
Donna Klune
Vickie Ledsworth
Joe Vito

Traffic Study Committee

Robert Beedon
William J. Corbett
Walter G. Crosby, Jr.
John Livesay
Tom Ruedisueli

Zoning Board of Appeals

Susan M. Bannatyne
Lois K. Beatty
Michael P. Cogley
James Dykstra
James B. McDonald
Larry McNamara

INDEX OF MINUTES

A

ACHESON VENTURES

River Centre
 Second modification of agreement to allow for E & A Credit
 Union const 3
 Permit fees waived for fireworks & concert 78

AGREEMENTS

Agreement w/Pro-Tel for maintenance of PHPD 911 equip 3
 Agreement w/Acheson Ventures for E & A Credit Union const . 3
 Agreement w/Nelson Tank Eng & Consult for North Elevated
 Tank Painting project 4
 Agreement w/MDOT for mill & resurfacing portion
 of Griswold 4
 Agreement w/St. Clair Co. Clerk to conduct school elections . . 10
 Agreement w/Rowe, Inc., for prof serv for 16th Ave Phase III . 18
 Agreement w/Rowe, Inc., for prof serv for 16th Ave Phase II . 18
 Agreement w/URS Corp-Great Lakes for prof serv for I-94 BL 18
 Agreement w/MDOT for I-94BL, Reid to Water St 19
 Agreement w/Tetra Tech MPS for marina dredging 23
 Agreement w/Tetra Tech MPS for Erie St Area sewer sep 24
 Agreement w/Tetra Tech MPS for prof services WRF 24
 Agreement w/HNTB Ohio, Inc., for prof services
 7th St Bridge 49
 Agreement w/TeleManagement, Inc., to perform a
 telecommunication audit 57
 Agreement w/Fletcher, Clark et al for outside legal services . . . 58
 Agreement w/MJM Yard Maintenance for blight cleanup 63
 Lease agreement w/Nextel for space for cell tower 64
 Agreement w/BMJ for prof serv, 2005-06 construction season . 65
 Agreement w/BMJ for prof serv, Holland Ave 65
 Agreement w/MDOT for reconstruction of Holland Ave 65
 Agreement w/ Macomb-St Clair Workforce Development
 Board for lease of 6th floor of MOC 67

Agreement w/Capitol Int'l Prod for Batman Begins Live 75
 Agreement w/Nock Helicopter for Batcopter 75
 Agreement w/Fishbeck, Thompson, Carr & Huber, Inc.,
 downtown parking study 82
 Agreement w/ALD Thermal Treatment to lease
 industrial bldg 103
 Agreement w/Patrol & Command Unions, retirement
 incentive 103
 Agreements with Hartford Ins Co & Hanover Ins Co 113
 Agreement w/BCF Eng for boiler replacement proj,
 MOC & Grandview Tower 128
 Agreement w/Gabriel, Roeder, Smith & Co for annual
 actuarial & consulting services related to
 post-employment healthcare 135
 Agreement w/Michigan Dept of Career Development
 Rehabilitative Services for lease of MOC 5th floor 137
 Agreement w/St Clair Co committing increased 911 funds . . . 138
 Agreement w/William-Lynn-James, Inc., consulting
 services, re Blue Water Bridge Plaza project 149
 Agreement w/Tetra Tech MPS for engineering serv,
 sidewalk & seawall proj on Black River 152
 Agreement w/Van Belkum, maint on PHPD recording equip . 153
 Agreement w/Motorola for dispatch communications center . . 217

AFFORDABLE HOUSING PROGRAM
 (See "Community Development")

ALL-AMERICA CITY AWARD

Port Huron announced as finalist 73
 Presentation by K Harmer on competition in Atlanta, GA 105
 Request that a rep from Council attend 122
 Presentation of All-America City Award 123,125,138

ALLEYS-VACATED

Alley #113, a portion of, blk bound by Union,
 Chestnut, 21st & 20th
 Public audience, several residents 203
 Hearing set 206
 Hearing 215
 Vacated 218

ASSESSMENTS - GENERAL

2005 Assessment Roll confirmed 63

ASSESSMENTS - SINGLE LOT

(Also see "Code Enforcement")

Residential blight/trash cleanup
Assessment declared 5,12,23,49,66,113,135,148,205

Lawn mowing assessments
declared 128,137,149,194,206,211,218

Sidewalk assessments declared 128,135,216

Demolition assessments declared 11

AUDIENCES

H Heidemann, re unfunded mandates task force 1

K Harris, re miscellaneous items 1,8,41,61,87,133,151,209

A America, re miscellaneous items 9,197

K Banker, re Historic District street signs 61

D Klune & I Michels, re PHPD volunteers (VIP) 61

F Elliott, re miscellaneous items 77,197

T Renaker, re miscellaneous items 78,197

T Moncrief, re minor league baseball 87

H Brown, re minor league baseball 87

S Bender, re miscellaneous items 78,87,133,143

J Ferda & J Littlefield, traffic & sewer separation in
neighborhood 143,161

A O'Neil, re traffic issues in Pine Grove Park 143,161

M Goschnick, re SE Mich Beautification Comm luncheon . . . 143

L Stevens, United Way re critical level of human services . . . 151

K Byrne, re neighborhood traffic 161

D Reynolds, re time for Port Huron to move forward 161

K Prax, re resignation from City Council 197

S Ackerman, re policy for Council accepting gifts 197

J Cruz, re letter of congrats to A Cutcher from Chiquimula . . . 204

AUDITORIUM AUTHORITY

(See "Boards & Commissions")

AWARDS & PRESENTATIONS

S Groden, new County Adm 1

EPA 2004 Nat'l Clean Water Act Recognition
Award presented 1

J Rose, E & A Credit Union, info on new downtown office 1

E Boddy, St Clair Co Dept of Public Works, re their program 1

Port Huron Host Lions Club, 85 years of service 15

Cert of Recog 2004-05 Flags Bantam A Travel Hockey Team . . 53

Proc declaring Apr 24 "Blue Sunday" 53

Proc recognizing St Clair Co Council on Aging (37 yrs serv) . . 53

Proc designating Apr 29-May 7 as Lions White Cane Week . . . 61

Proc designating May 14 as Nat'l Assoc of Letter
Carriers Food Drive Day 77

Proc declaring May 15-21 as Police Week & May 15
as Peace Day 77

Proc declaring May 21 as Cool to be Clean Day 77

Proc designating May 28-29 as Feast of Ste Claire Weekend . . 87

Proc designating May 31-June 8 as Port Huron Hospital
Foundation Helmet Safety Week 87

Presentation by J Fisher on proposal for minor
league baseball 87

Cert of Recog to A Mullally & R Reddy, USA TODAY
2005 All-USA High School Academic Third Team 105

J Mortimer re "Cool to be Clean Day" event 105

Proc declaring June 18 as Juneteenth Celebration Day 105

S Amato, Healthy Community Checklist presentation 125

R Bellanca, re SCCCC capital facility plans 125

Cert of Recog of Father Rene Desmarais presented 143

J Schultz, Safe Horizons, update 143

Yard of the Year awards 143

Home Improvement Contest winners 151

Homeless Awareness Week, Safe Horizons 197

Tiny Renaker Day 197

B Clegg, leaf pickup program 215

B

BEAUTIFICATION COMMISSION

(See "Boards & Commissions")

BIDS - GENERAL

Bids accepted:

Michigan Pavement Markings, street striping 42

Malcolm Marine, marina dredging 47

York Int'l Corp, Grandview Towers, booster pumps & motors 54

Brown Buildings & Contr, Grandview Towers showers . . 54

L C United Painting, North Elevated tank painting 54

Marlette Roofing, Tennis House office roof 55

S A Torello, compactable sand 79

Oscar W. Larson Co., Veedor-Root monitoring system . . . 89

Ferndale Electric, WRF Substation Replacement 109

G Moeller Const, WRF Divider Wall Installation 109

CorrPro Companies, WTP North Water Tower cathodic sys 112

P H Auto Glass, MOC entry doors replacement 127

North American Salt Co, early salt delivery 152

Detroit Salt Co., backup salt delivery 152

BIDS - PARKING, PAVING, SEWERS, SIDEWALKS, WATER

Bids accepted:

Pamar Enterprises, 16th Ave Phase II Sewer sep 15

Hypo Systems, sodium hypochlorite for WFP & WRF . . . 16

Bricker Electric, lighting in Odor control room of WRF . . 16

Hinojosa Const, annual sidewalk contract 42

Raymond Exc, Woodstock Area Phase II util & pavement 79

PSI, soil, concrete, asphalt, etc. for const projects 89

BIDS - PARKS & RECREATION

Bids accepted:

Scotty's Potty's, portable restrooms 9

Mid-Michigan Recycling, grind & remove brush 62

BIDS - VEHICLES & EQUIPMENT

Bids accepted:

Gorno Ford, Crown Victoria (3) Patrol cars 10

Gorno Ford, Ford F-150 6' box work truck 10

York Int'l, 3 air conditioning radiator coils, MOC 10

Fisher Safety, breathing apparatus for PHFD 21

Varsity Ford, 2005 F-350SD standard cab pickup 21

Detroit Edison, nautical street lights, 3rd & Oak Sts 21

Marshall E Campbell Co, elec switchboard panel WTP . . . 42

Motorola, (2) UHF remote police receivers 42

Zahnen Truck Serv & Equip, rescue truck for fire dept . . . 47

PC Mall, mobile computer terminals PHPD 54

Rescinded 79

American Industrial Heat Transfer Inc, heat exchangers, WTP 54

Motorola, digital upgrade on electronic service monitor . . 55

Hydo Dynamics, repair Allis Chalmers pump at WTP 55

SLC Meter Service, water meter parts for Kimball Twp serv 62

Capstone, mobile computer terminals PHPD 79

Indentix, fingerprint system 89

Royal Oak Ford, Ford F-450 truck chassis 109

Gorno Ford, Ford F-250 4 x 4 extended cab 110

BS & A Software, Equalizer Bldg Dept software program 110

PCMall, HP Designjet 1050C Plus Plotter 126

Argus Supply Co, TSI Respirator Fit Test System 126

Tactical Electronics, tactical electronic equip for PHPD 126

Enforcement Tech Group, crisis negotiations phone system 126

VanBelkum Voice & Data Serv, recording system for PHPD 144

CDWG, (12) desktop computers, PHPD 144

Thermo Electron, transport kit portable FT-1R, Fire Dept 144

Argus Group, AREARAE rapid deployment kit, Fire Dept	144	Construction Board of Appeals J Watson, K Todoroff, reaptd	115
Time Emergency Equip, Draeger multi-IMS analyzer kit	144	Downtown Development Authority R Bellanca, apptd	19
Fisher Scientific Co, MSA HazMat CAD Plus, Fire Dept	144	K Montgomery, reaptd	102
LCI, LTD, sodium silicofluoride, Water Treatment Plant	145	Historic District Commission L Krabach, E Peterson, L Secory, reaptd	66
Argus Supply Co, various equip for PHPD & Fire Dept .	151	Historic District Study Committee (River Park Neighborhood Association) K Holth, D & R Kelly, P & M McPharlin, R DeVary, E Jenkins, N Wyllie, J Littlefield, B Roberts, K O'Reilly, apptd	5
Galeana's Van Dyke Dodge, SWAT van for PHPD	194	Housing Commission M Navarro, reaptd	63
Bell Equipment Co, air/vacuum street sweeper	199	G Stremers, re agreement with City	105
Midwest Municipal Instrumentation, magnetic flow meter	209	Joint meeting with City Council	157
Detroit Pump & Mfg, submersible pump	210	Local Development Finance Auth S Groden, apptd	66
<u>BLIGHT</u>		J Ogden, T Clark, T McCulloch, reaptd	114
(Also see "Ordinances" and "Revitalizing Port Huron")		V Ledsworth apptd	210
Work session	51	McMorran Auditorium Authority Work session, discussion on expiration of authority	51
Blight cleanup Agreement appvd w/MJM Yard Maintenance	63	Committee apptd to develop options upon Auth's expiration	122
<u>BLUE WATER HABITAT</u>		Planning Commission Councilmember Jacobs apptd	207
(Also see "Land Sales")		Rental Housing Board of Appeals R Saffee, L Reichenbach, reaptd	137
Jimmy Carter Work Program J Faulkner, public audience	21,41	Sister City Commission P Melton, J Merchant, A Diggs reappt	81
Waiving of all fees	44	J Cruz, apptd	113
Fees waived for 2005 and 2006	216	L Bauman, apptd	206
<u>BOARDS & COMMISSIONS</u>		Fundraisers announced	38,50
Student volunteers on boards, report received & filed	59	Updates	87
Beautification Commission B Eastin, E Rogers, K Doelle, N Langolf, C McNeill, reaptd	3	Introduction of artists from Chiquimula	161
MJ Edson, apptd	63	Tax Increment Finance Authority D Klune, J Vito reaptd	149
Yard of the Year awards	143	V Ledsworth apptd	210
D Bennis, apptd	210	Traffic Study Committee R Beedon reaptd	201
Board of Review T Keams, J Novar, G Westrick apptd	11	<u>BOARD OF REVIEW</u> (See "Boards & Commissions")	
Brownfield Redevelopment Authority D Klune reaptd	100	<u>BONDS</u> (Also see "Ordinances")	
Canvass Board C Holley & MJ Sams, reaptd	218	General Obligation Limited Tax Bonds	24-30, 148

BRIDGES

7th Street Bridge
 Professional eng services, agreement w/HNTB Ohio, Inc. . 49
 Announcement of MDOT funding for rehab 62

Blue Water Bridge Plaza Project
 Agreement appvd w/William-Lynn-James, Inc.,
 for consulting services 149

BROWNFIELD REDEVELOPMENT PLAN

(Also see "Boards & Commissions")

Amend to Desmond Landing Brownfield Redevelopment Plan
 Hearing set 194
 Hearing 209
 Approved 210

BUDGET

2005-06 Budget
 Transmitted for review & hearing set 62
 Hearing 77
 Review 85
 Adopted 90-100

2004-05 Budget
 Supplemental appropriations and/or transfers 110,197

BUSES

(See "Transportation or Port Huron Area School District")

C

CABLE TV

Discussion 7

Legislation opposed 152-153

CANVASS BOARD

(See "Boards & Commissions")

CAPITAL IMPROVEMENT PROGRAM

2005-06 thru 2010-11 Capital Improvement Program
 Transmitted for review & hearing set 62
 Hearing 77
 Adopted 100

Electrical serv upgrade in Lincoln Park 207

CEMETERY

(See "Lakeside Cemetery")

CDBG

(See "Community Development")

CSO'S (Combined Overflows)

(See "Sewers")

CHARTER

(Also see "Elections")

CITY COUNCIL

(Also see "Elections")

Work/special sessions 7,39,51,75,103,123,131,
 139, 141,157,159,213

Scheduling meetings 6,76,140

Misc business 6,14,38,46,50,59,102,122,138,140
 141,150,155,196,201,212,220

E-mail communication 7

Legislative initiatives presented 7

FOIA & Open Meeting training scheduled 39

Travel & training expense guidelines, discussion 39

Presentations by City Council members 47,87

Rescheduling and/or cancellation of meetings 63,206

Conflict of interest 104

Executive Sessions
 Land acquisition 75
 Litigation 140

Communication betw City Mgr & Council, discussion 104

Recording of Council meetings, discussion 104

Council personal computer use, discussion 104

Educational exchange w/other Michigan cities 104
 City of Holland chosen for exchange 122
 Councilmember Fisher gave presentation on visit 197

Councilmember Steinborn, resignation 138
 Appointment of L Sample-Wynn to fill vacancy 143

Councilmember Prax resignation 196
 Comments 197

Oath of office administered 204

A Cutcher apptd Mayor; B M Neal apptd Mayor Pro-tem 204

Mayor Pro-tem Neal apptd to EDA Board 207

Councilmember Jacobs apptd to Planning Commission 207

Mayor Cutchler apptd as EOC rep	207	Disclosure of conflict of interest for city employee	22,206
Councilmember McCulloch apptd to SEMCOG; Councilmember Sample-Wynn as alternate	207	Affordable Housing Program HOME funds allocated to PH Neighborhood Housing . . .	45
Goal setting	213	CAPER Hearing set	82
		Hearing	87
		Auth submission	114
<u>CITY EMPLOYEES</u>		Home Improvement Contest, winners announced	151
Wage adjustments for unorganized employees & employment agreements authorized	100	US Dept of HUD grant, Economic Development Initiative Spec Project, to continue efforts in Olde Town & adj to Community Renaissance Program Grant appvd	149
Actuarial valuation of post-employment healthcare benefits Agreement appvd w/Gabriel, Roeder, Smith & Co	135	Allocation of funds to PH Neighborhood Housing Corp Hearing set	149
		Hearing	151
		Appvd	154
<u>CITY MANAGER</u>		Disclosure of conflict of interest for city official (Prax), rejected	195
Reports and/or presentations	9		
<u>CODE ENFORCEMENT</u>		<u>CONFERENCES & MEETINGS</u>	
#04-006, 2405 Stone St Postponed	2,41	MML Annual Legislative Conf, Lansing, March 23, 2005	1
Rejected	78	Region V mtg, Harbor Beach, May 18, 2005	47
#05-003, 2419 Little St Hearing set	101	Annual Conf, Grand Rapids, Sept 20-23, 2005 Mayor Neal designated as voting delegate	133
Hearing	105	National League of Cities Congressional City Conf, Mar 11-15, 2006, rec & file & Council auth to attend	216
Demo ordered	114		
<u>COMMUNICATIONS - MISC.</u>		<u>CONFLICT OF INTEREST</u>	
Celticfest Committee, expressing appreciation to City	62	Report from Director of Finance, received & filed	133
S Bradt, expressing dissatisfaction w/ handling of const claim	161	<u>CONSTRUCTION BOARD OF APPEALS</u> (See "Boards and Commissions")	
<u>COMMUNITY DEVELOPMENT</u> (Also see "Rehabilitation Grant Program")		D	
CDBG & HOME Funds Annual Action Plan Hearings scheduled	9,13,210	<u>DEMOLITION</u> (Also see "Code Enforcement")	
Hearing	15	<u>DOWNTOWN DEVELOPMENT</u> (Also see "Boards and Commissions" and "Parking")	
Appvd & auth submission	23	Downtown development Terra Land Group proposal Presentation and updates	15,39,76
Reallocation of 2005 funds Hearing scheduled	66	Audience, several persons	77
Hearing	77	Res directing continued discussions	82
Appvd	101	Ballot question auth, West Quay St pkg lot sale or lease	139
Adopted res encouraging current funding levels continue . . .	67	Rescinded & reworded	141
2002 Street Lighting funds, auth fixtures, White & Chestnut	101		
CHDO Funds 2003 funds allocated to St. Clair Non-Profit Housing Corp	17		

DDA
 Request for funds 47
 Budget
 Transmitted, hearing set 65
 Hearing 77
 Adopted 100
 Mission Statement, Strategic Drivers & Potential
 Activity - Objectives
 Presented to Council & joint meeting
 to be scheduled 125
 Endorsement by City Council 131

MainStreet Streetscape
 Special assessment
 Report from City Mgr declaring spec assessment 80
 Necessity determination & estimated cost 80
 Hearing set 80
 Hearing 87
 Appvd 90

Streetscape, Military St from south side of Black River to north
 side of Court St
 Special assessment
 Report from City Mgr declaring spec assessment 199
 Necessity determination & estimated cost 199
 Hearing set 200
 Hearing 204
 Appvd 205

Parking study
 Fishbeck, Thompson, Carr & Huber, agreement appvd ... 82
 Study presented 139,161
 Presentation scheduled for Oct 10 mtg 155
 T Nolan, audience 161

E

EASEMENTS

Various full-width public utility easements on SCCCC prop
 Hearing set 44
 Hearing 53
 Appvd 57
 Rescinded & hearing set 136
 Hearing 143
 Appvd 147

Easement to rear of property known as 504-512 Quay Street
 on Black River
 Res auth good faith offer or condemnation 76

Easement for utility purposes & construction w/Acheson Colloids
 Release and granting of, appvd 195

ELECTIONS

Conduct school elections
 Agreement appvd w/County Clerk 10

Optical scan voting system
 Auth submission of grant application for purchase 123

November 8, 2005 Election
 Lease portion of WRF to NOAA
 Ballot question appvd for Nov 8 128

Sale or lease of West Quay Street pkg lot for development
 Ballot question appvd for Nov 8 139
 Rescinded & reworded & appvd 141

Sale or lease of Water Street Marina to Acheson Foundation
 Ballot question appvd for Nov 8 139

Canvass Report, received & filed 203

ELECTRICAL CODE

(See "Ordinances")

EMERGENCY MANAGEMENT

(Also see "Grants")

Michigan Emergency Management Assistance
 Compact, adopted 17

Hazard Mitigation Plan
 Hearing set 129
 Hearing 133

National Incident Management System adopted 153

Emergency plan for City, discussion 159

F

FEES

Various fees set 115-121

FINANCIAL

Quarterly Financial Reports, transmitted 15,79,204

Establishment of banking services 48

Comprehensive Annual Financial Report
 Transmitted, rec & file 216

FIRE DEPARTMENT

(Also see "Grants")

Rescue truck
 Zahnen Truck Serv & Equip, bid accepted 47

Jaws of Life
 Approve terms of AAA of Michigan funding award & quote
 from Apollo Fire Equip Co to purchase 146

Assistance to Firefighter Grant FY2005
 Approve terms of agreement/appt R Eick as
 proj coordinator 146

FIRST NIGHT

Waive permit fees 204

FORT GRATIOT LIGHTHOUSE

2006 Michigan Lighthouse Assistance Program grant
P H Museum auth to apply 211

FRANCHISES

(See "Ordinances")

G**GOALS**

(Also see "City Council")

GRANTS

DTE Energy Tree Planting Grant
Grant agreement auth 62

US Dept of Justice (LLEBG)
Grant funds for upgrade & purchase of equipment for PHPD
Hearing set 57
Hearing 61
Grant agreement auth 64

US Dept of Homeland Security
Critical Infrastructure Protection expenditures
Acceptance of grant through State Police
Emergency Management Div 135
State of Michigan 2005 Buffer Zone Protection
Program grant, grant agreement auth 218

Assistance to Firefighter Grant Program Agreement FY2005
Approve terms of agreement/appt R Eick
as proj coordinator 146

US Dept of HUD
Grant to continue Revitalizing Port Huron efforts, appvd 149

H**HISTORIC DISTRICT COMMISSION**

(See "Boards & Commissions")

HOUSING COMMISSION

(See "Boards & Commissions")

I**INCOME TAX BOARD OF REVIEW**

(See "Boards & Commissions")

INDUSTRIAL DEVELOPMENT

ALD Thermal Treatment, Inc., IFEC
Hearing set 113
Hearing 125
Appvd 127
Transfer of existing certificate from Takata#2)
Hearing set 154
Hearing 161
Appvd 195
Landlord Waiver agreement appvd 201

Black River Mfg, IFEC transfer
Hearing set 216

Collins & Aikman Products, IFEC
Hearing set 134
Hearing 143
Appvd 145

Diemould Tooling Services, IFEC
Hearing set 3
Hearing 9
Appvd 11

Domtar Industries, Inc., IFEC
Hearing set 216

GMA Cover Corp, IFEC
Hearing set 134
Hearing 143
Appvd 145

ITW Superb Products, IFEC
Hearing set 112
Hearing 125
Appvd 127

Lear Corp, IFEC
Hearing set 16
Hearing 21
Appvd 22

Mueller Brass Co., IFEC
Hearing set 83
Hearing 87
Appvd 100

Mueller Brass Forging Co., IFEC
Hearing set 83
Hearing 87
Appvd 100

Palm Int'l Mfg., Inc., IFEC (transfer of existing & new)
Hearings set 48
Hearings 53
Appvd 56

SMW Automotive Corp, IFEC
Hearing set 3
Hearing 9
Appvd 10
Rescinded & appvd alternate resolution 48

SportRack Automotive, IFEC
 Hearing set 195
 Hearing 197
 Appvd 201

INDUSTRIAL PARK
 (Also see "Land Sales")

Industrial Park Spec Buildings, discussion 39
 Purchase of building from Takata Petri to lease to ALD Thermal Treatment, Inc. 102
 Lease agreement w/ALD Thermal Treatment 103

J - K

L

LAKESIDE CEMETERY

Rates adjusted 88

LAKESIDE PARK
 (See "Parks & Recreation")

LAND ACQUISITION
 (Also see "City Council; Industrial Park")

State of Michigan, DNR, properties
 727 Chestnut, 1511 6th St, \$10,999.22, appvd
 to acquire 123

LAND SALES

Sale of vacant lot on 27th St, \$5,000 13
 Sale of vacant lot on corner of 17th & Miller, \$2,500 66
 Sale of vacant lot on 17th & Minnie, \$500 137

LEASES
 (Also see "Municipal Office Center")

North End Service Center space leased to Nextel
 West Corp for cell tower 64
 River Street property
 Request by SCCCC to lease for bookstore 76
 Canceled request 125
 Lease of industrial bldg to ALD Thermal Treatment 103

LEGAL COUNSEL

Outside legal services
 Request for RFP 7
 Agreement appvd w/Fletcher, Clark, Tomlinson, et al 58

LEGISLATIVE INITIATIVES

Presented to City Council for 2005 7
 Opposition declared to SB 1504 and 1349 & House Res 3146 152
 Opposition declared to statewide franchise agreement system . 153

LICENSES
 (See "Fees and Taxi Cabs")

LIGHTHOUSE PARK
 (See "Parks & Recreation")

LINCOLN PARK
 (See "Parks & Recreation")

LIQUOR LICENSES - MISC.

Withhold licenses:
 Hearing set (6 establishments) 4
 Hearing (4 establishments) 15

LIQUOR LICENSES - CLASS C or C/SDM

Big Daddy's
 Hearing set for withholding license 4
 Hearing 15
 Res objecting to renewal 23
 Res recommending appvl 64
 Blue Water Bowl
 Hearing set for withholding license 4
 Legendz
 Add and transfer interest to R Krohn 112
 Main Street Live
 Hearing set for withholding license 4
 Hearing 15
 Res objecting to renewal
 Martini Joe's
 Hearing set for withholding license 4
 Hearing 15
 Red Shingle
 Hearing set for withholding license 4
 Victorian Inn
 Hearing set for withholding license 4
 Hearing 15
 Res objecting to renewal 23
 Res recommending appvl 56

LIQUOR LICENSES - SDD & SDM

Transfers:

CVS, Lapeer Ave., from Tomlin Drug Co., Connor St 2

Chalama, Inc., from G Hill, 2740 Gratiot Ave 9

LOCAL DEVELOPMENT FINANCE AUTHORITY
(See "Boards & Commissions")

M

MAINSTREET

Permit fees waived for various events 15

MARINAS

Marina Dredging Project

 Tetra Tech MPS, agreement appvd for prof services 23

 Malcolm Marine, bid accepted 47

Water Street Marina

 Sale or lease, ballot question auth 139

Deficit Elimination Plan adopted 217

MARITIME CAPITAL OF THE GREAT LAKES

Honorary Commodore title established 2

McMORRAN AUDITORIUM
(Also see "Boards & Commissions")

Arena

 Glass replacement, discussion 7

Budget discussion 103

MICHIGAN MUNICIPAL EMPLOYEES
RETIREMENT SYSTEM
(See "Retirement Systems")

MICHIGAN MUNICIPAL LEAGUE
(See "Conferences & Meetings")

MISCELLANEOUS

Geese (see "Ordinances")

 DNR presentation 15

Homeless issue, discussion 38

Canadian trash, discussion 39

Telecommunication audit

 Agreement appvd w/TeleManagement, Inc. 57

Arbor Day designated 63

800 MHz radio system

 Discussion on funding 76

 Agreement w/St Clair Co for add'l telephone surcharge . . . 138

Community Renaissance Program, update by R Maiers 103

Insurance contracts

 Hartford Ins Co., agreement for property loss coverage . . 113

 Hanover Ins Co., agreement for public employee

 crime/fraud 113

Res urging continuance of Amtrak's Blue Water Line 121

Port Huron Flags, update 123

Wayfarer signs on Oak St. 195

MUNICIPAL OFFICE CENTER

5th & 6th floor leases

 Discussion 7

 Lease for 6th floor to Macomb-St Clair Workforce

 Development Board, appvd 67

 Lease for 5th floor to Michigan Rehabilitative Services . 137

Air conditioning radiator coils (3)

 York Int'l Corp, bid accepted 10

Replacement of entry doors

 Port Huron Auto Glass, bid accepted 127

MUSEUM

Permit fees waived for events 53

Painting recovered

 City Atty & Finance Director auth to attend

 Settlement Conf & auth to settle 140

Update on events 209

N

NATIONAL LEAGUE OF CITIES
(See "Conferences & Meetings")

NEIGHBORHOOD REVITALIZATION

Neighborhood Enterprise Zone (NEZ)

 Appvl of tentative boundaries 58

 Hearing set 136

 Hearing 143

 Confirmation that NEZ is consistent w/City's goals, etc . 154

 DDA support 161

 Appvd 211

NONPROFIT ORGANIZATIONS

Port Huron Minor Hockey Assoc, recognized 148

Port Huron Flags Booster Club, recognized 207

O

ORDINANCES

Enacted:

Rezoning from "R" to "C-1", vacant lot s of 2740 Gratiot
Enacted (No. 1238) 5

Rezoning from "M-1" to "A-1", part of 1600 Military St
Hearing 1
1st & 2nd Reading 5
Enacted (No. 1239) 13

Rezoning from "C-1" to "R-1," part of Lot 2, Assessor's
Mitchell Land Plat (1615 6th St) inc 1/2 of vacated alley adj
Hearing 1
1st & 2nd Reading 6
Enacted (No. 1240) 14

Rezoning from "C-1" to "A-1," 1602-04-12-14 Military St;
1606 & 1610 6th St; 520 Griswold St; 1603 6th St; 616
Griswold St; 1611 6th St; 622 Griswold St; 620 Griswold St
Hearing 1
1st & 2nd Reading 6
Enacted (No. 1241) 14

Rezoning from "C-1" to "R-1," 1304,1308,1316, & 1320
10th St; 930 Union St; & 929/931 Chestnut St
Hearing set 17
Hearing 41
1st & 2nd Reading 46
Enacted (No. 1244) 49

Rezoning from "A-1" to "R-1," various properties on 8th, 9th,
Chestnut and Union Streets, bound by 7th and 10th Streets
Hearing set 17
Hearing 41
1st & 2nd Reading 46
Enacted (No. 1245) 50

Series 2005 Water Bond Ordinance
1st, 2nd, 3rd & final reading and enacted (No. 1242) . . 30

Amend Chapt 8, Animals, prohibiting feeding of waterfowl
1st & 2nd reading 38
Enacted (No. 1243) 45

Rezoning from "C-1" to "R-1," 731 Griswold, 928 White St
& vacant lot on 8th St
Hearing set 44
Hearing 53
1st & 2nd reading 58
Enacted (No. 1246) 67

Rezoning from "A-1" to "R-1," various properties on
Chestnut St, 7th St, 8th St, Griswold and White Sts (bound
by 10th St)
Hearing set 44
Hearing 53
1st & 2nd reading 58
Enacted (No. 1247) 68

Amend Chapt 10, Art V, Rental Cert, to expand definitions,
add rooming & boarding houses, and update language
1st & 2nd reading 59
Public audience 61
Postponed 68,76
Work session 103
Enacted (No. 1251) 105

Amend Chapt 22, Blight to expand causes & revise
enforcement
1st & 2nd reading 59
Enacted (No. 1248) 68

Amend Chapt 32, Municipal Civil Infractions to increase
penalties
1st & 2nd reading 59
Enacted (No. 1249) 72

Amend Chapt 46, Traffic & Vehicles, prohibit blvd &
front or street side yard parking
1st & 2nd reading 59
Enacted (No. 1250) 72

Amend Chapt 52, Zoning, update of chapter
1st & 2nd reading 130
Postponed 138,144
Work session discussion 159
Enacted (No. 1253) 162-194

Amend Chapt 12, Art XIII, Div 2, Taxicabs, Sub 5, Fares, to
deregulate
1st & 2nd reading 150
Enacted (No. 1252) 155

Pending:

Rezoning from "C-1" to "CBD", 1201 - 4th St
Hearing set 219

Rezoning from "R-1" to "C-1", 2324 - 11th Street
Hearing set 219

Rezoning from "R-1" to "C-1", 1726 - 10th Ave.
Hearing set 219

Rezoning from "R-1" to "CBD", 1017 and 1025 Huron Ave.
Hearing set 220

P

PALMER PARK
(See "Parks & Recreation")

PARKING

(Also see "Traffic Orders" and "Zoning Ordinances")

Petition re enforcement on Military south of bridge 78

Downtown parking study
Fishbeck, Thompson, Carr & Huber, agreement appvd . . . 82

Parking fees confirmed 99

PARKS & RECREATION

Quay Street pocket park, naming of
Discussion 159,196
Named "Heritage Park on the Quay" 213

Lincoln Park
Electrical service upgrade project appvd 207

Pine Grove Park
Traffic issues 143,161,213

PAVING

(Also see "Streets")

PETITIONS

#05-01, re parking enforcement on Military south of bridge . . . 78

PINE GROVE PARK

(See "Parks & Recreation")

PLANNING COMMISSION

(See "Boards & Commissions")

POLICE DEPARTMENT

911 Equipment
Agreement w/Pro-Tel, Inc., for maintenance 3

CAPTURE presentations 9,21,47,61,87,151,197,209

U S Dept of Justice LLEBG Grant program
Hearing set 57
Hearing 61
Appvd 64
Fingerprint system, Identix, Inc., bid accepted 89

Retirement Incentive Program
Memo of understanding w/Patrol & Command Unions . . 103

Tactical electronic equipment
Tactical Electronics, quote accepted 126

Direct Link Generation II Crisis Negotiations Phone System
Enforcement Technology Group, quote accepted 126

Recording system, Communications Center
VanBelkum Voice & Data Services, upgrade appvd 144

Recording equip, Records Division
VanBelkum, maintenance agreement appvd 153

Law Enforcement Grant Contract w/P H Housing Commission
Appvd 205

Dispatch communications center
Agreement w/Motorola, appvd 217

State of Michigan 2005 Buffer Zone Protection Program grant
Grant agreement appvd 218

PORT HURON AREA SCHOOL DISTRICT

Agreement to provide school buses for rec programs 83

PORT HURON BUILDING AUTHORITY

(See "Boards & Commissions")

PORT HURON NEIGHBORHOOD HOUSING CORP

J Vito, presentation 41

HOME funds allocated 45

PUBLIC WORKS

Christmas lighting on main street, Glenwood to Griswold
Discussion 7

Permit w/ St. Clair Co for use of highway ROW for public
improvements 12

Permit w/MDOT for use of trunkline ROW for utilities & auth
positions that can apply 12

Auth payment to St Clair Co for City share of Watershed
Management Plan agreements 134

R

RECREATION

(Also see "Parks & Recreation")

Acknowledgment of donation of funds for youth programs . 45,75

Batman Begins Live & Batcopter
Agreements appvd to hire these acts 75

REHABILITATION GRANT PROGRAMS

(Also see "Community Development" and "Housing")

RENTAL HOUSING BOARD OF APPEALS

(See "Boards & Commissions")

RENTAL ORDINANCE

(Also see "Ordinances")

Point system, discussion 7

Work session 51,103

RETIREMENT SYSTEMS

MERS delegates/alternates apptd 134

REVENUE SHARING

(See "Budget")

REVITALIZING PORT HURON

(Also see "Blight")

Progress report 39,151,209

US Dept of HUD grant, Economic Development Initiative
Spec Proj Continue efforts in Olde Town & adj to Community
Renaissance Program

- Grant appvd 149
- Allocation of funds to PH Neighborhood Housing Corp
- Hearing set 149
- Hearing 151
- Appvd 154

RIVER CENTRE

Agreement w/Acheson Ventures
Second modification, E & A Credit Union const 3

S

ST. CLAIR COUNTY

Agreement to commit add'l \$0.31 assessment on telephones . . 138

SANBORN PARK

(See "Parks & Recreation")

SCHOOLS

(See "Port Huron Area School District")

SESQUICENTENNIAL

Sesquicentennial Committee

- Updates 87,209
- Statue 124

SEWERS

Combined sewer overflow (CSO) construction Updates 9

16th Avenue Phase II

- Pamar Enterprises, bid accepted 15
- Rowe, Inc., agreement for prof services. 18

16th Avenue Phase III

- Rowe, Inc., agreement for prof services 18

Erie Street Area Sewer Separation Project

- Tetra Tech MPS, agreement for prof services 24

SIDEWALKS

Sidewalk dining

- Discussion 7
- Request to state government to auth activity 13
- Legislation to allow, discussion 38
- Res auth sidewalk cafes 56

Annual sidewalk contract

- Hinojosa Construction, bid accepted 42

Holland Avenue sidewalk

- Res ordering abutting prop owners to construct 121

SISTER CITY

(See "Boards & Commissions")

SKATEBOARD PARK

(See "Parks and Recreation")

SOUTHSIDE SUMMER FESTIVAL

Permit fees waived

STREET LIGHTS

(Also see "Petitions")

STREETS

(Also see "Paving")

I-94 BL (Military Street) project (Reid to Water)

- URS Corp, agreement for prof services 18
- MDOT, agreement for construction 19
- Detroit Edison, relocate street lights 55

Street striping

- Michigan Pavement Markings, bid accepted 42

Professional surveying services for 2005-06 construction season

- BMJ, agreement appvd 65

Holland Avenue project (Pine Grove to Stone)

- BMJ, agreement appvd 65
- MDOT, agreement appvd 65

Woodstock Area Phase II Utility and Pavement Reconstruction

- Raymond Excavating, bid accepted 79

Transfer of funds from Major Street Fund to

- Local Street Fund 99

STREET VACATIONS

T

TAX EXEMPTION CERTIFICATES
(See "Industrial Development")

TAX INCREMENT FINANCING
(See "Boards & Commissions")

TAXES

Tax levy for 2005-06 100

TAXI CABS

Transfer of licenses from B Duenaz to D Swinson
for PH Taxi 129

2005-06 licenses auth 146

Rate increase 146

TRAFFIC ORDERS

Parking:

- #1163, 10th Avenue 18
- #1165, 4th Street 22
- #1164, Military Street (loading zone) 81
- #1166, Huron Avenue, west side 147
- #1167, Huron Avenue, east side 147

Stop:

#1168, 4th Street 218

TRAFFIC STUDY COMMITTEE
(See "Boards & Commissions")

TRANSPORTATION

Tax levy auth 90

J Wilson, BWATC, status report 215

U - V

W

WATER

Monthly billing

Discussion of feasibility 103

WATER RECLAMATION FACILITY

Sodium hypochlorite
Hypo Systems, bid accepted 16

Lighting in odor control room
Bricker Electric, bid accepted 16

Computer programming services
Tetra Tech MPS, agreement appvd for prof services 24

Substation replacement project
Ferndale Electric Co, bid accepted 109

Divider wall installation
Gerald Moeller Const, bid accepted 109

WATER FILTRATION PLANT

Sodium hypochlorite
Hypo Systems, bid accepted 16

Switchboard panel for motor controls in sedimentation/
floculation building
Marshall E Campbell Co, bid accepted 42

X - Y

Z

ZONING BOARD OF APPEALS
(See "Boards & Commissions")

ZONING

(Also see "Ordinances")

Special permits:

Day care home, 1503 Lapeer Ave, appvd 43

Day care home, 1744 McPherson
R Carson, public audience 41
Appvd, with restriction 43

Parking lot, 1417 Lyon St 129

Used car sales, 2731 Pine Grove 129

Auto sales lot, 1726 10th Avenue
Tabled 219

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 10, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Franklin Spotts, Francophone Ministries for Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

Absent: Councilmember Jacobs.

The minutes of the regular meeting of December 13, 2004, were approved.

PRESENTATIONS

1. Shaun Groden, new County Administrator for St. Clair County, introduced himself and stated his willingness to work cooperatively with the City.
2. Phil Argiroff, Michigan Department of Environmental Quality, presented the Environmental Protection Agency's 2004 National Clean Water Act Recognition Award in the Combined Sewer Overflow Control Program Category, which was recently awarded to the City of Port Huron. (Note: Robert E. Clegg, City Engineer, will give an update on combined sewer overflow construction at the January 24, 2005, Council meeting.)
3. Janice Rose, President/CEO of E&A Credit Union, presented information concerning their proposed office center in downtown.
4. Edward H. Boddy, Supervisor, St. Clair County Department of Public Works, gave an overview of their program, policies and procedures.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone a part of 1600 Military Street from M-1 (Light Industrial) to A-1 (Medium Density Multiple Family). (See Ordinance #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request to rezone part of 1615 - 6th Street including one-half of adjacent vacated alley from C-1 (General Business) to R-1 (Single and Two-Family Residential). (See Ordinance #3)

No one appeared to be heard.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the request to rezone various properties generally located in the area of Griswold, Military, Oak and 7th Streets, from C-1 (General Business) to A-1 (Medium Density Multiple Family). (See Ordinance #4)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. County Commissioner Howard Heidemann, 833 North Pointe, addressed City Council stating he will be heading a task force to find funding for unfunded mandates and is asking for a Councilmember to volunteer to assist him with this effort.
2. Ken Harris, Wells Street, addressed the City Council stating MDEQ has provided him with an impact statement for Military Street and he thinks they underestimated the environmental impact of the land in the 1300 block of Military Street. He is concerned about cancer deaths at the Port Huron Post Office and he distributed relevant information to Council about the land in question. Also stated that Silver Stick was held this past weekend at McMorran and he thinks the glass condition impairs this event and it should be fixed before next tournament in two weeks.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The annual downtown IceFest will be held January 14-16.
- Silver Stick International Hockey Tournament will be held January 20-23 at the McMorran Arena.
- City Recreation will hold its Nickel Carnival at the Seaway Terminal on January 21.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Municipal League that the Annual Legislative Conference will be held March 23, 2005, in Lansing, Michigan.

Received and filed and Council authorized to attend.

*C-2. Notification from the Michigan Liquor Control Commission that an application has been received from Port Huron CVS, Inc., requesting to transfer ownership of 2004 Specially Designated Distributor License only, in escrow, from M.W. Tomlin Drug Company and to transfer the location from 2402 Connor Street to 940 Lapeer Avenue, which license is to be held in conjunction with their existing Specially Designated Merchant License with Drive-Up Window (without alcoholic beverage sales).

Received and filed.

UNFINISHED BUSINESS

1. **Councilmember Prax** offered and moved the following resolution be postponed until the regular meeting of March 14, 2005, (previously postponed from November 8, 2004, meeting):

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion to postpone adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

RESOLUTIONS

R-1. **Councilmember Steinborn** offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

R-2. **Councilmember Cutcher** offered and moved the adoption of the following resolution:

WHEREAS, from time to time the City has special out of town visitors who are presented with a "key" to our City by the Mayor and City Council; and

WHEREAS, there is a desire to honor some special guests with something more to let them know how much we appreciate their presence in our community;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts a policy that special out of town visitors may be presented with the title of "Honorary Commodore of the Maritime Capital of the Great Lakes;" and

BE IT FURTHER RESOLVED THAT upon adoption of this resolution the first "Honorary Commodore of the Maritime Capital of the Great Lakes" title be given to Mickey Rooney for his recent visit to Port Huron to celebrate the 125th Anniversary of Thomas Edison's electric light.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

R-3. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary for the Port Huron Police Department to contract for annual maintenance services of its 911 equipment; and

WHEREAS, the current contract with Pro-Tel, Inc. expired December 31, 2004, and have quoted \$7,865.00/year to renew;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves renewing the maintenance agreement with Pro-Tel, Inc., 1129 N. Washington Avenue, Lansing, Michigan 48906, for 911 equipment maintenance and authorizes and directs the proper City officials to execute any necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

***R-4.** WHEREAS, Diemould Tooling Services, 1605 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 24, 2005, date in order to hear comments on the application of Diemould Tooling Services for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
Intermediate School District
Downtown Development Authority

Adopted.

***R-5.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists terms that are due to expire;

NOW, THEREFORE, BE IT RESOLVED that Betty Eastin, Evelyn Rogers, Kathryn C. Doelle, Norman Langolf and Carolyn McNeill be reappointed to the Beautification Commission for three year terms to expire on January 30, 2008.

Adopted.

***R-6.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan, has applied for Industrial Facilities Exemption Certificates for facility expansion (one for land and building improvements for 12 years and one for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, and Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999, a public hearing is to be held on the applications; and

WHEREAS, Act No. 198 and Act. 328 both state that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 24, 2005, date in order to hear comments on the applications of SMW Automotive Corporation for Industrial Facilities Exemption Certificates; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution with the additional verbiage of "of approximately 20,000 sq. ft." to be added to the agreement in Section 1 (a) following the words, "E and A Credit Union office/credit union building":

WHEREAS, the City of Port Huron and Acheson Ventures, LLC, previously entered into an agreement dated February 20, 2004, for the exchange of the Desmond Parking Lot for a fully developed waterfront walkway and modification of the River Centre Agreement dated September 24, 2001; and

WHEREAS, it is in the best interest of the City of Port Huron to further modify said River Centre Agreement to allow for the construction of the E and A Credit Union headquarters office and facilities;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Second Modification of the River Centre Headquarters Agreement with Acheson Ventures, LLC, and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #05-02)

NOTE: Before the vote, Councilmember Haynes stated that he had a working relationship with both Acheson Ventures and E & A Credit Union and asked if anyone on Council had an objection to his voting on the issue. No one objected.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

***R-8.** WHEREAS, it is an Order of the Liquor Control Commission that if a local legislative body wishes to object to the renewal of an on-premise license under the provisions of Section 17 of the Liquor Control Act and the Michigan Supreme Court Decisions of Bundo v City of Walled Lake and Bisco's Inc. v Liquor Control Commission decided on January 27, 1976, the following shall concur:

- 1) The City Council shall grant the licensee notice and a hearing defined as:
 - a) Timely written notice to the licensee detailing the reasons for the proposed administrative action;
 - b) An effective opportunity to the licensee to defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence and arguments;
 - c) A written, although relatively informal, statement of findings made by the local legislative body.
- 2) The City Council shall submit to the Commission before April 1, the following material:
 - a) A certified copy of the notice sent to the licensee;
 - b) A certified copy of the findings made by the City Council;
 - c) A certified copy of the resolution adopted by the City Council opposing renewal.

WHEREAS, the following list of liquor licensees who are delinquent in payment of taxes, utility payments, and or income tax reporting/payments has been prepared and considered :

- Big Daddy's Bar & Grill, 1211 Griswold Street
- Blue Water Bowl, 2419 Lapeer Avenue
- MainStreet Live, 210 Huron Avenue
- Martini Joe's, 3954 24th Avenue
- Red Shingle, 2831 24th Street
- Victorian Inn, 1229 Seventh Street

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk is hereby directed to:

- 1) Notify, in writing, the licensees listed above that a hearing will be held on Monday, February 14, 2005, to afford the licensees an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence, and arguments." Said notice shall be mailed at least ten (10) days before said hearing and shall detail the reasons for the proposed administrative action.

- 2) Publish a notice of said hearing once in the Times Herald.

Adopted.

R-9. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the North Elevated Tank Painting project number E04-0100;

WHEREAS, Nelson Tank Engineering and Consulting, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Nelson Tank Engineering and Consulting, Inc., for professional engineering services.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Nelson Tank Engineering and Consulting, Inc., for professional engineering services during the North Elevated Tank Painting project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-03).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

R-10. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #04-5537 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the mill and resurfacing along Griswold Street from 6th Street to 10th Street; and all together with necessary related work located within the corporate limits of the City; and

WHEREAS, in accordance with Public Act 51, the City is required to pay 8.75% of the cost of these improvements; and

WHEREAS, the conditions of the contract are satisfactory to the City; and

WHEREAS, the total estimated cost of \$90,300 is to be shared as follows:

Federal Aid	\$ 73,900
State	\$ 15,000
City	<u>\$ 1,400</u>
	\$ 90,300

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for mill and resurfacing work along Griswold Street from 6th Street to 10th Street; and authorizes a local match of \$1,400.00 and directs the appropriate City officials to execute said agreement. (See City Clerk File #05-04)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

***R-11.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$607.57 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #05-05).

Adopted.

***R-12.** WHEREAS, on September 13, 1999, the City Council approved the request for formalization of an Historic District Study Committee (Committee) for the River Park Neighborhood Association; and

WHEREAS, on September 13, 1999, the City Council appointed various members to the Committee as required by the Local Historic Districts Act (Public Act 169 of 1970); and

WHEREAS, due to changes of residency of some members of the Committee, a request has been received from the Committee for updated appointments as follows:

Kathy Holth	Neil Wyllie
Donna and Russ Kelly	Janice Littlefield
Pat and Mary Gale McPharlin	Bev Roberts
Robert DeVary	Kristen O'Reilly
Elizabeth Jenkins	

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the appointment of Kathy Holth, Donna and Russ Kelly, Pat and Mary Gale McPharlin, Robert DeVary, Elizabeth Jenkins, Neil Wyllie, Janice Littlefield, Bev Roberts, and Kristen O'Reilly as members of the River Park Neighborhood Association Historic District Study Committee.

Adopted.

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced December 13, 2004, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1238

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED ADJACENT TO 2740 GRATIOT AVENUE (VACANT LOT TO THE SOUTH) FROM R, RESIDENTIAL, TO C-1, GENERAL BUSINESS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from R, Residential to C-1, General Business:

the north 22 feet of Lot 11 and Lot 12, Block 37, Plate of Village of Fort Gratiot, also known as: vacant lot south of 2740 Gratiot Avenue, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 01/10/05
PUBLISHED: 01/15/05
EFFECTIVE: 01/15/05

Motion adopted by the following vote and ordinance given its third and final reading and enacted:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

O-2. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING A PORTION OF THE PROPERTY LOCATED AT 1600 MILITARY STREET FROM M-1 (LIGHT INDUSTRIAL) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY).

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

O-3. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING A PORTION OF THE PROPERTY LOCATED AT 1615 - 6TH STREET FROM C-1 (GENERAL BUSINESS) TO R-1 (SINGLE AND TWO-FAMILY RESIDENTIAL).

Motion adopted by the following vote and ordinance given its first and second reading:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

O-4. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF GRISWOLD STREET, EAST OF 7TH STREET TO MILITARY STREET FROM C-1 (GENERAL BUSINESS) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY).

Motion adopted by the following vote and ordinance given its first and second reading:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
- No: None.
- Absent: Councilmember Jacobs.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher announced the grand opening of Rum Runnerz in December and welcomed the addition of this restaurant. He also requested that a Council workshop be scheduled for interaction between Councilmembers on a number of issues including sidewalk cafes, cable television, lighting on the main street and 5th and 6th floor leases. He asked other Councilmembers to include any items they might want.

2. Councilmember Prax added RFP for outside legal counsel and inspection fees incurred for swimming pool repairs to the list for the workshop. She also asked that the issue of the glass at McMorrان (as mentioned by Ken Harris during public audience) be looked into before the next Silver Stick tournament. Councilmember Prax stated she has contacted State Representatives Pavlov and Espinoza about the sidewalk café issue. Councilmember Prax offered to serve on the task force mentioned by Commissioner Howard Heidemann during public audiences. Mayor Pro-tem Cutcher also expressed a willingness to serve. (The meeting dates and times will be looked into before deciding who will serve.)

NOTE: City Clerk to check with Councilmembers on an agreeable date and time for the Council workshop.

On motion (8:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, January 18, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal at 8:10 a.m.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 8:15 a.m.), Prax and Steinborn.

Discussion was held on the following subject matters:

1. Sidewalk cafes. Discussion centered around MDOT's position of not allowing sidewalk cafes in the state trunkline ROW's and their refusing to allow temporary closures of the state highway for downtown special events. Mayor Pro-tem Cutcher requested a resolution or letter supporting legislation being proposed by Senator Jud Gilbert that would allow for sidewalk cafes (Councilmember Prax requested copy to go to Representatives Pavlov and Espinoza also). City Manager Hutka stated he would draft a resolution for Monday's regular meeting and incorporate the street closure issue also. Mayor Pro-tem Cutcher further suggested that Council visit with the Governor during the MML Legislative Conference in March.

2. Cable television. Mayor Pro-tem Cutcher expressed his frustration with cable and suggested that we send the message to Comcast that the City is exploring every opportunity to look at options and that we should not wait until the contract is about to expire. Discussion held about requirement to have a local office and about whether contract could be re-negotiated.

3. Lighting on the main street. Discussion held on lack of Christmas lighting on Huron Avenue, north of McMorran Boulevard to Glenwood Avenue. Bob Clegg, City Engineer, addressed the cost issue stating that it would cost close to \$30,000 to install outlets and decorations from McMorran to Glenwood. Mayor Pro-tem Cutcher stated he would like the Council to go on record as directing administration to find a way to install Christmas lighting on the main street from Glenwood Avenue to Griswold Street, maybe a two to four-year plan. Discussion held on how merchants would feel about contributing to this and how those merchants who already pay the special assessment for streetscape where the lights are presently. Mayor Pro-tem Cutcher reiterated that he did not want it to be a dead issue and that a plan needs to be formulated.

4. Fifth and Sixth floor leases. Discussion held on whether it was worth leasing the fifth and sixth floors (not only the wear and tear on the building, but the lack of parking). Mayor Pro-tem Cutcher stated he did not think that we were proposing a high enough rent rate. The consensus was to continue leasing but to negotiate a contract that is equitable.

NOTE: City Engineer Bob Clegg to look at whether elevators could be programmed differently to operate more efficiently.

5. RFP's for outside legal counsel. Councilmember Prax stated that we have had the same outside counsel for five years and she feels that we should review this every couple of years. John Livesay, City Attorney, stated that RFP's had been sent out last week to the major firms and more will go this week with a deadline to submit proposals by the end of February. Council should have a recommendation about one month later. Councilmember Prax requested that the Council continue to receive copies of legal bills each month from Jaffe-Raitte as well as from any other legal firm that we do business with.

6. Swimming pool repairs. Councilmember Prax expressed concern that we were paying inspection fees for repairs to the swimming pool that were not our responsibility. John Livesay, City Attorney, explained that it was a small amount compared to the settlement of the repairs that we received plus we have a \$3,000 retention in the agreement.

7. Glass around rink at McMorran. Larry Krabach, General Manager, McMorran Arena, explained that the glass is scratched and should be replaced, especially in the Junior Arena. Funds are not available to do this right now; however, he will place this request in the capital improvement plan. He explained the different materials that can be used and their durability.

AT THIS POINT (9:50 a.m.), Councilmember Fisher left the meeting.

8. Use of e-mail for communications. Mayor Pro-tem Cutcher expressed his concern about being asked for his opinion and other Councilmembers via e-mail. He has concerns that this circumvents the Open Meetings Act and about what is obtainable under FOIA. He stated he doesn't mind receiving basic communication this way but prefers to sit down face to face and discuss issues and exchange ideas. Additionally, he feels that the Council is not meeting as often as they should. John Livesay, City Attorney, stated that there is no clear conclusion by the courts on the issue of e-mail communication. Following much discussion, Councilmember Prax suggested that the Council could have someone come in and give a workshop on this (perhaps other jurisdictions in the area would be interested also). Tom Hutka, City Manager, said he would compile the following information for distribution to Council: MML guidelines, handbooks, applicable laws, ethics, and copies of any rules that other cities have adopted.

9. Legislative initiatives. Draft of legislative initiatives for 2005, both federal and state, were distributed to Council for their review and discussion at a future meeting.

AT THIS POINT (10:00 a.m.), Councilmember Prax left the meeting.

10. Landlord accountability. Councilmember Haynes explained about an ordinance in East Lansing that is a point system whereby if a landlord has so many violations (points) he has to appear to discuss the relevant issues (i.e., blight, police calls, etc.) and if no changes are made then his certification can be canceled. He believes that Port Huron should adopt something similar. Tom Hutka, City Manager, will call East Lansing to get a copy of the ordinance and even visit with them if necessary to find out details. Discussion held on what to do about repeat offenders. Councilmember Jacobs stated that she would like an updated report on blight. Mayor Pro-tem Cutcher said he would like a monthly report, nothing fancy, on blight issues, new construction, demolitions and, specifically, an update on items that Council has brought to the administration's attention. City Manager Hutka stated that Kim Harmer, Planning Director, and John Livesay, City Attorney, are working on revisions to the ordinances that should assist in addressing blight problems (i.e., writing language to address furniture left on porches).

11. Mayor Pro-tem Cutcher asked Tom Hutka, City Manager, if there had been any follow up on County Commissioner Howard Heidemann's request made at the last Council meeting for a Councilmember to serve on a task force to obtain monies for unfunded mandates. Mayor Pro-tem Cutcher had offered to serve if the meetings were during the day and Councilmember Prax said she would serve if they were at night. Tom Hutka, City Manager, to find out when the meetings are going to be held so that a Councilmember can be appointed to the task force.

AT THIS POINT, Ken Harris, audience member, made comments on the glass issue at McMorrان stating he thought the Authority should be looking at this. Sharon Bender, audience member, stated that she didn't think Council should have more meetings because of the cost to the City's taxpayers and that they should make better use of e-mail.

On motion (10:30 a.m.), Council adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 24, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Richard Shelton, Riverside Tabernacle Church of God, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of January 10, 2005, and the special meeting of January 18, 2005, were approved.

PRESENTATIONS

1. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.
2. Tom Hutka, City Manager, gave an overview of how the City manages its construction projects including the use of change orders and payments. He additionally stated that all expenditures over \$5,000 come to City Council for approval.
3. Robert E. Clegg, City Engineer, gave an update on combined sewer overflow construction.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the applications of SMW Automotive Corporation, 3150 Dove Street, for Industrial Facilities Exemption Certificates. (See Resolution #2)

Doug Alexander, EDA, along with Bud Pogue, Plant Manager, SMW Automotive Corporation, addressed City Council asking for support of these applications.

Anthony America, Port Huron, addressed City Council stating that corporations/businesses should not receive tax exemptions.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of Diemould Tooling Services, 1605 Beard Street, for an Industrial Facilities Exemption Certificate. (See Resolution #3)

No one appeared to be heard.

The Mayor declared the hearing closed.

NOTE: The public hearing to hear comments on the proposed 2005-2010 Consolidated Plan and the 2005 Annual Action Plan for the Community Development Department has been changed to February 14, 2005. (See Resolution #9)

PUBLIC AUDIENCES

1. Anthony America, Port Huron, addressed the City Council relative to prayers, discrimination, corruption and how his neighbor had plowed snow onto his property and that the police will not do anything about it.
2. Michelle Curtis, 1523 Oak Street, addressed the City Council requesting their approval of her request to purchase City property located in Port Huron Township (see Resolution #11).

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The draft Finding of No Significant Impact and the Environmental Assessment for the Sewer Separation and Watermain Replacement 16th Avenue Phase 2 Project are available for viewing in the City Clerk's Office and the St. Clair County Library. Written comments will be accepted from the public until February 14, 2005, by the U.S. Environmental Protection Agency Region 5

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Liquor Control Commission that an application has been received from Chalama, Inc., requesting to transfer ownership of 2004 SDM licensed business located at 2740 Gratiot Avenue from Gerianne R. Hill.

Received and filed.

FROM THE CITY MANAGER

CM-1. **Councilmember Prax** offered and moved the adoption of the following City Manager's recommendation:

On January 13, 2005, the City of Port Huron received two (2) bids for a five (5) year contract to provide twenty-six (26) portable restrooms to be used in various city parks, for a period of approximately six months a year. Bids received are as follows:

Year	Scotty's Potty's	Porta-John Systems
2005	\$ 37,560.00	\$ 46,380.00
2006	38,514.00	46,380.00
2007	39,468.00	48,699.00
2008	40,440.00	51,143.16
2009	41,412.00	53,634.24
Total	\$ 197,394.00	\$ 246,236.40

It is recommended that the bid from Scotty's Potty's, 1731 Whipple Street, Port Huron, Michigan 48060, in the amount of One Hundred Ninety-Seven Thousand Three Hundred Ninety-Four and 00/100 Dollars (\$197,394.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On January 10, 2005, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program (MI DEAL) bids for three (3) 2004 Crown Victoria Police Patrol Cars:

Gorno Ford, Inc. (\$20,239.00 ea.)	\$60,717.00
------------------------------------	-------------

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixty Thousand Seven Hundred Seventeen and 00/100 Dollars (\$60,717.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

NOTE: Mayor Pro-tem Cutcher requested that Council receive a copy of the City's vehicle replacement plan.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On January 10, 2005, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program (MI DEAL) bid for one (1) 2005 Ford F-150 6' Box Work Truck:

Gorno Ford, Inc.	\$11,614.75
------------------	-------------

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Eleven Thousand Six Hundred Fourteen and 75/100 Dollars (\$11,614.75) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On January 13, 2005, the City of Port Huron received two bids to purchase and install three air conditioning radiator coils at the Municipal Office Center:

York International Corporation	\$36,317.00
D. J. Conley Associates, Inc.	\$45,310.00

It is recommended that the bid of York International Corporation, 1019 Naughton Avenue, Troy, Michigan 48083 in the amount of Thirty-Six Thousand Three Hundred Seventeen and 00/100 Dollars (\$36,317.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-5. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

Transmitting the proposed federal and state 2005 legislative initiatives (see City Clerk File No. 05-06).

Adopted unanimously.

RESOLUTIONS

***R-1.** WHEREAS, a nine-bill package known as "consolidated elections" was signed into law in early 2004 mandating that elections be held on one of four designated dates during the year, those dates being the fourth Tuesday in February or the first Tuesday in May, August and November (following the first Monday); and

WHEREAS, as part of this legislation school boards needed to decide which election date option they wanted to use for conduct of their school board elections by county and local jurisdictions as they are no longer responsible for elections and Port Huron Area School District chose the first Tuesday in May annually; and

WHEREAS, on January 18, 2005, the Election Coordinating Committee for Port Huron Area School District, of which the City of Port Huron is a member, met and duties were allocated accordingly; and

WHEREAS, it is a requirement that the County Clerk and the local jurisdiction conducting the school elections enter into a two year binding agreement for the implementation of such election; and

WHEREAS, it is a requirement that the City Clerk inform the members of the City Council of such an agreement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby agrees to the execution of an agreement between the City Clerk for the City of Port Huron and the County Clerk for St. Clair County to conduct the school elections for Port Huron Area School District, with full reimbursement, and perform such tasks as indicated in the agreement (see City Clerk File #05-07).

Adopted.

***R-2.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan, has applied for Industrial Facilities Exemption Certificates for facility expansion (one for land and building improvements for 12 years and one for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, and Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999, a public hearing is to be held on the applications; and

WHEREAS, the Port Huron City Council held a public hearing on January 24, 2005, to hear comments on the applications; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the SMW Automotive Corporation applications for Industrial Facilities Exemption Certificates for twelve (12) years on real property and twelve (12) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that SMW Automotive Corporation, 3150 Dove Street, is an "eligible business" within an "eligible district" (an Industrial Development District established by resolution of the City Council on October 9, 1995), and is qualified to receive a 100% exemption on personal property for two years as provided by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999); and

BE IT FURTHER RESOLVED that the above certificates will be issued for the following dates:

All real property:

12/31/05 to 12/31/17 (12 years)

All personal property:

12/31/05 to 12/31/07 (2 years - 100% abatement)

12/31/07 to 12/31/17 (10 years - 50% abatement)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as SMW Automotive Corporation is located.

Adopted.

***R-3.** WHEREAS, Diemould Tooling Services, 1605 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on January 24, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Diemould Tooling Services application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Diemould Tooling Services is located.

Adopted.

***R-4.** WHEREAS, costs totaling One Thousand Three Hundred Fifty-Five and 00/100 Dollars (\$1,355.00) have been incurred by the City of Port Huron for demolition work on the following described property LOT 5, BLK 3 AVERY FARM PLAT, further described as 2820 Electric Avenue (garage only), property no. 74-06-222-0059-000; and

WHEREAS, said costs have been reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the amount of One Thousand Three Hundred Fifty-five and 00/100 Dollars (\$1,355.00) for demolition of the structure at 2820 Electric Avenue (garage only) is hereby confirmed and declared a single lot special assessment.

Adopted.

***R-5.** WHEREAS, it is stated in the Charter of the City of Port Huron, Section 66, VII:

"There shall be a Board of Review, consisting of three (3) members, at least one (1) member of this Board shall be a licensed real estate broker, to be appointed by the Council in January of each year, and whose terms shall commence on the first day of March next following and shall continue for one (1) year. The compensation of the Board of Review shall be set by the City Council at the time of appointment."

NOW, THEREFORE, BE IT RESOLVED that the following are hereby appointed as members of the 2005 Board of Review:

Timothy Kearns, 3176 Gratiot Avenue
Judith Novar, 1754 McPherson Street
Gary Westrick, 3329 Walnut Street

BE IT FURTHER RESOLVED that the 2005 Board of Review shall convene on March 14, 2005, and continue in session as follows:

March 14, 2005	9:00 a.m. - 3:00 p.m.
March 16, 2005	6:00 p.m. - 9:00 p.m.
March 17, 2005	9:00 a.m. - Noon

BE IT FURTHER RESOLVED that compensation shall be paid in the amount of \$600.00 per year, per member.

Adopted.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$98.25 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #05-08).

Adopted.

***R-7.** WHEREAS, the City of Port Huron in the County of St. Clair, Michigan desires to make public improvements, namely, to operate and maintain water and sewer mains which requires certain operations within and upon the right-of-way of County highways known as various locations which are under the jurisdiction of the Board of County Road Commissioners; and

WHEREAS, the Board of County Road Commissioners is willing to issue a permit, therefore, provided the said Board is assured of indemnity and protection against all liability arising by reason of Michigan law;

NOW, THEREFORE, BE IT RESOLVED by the governing Board of the City of Port Huron, St. Clair County, Michigan, that in consideration of the Board of County Road Commissioners granting a permit to the City of Port Huron upon proper application therefore to operate and maintain water and sewer mains along and upon the right-of-way of certain highways of the Townships of Port Huron and Fort Gratiot shall save harmless and indemnify the County of St. Clair and the Board of County Road Commissioners and their successors against all liability which arise or which might arise either during operation or maintenance of the water and sewer mains along St. Clair County highways.

Adopted.

***R-8.** WHEREAS, the City of Port Huron, hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

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

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

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

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following positions are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY:

- Bob Clegg, City Engineer
- David Smith, Assistant City Engineer
- Matthew Lewandowski, Streets Superintendent
- Robin Berry, Permit Agent

Adopted.

*R-9. WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City for the next five years and fiscal year beginning April 1, 2005, which was held on December 13, 2004; and

WHEREAS, a preliminary Annual Action Plan for the expenditure of Community Development Block Grant (CDBG) funds and HOME funds is established after receiving comments at that public hearing; and

WHEREAS, the purpose of the Annual Action Plan is to develop and continue programs that will help eliminate slums or blighting influences and to benefit very low to moderate income individuals, particularly in the areas of neighborhood preservation and improved housing conditions; and

WHEREAS, a second public hearing is required to receive comments on the proposed Annual Action Plan and five year Consolidated Plan and was scheduled for January 24, 2005; and

WHEREAS, additional information and input is necessary before a draft proposed Annual Action Plan and/or Consolidated Plan can be completed;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby re-schedules the second public hearing to February 14, 2005, to hear comments on the proposed 2005-2010 Consolidated Plan and the 2005 Annual Action Plan for the Community Development Department.

Adopted.

R-10. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, Governor Jennifer Granholm has recognized Port Huron as a Michigan "Cool City;" and

WHEREAS, a major element in maintaining that status, as well as promoting the economic viability of our community, is the revitalization of our downtown; and

WHEREAS, the City of Port Huron and many other community partners are aggressively working to achieve this goal; and

WHEREAS, in an effort to have an exciting, vibrant downtown it is critical we have a pedestrian friendly atmosphere, one which boasts sidewalk dining and a variety of organized special events aimed at encouraging visitors and residents alike to dine, shop and live in our Victorian downtown; and

WHEREAS, M-25 and its right-of-way is downtown's main street and, as such, is owned and operated by State government;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby requests our State government to work cooperatively with all affected agencies to remove legal and other impediments that would prevent sidewalk dining and also temporary street closures for major special events in downtown Port Huron; and

BE IT FURTHER RESOLVED that the Port Huron City Council supports any legislative or administrative action needed to remove such impediments.

Adopted unanimously.

R-11. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns a vacant lot on 27th Street between Dixon and Upton Streets in Port Huron Township; and

WHEREAS, the City of Port Huron has no use for this property; and

WHEREAS, the City of Port Huron received bids for this property on January 13, 2005; and

WHEREAS, Michelle Curtis submitted the only bid for this property for the purpose of combining it with her adjoining property;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to sell the following described property to Michelle Curtis for Five Thousand and 00/100 (\$5,000.00): Lot 5, Block 77, Supervisor's White Plat

Adopted unanimously.

ORDINANCES

O-1. Councilmember Prax moved that an ordinance introduced January 10, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1239

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING A PORTION OF THE PROPERTY LOCATED AT 1600 MILITARY STREET FROM M-1 (LIGHT INDUSTRIAL) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY).

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from M-1 (Light Industrial) to A-1 (Medium Density Multiple Family):

that part of Lot 2, lying easterly of the east property line of Lots 3, 4, 5, 6, and 7, extended north to Griswold Street, Assessor's Military Street Plat Number 1, also known as: part of 1600 Military Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 01/24/05
PUBLISHED: 01/29/05
EFFECTIVE: 01/29/05

Adopted unanimously.

O-2. Councilmember Fisher moved that an ordinance introduced January 10, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1240

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING A PORTION OF THE PROPERTY LOCATED AT 1615 - 6TH STREET FROM C-1 (GENERAL BUSINESS) TO R-1 (SINGLE AND TWO-FAMILY RESIDENTIAL).

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from C-1 (General Business) to R-1 (Single and Two-Family Residential):

that part of Lot 2, lying south of the north line of Lot 3, extended westerly, Assessor's Mitchell Land Plat including one-half of the vacated alley adjacent, also known as: part of 1615 - 6th Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 01/24/05
PUBLISHED: 01/29/05
EFFECTIVE: 01/29/05

Adopted unanimously.

O-3. Councilmember Fisher moved that an ordinance introduced January 10, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1241

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF GRISWOLD STREET, EAST OF 7TH STREET TO MILITARY STREET FROM C-1 (GENERAL BUSINESS) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY).

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from C-1 (General Business) to A-1 (Medium Density Multiple Family):

that part of Lot 2 lying west of the easterly line of Lot 3 extended north to Griswold Street; and Lots 3 and 4; Assessor's Military Street Plat Number 1, also known as: 1602, 1604, 1612 and 1614 Military Street; and

Lots 1, 2, 3, 10, 11, and 12, Mitchell Plat, also known as: 1606 and 1610 - 6th Street, 520 Griswold Street, and vacant lot on southwest corner of Griswold and Military Streets; and

Lot 1, including one-half of vacated alley adjacent; Lot 2, except that portion lying south of the north line of Lot 3 extended westerly; and Lots 13 and 14; Assessor's Mitchell Land Plat, also known as: 1603 - 6th Street and 616 Griswold Street, 1611 - 6th Street, 622 Griswold Street, and 620 Griswold Street, City of Port Huron

Pauline M. Repp, CMC
City Clerk

ADOPTED: 01/24/05
PUBLISHED: 01/29/05
EFFECTIVE: 01/29/05

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Neal announced that Mayor Pro-tem Alan Cutcher was recently elected to the Board of Directors of the MML Elected Officials Academy.

2. Councilmember Prax requested that the Council schedule another workshop to discuss miscellaneous issues stating that she believes they should have one a month.

On motion (8:30 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 14, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Dan Stewart, Griswold Street Baptist Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 7:40 p.m.) and Steinborn.

Absent: Councilmember Prax.

The minutes of the regular meeting of January 24, 2005, were approved.

PRESENTATIONS

1. Proclamation recognizing the Port Huron Host Lions Club for their 85 years of community service was presented to Kim Dillon, President.
2. Geof Greeneisen, Vice President, Terra Land Group, introduced his company and presented their portfolio of development projects. The company is interested in investing in new construction in downtown Port Huron in response to the City's request for proposals. (See City Clerk File #05-15)
3. Ernie Kafcas, Wildlife Habitat Biologist, Michigan Department of Natural Resources, and Chief Robert W. Eick gave a presentation relative to geese.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the proposed 2005-2010 Consolidated Plan and the 2005 Annual Action Plan for the Community Development Department.

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments concerning liquor licensees delinquent in payment of taxes, utility payments, income tax reporting/payments and/or non-conformance with City and State fire codes.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Steinborn offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

AT THIS POINT, Mayor Neal announced relevant items adopted under the consent agenda:

COMMUNICATIONS & PETITIONS

***C-1.** From Janice Dubay, Program Manager, MainStreet Port Huron, requesting that permit fees and transient merchant fees be waived for various events sponsored by their organization.

Received and filed and request granted.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved to receive and file the following City Manager's report:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the six-month period ending December 31, 2004. (See City Clerk File #05-10)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On January 27, 2005, the City of Port Huron received seven (7) bids for the 16th Avenue Phase II Sewer Separation, Watermain Replacement and Street Paving Project, Project No. D03-0060:

Pamar Enterprises, Inc.	\$5,294,975.75 *
Dan's Excavating	\$5,778,393.82
Boddy Construction	\$5,999,141.63
Raymond Excavating Co.	\$6,264,285.41
Ron Bretz Excavating	\$7,135,709.52 *
L. D'Agostini & Sons	\$8,411,901.99 *
Triangle Excavating	\$9,402,695.07

* As Corrected

It is recommended that the bid of Pamar Enterprises, Inc., 58021 Gratiot, New Haven, Michigan 48048, in the amount of Five Million Two Hundred Ninety-Four Thousand Nine Hundred Seventy-Five and 75/100 Dollars (\$5,294,975.75) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

CM-3. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On February 3, 2005, the City of Port Huron received three (3) bids for estimated annual consumption of 46,000 gallons of sodium hypochlorite for the Water Filtration Plant and the Water Reclamation Facility:

Hypo Systems	\$0.74 per gallon
PVS-Nolwood Chemicals, Inc.	\$0.85 per gallon
Alexander Chemical	\$0.87 per gallon

It is recommended that the bid of Hypo Systems, P. O. Box 838, Brighton, MI 48116, in the amount of \$0.74 per gallon, be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

CM-4. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On May 11, 2004, the City of Port Huron received two (2) bids for lighting system replacement in the odor control room of the Water Reclamation Facility:

Bricker Electric, Inc.	\$7,384.00
EllisDon-Michigan	\$34,211.64

It is recommended that the bid of Bricker Electric, 8135 Bricker Road, Greenwood, MI 48006, in the amount of Seven Thousand Three Hundred Eighty-Four and 00/100 Dollars (\$7,384.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

RESOLUTIONS

R-1. Councilmember Steinborn offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

***R-2.** WHEREAS, Lear Corporation, 1905 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, February 28, 2005, in order to hear comments on the application of Lear Corporation for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

R-3. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et. seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1967, as amended among political subdivisions within the State;

NOW, THEREFORE, BE IT RESOLVED that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Michigan Emergency Management Assistance Compact; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator be appointed coordinator and authorized representative for all aspects of the agreement; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the agreement on behalf of the City (see City Clerk File #05-09).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-4. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from neighborhood property owners to rezone the following described property from C-1 (General Business) District to R-1 (Single- and Two-Family Residential) District:

all of lots 6, 7, 8, and 9; Lot 10 except the west 73 feet of the south 36 feet; and the east 55 feet of Lots 11 and 12; Block 14, White Plat, also known as: 1304, 1308, 1316, and 1320 - 10th Street, 930 Union Street, and 929/931 Chestnut Street, City of Port Huron; and

WHEREAS, on February 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 3 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for March 14, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the neighborhood property owners for the rezoning of the above described property.

Motion adopted by the following vote and public hearing to be scheduled:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-5. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from neighborhood property owners to rezone the following described property from A-1 (Medium Density Multiple Family) District to R-1 (Single- and Two-Family Residential) District:

Lots 1, 2, 3, 4, 5, 13, 14, 15, 16, and 17, Block 14, White Plat; and Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 25, White Plat; and the north 125.35 feet of the west 10 feet of Lot 4 and the north 125.35 feet of Lot 5; all of Lots 6, 7, 8, 9, and 10, Block 36, White Plat, also known as: 1302/1304, 1303, 1307, 1311, 1315, 1321, 1322, 1326, and 1330 - 8th Street, 1310, 1315, 1316, 1317, 1318, 1319 - 9th Street and Vacant Lot - 9th Street Right-of-way, 733, 739, 805, 819, 823, 827, 831, 909, 913, 917, 923/925 Chestnut and Vacant Lot 800 Block of Chestnut, 720, 730, 734, 812, 822, 828, 834, 838, 904/906, 910, 916, 920, and 926 Union Street; City of Port Huron; and

WHEREAS, on February 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 3 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for March 14, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the neighborhood property owners for the rezoning of the above described property.

Motion adopted by the following vote and public hearing to be scheduled:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

R-6. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, in 2003, the United States Department of Housing and Urban Development (HUD) allocated \$301,874 in HOME funding to the City of Port Huron for use in developing affordable housing for low-income persons in the city; and

WHEREAS, a condition of receipt of funds is that at least 15% of the annual allocation be set aside for eligible Community Housing Development Organization (CHDO) housing projects; and

WHEREAS, the City requested proposals from eligible CHDOs which included a specific housing project to provide permanent housing to low-income persons; and

WHEREAS, the Community Development Department reviewed and scored each of the applications received; and

WHEREAS, the St. Clair Non-Profit Housing Corporation has been recommended to receive the award from 2003 HOME funding in the amount of \$66,034.94 (contingent upon meeting all applicable regulations and execution of contract agreements);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City's Community Development Department to allocate 2003 HOME CHDO funds according to the St. Clair Non-Profit Housing Corporation's proposal for the purpose of acquiring property on John L Street and new construction of a single-family home with garage for sale to a low-income first-time home buyer.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

***R-7.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1163, effective December 16, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

10th Avenue - There shall be "NO PARKING" on the west side of 10th Avenue for a distance of 200 feet south from the apex of Holland Avenue and 10th Avenue.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering design services for the 16th Avenue Phase III Sewer Separation project; and

WHEREAS, Rowe, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Rowe, Inc., for professional engineering services for Project No. D03-0050;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe, Inc., for professional engineering design services for the 16th Avenue Phase III Sewer Separation project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-11).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

R-9. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services during construction of the 16th Avenue Phase II Sewer Separation project; and

WHEREAS, Rowe, Inc., is the appropriate engineering firm to provide these services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Rowe, Inc., for professional engineering services for Project No. D03-0060;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe, Inc., for professional engineering services during construction of the 16th Avenue Phase II Sewer Separation project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-12).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

R-10. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services during construction of the streetscape, watermain, and sewer improvements on I-94 BL (Military Street); and

WHEREAS, URS Corporation - Great Lakes is the appropriate engineering firm to provide these services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and URS Corporation - Great Lakes for professional engineering services for Project No. M03-0010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with URS Corporation - Great Lakes, for professional engineering services during construction of the streetscape, watermain, and sewer improvements on I-94 BL (Military Street) project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-13).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

R-11. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, an agreement has been prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for construction improvements on Highway I-94BL (Military Street - Reid to Water) located within the corporate limits of the City (Contract #04-5550); and

WHEREAS, the City of Port Huron will make necessary sewer and watermain improvements under this roadway; and

WHEREAS, the City of Port Huron has coordinated with the Michigan Department of Transportation to minimize any inconvenience to citizens; and

WHEREAS, the conditions of the contract are satisfactory to the City; and

WHEREAS, the pre-bid estimated cost per MDOT is \$7,574,750 to be shared as follows:

Federal Aid	\$ 3,364,900
State	709,550
City	<u>3,500,300</u>
Total	\$ 7,574,750

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Michigan Department of Transportation for construction improvements on Highway I-94 BL (Military Street - Reid to Water) located within the corporate limits of the City; authorizes a local match of \$3,500,300 and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #05-14)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmember Cutcher, Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmember Prax.

***R-12.** WHEREAS, it is stated in the City Ordinance Code, Section 8-68, Division 1 Generally, Downtown Development Authority, Article III, Chapter 8, Community Development:

"(a) The downtown development authority shall be under the supervision and control of a board consisting of the city manager and eight members appointed by the city manager subject to approval by the city council. At least five of the members shall be persons having an interest in property located in the downtown district. At least one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it...A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for a term of four years."

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority appointment of Dr. Rose Bellanca for a term to expire February 9, 2009, is hereby approved and confirmed.

Adopted.

On motion (8:50 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
Deputy City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 28, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Sister LuAnn, Mercy Hospital, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

Absent: Councilmember Haynes.

The minutes of the regular meeting of February 14, 2005, were approved.

PRESENTATIONS

1. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Lear Corporation for an Industrial Facilities Exemption Certificate. (See Resolution #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Jim Faulkner, 835 Virginia, Marysville, Executive Director, Blue Water Habitat for Humanity, addressed City Council expressing gratitude for the \$75,000 support given for the Jimmy Carter Work Program, thanked the City for its partnership over the past 15 years (35 of the 46 homes they have built since 1990 have been in Port Huron) and congratulated the City of its sister city relationship with Chiquimula, Guatemala. (Note: Mr. Faulkner asked that he be able to give a presentation on the Jimmy Carter Work Project at the March 14, 2005, City Council meeting.)

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The week long celebration of CelticFest will be held March 6 - 17. The St. Patrick's Parade is set for Saturday, March 12, at 12 noon, starting in Pine Grove Park and continuing through downtown. For more information, contact Terry Nolan at 982-5487.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On February 16, 2005, the Port Huron Fire Department received a single source quote from Fisher Safety to supply four (4) Drager 4-hour positive pressure closed circuit breathing apparatus and accessories to be purchased under the Michigan 2004 Homeland Security Grant Program as follows:

Fisher Safety	\$45,448.95
---------------	-------------

It is recommended that the quote from Fisher Safety, 2000 Park Lane Drive, Pittsburgh, Pennsylvania 15275-1126 in the amount of Forty-Five Thousand Four Hundred Forty-Eight and 95/100 Dollars (\$45,448.95) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On February 16, 2005, the Port Huron Fire Department received the results of the State of Michigan Extended Purchasing Program (MI DEAL) bids to supply one (1) 2005 F-350SD standard cab pickup truck designated as the prime mover for the HazMat response trailer to be purchased under the Michigan 2004 Homeland Security Grant Program as follows:

Varsity Ford	\$15,947.00
--------------	-------------

It is recommended that the bid of Varsity Ford, 3480 Jackson Road, PO Box 2507, Ann Arbor, Michigan 48106 in the amount of Fifteen Thousand Nine Hundred Forty-Seven and 00/100 Dollars (\$15,947.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

CM-3. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

Acheson Ventures has proposed street lighting with a nautical style for Desmond Landing. In order for the City of Port Huron's lighting system to function properly, it is necessary to have Detroit Edison install nautical lights. Acheson Ventures has committed funds to pay for the installation of the street lights. The City will fund the annual operating costs for these lights.

Install 9 Nautical Style Fixtures	\$39,705.85
-----------------------------------	-------------

It is recommended that Detroit Edison, 3223 Ravenswood Road, Marysville, MI 48040, install nautical street lights along 3rd Street and Oak Street extended and that the appropriate City Officials be authorized to issue a purchase order in the amount of Thirty Nine Thousand Seven Hundred Five and 85/100 Dollars (\$39,705.85) for this work, and pay annual operating costs as part of the City's street lighting contract with Detroit Edison.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Councilmember Haynes.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Councilmember Haynes.

***R-2.** WHEREAS, Lear Corporation, 1905 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on February 28, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Lear Corporation application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Lear Corporation is located.

Adopted.

***R-3.** WHEREAS, in accordance with the Code of Federal Regulations (CFR) 570.611, public disclosure of a conflict of interest must be made regarding participation of City employees in federally funded housing rehabilitation programs; and

WHEREAS, William D. Evans, Equipment Operator in the Department of Public Works, City of Port Huron, has applied for participation in the Property Improvement Program (PIP), which offers low- to moderate-income homeowners grant funds to make necessary repairs and improvements to their home in an amount not to exceed \$10,000; and

WHEREAS, homeowners participating in the PIP must be eligible for a low-interest loan from the Michigan State Housing Development Authority (MSHDA) for at least 25% of the total project cost and Mr. Evans meets the program criteria established for all participants;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby acknowledges receipt of the public disclosure notification that a City employee, meeting the criteria established for all participants, has applied for participation in the "Property Improvement Program."

Adopted.

***R-4.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1165, effective December 16, 2004, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

4th STREET -

There shall be "NO PARKING" on the west side of 4th Street starting at a point 242.9 feet from the apex of Chestnut Street and continuing 69.8 feet northerly.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-5.** WHEREAS, on January 10, 2005, the City Council of the City of Port Huron adopted a resolution setting a public hearing to give liquor licensees who were delinquent in payment of taxes and/or utility bills or in violation of the City Code an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence and arguments;" and

WHEREAS, notice of said hearing was published in The Times Herald and notice was mailed by certified mail to the liquor licensees who were delinquent in payment of taxes and/or utility bills or in violation of the City Code; and

WHEREAS, corrections of violations and payment of delinquent utility bills and/or taxes was received by all licensees notified except:

Big Daddy's Bar & Grill, 1211 Griswold Street, Class C/SDM (Cheryl/Lester Diepenhorst); Personal property taxes, \$919.48, plus additional penalty, if any; plus City income tax reporting and/or monies due; and

Victorian Inn, 1229 Seventh Street, Resort B-Hotel; Personal property taxes, \$1,269.30, plus additional penalty, if any.

WHEREAS, on February 14, 2005, the public hearing was held concerning the above licenses;

NOW, THEREFORE, BE IT RESOLVED, the City of Port Huron wishes to object to renewal of the on-premise licensees named above and hereby directs the City Clerk to forward the following items to the Michigan Liquor Control Commission:

- 1) Certified copy of resolutions adopted January 10, 2005, and February 28, 2005, concerning aforementioned license;
- 2) Certified copy of notice to licensee;
- 3) Certified copy of notice published in The Times Herald.

Adopted.

R-6. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to prepare permits, plans, bid documents and perform soundings of the River Street and Water Street Marinas; and

WHEREAS, if it is determined that dredging is necessary at these City-owned marinas, professional services will be necessary to prepare bid documents; and

WHEREAS, Tetra Tech MPS was determined in a competitive selection process to be the appropriate engineering firm to provide these services; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the Marina Dredging Project No. P05-0030 for years 2005, 2006 and 2007;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services during all phases of the River Street and Water Street Marina Dredging Project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #05-16).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has prepared the "Annual Action Plan" and the five year Consolidated Plan (2005-2009), for use of Community Development Block Grant (CDBG) and HOME funds, as mandated by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, in accordance with federal regulations, the City has held two public hearings regarding the housing and community development needs of the City and reviewed any comments of the proposed 2005 Annual Action Plan and Consolidated Plan; and

WHEREAS, a 30-day public comment and review period was established; and

WHEREAS, the City has taken these comments into consideration prior to revising the Annual Action Plan and Consolidated Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron authorizes and approves the submission of the City's Annual Action Plan for program year 2005 and Consolidated Plan, 2005-2009, to the U.S. Department of Housing and Urban Development for their review and approval. The City Council also authorizes and approves the Community Development Director and/or Supervisor to sign all necessary sub-recipient and rehabilitation program agreements.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

***R-8.** WHEREAS, a report had been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup was assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5 on September 27, 2004; and

WHEREAS, the attached special assessment report has been revised and certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares that a single lot special assessment in the total amount of \$253.38 for blight cleanup upon the lot and premises described in the attached special assessment report, correcting a previously adopted special assessment amount of \$506.76 for blight cleanup (see City Clerk file #05-17).

Adopted.

R-9. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering design services for the Erie Street Area Sewer Separation project; and

WHEREAS, Tetra Tech MPS is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional engineering design services for the Erie Street Area Sewer Separation project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering design services for the Erie Street Area Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #05-18).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

R-10. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional computer programming services, including modifications and troubleshooting for the main computer system which operates the Water Reclamation Facility and also for programmable logic control systems within the facility and at 20 remote sites throughout the City; and

WHEREAS, Tetra Tech MPS is the appropriate engineering firm to provide these technical services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional technical services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional computer programming services at the Water Reclamation Facility and authorizes the appropriate City officials to execute the agreement (see City Clerk File #05-19).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

R-11. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, pursuant to the provisions of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the State of Michigan Water Resources Commission (the "Commission") has ordered the installation, construction, alteration, improvement or operation of a sewage system, solid waste facility or waterworks system in a municipality, and the plans therefor have been prepared and approved by the state department or commission having the authority by law to grant the approval, the legislative body of the municipality may issue and sell the necessary bonds for the construction, installation, alteration, operation or improvement thereof, including the treatment works and such other facilities as may be so ordered or set forth in the permit as being necessary to provide for the effective operation of the system; and

WHEREAS, the City of Port Huron (the "City"), pursuant to Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833, dated July 16, 1992, as now in force or hereafter amended, and Michigan Department of Environmental Quality ("MDEQ") Order DFO-SW98-001 dated February 19, 1998 (together, the "Order"), is required to make certain modifications to its sanitary sewer collection system and storm water system, which improvements are necessary in order for the City to meet its clean water obligations under relevant federal and state law; and

WHEREAS, the City desires to comply with the Order and to make the improvements required thereby, including the improvements set forth in the Final Project Plan – Combined Sewer Overflow Control/Solids Handling Facilities prepared by TetraTech MPS (formerly McNamee, Porter & Seeley, Inc.), dated June 1998, as the same is updated and amended from time to time (collectively, the "Project"); and

WHEREAS, the Project qualifies in whole or in part for the State of Michigan Revolving Fund ("SRF") financing program being administered by the Michigan Department of Environmental Quality ("MDEQ") and the Michigan Municipal Bond Authority ("MMBA" or "Authority"); and

WHEREAS, the plans for the current phase of the Project have been prepared and have been or shortly shall be approved by MDEQ as required by Act 451; and

WHEREAS, in pursuance of the authority granted by Act 451, this City Council desires to issue and sell the necessary bonds to the MMBA to pay part of the cost of the Project; and

WHEREAS, the City previously has issued its \$8,000,000 General Obligation Limited Tax Bonds, Series 1999A, dated June 1, 1999, its \$7,775,000 General Obligation Limited Tax Bonds, Series 1999B, dated June 24, 1999, its \$5,230,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000A, dated March 30, 2000, its \$9,470,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000B, dated June 29, 2000, its \$8,120,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001A, dated March 29, 2001, its \$640,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001B, dated September 28, 2001, its \$10,000,000 General Obligation Limited Tax Bonds, Series 2002, dated June 1, 2002, its \$3,650,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002A, dated March 28, 2002, its \$3,310,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002B, dated September 26, 2002, its \$10,220,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series

2002C, dated September 26, 2002, its \$1,670,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2003A, dated March 27, 2003, its \$5,500,000 General Obligation Limited Tax Bonds, Series 2003B, dated November 18, 2003, its \$3,770,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2004A, dated March 25, 2004 and its \$1,170,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2004B, dated December 16, 2004; and

WHEREAS, it is the determination of the City Council that at this time one or more series of limited tax general obligation bonds in the aggregate principal amount of not to exceed Ten Million Dollars (\$10,000,000) should be issued to pay for current phases of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS (STATE REVOLVING FUND), SERIES 2005** (the "Series 2005 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Ten Million Dollars (\$10,000,000), as finally determined by an order or orders of the MDEQ, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2005 SRF Bonds. Each series of Series 2005 SRF Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2005 SRF Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Series 2005 SRF Bonds and approved by the MMBA and the Director of Finance. Final determination of the Principal Amount of a series of Series 2005 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2005 SRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MMBA providing for sale of the Series 2005 SRF Bonds, and the City Manager, Director of Finance and City Clerk (the "Authorized Officers") are each authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each series of Series 2005 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2005 SRF Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2005 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2005 SRF Bonds or by the MMBA at the time of prepayment.

The Series 2005 SRF Bonds shall bear interest at a rate of one and five-eighths percent (1.625%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2005 SRF Bonds in accordance with the delivery instructions of the MMBA.

Each Series 2005 SRF Bond principal amount is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City.

The Series 2005 SRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2005 SRF Bonds shall be payable as provided in the Series 2005 SRF Bond form in this Resolution as the same may be amended to conform to MMBA requirements.

An Authorized Officer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on a Series 2005 SRF Bond, the MMBA shall deliver the respective Series 2005 SRF Bond to the City for cancellation.

2. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2005** (the "Series 2005 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the actual face amount of Series 2005 SRF Bonds and Series 2005 MMBA Bonds (hereinafter defined) issued and to be issued hereunder, for the purpose of paying part of the cost of the current phase of the Project not eligible for SRF financing and not otherwise payable from other available funds of the City, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2005 Public Sale Bonds.

The Series 2005 Public Sale Bonds shall be sold by competitive public sale and shall be issued in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, and shall be dated as of the date of delivery, or such other date as may be determined by an Authorized Officer, and shall mature on November 1, or such other date as may be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance.

The Series 2005 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding seven percent (7%) per annum, payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer. The Director of Finance is authorized and directed to approve of a series designation with respect to each series of the Series 2005 Public Sale Bonds, and to make appropriate changes to the designation hereinbefore set forth.

The Series 2005 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in Section 9 hereof, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed three percent (3%).

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the

registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Series 2005 Public Sale Bonds shall be payable upon presentation and surrender to the Transfer Agent.

The Authorized Officers are authorized to select a qualified bank or financial institution to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Series 2005 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

The Series 2005 Public Sale Bonds may be issued in book-entry only form as one fully registered bond per maturity and, if so issued, shall be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. If the Series 2005 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2005 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2005 Public Sale Bonds purchased. If the Series 2005 Public Sale Bonds are issued in book-entry only form, provisions in this Resolution to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2005 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2005 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2005 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2005 Public Sale Bonds to be so issued.

3. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2005** (the "Series 2005 MMBA Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the actual face amount of Series 2005 SRF Bonds and Series 2005 Public Sale Bonds issued and to be issued hereunder, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the current phase of the Project not eligible for SRF financing and not otherwise payable from other available funds of the City, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2005 MMBA Bonds. Each series of Series 2005 MMBA Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2005 MMBA Bonds, payable in not to exceed thirty (30) principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2005 MMBA Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount of a series of Series 2005 MMBA Bonds and the payment dates and amounts of principal installments of a series of Series 2005 MMBA Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MMBA providing for sale of the Series 2005 MMBA Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each series of Series 2005 MMBA Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2005 MMBA Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2005 MMBA Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2005 MMBA Bonds or by the MMBA at the time of prepayment.

The Series 2005 MMBA Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2005 MMBA Bonds in accordance with the delivery instructions of the MMBA.

The Series 2005 MMBA Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2005 MMBA Bonds shall be payable as provided in the Series 2005 MMBA Bond form in this Resolution as the same may be amended to conform to MMBA requirements.

An Authorized Officer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on a Series 2005 MMBA Bond, the MMBA shall deliver the respective Series 2005 MMBA Bond to the City for cancellation.

4. The Series 2005 SRF Bonds, the Series 2005 Public Sale Bonds and the Series 2005 MMBA Bonds (collectively, the "Bonds," and each a "Series") shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Director of Finance of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. If the Bonds shall bear facsimile signatures, no Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.

5. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bonds may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

6. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2005 WASTEWATER SYSTEM BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series of Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the fiscal year beginning July 1, 2005, the City shall provide in its budget each year until the Bonds are paid, in the manner provided by the provisions of Act 451, an amount sufficient to promptly pay, when due, after taking into account other available funds of the City, the principal of and interest on the Bonds becoming due prior to the next annual tax levy. The limited tax full faith, credit and resources of the City are hereby pledged for the prompt payment of the principal of and interest on the Bonds as they become due, which pledge shall include the City's obligation to pay from its general funds as a first budget obligation said principal and interest and, if necessary, to levy ad valorem taxes on all taxable property in the City, within applicable constitutional, statutory and charter tax rate limitations.

7. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2005 WASTEWATER SYSTEM BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the respective Series of Bonds. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

8. The Series 2005 SRF Bonds and Series 2005 MMBA Bonds, if and when issued, shall be in substantially the following form, subject to such modifications which may be required by the Michigan Attorney General and the MMBA and approved by bond counsel:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR**

**CITY OF PORT HURON
GENERAL OBLIGATION LIMITED TAX BOND
[(STATE REVOLVING FUND)],
SERIES 2005 __**

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars (\$____,000)
DATE OF ORIGINAL ISSUE: _____, 2005

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), for value received, hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority [and a

Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality], in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the City under this bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth in Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$____,000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of _____ percent (____%) per annum. Interest is first payable on _____ 1, 200_, and semiannually thereafter on the first day of _____ and _____ of each year, as set forth in the Purchase Contract.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at J.P. Morgan Trust Company, National Association or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the

Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is a single, fully-registered, non-convertible bond in the principal sum of \$____,000, issued for the purpose of paying the cost of certain modifications to the sanitary sewer collection system and storm drain system of the City and paying costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833 and MDEQ Order DFO-SW98-001, as now in force or hereafter amended.

Bonds may be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

This bond is transferable only upon the registration books of the City by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the City duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in the name of the City by the manual or facsimile signatures of its Mayor and Director of Finance and its corporate seal or a facsimile thereof to be printed or impressed hereon, all as of the Date of Original Issue.

CITY OF PORT HURON
County of St. Clair
State of Michigan

By: _____
Its Mayor

(SEAL)

By _____
Its Director of Finance

DEQ Project No.
DEQ Approved Amt: \$

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal Installment Due on ____ 1	Amount of Principal Installment
---	---------------------------------------

Interest on the Bond shall accrue on principal disbursed by the Authority to the City from the date principal is disbursed, until paid, at the rate of ____% per annum, payable _____ 1, 200 __, and semi-annually thereafter.

9. The Series 2005 Public Sale Bonds, if and when issued, shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR

CITY OF PORT HURON
GENERAL OBLIGATION LIMITED TAX BOND,
SERIES 2005 __**

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
Registered Owner:	_____ 1, 2005		
Principal Amount:	_____ Dollars		

KNOW ALL MEN BY THESE PRESENTS, that the City of Port Huron, County of St. Clair, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on _____ 1, 200__ and semiannually thereafter. Principal of this bond is payable at the designated office of _____, _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Transfer Agent"). Interest on this

bond is payable to the registered owner of record as of the 15th day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds of even date of original issue aggregating the principal sum of \$ _____ issued for the purpose of paying the cost of certain modifications to the sanitary sewer collection system and storm drain system of the City and paying [capitalized interest and] costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833 and MDEQ Order DFO-SW98-001, as now in force or hereafter amended.

[Bonds of this issue maturing in the years _____ to _____, inclusive, shall not be subject to redemption prior to maturity].

[Bonds or portions of bonds in multiples of \$5,000 of this issue maturing in the years 20__ to 20__, inclusive, shall be subject to redemption prior to maturity, at the option of the City, in such order as the City shall determine and by lot within any maturity, on any date on or after _____ 1, 20__, at a redemption price of par plus accrued interest to the date fixed for redemption].

[Insert term bond provisions, if applicable].

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in the name of the City by the facsimile signatures of its Mayor and Director of Finance and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF PORT HURON

County of St. Clair
State of Michigan

By: _____
Its Mayor

(SEAL)

By: _____
Its Director of Finance

Date of Authentication:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution. _____

Michigan,
Transfer Agent

By _____
Authorized Representative

[insert form of assignment]

10. If Series 2005 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2005 Public Sale Bonds and publish a notice of sale of the Series 2005 Public Sale Bonds in the form and manner required by applicable law and regulations.

11. The estimated period of usefulness of the Project to be financed with the proceeds of the Bonds is hereby declared to be not less than thirty (30) years and its total cost is estimated to be not less than the amount set forth in Section 1 of this Resolution.

12. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. The Authorized Officers are each hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2005 SRF Bonds and the Series 2005 MMBA Bonds with the Authority. Any of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2005 SRF Bonds and the Series 2005 MMBA Bonds, including a Purchase Contract, a Supplemental Agreement, and Issuer's Certificate.

14. If then required in connection with the issuance and sale of the Series 2005 Public Sale Bonds, the City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2005, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the bonds, and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above to enable prospective purchasers of the Series 2005 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

15. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the issuance and sale of the Series 2005 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

16. The Director of Finance is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of Series, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed seven percent (7%), and the Bonds shall mature in not more than thirty (30) principal installments.

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

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

ORDINANCES

O-1. Councilmember Fisher moved that the following ordinance introduced February 28, 2004, entitled and reading as follows, be given its first, second, third and final reading and enacted under emergency status:

ORDINANCE NO. 1242

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF ADDITIONS AND IMPROVEMENTS TO THE EXISTING WATER SUPPLY SYSTEM OF THE CITY OF PORT HURON, MICHIGAN; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF EQUAL STANDING AND OF SENIOR STANDING WITH REVENUE BONDS NOW OUTSTANDING AND TO PAY THE COST THEREOF; TO PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; TO CONFIRM THE EXISTING RATES FOR THE SYSTEM; TO AMEND THE PRIOR BOND AUTHORIZING ORDINANCES OF THE CITY; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE SYSTEM AND THE BONDS.

THE CITY OF PORT HURON ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be known and cited as the "Series 2005 Water Bond Ordinance." Pursuant to the authority granted under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, the Code of the City of Port Huron is hereby amended by adding this Ordinance.

Section 2. Definitions. Capitalized terms used in this Ordinance and not otherwise defined shall have the meanings given them in the Master Ordinance. In addition, the following terms shall have the following meanings, and the Master Ordinance is hereby amended to add the following defined terms:

- (a) "Act 34" means Act No. 34 of the Public Acts of Michigan, 2001, as the same may be amended from time to time.
- (b) "Authority" or "MMBA" shall mean the Michigan Municipal Bond Authority.
- (c) "Master Ordinance" means Ordinance No. 1 adopted by the City Council on May 10, 1999, authorizing the issuance of the Outstanding Bonds and of Bonds and Junior Lien Bonds.
- (d) "MDEQ" means the Michigan Department of Environmental Quality.
- (e) "Outstanding Bonds" means the City's outstanding Water Supply System Revenue Bonds (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 24, 1999, authorized as Junior Lien Bonds in the original principal

amount of \$10,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, authorized as Junior Lien Bonds in the original principal amount of \$8,945,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, authorized as Junior Lien Bonds in the original principal amount of \$3,930,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, authorized as Junior Lien Bonds in the original principal amount of \$1,805,000; Water Supply System Revenue Bonds (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, authorized as Junior Lien Bonds in the original principal amount of \$1,800,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, authorized as Junior Lien Bonds in the original principal amount of \$3,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, authorized as Junior Lien Bonds in the original principal amount of \$2,315,000; and Water Supply System Revenue Bonds (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, authorized as Junior Lien Bonds in the original principal amount of \$600,000.

- (f) "Series 2005 DWRP Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2005 (Limited Tax General Obligation), issued pursuant to Section 6 of this Ordinance.
- (g) "Series 2005 MMBA Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2005 (Limited Tax General Obligation), issued pursuant to Section 6B of this Ordinance.
- (h) "Series 2005 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2005 (Limited Tax General Obligation), issued pursuant to Section 6A of this Ordinance.
- (i) "Series 2005 Bonds" means, collectively, the Series 2005 Public Sale Bonds, the Series 2005 DWRP Bonds and the Series 2005 MMBA Bonds.

Section 3. Necessity; Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the City's consulting engineers, Tetra Tech MPS of Ann Arbor, Michigan, which plans and specifications are hereby approved. The Project qualifies in whole or in part for the State of Michigan Drinking Water Revolving Fund financing program ("DWRP") being administered by the MDEQ and the Authority.

Section 4. Costs; Useful Life. The cost of the current phase of the Project is estimated to not exceed Six Million Dollars (\$6,000,000), plus the payment of incidental expenses as specified in Section 5 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than thirty (30) years.

Section 5. Payment of Cost; Bonds Authorized. To pay part of the cost of acquiring, constructing and installing the current phase of the Project, legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2005 Bonds, the Issuer shall borrow the sum of not to exceed Six Million Dollars (\$6,000,000) and issue the Series 2005 Bonds therefor pursuant to the provisions of Act 94. The remaining cost of the Project shall be defrayed from Issuer funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Master Ordinance shall apply to the Series 2005 Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of both equal and senior lien with respect to the Outstanding Bonds to finance the cost of acquiring additions, extensions and improvements to the System, additional bonds of equal and senior standing with the Outstanding Bonds for such purpose being authorized by the provisions of Section 22 of the Master Ordinance (as amended by this Ordinance), upon the conditions therein stated, which conditions have been fully met.

Section 6. Issuance of Series 2005 DWRP Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2005 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2005 DWRP Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Six Million Dollars (\$6,000,000), as finally determined by order of the MDEQ, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2005 DWRP Bonds. The Series 2005 DWRP Bonds shall be sold to the Authority and shall be payable out of the Net Revenues, as set forth more fully in Section 7 hereof, provided that said Series 2005 DWRP Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2005 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2005 DWRP Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2005 DWRP Bonds, payable in principal installments serially as finally determined by the order of the MDEQ at the time of sale of the Series 2005 DWRP Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2005 DWRP Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2005 DWRP Bonds, and any of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. If the Series 2005 DWRP Bonds are issued in more than one series, the Director of Finance of the Issuer shall assign a specific series designation to each respective series of Series 2005 DWRP Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2005 DWRP Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2005 DWRP Bond contained in Section 10A of this Ordinance or as may be approved by an Authorized Officer at the time of sale of the Series 2005 DWRP Bonds or by the Authority at the time of prepayment.

The Series 2005 DWRF Bonds shall bear interest at a rate of two and one-eighth percent (2.125%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2005 DWRF Bonds in accordance with the delivery instructions of the Authority. The Series 2005 DWRF Bonds shall be signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon.

The Series 2005 DWRF Bonds principal amount is expected to be drawn down by the Issuer periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2005 DWRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2005 DWRF Bonds shall be payable as provided in the Series 2005 DWRF Bond form set forth in Section 10A of this Ordinance.

An Authorized Officer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by an Authorized Officer.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2005 DWRF Bond, the Authority shall deliver the Series 2005 DWRF Bond to the City for cancellation.

Section 6A. Issuance of Series 2005 Public Sale Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2005** (the "Series 2005 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2005 DWRF Bonds and Series 2005 MMBA Bonds issued and to be issued pursuant to Section 6 and 6B of this Ordinance, for the purpose of paying part of the cost of the current phase of the Project not eligible for DWRF program financing, including the costs incidental to the issuance, sale and delivery of the Series 2005 Public Sale Bonds. Said Series 2005 Public Sale Bonds shall be sold by competitive public sale and shall be of senior standing and priority of lien as to the Net Revenues with the Outstanding Bonds, the Series 2005 DWRF Bonds and the Series 2005 MMBA Bonds. The Series 2005 Public Sale Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 7 hereof, and shall consist of fully-registered bonds of the denomination of \$5,000 each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as the date of delivery of the Series 2005 Public Sale Bonds, or such other date as determined by an Authorized Officer, numbered in order of registration, and shall mature on November 1, or such other date as shall be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance. The Director of Finance shall assign a specific series designation to each respective series of Series 2005 Public Sale Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2005 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding seven percent per annum (7%), payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer, commencing as determined by order of an Authorized Officer by check or draft mailed by the transfer agent selected by the Issuer to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the transfer agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The Series 2005 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2005 Public Sale Bonds shall be payable at the bank or trust company designated by an Authorized Officer as registrar and transfer agent for this issue.

The Series 2005 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in the form of Series 2005 Public Sale Bond contained in Section 10B of this Ordinance.

In case less than the full amount of an outstanding Series 2005 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2005 Public Sale Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Series 2005 Public Sale Bonds contained in Section 10B of this Ordinance.

The Series 2005 Public Sale Bonds may be issued in book-entry only form as one fully registered bond per maturity and, if so issued, shall be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. If the Series 2005 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2005 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2005 Public Sale Bonds purchased. If the Series 2005 Public Sale Bonds are issued in book-entry only form, provisions in this Ordinance to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2005 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2005 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2005 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2005 Public Sale Bonds to be so issued.

The Series 2005 Public Sale Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon. The Series 2005 Public Sale Bonds shall be delivered to the transfer agent for authentication and thereafter be delivered by the transfer agent to the purchaser thereof in accordance with instructions from the Director of Finance upon payment of the purchase price for the Series 2005 Public Sale Bonds in accordance with the bid therefor when accepted. Executed blank bonds for

registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

Section 6B. Issuance of Series 2005 MMBA Bonds; Details.

Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2005 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2005 MMBA Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2005 DWRP Bonds and Series 2005 Public Sale Bonds issued and to be issued pursuant to Section 6 and Section 6A of this Ordinance, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the Project not eligible for participation in the DWRP Program and not otherwise payable from other available funds of the Issuer, including the costs incidental to the issuance, sale and delivery of the Series 2005 MMBA Bonds. The Series 2005 MMBA Bonds shall be sold to the Authority and shall be Junior Lien Bonds, payable out of the Net Revenues as set forth more fully in Section 7 hereof, provided that said Series 2005 MMBA Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2005 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2005 MMBA Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2005 MMBA Bond, payable in not to exceed thirty (30) principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2005 MMBA Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2005 MMBA Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2005 MMBA Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above and in Section 13 of this Ordinance.

The Series 2005 MMBA Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2005 MMBA Bond contained in Section 10A of this Ordinance or as may be approved by the Authorized Officers at the time of sale of the Series 2005 MMBA Bonds or by the Authority at the time of prepayment.

The Series 2005 MMBA Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2005 MMBA Bonds in accordance with the delivery instructions of the Authority. The Series 2005 MMBA Bonds shall be signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon.

The Series 2005 MMBA Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2005 MMBA Bonds shall be payable as provided in the Series 2005 MMBA Bond form set forth in Section 10A of this Ordinance.

An Authorized Officer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2005 MMBA Bond, the Authority shall deliver the Series 2005 MMBA Bond to the Issuer for cancellation.

Section 7. Payment of Bonds; Security; Priority of Lien.

Principal of and interest on the Series 2005 Bonds and the Outstanding Bonds shall be payable from the Net Revenues. There is hereby recognized the statutory lien upon the whole of the Net Revenues created by the Master Ordinance, which shall be a first lien (except with respect to the Series 2005 DWRP Bonds and the Series 2005 MMBA Bonds authorized by this Ordinance, and the Outstanding Bonds, which shall have a statutory second lien on the Net Revenues) to continue until payment in full of the principal of and interest on all Bonds or Junior Lien Bonds payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds or Junior Lien Bonds of a series then outstanding, principal and interest on such Bonds or Junior Lien Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds or Junior Lien Bonds, the holders of that series shall have no further rights under the Master Ordinance or this Ordinance, except for payment from the deposited funds, and the Bonds or Junior Lien Bonds of that series shall no longer be considered to be outstanding under the Master Ordinance or this Ordinance.

In addition, the Series 2005 DWRP Bonds and the Series 2005 MMBA Bonds being sold to the Authority, the Issuer hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Series 2005 DWRP Bonds and the Series 2005 MMBA Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2005 DWRP Bonds or the Series 2005 MMBA Bonds as the same become due, then the Issuer shall advance from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the Issuer, subject to constitutional, statutory and charter limitations, such sums as may be necessary to pay said principal and interest. The Issuer shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Master Ordinance.

Section 8. Rates and Charges. The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance. No free service or use of the System, or service or use of the System at less than cost, shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 9. Bond Proceeds. Upon delivery of any series of the Series 2005 Bonds there shall be first immediately deposited from the proceeds of the Series 2005 Bonds in a separate account in the Redemption Fund or the Junior Lien Redemption Fund, as applicable, an amount equal to the accrued interest and premium, if any, received on delivery of the Series 2005 Bonds. With respect to

the Series 2005 Public Sale Bonds there shall next be deposited in the Bond Reserve Account an amount sufficient to satisfy the Reserve Amount; provided, however, that alternatively the Bond Reserve Account may be funded from monthly deposits from Net Revenues over not more than a five-year period from the delivery date of the Series 2005 Public Sale Bonds, as determined by an Authorized Officer. The balance of the proceeds of the sale of the Series 2005 Bonds shall be deposited in a bank or banks, designated by the Director of Finance, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated 2005 WATER PROJECTS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof, and shall be fully expended on Project costs within three years after the date of delivery of the Series 2005 Bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Council of the Issuer a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of sale of the Series 2005 Bonds remaining after completion of the Project in the Construction Fund shall, in the discretion of the City Council of the Issuer, be used either for further improvements, enlargements and extension to the System, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law, or for the purpose of purchasing Series 2005 Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Series 2005 Bonds may next be called for redemption, or used for the purpose of paying principal of the Series 2005 Bonds upon maturity or calling Series 2005 Bonds for redemption.

Section 10A. Bond Form. The Series 2005 DWRP Bonds and Series 2005 MMBA Bonds shall be in substantially the following forms, with such changes or completions as necessary or appropriate to give effect to the intent of this Ordinance:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR**

CITY OF PORT HURON

**WATER SUPPLY SYSTEM REVENUE BOND
(JUNIOR LIEN), SERIES 2005 __
(LIMITED TAX GENERAL OBLIGATION)**

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars (\$ ____,000)
DATE OF ORIGINAL ISSUE: _____, 2005

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), for value received, hereby promises to pay, primarily out of the hereinafter described Net Revenues of the City's Water Supply System (hereinafter defined), to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall

have been advanced to the City pursuant to a Purchase Contract between the City and the Authority [and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality], in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

During the time funds are being drawn down by the City under this bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$ _____ is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of _____ percent (__ %) per annum. Interest is first payable on _____ 1, 200 __, and semiannually thereafter and principal is payable on the first day of _____ commencing _____ 1, 200 __ (as identified in the Purchase Contract) and annually thereafter.

The bond may be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at J.P. Morgan Trust Company, National Association or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest

shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

For prompt payment of principal and interest on this bond, the City has irrevocably pledged the revenues of the Water Supply System of the City, including all appurtenances, extensions and improvements thereto (the "System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory second lien thereon is hereby recognized and created, subject to the prior lien of any Senior Lien Bonds hereafter issued. **The City has reserved the right to issue additional Senior Lien Bonds which shall be superior and senior in all respects to the bonds of this issue as to the Net Revenues.**

Purchasers of the bonds of this issue, by their acceptance of the bonds of this issue or a beneficial ownership interest therein, shall be deemed to have consented to the subordination of their interest in and lien upon the Net Revenues upon the issuance of Senior Lien Bonds subsequent to the delivery of the bonds of this issue.

The bonds of this issue are equally secured and on parity in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 22, 1999, Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bond (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, Water Supply System Revenue Bond (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, Water Supply System Revenue Bonds (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, and Water Supply System Revenue Bonds (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004 (the "Outstanding Bonds").

This bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued pursuant to Ordinance No. 1 and Ordinance No. ___ duly adopted by the City Council of the City, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the cost of acquiring and constructing additions, extensions and improvements to the System.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the

conditions under which additional bonds of superior and equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances.

This bond is primarily a self-liquidating bond, payable, both as to principal and interest, primarily from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory second lien hereinbefore mentioned. As additional security, the City has pledged its limited tax full faith and credit for payment of the principal of and interest on the bonds of this issue, which includes the City's obligation to levy taxes, if necessary, within applicable constitutional, statutory and charter tax limitations.

The City has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of the bonds of this issue, the Outstanding Bonds, and any additional bonds of superior or equal standing with the bonds of this issue and the Outstanding Bonds, as and when the same shall become due and payable, and to maintain a bond redemption fund therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

This bond is transferable only upon the books of the City by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Port Huron, County of St. Clair, State of Michigan, by its City Council, has caused this bond to be executed with the manual signatures of its Mayor and its Director of Finance and the corporate seal of the City to be impressed hereon, all as of the Date of Original Issue.

CITY OF PORT HURON

By _____
Mayor

(Seal)

Countersigned:

Director of Finance

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal Installment Due on _____ 1	Amount of Principal Installment
--	---------------------------------------

Interest on the bond shall accrue on principal disbursed by the Authority to the City from the date principal is disbursed, until paid, at the rate of _____% per annum, payable _____ 1, 200_, and semi-annually thereafter.

Section 10B. Bond Form. The Series 2005 Public Sale Bonds shall be in substantially the following form, with such changes or completions as necessary or appropriate to give effect to the intent of this Ordinance:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR**

CITY OF PORT HURON

**WATER SUPPLY SYSTEM REVENUE BOND,
SERIES 2005 __
(LIMITED TAX GENERAL OBLIGATION)**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
----------------------	----------------------	-----------------------------------	--------------

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "Issuer"), for value received, hereby promises to pay the Principal Amount shown above, in lawful money of the United States of America, to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue shown above, or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, payable on _____ 1, 200_, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the _____ office of _____, _____, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to the date of any interest payment date. Interest on this bond is payable by check or draft mailed to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date, the registered owner of record,

at the registered address as shown on the registration books of the Issuer kept by the transfer agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

The bonds of this issue are of senior standing and priority of lien as to the Net Revenues with the Issuer's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 22, 1999, Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, Water Supply System Revenue Bond (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, Water Supply System Revenue Bonds (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, and Water Supply System Revenue Bonds (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004 (the "Outstanding Bonds").

This bond is one of a series of bonds of even date of original issue, aggregating the principal sum of \$ _____ issued pursuant to Ordinance No. 1 and Ordinance No. __, duly adopted by the City Council of the Issuer, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the cost of acquiring and constructing additions, extensions and improvements to the System.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances.

[Bonds maturing in the years ____ to ____, inclusive, are not subject to redemption prior to maturity].

[Bonds or portions of bonds in multiples of \$5,000 maturing in the year ____ and thereafter, inclusive, shall be subject to redemption prior to maturity at the option of the Issuer, in such order of maturity as the Issuer shall determine and within a single maturity by lot, on any date on or after _____ 1, ____, at a redemption price of par plus accrued interest to the date fixed for redemption].

[Insert term bond provisions, if applicable].

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of \$5,000 and any bond of a denomination of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by \$5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state

that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter limitation of the Issuer, but is payable, both as to principal and interest solely from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the principal of and interest on the bonds of this issue, the Outstanding Bonds, and any additional bonds of equal standing as and when the same shall become due and payable, and to maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Port Huron, County of St. Clair, State of Michigan, by its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its Director of Finance and the corporate seal of the Issuer to be printed on this bond, all as of the Date of Original Issue.

CITY OF PORT HURON

By _____
Mayor

(Seal)

Countersigned:

Director of Finance

Date of Registration:

Certificate of Authentication

This bond is one of the bonds described in the within-mentioned Ordinances.

Transfer Agent

By _____
Authorized Signatory

Section 11. Application to MDEQ and Authority. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2005 DWRP Bonds and the Series 2005 MMBA Bonds with the Authority. Any of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2005 DWRP Bonds and the Series 2005 MMBA Bonds, including a Purchase Contract, a Supplemental Agreement and Issuer's Certificate. In the event of a sale of the Series 2005 DWRP Bonds or the Series 2005 MMBA Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of Series bond contained in Section 10A of this Ordinance as may be necessary to conform to the requirements of 1985 PA 227 ("Act 227"), including, but not limited to, changes in the principal maturity and interest payment dates and references to additional security required by Act 227. In the event the Series 2005 DWRP Bonds or the Series 2005 MMBA Bonds are sold to the Authority, the taxes collected by the State of Michigan and returned to the Issuer may be pledged for payment of the Series 2005 DWRP Bonds or the Series 2005 MMBA Bonds, and an Authorized Officer is further authorized to negotiate, execute and deliver an agreement with the Authority for payment of such taxes to the Authority or to a trustee as provided in Section 23 of Act 227.

Section 12. Covenant Regarding Tax Exempt Status of the Bonds. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2005 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2005 Bond proceeds and moneys deemed to be Series 2005 Bond proceeds.

Section 13. Approval of Bond Details. Any of the Authorized Officers is hereby authorized to adjust the final Series 2005 Bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94 and Section 315(1)(d) of Act 34, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, series designations and other matters necessary to complete the transactions authorized by the Master Ordinance and this Ordinance, provided that the principal amount of Series 2005 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2005 Bonds shall not exceed seven percent (7%) per annum, and the Series 2005 Bonds shall mature in not more than thirty (30) principal installments.

Section 14. Sale of Series 2005 Public Sale Bonds. If the Series 2005 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2005 Public Sale Bonds and publish a notice of sale of the Series 2005 Public Sale Bonds in the form and manner required by applicable law and regulations.

Section 15. Continuing Disclosure. If then required in connection with the issuance and sale of the Series 2005 Public Sale Bonds, the City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule"), on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2005, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above to enable prospective purchasers of the Series 2005 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

Section 16. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the issuance and sale of the Series 2005 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Series 2005 Bonds or cause the qualification of the Series 2005 Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Series 2005 Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Series 2005 Bonds as contemplated herein.

Section 17. Repeal; Savings Clause. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 18. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 19. Publication and Recordation. This Ordinance shall be published in full in the *Times Herald*, a newspaper of general circulation in the Issuer qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 20. Effective Date. Pursuant to the provisions of Act 94, this Ordinance shall be effective upon its adoption.

PAULINE M. REPP, CMC
CITY CLERK

ADOPTED: 02/28/05
PUBLISHED: 03/05/05
EFFECTIVE: 02/28/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Haynes.

O-2. Councilmember Fisher offered and moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, BY ADDING ARTICLE III, WATERFOWL, TO THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROHIBITING THE FEEDING OF WATERFOWL.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, and Steinborn.

No: Councilmember Prax.

Absent: Councilmember Haynes.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Cutcher announced that coffee from Guatemala packaged in one pound bricks is available for \$12 each as a fundraiser for the Sister City Committee to establish a cultural exchange program. It is available at the MainStreet office as well as from Committee members and others.

2. Councilmember Prax stated that Port Huron has contributed funds over the past years for the homeless shelter and that we seem to be the only one now that the County has declined funding. She requested that a committee be formed to look into the homeless issue, including people from agencies such as United Way and American Red Cross. City administration to look into this.

3. Councilmember Fisher thanked Mayor Neal and others who went to Lansing recently to lobby for outdoor dining. Mayor Neal added that the full senate is expected to vote Tuesday of this week on this issue and that the Governor and MDOT both support it.

On motion (8:15 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, March 8, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 8:20 a.m.), Prax and Steinborn.

The purpose of the meeting was for discussion of the following:

1. Industrial Park Speculative Building No. 12: Doug Alexander, Executive Director, Economic Development Alliance, gave an overview of the existing vacancies in the Industrial Park and recommended that the City hold off on construction of an additional speculative building until one or two of Takata's buildings are sold.

2. Revitalizing Port Huron: Tom Hutka, City Manager, and Kim Harmer, Planning Director, talked about the program and cited the \$350,000 special appropriation through VA-HUD that was presented by Congresswoman Miller on Monday, March 7. Ms. Harmer stated that it will be late spring or early summer before knowing how it will be administered. The money will be used to acquire and renovate single family homes in joint projects with other City partners.

3. Canadian Trash: Pauline Repp, City Clerk, updated the City Council on pending legislation in Washington and Lansing.

4. Terra Land Group: Tom Hutka, City Manager, stated that Terra Land Group will be preparing a more detailed proposal on downtown development that will be presented to City Council and the community covering "what, where and when." Discussion held on the parking issue and whether there would be grant funds available to assist with construction of a parking deck. Mr. Hutka stated that he is working on this through MEDC. Further discussion held on whether there were any other developers interested and Mr. Hutka stated that others had shown interest but that there was no direct competition at this point. In answer to the question, Mr. Hutka stated that it will probably be one to two months before a more detailed proposal is received from Terra Land Group.

5. FOIA and Open Meeting Training Session: Pauline Repp, City Clerk, stated that arrangements are being made through MMRMA to conduct a seminar on these subjects. Tentative date is April 5 in the morning and it will be held in the Public Meeting Room. Participating members of MMRMA will be invited to attend also. Ms. Repp will confirm the date with Council, probably by the end of the week.

6. Guidelines for Travel and Training Expenses: Tom Hutka distributed draft guidelines. Discussion held on verbiage when individual Councilmembers are invited to attend a function. It was decided to change the "may be approved" in sentence 3 of paragraph 3 to "will be approved." It was stated that these would be the guidelines, subject to review at budget time. Also, SEMCOG was added to the list of events in paragraph 2. (See City Clerk File #05-20 for complete guidelines.)

7. Next Workshops: Mayor Pro-tem Cutcher stated that one of the subjects he wanted to discuss at a future meeting was receiving annual reports from the various boards and commissions that Council appoints and even from Councilmembers for those that sit on a board as a City representative. After discussion, it was decided that everyone could think about this and discuss it at the next workshop. Additionally, Mayor Pro-tem Cutcher added the following for discussion at a future workshop: McMorrans Authority and what are our plans seeing as their tenure is coming to an end in the next couple of years, using credit cards for various payments to the City and excessive speeding on City streets.

Councilmember Prax asked to have included the subject of potholes and stated that she would like Council to have a seminar on conflict of interest and ethics. (Note: Will ask the attorney doing the FOIA workshop if he does anything like this.) Councilmember Prax also asked about repairs to McMorrans's parking lot stating she has received complaints.

Mayor Neal asked about repairs on 24th Street and whether sewer separation in that area was predicated on this. Additionally, Mayor Neal asked about any time frame on funds received toward 800 mhz communications. Tom Hutka, City Manager, stated that they have been strategizing on how best to use the money because it certainly will not cover everything. He further stated he has been talking with Shaun Groden, County Administrator, and they agree that working together they need to develop a plan that covers technology, schedule and financing before approaching elected officials for funding for this project.

Councilmember Fisher requested that on the next workshop agenda they discuss communication with other governmental partners. Mayor Neal stated that he thought administrative contact was necessary. Tom Hutka, City Manager, stated he has a working relationship with all the surrounding townships, cities and the county.

Tom Hutka, City Manager, added that he would like to discuss revisions to the blight ordinance and creation of a Neighborhood Enterprise Zone at the next workshop.

Mayor Pro-tem Cutcher had suggested monthly workshops and it was decided that they would be scheduled for the first Monday of each month, 8 a.m. to 10 a.m., as long as there were items for the agenda. The next meeting will be scheduled for Monday, April 4, 2005.

AT THIS POINT, a member of the audience, Roy Rodriguez, 2517 Little Street, addressed City Council with concerns about sewer overloading with the new construction in his neighborhood.

On motion (9:50 a.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 14, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Dan Stewart, Griswold Street Baptist Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax (arrived at 7:55 p.m.).

Absent: Councilmembers Fisher and Steinborn.

The minutes of the regular meeting of February 28, 2005, and the special meeting of March 8, 2005, were approved.

PRESENTATIONS

1. Jim Faulkner, Blue Water Habitat for Humanity, gave a presentation on the Jimmy Carter Work Project this summer.
2. Joe Vito, President, Port Huron Neighborhood Housing Corporation, gave a presentation on their recent successes and ongoing efforts.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone property located at 1304, 1308, 1316 and 1320 - 10th Street, 930 Union Street and 929/931 Chestnut Street from C-1 (General Business District) to R-1 (Single- and Two-Family Residential District). (See Ordinance #2)

Dan Hardyman, 616 Union Street, appeared in support of this request.

Kevin Banker, 825 Court Street, appeared in support of this request and the next one (Public Hearing #2).

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request to rezone various properties located in the general area of Union, 7th, Chestnut and 10th Streets from A-1 (Medium Density Multiple Family District) to R-1 (Single- and Two-Family Residential District). (See Ordinance #3)

Bruce Francek, 1303 - 8th Street, appeared in support of this request.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Rob Carson, representing James and Renee Ware, addressed the City Council regarding a special use permit for 1744 McPherson Street (Resolution No. 3) for a day care center asking that Council approve this, subject to a 6 foot privacy fence being erected.

2. Ken Harris, 1521 Wells Street, addressed the City Council stating the following: 1) he supports Resolution No. 7; 2) he believes that if the ordinance prohibiting feeding waterfowl is adopted that it should be enforced; and 3) he thinks the City should be active in the meeting being held Tuesday, March 15, on the relocation of the Port Huron Post Office.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
- No: None.
- Absent: Councilmembers Fisher and Steinborn.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The week long celebration of CelticFest continues through March 17. For more information, contact Terry Nolan at 982-5487.
- The Recreation Department's Easter Egg Hunt will be held on March 19 at the Seaway Terminal. For more information contact the Recreation Department at 984-9760.
- MainStreet's Wabbit Walk downtown will be held on March 26. For more information contact MainStreet at 985-8843.
- The City of Port Huron and MDOT will be holding pre-construction meetings on the improvements on Military Street (Reid Avenue to Water Street), March 21, 2005, Public Meeting Room, 3 to 5 p.m. and 6 to 8 p.m.

UNFINISHED BUSINESS

1. **Councilmember Prax** offered and moved that the following resolution be postponed until May 9, 2005 (previously postponed from January 10, 2005):

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Motion to postpone until May 9, 2005, adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On February 24, 2005, the City of Port Huron received three (3) unit price bids for City street striping. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Michigan Pavement Markings	\$6,297.30
Clark Highway Services	\$6,533.98
R.S. Contracting	\$7,156.80

It is recommended that the unit price bid of Michigan Pavement Markings, P. O. Box 9673, Wyoming, Michigan 49509-0673, in the estimated amount of Six Thousand Two Hundred Ninety-Seven and 30/100 Dollars (\$6,297.30) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On March 2, 2005, the City of Port Huron received two (2) quotes for an electrical switchboard panel for the motor controls in the sedimentation/flocculation building at the Water Treatment Plant:

Marshall E. Campbell Company, Inc.	\$10,670.59
Medler Electric Company	\$11,265.00

It is recommended that the quote of Marshall E. Campbell Company, Inc., 2975 Lapeer Road, Port Huron, Michigan 48060, in the amount of Ten Thousand Six Hundred Seventy and 59/100 Dollars (\$10,670.59) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

CM-3. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On March 2, 2005, the City of Port Huron received one (1) unit price bid for the 2005 Annual Sidewalk Contract, Project No. F05-0010. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Hinojosa Construction	\$170,287.50 *
* as corrected	

It is recommended that the bid of Hinojosa Construction, 209 Melvin, Crosswell, Michigan 48422, in the amount of One Hundred Seventy Thousand Two Hundred Eighty-Seven and 50/100 Dollars (\$170,287.50) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

CM-4. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On February 21, 2005, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program (MIDEAL) bid for two (2) Motorola Quantar UHF remote police receivers:

Motorola \$13,184.00

It is recommended that the bid of Motorola, 925 Alexandria Drive, Lansing, Michigan 48917, in the amount of Thirteen Thousand One Hundred Eighty-Four and 00/00 (\$13,184.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

RESOLUTIONS

R-1. Councilmember Jacobs offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

R-2. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, a request has been received for a special use permit for a group day care home at 1503 Lapeer Avenue; and

WHEREAS, on March 1, 2005, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the special use permit request,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for a group day care home at 1503 Lapeer Avenue.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

R-3. Councilmember Jacobs offered and moved the adoption of the following resolution, subject to a 6 foot privacy fence being erected on the south property line:

WHEREAS, a request has been received for a special use permit for a group day care home at 1744 McPherson Street; and

WHEREAS, on March 1, 2005, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the special use permit request, including the installation of a six foot high solid screening fence, unless waivers are obtained from the adjoining property owners;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for a group day care home at 1744 McPherson Street.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

R-4. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns the following described public utility easements:

- 1) *the full-width public utility easement in the vacated portion of St. Clair Street from the north right-of-way line of Andrew Murphy Avenue to the south right-of-way line of Bard Street;*
- 2) *the full-width public utility easement in the vacated portion of St. Clair Street from the north right-of-way line of Beers Street to 14 feet north of the north right-of-way line of Beers Street;*
- 3) *the full-width public utility easement in the vacated portion of Willow Street from the northeast right-of-way line of River Street to the south right-of-way line of Andrew Murphy Avenue;*
- 4) *the full-width public utility easement in the vacated portion of Willow Street from the north right-of-way line of Beers Street to 14 feet north of the north right-of-way line of Beers Street; and*

- 5) *the full-width public utility easement in the vacated portion of Bard Street from the east right-of-way line of St. Clair Street to the west right-of-way line of Erie Street; and*

WHEREAS, on March 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed vacations of the public utility easements; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstain) of the vacations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for April 11, 2005, to hear comments on the proposed vacations of various full-width public utility easements on the St. Clair County Community College property located in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street and Stone Street, as described above, or in the case of a negative vote hereby denies the request for vacation of the various easements.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

5-6. Councilmember Haynes offered and moved the adoption of the following resolutions:

R-5. WHEREAS, the City Planning Commission has received a request from neighborhood property owners to rezone the following described property from C-1 (General Business District) to R-1 (Single- and Two-Family Residential District):

the north one-half of Lot 9 and all of Lot 10, Block 34, White Plat and the east 30 feet of Lots 6 and 7, and the east 30 feet of the north one-half of Lot 8, Block 12, White Plat, also known as 731 Griswold Street, 928 White Street, and vacant lot on 8th Street (formerly 1516 - 8th Street), City of Port Huron; and

WHEREAS, on March 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for April 11, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the neighborhood property owners for the rezoning of the above described property.

R-6. WHEREAS, the City Planning Commission has received a request from neighborhood property owners to rezone the following described property from A-1 (Medium Density Multiple Family District) to R-1 (Single- and Two-Family Residential District):

all of Block 13, White Plat, including the west one-half of vacated 9th Street adjacent; Lots 1 through 15, Block 26, White Plat, including the east one-half of vacated 9th Street adjacent; Lots 1 through 5 and 11 through 16, Block 12, White Plat; Lots 1 through 14, Block 27, White Plat, Lots 1 through 16, Block 34, White Plat; and Lots 9 through 13, Block 35, White Plat, also known as: 834 Chestnut Street (Woodrow Wilson School) 1503, 1505, 1511, 1515, and 1521- 7th Street; 1418, 1422, 1508 - 8th Street, and vacant lots in the 1500 block of 8th Street, both sides; 1504, 1506, 1511, 1512, 1513, 1514 and 1515 - 9th Street; 711, 717, 727, 809-811, 815, 817, 821, 825, 835, 837, 903, 909-911, 919, 923 Griswold Street, and vacant lot in the 700 block of Griswold on north side, and vacant lot adjacent to 835 Griswold Street; White Park; 714, 719, 720, 723, 724, 725, 729, 730, 733, 734, 739, 740, 804, 810, 814, 818-822, 828, 832, 910, 914, 918, 922, and 924 White Street, City of Port Huron; and

WHEREAS, on March 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for April 11, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the neighborhood property owners for the rezoning of the above described property.

Motion to adopt Resolutions 5 and 6 adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

***R-7.** WHEREAS, Blue Water Habitat for Humanity was created for the purpose of providing housing for economically disadvantaged people in St. Clair County; and

WHEREAS, Blue Water Habitat for Humanity will be participating in the 2005 Jimmy Carter Work Project by building 10 new homes on Rural Street in Port Huron; and

WHEREAS, Blue Water Habitat for Humanity will build these homes with volunteer labor and donated materials and sell the homes at no profit and no interest to families in need; and

WHEREAS, Blue Water Habitat for Humanity has requested the City waive its fees to allow for project costs to be reduced;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby waives all building permit fees, water tap fees and any other fees associated with the building of the 10 new homes on Rural Street by Blue Water Habitat for Humanity, as part of the 2005 Jimmy Carter Work Project.

Adopted.

*R-8. WHEREAS, the City Recreation Department will be offering continuing and new youth programs this spring and summer; and

WHEREAS, the donation of funds and materials has made the expansion of programs offered possible;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby acknowledges and publicly thanks the Acheson Foundation and Dr. James C. Acheson for their generosity and support of the City's Recreation Department's mission to provide recreational opportunities for our citizens with their donation of funds and materials.

Adopted.

R-9. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, in 2004, the United States Department of Housing and Urban Development allocated \$300,435 in HOME funding to the City of Port Huron for use in developing affordable housing and home ownership opportunities for low income persons in the City; and

WHEREAS, since that time, the City has already set aside \$100,000 of those funds for the down payment assistance program, and \$60,167 to an eligible Community Housing Development Organization (CHDO) for a determined housing project, resulting in \$110,585 remaining; and

WHEREAS, since the inception of the HOME program in 1995, a portion of the annual funds have been allocated to the Port Huron Neighborhood Housing Corporation (PHNHC) each year for their Affordable Housing Program; and

WHEREAS, each year the PHNHC has undertaken the goal of purchasing vacant homes, renovating and selling the home to first-time buyers or constructing new homes on vacant lots and selling them to first-time buyers; and

WHEREAS, the PHNHC has been able to complete 63 homes within the City to date and wishes to continue in these endeavors; and

WHEREAS, the PHNHC and the City of Port Huron are committed to cooperatively working toward the City's goal of providing decent, affordable housing and home ownership opportunities for low income persons within the corporate limits of the City of Port Huron; and

WHEREAS, the PHNHC and the City of Port Huron wish to leverage resources and available HOME funds;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allocates the remaining non-committed HOME funds in the amount of \$110,585 to the Port Huron Neighborhood Housing Corporation to continue operating their Affordable Housing Program and authorizes the appropriate City officials to execute any necessary documentation for the allocation.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.

No: None.

Absent: Councilmembers Fisher and Steinborn.

ORDINANCES

O-1. Councilmember Jacobs moved that an ordinance introduced February 28, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1243

AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, BY ADDING ARTICLE III, WATERFOWL, TO THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROHIBITING THE FEEDING OF WATERFOWL.

THE CITY OF PORT HURON ORDAINS:

That Chapter 8, Animals, be amended by adding Article III, Waterfowl, to the Code of Ordinances of the City of Port Huron for the purpose of prohibiting the feeding of waterfowl.

**CHAPTER 8. ANIMALS
ARTICLE III. WATERFOWL**

Sec. 8-61. Feeding of waterfowl.

(a) It shall be unlawful for any person to feed any waterfowl in any public area in the City of Port Huron. This prohibition shall not apply to the feeding of other wild birds or squirrels, so long as the food placed for these creatures is not accessible to or consumed by any waterfowl.

(b) Feeding of waterfowl on private property should only occur when the act does not cause a nuisance as defined under Section 34-3 of the Code.

(c) Waterfowl as used in this section shall include all species of ducks, geese and gulls.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 03/14/05

PUBLISHED: 03/19/05

EFFECTIVE: 03/19/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes and Jacobs.

No: Councilmember Prax.

Absent: Councilmembers Fisher and Steinborn.

O-2. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1304, 1308, 1316 AND 1320 - 10TH STREET, 930 UNION STREET AND 929/931 CHESTNUT STREET FROM C-1 (GENERAL BUSINESS DISTRICT) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT).

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

O-3. Councilmember Haynes moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES LOCATED IN THE GENERAL AREA OF UNION, 7TH, CHESTNUT AND 10TH STREETS FROM A-1 (MEDIUM DENSITY MULTIPLE FAMILY DISTRICT) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT).

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmembers Fisher and Steinborn.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Neal congratulated all who received awards at the Police Department's award ceremony held prior to the City Council meeting.

On motion (8:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 28, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Stan Liechty, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of March 14, 2005, were approved.

PRESENTATIONS

1. Councilmember James Fisher gave a report on his and Councilmember Steinborn's visit with federal officials as part of the National League of Cities Congressional City Conference.
2. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- On Monday, April 4, pickup at the curb of yard waste in containers and compost bags will begin on residents' regular pickup days. The large set out of brush, branch and tree trimmings will begin April 11 and will follow a 4-day pickup schedule. Refer to the City's newsletter, which is in the mail, to read about the guidelines for the programs or visit our website at www.porthuron.org.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 7, and/or Saturday, May 21, at 8:00 a.m. in front of the County Building, 201 McMorrin Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.

COMMUNICATIONS & PETITIONS

***C-1.** From Randall S. Fernandez, Executive Director, Downtown Development Authority, requesting the advancement of funds to the Downtown Development Authority in the amount of \$87,500.00 to provide one-half of the funding necessary to purchase the art incubator real property at 1219 Military Street. (See Resolution #1)

Received and filed and request approved.

***C-2.** Notification from the Michigan Municipal League that the Region V annual meeting will be held May 18, 2005, in Harbor Beach, Michigan.

Receive and filed and Councilmembers authorized to attend.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On February 9, 2005, the City of Port Huron received three (3) proposals to supply one (1) rescue truck for use by the Fire Department. Proposals received are as follows:

Zahnen Truck Service & Equipment	\$234,956.00
Apollo & Hackney Emergency Vehicles	\$251,653.00
Southeast Equipment	\$254,989.00

It is recommended that the proposal from Zahnen Truck Service & Equipment for Two Hundred Thirty-Four Thousand, Nine Hundred Fifty-Six and 00/100 Dollars (\$234,956.00) be accepted as the best proposal and that \$18,850.00 of the vehicle cost be funded from the State of Michigan 2004 Homeland Security Grant Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On March 21, 2005, the City of Port Huron received one (1) unit price bid for dredging of the River Street Marina (estimated 1,900 cubic yards) and the Water Street Municipal Marina (estimated 1,000 cubic yards). Based on estimated quantities, the following is a summary of bid received:

Malcolm Marine, Inc	\$82,250.00
---------------------	-------------

It is recommended that the unit price bid of Malcolm Marine, Inc., 1159 Fred Moore Highway, P.O. Box 177, St. Clair, Michigan, 48079-0177, in the estimated amount of Eighty-Two Thousand Two Hundred and Fifty and 00/100 Dollars (\$82,250.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

The City of Port Huron solicited proposals to provide various banking services and has received four responses. A committee consisting of Director of Finance John Ogden, Controller Edward Brennan and Treasurer Margaret Dempsey have reviewed the proposals to determine which banking establishment(s) best serve the City's needs.

It is therefore recommended that the City of Port Huron's checking accounts be established at the following banks for the specific accounts named and that the appropriate City officials are authorized to execute the necessary documents:

Citizens First -	General Receipts General Disbursements
Bank One -	Income Tax Refunds Payroll Water/Parking Receipts

It is further recommended that the City of Port Huron continue with a policy that investments in interest bearing accounts be monitored and established at the banking institution with the most favorable conditions at the time of investment in consideration of the best general benefit to the City of Port Huron.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Abstain: Councilmember Prax.
Absent: None.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

***R-2.** WHEREAS, Palm Int'l. Manufacturing, Inc., 2626 - 24th Street, has applied for the transfer of an existing Industrial Facilities Exemption Certificate #96-312 (Petri, Inc.) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 11, 2005, in order to hear comments on the application of Palm Int'l. Manufacturing, Inc., for the transfer of Industrial Facilities Exemption Certificate #96-312; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following legislative bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School District Board
St. Clair County Community College Board
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

***R-3.** WHEREAS, Palm Int'l. Manufacturing, Inc., 2626 - 24th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, April 11, 2005, in order to hear comments on the application of Palm Int'l. Manufacturing, Inc., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

***R-4.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan applied for Industrial Facilities Exemption Certificates for facility expansion (one for land and building improvements for 12 years and one for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, and Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999, a public hearing was held on January 24, 2005 to hear comments on the applications; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting; and

WHEREAS, the applications were approved on January 24, 2005; and

WHEREAS, it has been brought to our attention that the effective dates of the approval need to be reflected differently;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds Resolution No. 2, adopted January 24, 2005 to better reflect the language; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby approves the SMW Automotive Corporation applications for Industrial Facilities Exemption Certificates for twelve (12) years on real property and twelve (12) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the applications to the State Tax Commission; and

BE IT FURTHER RESOLVED that SMW Automotive Corporation, 3150 Dove Street, is an "eligible business" within an "eligible district" (an Industrial Development District established by resolution of the City Council on October 9, 1995) and is qualified to receive a 100% exemption on personal property for two years as provided by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999); and

BE IT FURTHER RESOLVED that the above certificates will be issued for the following dates:

All real property:
12/31/05 to 12/31/17 (12 years)

All personal property:
12/31/05 to 12/31/07 (2 years - 100% abatement)
12/31/05 to 12/31/17 (12 years - 50% abatement)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as SMW Automotive Corporation is located.

Adopted.

*R-5. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$704.01 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #05-21).

Adopted.

R-6. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City solicited professional engineering firms to provide services for the 7th and 10th Street Bridges and selected the appropriate firm based upon an evaluation of competitive proposals submitted; and

WHEREAS, the State of Michigan has determined that the 7th Street Bridge is eligible for the National Historic Registry necessitating a study to determine if the rehabilitation of the bridge can be accomplished with a categorical exclusion or if an environmental assessment is required; and

WHEREAS, it is necessary to perform an engineering study and serve as the City's professional representative for rehabilitate of the 7th Street Bridge; and

WHEREAS, the firm of HNBT Ohio, Inc., successfully completed design and construction engineering services for the 10th Street Bridge; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and HNTB Ohio, Inc., for engineering services for project number G01-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with HNTB Ohio, Inc., for professional engineering services for the rehabilitation of the 7th Street Bridge and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-22).

Adopted unanimously.

ORDINANCES

O-1. Councilmember Steinborn moved that an ordinance introduced March 14, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1244

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1304, 1308, 1316 AND 1320 - 10TH STREET, 930 UNION STREET, AND 929/931 CHESTNUT STREET FROM C-1 (GENERAL BUSINESS DISTRICT) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT).

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from C-1 (General Business District) to R-1 (Single- and Two-Family Residential District):

all of lots 6, 7, 8, and 9; Lot 10 except the west 73 feet of the south 36 feet; and the east 55 feet of Lots 11 and 12; Block 14, White Plat, also known as: 1304, 1308, 1316, and 1320 - 10th Street, 930 Union Street, and 929/931 Chestnut Street; City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 03/28/05
PUBLISHED: 04/02/05
EFFECTIVE: 04/02/05

Adopted unanimously.

O-2. Councilmember Fisher moved that an ordinance introduced March 14, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1245

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES LOCATED IN THE GENERAL AREA OF UNION, 7TH, CHESTNUT, AND 10TH STREETS FROM A-1 (MEDIUM DENSITY MULTIPLE FAMILY DISTRICT) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT).

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from A-1 (Medium Density Multiple Family District) to R-1 (Single- and Two-Family Residential District):

Lots 1, 2, 3, 4, 5, 13, 14, 15, 16, and 17, Block 14, White Plat; and Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 25, White Plat; and the north 125.35 feet of the west 10 feet of Lot 4 and the north 125.35 feet of Lot 5; all of Lots 6, 7, 8, 9, and 10, Block 36, White Plat, also known as: 1302/1304, 1303, 1307, 1311, 1315, 1321, 1322, 1326, and 1330 - 8th Street, 1310, 1315, 1316, 1317, 1318, 1319 - 9th Street and Vacant Lot - 9th Street Right-of-way, 733, 739, 805, 819, 823, 827, 831, 909, 913, 917, 923/925 Chestnut and Vacant Lot 800 Block of Chestnut, 720, 730, 734, 812, 822, 828, 834, 838, 904/906, 910, 916, 920, and 926 Union Street; City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 03/28/05
PUBLISHED: 04/02/05
EFFECTIVE: 04/02/05

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher announced that a Sister City fund raiser will be held Wednesday, March 30, at 7:30 p.m. at the H.A.C., where they will be showing the World Cup Soccer match between the United States and Guatemala. It is free admission but they will accept donations.

On motion (8:05 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 4, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn (arrived 8:10 a.m.).

The City Council met to discuss the following issues:

1. Proposed Blight, Rental and Boulevard Parking Ordinance Revisions: Kim Harmer, Planning Director, went over the various proposed changes in the blight ordinance such as prohibiting front porch furniture that is not sold for that purpose, requiring lawns to have grass and changing the height allowed for grass to grow from 12" to 8" before it is a violation. She stated that a lawn maintenance firm will be contracted with to cut people's lawns that do not take care of it within 5 days after notification and they will be billed accordingly plus receive a violation. A progressive fine schedule will be proposed for civil infraction notices of violation for repeat offenders for all tickets issued. Ms. Harmer stated front yard parking will be addressed in May with other zoning ordinance changes. Also, she introduced changes in the rental ordinance whereby large complexes (20 or more) will only have to have a percentage of them inspected stating that with only one inspector it will free up his time more and the larger complexes are not usually the ones with problems. Discussion followed on the proposed changes. Kim Harmer also stated that they need to look into alley restoration to help alleviate parking problems and she also informed Council that the problem houses/units on Wall Street and Superior Street had been purchased by Port Huron Neighborhood Housing Corporation for demolition and reconstruction.

2. McMorran Authority Expiration: John Livesay, City Attorney, explained the Articles of Incorporation stating that the 50-year limit of the Authority ends in 2006, at which time it ceases to exist and it becomes part of the City unless something otherwise is done. Discussion was held on options. Mayor Pro-tem Cutcher suggested that a panel be formed, and not necessarily just of local people, to examine the options that are available and then present them to City Council. Tom Hutka, City Manager, asked Council to give him their suggestions about the formation of a panel and that he would present something at the first meeting in May.

AT THIS POINT (8:45 a.m.), Councilmember Haynes left the meeting.

3. 10th Avenue - Update Report: Bob Clegg, City Engineer, reported on the condition of 10th Avenue, on the north side from Florida to Briarwood and on the south side from Sanborn to Holland. He explained the cold in place recycling process used to resurface and stated that he has concerns that corrective measures could harm the life of the surface and he would like to proceed carefully and wait until June to test when it is warmer. He assured City Council that the problem would be addressed, but in the meantime he recommended that the contractor be paid what he is owed up to the amount we will hold back to cover the cost of rectifying any problems.

4. Parking Study: Fire Chief Bob Eick expressed the need to hire parking consultants to look at the parking situation from the Black River north to Glenwood and from 10th Avenue to the St. Clair River from both a needs perspective and whether any rate adjustments need to be made. Mayor Neal pointed out that he felt if any study was done it needed to include the area west of Military Street on the south side as well. Chief Eick stated that the cost of the study would be \$30,000 to \$40,000. Discussion followed as to how this relates to future downtown development. Tom Hutka, City Manager, stated that he has had conversations with S.C.C.C.C. about sharing in the cost and is waiting to hear back from President Bellanca.

5. Neighborhood Enterprise Zone: Kim Harmer, Planning Director, and Randy Fernandez, Assessor, explained that this was potential for new residential construction in the downtown (lofts) and the boundaries would be from Glenwood to Griswold. Ms. Harmer explained that the process for establishing a NEZ would take three to four months. Tax incentives would be for six years.

6. Speeding on City streets: William Corbett, Police Chief, explained the different methods they use to discourage speeding: seatbelt enforcement, OUI and DUIL enforcement, selective enforcement and radar trailer. He stated that there were 500 fewer crashes in 2004. Bob Clegg, City Engineer, stated that they work cooperatively with the Police Department with use of the radar units and he also stated that the box design traffic signals have improved corridor movement. Mayor Pro-tem Cutcher expressed concerns with speeding on 10th Avenue, Pine Grove to Glenwood, and on Stone Street, Thomas Edison Parkway and Huron Avenue.

7. Next Workshops: The next workshop will be May 2, 2005 and Councilmembers are to relay topics they would like discussed.

AT THIS POINT, Ken Harris addressed the City Council asking if the City puts senior citizens who can't cut their grass in touch with the appropriate agencies. (The answer is yes.) He also stated that he thought Mayor Pro-tem Cutcher had the right idea about forming a panel to investigate options for McMorran.

Mayor Pro-tem Cutcher stated that he would not be at the FOIA/OMA workshop in the morning but that he thought a policy for the use of email by Council should be drafted.

On motion (10:00 a.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 11, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Karen Mitchell, All Nation Church of God, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, and Steinborn.

Absent: Councilmembers Cutcher and Prax.

The minutes of the regular meeting of March 28, 2005, and the special meeting of April 4, 2005, were approved.

PRESENTATIONS

1. Presentation of a Certificate of Recognition to the 2004-2005 Flags Bantam A Travel Hockey Team for their State Championship victory.
2. Proclamation declaring Sunday, April 24, 2005, as "Blue Sunday" was presented to Michelle Chicone, Program Director, St. Clair County Child Abuse and Neglect Council.
3. Proclamation recognizing the St. Clair County Council on Aging for their 37 years of service to seniors was presented to William Smiley, President, and Laura Newsome, Director.

PUBLIC HEARINGS

1-2. The Mayor announced that this was the time to hear comments on the application of Palms Int'l. Manufacturing, Inc., 2626 - 24th Street, for the transfer of an existing Industrial Facilities Exemption Certificate from Petri, Inc. (See Resolution #2); and on the application of Palms Int'l. Manufacturing, Inc., 2626 - 24th Street, for an Industrial Facilities Exemption Certificate. (See Resolution #3)

Douglas Alexander, Executive Director, EDA, and Jeffrey Peterson, a company official, appeared to be heard.

The Mayor declared the hearings closed.

3. The Mayor announced that this was the time to hear comments on the requests to vacate various full-width public utility easements on the St. Clair County Community College property located in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street and Stone Street. (See Resolution #6)

No one appeared to be heard.

The Mayor declared the hearing closed.

4. The Mayor announced that this was the time to hear comments on the request to rezone property located at 731 Griswold Street, 928 White Street and the vacant lot on 8th Street (formerly 1516 - 8th Street) from C-1 (General Business District) to R-1 (Single- and Two-Family Residential District). (See Ordinance #1)

No one appeared to be heard.

The Mayor declared the hearing closed.

5. The Mayor announced that this was the time to hear comments on the request to rezone various properties located in the general area of Chestnut, 7th, Griswold and 10th Streets from A-1 (Medium Density Multiple Family District) to R-1 (Single- and Two-Family Residential District). (See Ordinance #2)

Dan Hardiman, 616 Union Street, appeared in support of this rezoning.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmembers Cutcher and Prax.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Pickup at the curb of yard waste in containers and compost bags has begun on residents' regular pickup days. Set out of large brush, branch and tree trimmings will begin April 11 and will follow a 4-day pickup schedule. Refer to the recently mailed City newsletter to read about the guidelines for the programs or visit our website at www.porthuron.org.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 7, and/or Saturday, May 21, at 8:00 a.m. in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.

COMMUNICATIONS & PETITIONS

***C-1.** From Stephen R. Williams, Port Huron Museum Director, requesting that the vendor permit fees be waived for the Feast of the Ste. Claire and the Blue Water Indian Celebration - Pow Wow.

Received and filed and request granted.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On March 4, 2005, the City of Port Huron received five (5) quotes for ten (10) Mobile Computer Terminals for the Port Huron Police Department:

PC Mall	\$39,395.70
Capstone	\$39,540.00
CDW-G	\$39,676.00
Insight	\$41,187.20
Pomeroy	\$41,360.00

It is recommended that the quote of PC Mall, P.O. Box 308, Menomonee Falls, WI 53052, in the amount of Thirty Nine Thousand Three Hundred Ninety Five and 70/00 Dollars (\$39,395.70) be accepted as the lowest responsive and responsible quote with 90 percent of the total cost being paid through unexpended 2003-2004 U.S. Department of Justice LLEBG funds and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-2. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On March 17, 2005, the City of Port Huron received two (2) quotes for replacement of the two (2) heat exchangers on the variable speed low service motors at the Water Treatment Plant:

American Industrial Heat Transfer Inc.	\$5,993.60
Industrial Air & Hydraulic Equipment Company	\$6,543.00

It is recommended that the quote of American Industrial Heat Transfer Inc., 3905 Route 173, Zion, Illinois 60099, in the amount of Five Thousand Nine Hundred Ninety-Three and 60/100 Dollars (\$5,993.60) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On March 24, 2005, the City of Port Huron received quotes from two (2) mechanical contractors for the removal and replacement of three circulating booster pumps and motors, including the electrical and starter/control panel at Grandview Towers.

York International Corp.	\$25,889.00
Watson Brothers	\$50,504.00

It is recommended that the quote of York International Corp., 1019 Naughton Avenue, Troy, Michigan, 48083, in the amount of Twenty-Five Thousand Eight Hundred Eighty-Nine and 00/100 Dollars (\$25,889.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-4. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

The City of Port Huron requested proposals for replacement of ten (10) showers for Grandview Towers. Upon careful review of these proposals, the best alternative recommended by the contractors was determined to be Brown Builders & Contracting.

It is recommended that the proposal from Brown Builders & Contracting, 6836 Wiltsie Road, Lexington, Michigan 48450, in the amount of Twelve Thousand Seven Hundred Fifty and 00/100 Dollars (\$12,750.00) be accepted as the best proposal and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-5. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On March 24, 2005, the City of Port Huron received three (3) bids for the North Elevated Tank Painting Project:

L. C. United Painting Co., Inc.	\$65,880.00
Horizon Brothers Painting Corp.	\$110,880.00
G & M Painting Enterprises, Inc.	\$159,800.00

It is recommended that the bid of L. C. United Painting Co., Inc., 3525 Barbara Drive, Sterling Heights, Michigan 48310, in the amount of Sixty-Five Thousand Eight Hundred Eighty and 00/100 Dollars (\$65,880.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-6. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

Construction activities for the Military Street Project require street modifications. In order for the City of Port Huron's lighting system to function properly, it is necessary to have Detroit Edison relocate the lights. Below is a list of projects that require street light relocations.

<u>BL 94/Military Street Project</u>	<u>Amount</u>
One (1) street light on Military & Oak	\$ 2,388.46
Four (4) street lights on west side of Military between Union & White	25,459.75
Re-cable west side of Military from Vanderburg to Reid	15,202.70
Re-cable both sides of Military between Griswold & Vanderburgh	<u>33,929.17</u>

TOTAL \$76,980.08

It is recommended that Detroit Edison, 3223 Ravenswood Road, Marysville, Michigan, 48040, be reimbursed for the cost to relocate street lights within various locations in the City of Port Huron and that the appropriate City officials be authorized to issue a purchase order in the amount of Seventy-Six Thousand Nine Hundred Eighty and 08/100 Dollars (\$76,980.08) for this work.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-7. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On February 21, 2005, the City of Port Huron received a quote from Motorola Test Equipment Depot for a digital upgrade on a Motorola R-2670A electronic service monitor, used to test digital communication equipment:

Motorola Test Equipment Depot	\$7,050.00
-------------------------------	------------

It is recommended that the sole source quote of Motorola Test Equipment Depot, 2216 Galvin Drive, Elgin, Illinois 60123, in the amount of Seven Thousand Fifty and 00/00 (\$7,050.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-8. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On March 31, 2005, the City of Port Huron received two (2) quotes for the repair of the Allis Chalmers Model #9000 split case pump at the Water Treatment Plant:

Hydro Dynamics, Inc.	\$ 5,860.00
Professional Pump, Inc.	\$10,414.12

It is recommended that the quote of Hydro Dynamics Inc., 6200 Delfield Industrial Drive, Waterford, Michigan 48329, in the amount of Five Thousand Eight Hundred Sixty and 00/100 Dollars (\$5,860.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

CM-9. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On April 5, 2005, the City of Port Huron received three (3) bids for the Tennis House Office Roof Repair Project:

Marlette Roofing	\$10,632.00
Zimmer Roofing & Construction	\$10,800.00
Port Huron Roofing & Sheet Metal Company	\$11,950.00

It is recommended that the bid of Marlette Roofing, 2650 Van Dyke Road, Marlette, Michigan 48453, in the amount of Ten Thousand Six Hundred Thirty-Two and 00/100 Dollars (\$10,632.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

RESOLUTIONS

R-1. Councilmember Steinborn offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
 No: None.
 Absent: Councilmembers Cutcher and Prax.

***R-2.** WHEREAS, Palm Int'l. Manufacturing, Inc., 2626 - 24th Street, has applied for the transfer of existing Industrial Facilities Exemption Certificate #96-312 (Petri, Inc.) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on April 11, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and legislative body of each unit which levies taxes was notified on the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the Palm Int'l. Manufacturing, Inc., application for transfer of the Industrial Facilities Exemption Certificate #96-312 and hereby authorizes the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the City of Port Huron does find that the transferring of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the above facilities are located.

Adopted.

***R-3.** WHEREAS, Palm Int'l. Manufacturing, Inc., 2626 - 24th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on April 11, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Palm Int'l. Manufacturing, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Palm Int'l. Manufacturing, Inc., is located.

Adopted.

R-4. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the revitalization of downtown is critical to the economic viability of our community; and

WHEREAS, in an effort to have an exciting and universal downtown it is critical we have a pedestrian friendly atmosphere; and

WHEREAS, special events and sidewalk dining along our downtown main street is critical to creating the atmosphere needed to revitalize our downtown; and

WHEREAS, Section 4.2(c) of Chapter 4 of the Code of Ordinances of the City of Port Huron specifically authorizes sidewalk cafes on public property after obtaining a license; and

WHEREAS, legislation has been enacted authorizing the Michigan Department of Transportation to issue permits authorizing activities such as sidewalk cafes in state trunkline right of ways so long as permitted activities do not create an unsafe situation and do not interfere with transportation along said trunkline upon the condition that the municipality having jurisdiction over the site pass a resolution authorizing such activities;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Port Huron hereby authorizes certain specified activities as described in Michigan Compiled Laws Section 257.676a(1), as amended by Public Act No. 1 of Public Acts of 2005, including sidewalk cafes, be allowed within the state highway right-of-way, with a permit from the Michigan Department of Transportation and the City.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmembers Cutcher and Prax.

***R-5.** WHEREAS, on February 28, 2005, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Resort B Hotel license:

Victorian Inn, 1229 - 7th Street, Resort B Hotel, Smith Nichols Investment Corporation

for non-payment of personal property taxes and/or income tax reporting; and

WHEREAS, all payments have been made by Victorian Inn;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2005-06 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

***R-6.** WHEREAS, the City of Port Huron owns the following described public utility easements:

- 1) *the full-width public utility easement in the vacated portion of St. Clair Street from the north right-of-way line of Andrew Murphy Avenue to the south right-of-way line of Bard Street;*
- 2) *the full-width public utility easement in the vacated portion of St. Clair Street from the north right-of-way line of Beers Street to 14 feet north of the north right-of-way line of Beers Street;*
- 3) *the full-width public utility easement in the vacated portion of Willow Street from the northeast right-of-way line of River Street to the south right-of-way line of Andrew Murphy Avenue;*
- 4) *the full-width public utility easement in the vacated portion of Willow Street from the north right-of-way line of Beers Street to 14 feet north of the north right-of-way line of Beers Street; and*
- 5) *the full-width public utility easement in the vacated portion of Bard Street from the east right-of-way line of St. Clair Street to the west right-of-way line of Erie Street; and*

WHEREAS, on March 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained); and

WHEREAS, the City Council on April 11, 2005, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration, it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the vacation of the full-width public utility easements on the St. Clair County Community College property located in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street, and Stone Street, as described above.

Adopted.

***R-7.** WHEREAS, in 2005, the U.S. Department of Justice eliminated the Local Law Enforcement Block Grant (LLEBG) Program mandated for the purpose of acquiring equipment and monies for overtime for use by local law enforcement agencies; and

WHEREAS, the U.S. Department of Justice replaced the LLEBG Program with the Edward Byrne Memorial Justice Assistance Grant (JAG) which provides 100 percent funding for the purpose of acquiring equipment and technology; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice to upgrade the Department's computer hardware and software for its information management system; and

WHEREAS, the Police Department received notification that a grant in the amount of Twenty One Thousand Nine Hundred Two and 00/100 Dollars (\$21,902.00) has been approved; and

WHEREAS, prior to implementing the purchase of any equipment, a public hearing must be conducted to fulfill the grant requirements and to hear additional views of citizens from the community with regard to this equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron will hold a public hearing on Monday, April 25, 2005, at 7:30 p.m., in the Municipal Office Center, Public Meeting Room, in order to obtain the views of citizens regarding the upgrade and purchase of computer equipment for the Port Huron Police Department.

Adopted.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, TeleManagement Incorporated (TMI) is a firm that audits telecommunication services charges to an agency; and

WHEREAS, the City of Port Huron is continuously seeking ways to reduce our operating costs; and

WHEREAS, TMI will audit all of the City's telecommunication bills, at no cost to the City; and

WHEREAS, if TMI finds cost savings as a result of this audit they will receive 50% of the savings the City realizes for past billings; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with TeleManagement Incorporated to perform a telecommunication audit and authorizes and directs the appropriate City officials to execute such agreement. (See City Clerk File #05-23)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.

No: None.

Absent: Councilmembers Cutcher and Prax.

R-9. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, pursuant to the Neighborhood Enterprise Zone Act, Public Act 147 of 1992, as amended, the City of Port Huron desires to pursue the establishment of a Neighborhood Enterprise Zone (NEZ) to develop creative methods and programs that encourage reinvestment in neighborhoods through the development and rehabilitation of residential housing; and

WHEREAS, the City of Port Huron is committed to creating new residential opportunities for its citizens and strengthening its neighborhoods; and

WHEREAS, the establishment of a NEZ would provide incentives for the development of new housing such as loft developments in the Central Business District area; and

WHEREAS, the City Administration has designated the following as the tentative boundaries of the proposed NEZ:

the properties located along Huron Avenue and Military Street from Glenwood south to Griswold Street

as depicted on the attached map (see City Clerk File #05-24); and

WHEREAS, before designating the NEZ, the City Clerk is required to notify all taxing jurisdictions of the intent to establish a NEZ;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the tentative boundaries of the Neighborhood Enterprises Zone; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby authorizes the City Clerk to notify all taxing jurisdictions which are affected by the creation of the NEZ of the intent to establish a Neighborhood Enterprise Zone.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmembers Cutcher and Prax.

R-10. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, a Request for Proposal for outside legal services was distributed to St. Clair County area law firms; and

WHEREAS, an evaluation team consisting of the City Attorney, Director of Finance, Controller, Personnel Director and Director of Public Works reviewed the proposals submitted and recommends that the law firm of Fletcher, Clark, Tomlinson, Fealko and Monaghan P.C. is the appropriate outside legal firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared a proposed agreement between the City of Port Huron and the law firm of Fletcher, Clark, Tomlinson, Fealko and Monaghan P.C. for professional outside legal services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the law firm of Fletcher, Clark, Tomlinson, Fealko and Monaghan P.C. for professional outside legal services and authorizes the appropriate City officials to execute the agreement (see City Clerk File #05-25).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmembers Cutcher and Prax.

ORDINANCES

O-1. Councilmember Jacobs moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 731 GRISWOLD STREET, 928 WHITE STREET AND THE VACANT LOT ON 8TH STREET (FORMERLY 1516 - 8TH STREET) FROM C-1 (GENERAL BUSINESS DISTRICT) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT).

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmembers Cutcher and Prax.

O-2. Councilmember Haynes moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED IN THE GENERAL AREA OF CHESTNUT, 10TH, GRISWOLD AND 7TH STREETS, FROM A-1 (MEDIUM DENSITY MULTIPLE FAMILY DISTRICT) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT).

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmembers Cutcher and Prax.

O-3. Councilmember Jacobs moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, SECTIONS 10-152, 10-154, 10-159, 10-161, 10-164, 10-168 AND 10-170 OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXPANDING THE DEFINITIONS, ADDING ROOMING HOUSES AND BOARDING HOUSES AND UPDATING LANGUAGE IN VARIOUS OTHER SECTIONS.

Motion adopted by the following vote and ordinance given its first and second reading:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmembers Cutcher and Prax.

O-4. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 22, ENVIRONMENT, ARTICLE II, BLIGHT, AND ARTICLE III, VEGETATION, SECTIONS 22-52, 22-53, 22-78, 22-83, 22-106, 22-107 AND 22-108, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXPANDING THE CAUSES OF BLIGHT AND REVISING ENFORCEMENT.

Motion adopted by the following vote and ordinance given its first and second reading:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmembers Cutcher and Prax.

O-5. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 32, LAW ENFORCEMENT, ARTICLE II, MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING FOR INCREASED PENALTIES FOR SECOND AND THIRD OFFENSES UPON ISSUANCE OF MUNICIPAL CIVIL INFRACTION NOTICES IN THE CITY.

Motion adopted by the following vote and ordinance given its first and second reading:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmembers Cutcher and Prax.

O-6. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, ARTICLE III, PARKING, STOPPING AND STANDING, DIVISION 1, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROHIBITING BOULEVARD PARKING IN THE CITY.

Motion adopted by the following vote and ordinance given its first and second reading:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs and Steinborn.
- No: None.
- Absent: Councilmembers Cutcher and Prax.

MOTIONS & MISCELLANEOUS BUSINESS

***1.** On January 28, 2002 the City Council requested that a program be developed to encourage student participation in various City boards and commissions. Since that time, a number of students from Port Huron High School and Port Huron Northern High School have participated.

The boards and their student volunteers for the past year are listed as follows:

<u>Board</u>	<u>Student and School</u>
Downtown Development Authority	Lynsey Crawford, PHN
Housing Commission	Emily Eppley, PHN
McMorran Auditorium Authority	Brianna Chapman, PHHS
Planning Commission	Chad Fleming, PHHS
Traffic Study Commission	Chelsea Beeler, PHHS
Zoning Board of Appeals	Rachael Vanderaa, PHN

From all reports, the students have been participatory and have attended meetings regularly. All are juniors this year and they have agreed to continue serving through their senior year so there is no need to replace anyone at this time. Plans would be to present these students with Certificates of Recognition in May of 2006 prior to their graduation.

Adopted.

2. Mayor Neal congratulated Kim Harmer and John Livesay on the proposed amendments to the ordinances connected to blight enforcement. He also wished Ryan Werbeck, Times Herald reporter, well in his new job and congratulated Jerry Schock, Housing Director, on his retirement on May 1, 2005. Mayor Neal also encouraged everyone to support the new Flags hockey team and further stated that there are no City dollars being used for the team.

On motion (8:30 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 25, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs (arrived at 7:33 p.m.), Prax (arrived at 7:37 p.m.) and Steinborn.

Absent: Councilmember Cutcher.

The minutes of the regular meeting of April 11, 2005, were approved.

PRESENTATIONS

1. Proclamation designating the week of April 29-May 7, 2005, as Lions White Cane Week was presented to representatives from the area Lions Clubs: Dan Dudas, Port Huron Club; Jerry Hiliker, Wadhams Club; Les Selby, Fort Gratiot Club; and Ken Stewart, South Park Club.

2. William J. Corbett, Police Chief, gave an update on the CAPTURE program.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to obtain the views of citizens regarding the upgrade and purchase of computer equipment for the Port Huron Police Department as part of a U. S. Department of Justice law enforcement block grant. (See Resolution #9)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Bill Johnson, 4270 W. Water Street, addressed the City Council regarding objections to some of the proposed changes in the rental ordinance stating he feels that the 20% inspection rate of complexes with over 40 units is not appropriate and that at least 50% should be inspected. He stated that he met with the Planning Director today and went over his concerns about this and the fact that the inspection department could utilize their time better.

2. Mike Bodeis, 4410 Fairway Drive, addressed the City Council regarding the same objections to the changes in the rental ordinance that Mr. Johnson has, concurring with his remarks. Additionally, he encourage Council to continue their push on addressing blight.

3. Kevin Banker, 825 Court Street, addressed the City Council, representing Olde Town Neighborhood, and showed the new "Historic District" street signs that will be placed in 14 locations in their neighborhood at their expense.

4. Ken Harris, Wells Street, addressed the City Council relative to the hiring of outside legal counsel at the last meeting stating it should have been bid, asking why in these economic times a new position was created in the Fire Department and why was an outside person hired to fill it; and he asked why with the recent proposal to give \$75,000 of CHDO funds to Habitat for Humanity the Council gives so much support to one organization. (Tom Hutka, City Manager, responded to Mr. Harris stating the competitive process used to recommend an outside legal firm and stating that no internal candidates applied for the position in the Fire Department.)

5. Joe Racz and Brenda Bobeda, 526 - 17th Street, addressed City Council asking for them to approve Resolution No. 18, which authorizes sale of City -owned property to them.

6. Donna Klune, 11th Street, addressed the City Council, representing the Police Department volunteers (VIP) stating the necessity that the Police Department be prepared and requesting that no cuts be made in their budget. (She read a prepared statement which is entered into the record as City Clerk File #05-26.)

7. Irene Michels, 1644 Whipple Street, president of the VIP program also stated concern about any potential cuts in the Police Department.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Cutcher.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The City's Home Improvement Contest is now underway. Applications are available at the Community Development Division, third floor of the M.O.C., and will be accepted through June 30. Improvements must be completed by August 31 and prizes will be awarded in September. Contact Community Development at 984-9736 for more information.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 7, and/or Saturday, May 21, at 8:00 a.m. in front of the County Building, 201 McMorrin Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- The City, in cooperation with the Port Huron Area School District, will celebrate Arbor Day on April 29, 2005, by planting trees at the following locations: Roosevelt Elementary at 9 a.m. and Harrison Elementary at 1 p.m. Contact the Forestry Department at 984-9751 for more information.

COMMUNICATIONS & PETITIONS

***C-1.** From the Celticfest Committee of the Irish-American Club of St. Clair County expressing appreciation to the City for the timely clearing away of snow for the St. Patrick's Day Parade.

Received and filed.

C-2. Councilmember Prax moved to receive and file the following communication:

From Mark A. Van Port Fleet, P.E., Engineer of Design, Michigan Department of Transportation, informing the City that the 7th Street bridge has been selected to receive funding for the 2005-06 fiscal year.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

FROM THE CITY MANAGER

CM-1. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On March 22, 2005, the City of Port Huron received two (2) quotes to grind and remove brush located at the Forestry Warehouse yard, as follows:

Mid-Michigan Recycling	\$15,000.00
Environmental Wood Solutions	\$28,000.00

It is recommended that the quote of Mid-Michigan Recycling, 5315 Energy Drive, Flint, Michigan 48505, in the amount of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

***CM-2.** Transmitting the proposed Operating Budget for fiscal year 2005-06 and scheduling a public hearing for May 9, 2005, to hear comments from interested citizens. (See City Clerk File #05-27)

Received and filed and public hearing scheduled.

***CM-3.** Transmitting the proposed Capital Improvement Program for 2005-06 through 2009-10 and scheduling a public hearing for May 9, 2005, to hear comments from interested citizens. (See City Clerk File #05-28)

Received and filed and public hearing scheduled.

CM-4. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On April 22, 2005, the City of Port Huron Utilities Division received a single-source quote from the supplier of the City-owned water meters. The quote is for the parts and shipping costs to replace the 12 inch water meter, check valve and strainer that serves Kimball Township:

S.L.C. Meter Service, Inc.	\$14,057.00
----------------------------	-------------

It is recommended that the quote of S. L. C. Meter Service, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, in the amount of Fourteen Thousand Fifty Seven and 00/100 Dollars (\$14,057.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

RESOLUTIONS

***R-1. Councilmember** offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

R-2. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been informed that their application to the 2005 DTE Energy Tree Planting Grant Program administered through the Department of Natural Resources (DNR), Urban Forestry Program, has been approved; and

WHEREAS, the principal objective of this grant agreement is to replace hazardous and dead trees in the right-of-ways; and

WHEREAS, the amount awarded is Three Thousand and 00/100 Dollars (\$3,000.00), which will be matched by the City, toward the total project cost to replace these trees;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the 2005 DTE Energy Tree Planting Grant Program Agreement administered by the Department of Natural Resources (DNR), Urban Forestry Program for the City of Port Huron and does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan; and
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Director of Parks/Forestry, be appointed as project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File # 05-29).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Cutcher.

***R-3.** WHEREAS, it is anticipated that there will be no need to hold the second meetings in the months of June, July and August;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meetings of June 27, July 25 and August 22, 2005; and
- b) Instructs the City Manager to not prepare an agenda for these regular meetings; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meetings of June 27, July 25 and August 22, 2005, will not be held.

Adopted.

R-4. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, a request for proposal was made of local landscaping/maintenance companies to respond to the City's need to correct blighting factors when property owners fail to respond to appropriate violation notices; and

WHEREAS, a local, minority-owned lawn maintenance company, MJM Yard Maintenance, has submitted a proposal for the correction of blight violations as outlined in the attached agreement; and

WHEREAS, after careful review of the proposal, City Administration feels it is in the best interest of the citizens of Port Huron to mitigate these blighting issues in a timely manner;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby approves the agreement with MJM Yard Maintenance for blight clean-up and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #05-30)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Cutcher.

***R-5.** WHEREAS, the Board of Review has completed the review, correction and certification of the 2005 assessment roll; and

WHEREAS, the Assessment Roll has been delivered to the City Clerk;

NOW, THEREFORE, BE IT RESOLVED, that in compliance with Section 69 of the City Charter of the City of Port Huron, the 2005 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #05-31).

Adopted.

***R-6.** WHEREAS, it is stated in the City Ordinance Code, Chapter 2, Administration, Article III, Division 3, Sections 2-457 and 2-458, concerning the Port Huron Housing Commission:

“The housing commission shall consist of five members to be appointed by the city manager. Each member of the housing commission shall be, at the time of his appointment, and shall remain during his term of office, a bona fide resident of the city....Members... shall be appointed for staggered terms of five years...”;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager’s reappointment of Martha Navarro for a five-year term to expire December 19, 2009, to the Port Huron Housing Commission is hereby acknowledged.

Adopted.

***R-7.** WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the Forestry Department of the City of Port Huron in cooperation with the Port Huron Area School District will celebrate this year’s Arbor Day on April 29, 2005 by planting trees at the following locations: Roosevelt Elementary at 9:00 a.m. and Harrison Elementary at 1:00 p.m.; and

WHEREAS, Port Huron has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron joins other states, municipalities and agencies around the United States in calling attention to the importance of planting trees by designating Friday, April 29, 2005 for observation and celebration of “Arbor Day”.

Adopted.

***R-8.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists terms that are vacant;

NOW, THEREFORE, BE IT RESOLVED that Mary Jo Edson be appointed to the Beautification Commission for the balance of a three year terms to expire on January 30, 2008.

Adopted.

R-9. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, in 2005, the U.S. Department of Justice eliminated the Local Law Enforcement Block Grant (LLEBG) Program mandated for the purpose of acquiring equipment and monies for overtime for use by local law enforcement agencies; and

WHEREAS, the U.S. Department of Justice replaced the LLEBG Program with the Edward Byrne Memorial Justice Assistance Grant (JAG) which provides 100 percent funding for the purpose of acquiring equipment and technology; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice to upgrade the Department's computer hardware and software for its information management system; and

WHEREAS, the Police Department received notification that a grant in the amount of Twenty One Thousand Nine Hundred Two and 00/100 Dollars (\$21,902.00) has been approved; and

WHEREAS, a public hearing was held on April 25, 2005, in order to obtain the views of citizens regarding the purchase of the above equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the U.S. Department of Justice agreement and that the City of Port Huron does specifically agree, but not by way of limitation, as follows:

1. To maintain satisfactory financial accounts, documents and records to file reports quarterly with the U.S. Department of Justice;

2. To administer the project and provide such funds, services and materials as may be necessary to satisfy the terms of said agreement; and

3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution.

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City of Port Huron and appoint James E. Carmody, Police Major, as the Project Coordinator.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Cutcher.

R-10. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns certain real property that is suitable for location of a cellular telephone communications antennae; and

WHEREAS, a lease between the City of Port Huron and Sprint PCS for the placement of a cellular telephone communications tower on city property on Holland Avenue has been previously entered into; and

WHEREAS, the lease with Sprint PCS has been assigned to Horvath Communications Towers, Inc. (Horvath); and

WHEREAS, Horvath has negotiated with Nextel Communications to co-locate a Nextel antennae on the Holland Avenue tower; and

WHEREAS, the lease authorizing the location of the cell tower on the city property reserves the right to the City to lease the ground space for any co-locating cell providers; and

WHEREAS, a lease between the City of Port Huron and Nextel Communications for the ground space lease for co-locating of a cellular telephone communications antennae on city property located on Holland Avenue has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease to Nextel West Corp. for space at the North End Service Center for the location of ground equipment for a cellular telephone communications co-located antennae and authorizes and directs the appropriate City officials to execute said agreement. (See City Clerk File #05-32)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Cutcher.

***R-11.** WHEREAS, on February 28, 2005, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Big Daddy's Bar & Grill, 1211 Griswold Street, (Cheryl/Lester Diepenhorst)

for non-payment of personal property taxes and/or income tax reporting; and

WHEREAS, all payments have been made by Big Daddy's Bar & Grill;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2005-06 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

*R-12. WHEREAS, Act 197 of 1975, the Downtown Development Authority Act, authorizes the City of Port Huron Downtown Development Authority to levy up to a 1.9874 mill ad valorem tax on the taxable value of all real and personal property within the district boundaries; and

WHEREAS, the City of Port Huron Development Authority will receive a tentative budget for the 2005-2006 fiscal year in the amount of \$1,494,000 based upon anticipated revenues of a 1.9874 mill levy on the taxable value of real and personal property within the Downtown Development District and captured taxes from Tax Increment Financing within the Downtown Development District; and

WHEREAS, both the 1.9874 mill ad valorem tax levy and the budget for the 2005-2006 fiscal year are subject to approval by the City Council of the City of Port Huron.

NOW, THEREFORE, BE IT RESOLVED that the tentative budget of the City of Port Huron Downtown Development Authority (City Clerk's File #05-33) be received for further review by the City Council and that a public hearing thereon be held May 9, 2005.

Adopted.

R-13. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional surveying services for the City of Port Huron; and

WHEREAS, BMJ Engineers & Surveyors, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BMJ Engineers & Surveyors, Inc., for professional surveying services for Project No. A05-0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional surveying services during the 2005-2006 construction seasons and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-34).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutchner.

R-14. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for the reconstruction and left turn lane work along Holland Avenue from Pine Grove to Stone Street; including watermain and sanitary sewer work; and

WHEREAS, BMJ Engineers & Surveyors, Inc., is the appropriate engineering firm to provide these services because they assisted the City with the preliminary design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BMJ Engineers & Surveyors, Inc., for professional engineering services for Project No. C02-0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services for the reconstruction and left turn lane work along Holland Avenue from Pine Grove to Stone Street; including watermain and sanitary sewer work and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #05-35).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutchner.

R-15. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #05-5125 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction and left turn lane work along Holland Avenue from Pine Grove to Stone; including watermain and sanitary sewer work; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation Program; and

WHEREAS, the Federal participation ratio for eligible cost items is 81.85%; and

WHEREAS, the total estimated eligible cost of \$1,580,000 is to be shared as follows:

Federal Aid	\$ 828,100
City	\$ 183,600
	\$ 1,011,700

WHEREAS, the estimated ineligible cost items for the project is \$568,300; and

WHEREAS, the conditions of the contract are satisfactory to the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the reconstruction and left turn lane work along Holland Avenue from Pine Grove to Stone; including watermain and sanitary sewer work; and all together with necessary related work; and authorizes a local match of \$751,900.00 and directs the appropriate City officials to execute said agreement. (See City Clerk File #05-36)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutchner.

***R-16.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$322.80 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #05-37).

Adopted.

R-17. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the 2005 Annual Action Plan and Consolidated Plan was approved by City Council on February 28, 2005; and

WHEREAS, the Community Development Division has been advised that the Vanness Street Paving Project has been delayed until 2006, therefore, the funds have been reallocated to the Sidewalk replacement program to be completed primarily in the Community Renaissance Program, Olde Town area (CT 6240) and areas in the City as needed, the Property Improvement Program, the Walkabout Program and the Lead Based Paint Program; and

WHEREAS, the Community Development Division of the City of Port Huron is required to hold a public hearing to amend the Annual Action Plan in accordance with the Citizen Participation Plan; and

WHEREAS, the Community Development Division has notified local media sources, interest groups, and social service agencies of the public hearing and subsequent changes to the 2005 Annual Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron sets Monday, May 9, 2005, at the time of its regular Council meeting, as the time for the public hearing regarding the changes to the 2005 Annual Action Plan. Submission of the changes to the Department of Housing and Urban Development will be done after all comments are considered and City Council approval on May 23, 2005.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

R-18. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns a vacant lot on the corner of 17th and Miller Streets, known as a portion of the Miller Street right-of-way; and

WHEREAS, an offer to purchase a portion of the property has been received from the adjacent property owners, Joseph Racz and Brenda Bobeda; and

WHEREAS, after careful review, it has been determined the City of Port Huron has no need for a portion of the property;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to sell the following described property to Joseph Racz and Brenda Bobeda for Two Thousand Five Hundred and 00/100 dollars (\$2,500.00):

the North 21.37 feet of Lot 17, Block 4, Mills' Lapeer Avenue Subdivision.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

***R-19.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager shall appoint seven members from the City of Port Huron subject to approval by the City Council, two members from the Port Huron Area School District, one member from St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the following appointment to the Local Development Finance Authority is hereby approved: Shaun S. Groden (St. Clair County Board of Commissioners), with a term to expire June 11, 2007.

Adopted.

***R-20.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 52, Zoning, Article III, District Regulations, Division 14. Historic District, Section 52-580(b):

"Membership; compensation; removal. The historic district commission shall consist of nine members whose residence is located in the city. They shall be appointed by the city council for terms of office of three years on a staggered term basis. At least two members of the commission shall be appointed from a list of citizens submitted by a duly organized and existing preservation society or societies. The commission shall include, if available, a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in this state. A majority of the members of the commission shall have a clearly demonstrated interest in and knowledge of historic preservation.....";

NOW, THEREFORE, BE IT RESOLVED that the following people are reappointed to the Historic District Commission:

- Larry Krabach - term to expire 03-10-08
- Edward Peterson - term to expire 03-10-08
- Lynne Secory - term to expire 03-10-08

Adopted.

R-21. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Macomb-St. Clair Workforce Development Board currently leases the sixth floor of the Municipal Office Center; and

WHEREAS, the current lease has an option to extend the lease for an additional five years; and

WHEREAS, the Macomb-St. Clair Workforce Development Board has chosen to exercise their right to renew the lease; and

WHEREAS, a new five-year lease has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease for the sixth floor of the Municipal Office Center to the Macomb-St. Clair Workforce Development Board and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #05-38)

Motion adopted by the following vote:

- Yes: Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: Mayor Neal.
- Absent: Councilmember Cutcher.

R-22. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, President Bush has proposed the reforming and restructuring of 18 existing federal development programs, including the Community Development Block Grant (CDBG) program in his fiscal year 2006 budget and proposes a 35% reduction in funding; and

WHEREAS, since 1984, the CDBG program has funded a myriad of projects and programs in this community: over twelve hundred homes have been rehabilitated, two hundred twenty-five new sidewalks installed, the re-paving of streets and curb cuts located in low-income neighborhoods have been completed, new housing developments have been created (Renaissance South, Rivertown Green and Ramblewood), and several public facilities have been constructed or renovated (new fire station, new fire fighting truck, senior center renovations and homeless shelters); and

WHEREAS, in this community and in communities throughout the nation, over 30 years of CDBG funding has developed a strong network of relationships between this local government, residents, and the many non-profit agencies that provide services and help make possible our commitment to our neighborhoods; and

WHEREAS, the community recognizes that the CDBG program is a partnership of federal, state and local governments, business, non-profit and community efforts, and that the services funded by the program, administered by the City and often delivered by local non-profit organizations rely heavily on the dedication of, and good will of our combined efforts;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council reaffirms the importance of CDBG funds to continue in the growth and development of our community, especially for those areas serving the needs of low- and moderate-income residents, and strongly support the efforts underway to maintain levels of funding and program goals.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
- No: None.
- Absent: Councilmember Cutcher.

ORDINANCES

O-1. Councilmember Prax moved that an ordinance introduced April 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1246

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED 731 GRISWOLD STREET, 928 WHITE STREET, AND VACANT LOT ON 8TH STREET (FORMERLY 1516 - 8TH STREET) FROM C-1, GENERAL BUSINESS DISTRICT, TO R-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area C-1, General Business District, to R-1, Single- and Two-Family Residential District.

the north one-half of Lot 9 and all of Lot 10, Block 34, White Plat and the east 30 feet of Lots 6 and 7, and the east 30 feet of the north one-half of Lot 8, Block 12, White Plat, also known as 731 Griswold Street, 928 White Street, and vacant lot on 8th Street (formerly 1516 - 8th Street); City of Port Huron.

Pauline M. Repp, CMC
City Clerk

- ADOPTED: 04/25/05
- PUBLISHED: 04/30/05
- EFFECTIVE: 04/30/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Cutcher.

O-2. Councilmember Haynes moved that an ordinance introduced April 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1247

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED IN THE GENERAL AREA OF CHESTNUT, 10TH, GRISWOLD, AND 7TH STREETS FROM A-1, MEDIUM DENSITY MULTIPLE FAMILY, TO R-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Map, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from A-1, Medium Density Multiple Family, to R-1, Single- and Two-Family Residential District:

all of Block 13, White Plat, including the west one-half of vacated 9th Street adjacent; Lots 1 through 15, Block 26, White Plat, including the east one-half of vacated 9th Street adjacent; Lots 1 through 5 and 11 through 16, Block 12, White Plat; Lots 1 through 14, Block 27, White Plat, Lots 1 through 16, Block 34, White Plat; and Lots 9 through 13, Block 35, White Plat, also known as: 834 Chestnut Street (Woodrow Wilson School) 1503, 1505, 1511, 1515, and 1521- 7th Street; 1418, 1422, 1508 - 8th Street, and vacant lots in the 1500 block of 8th Street, both sides; 1504, 1506, 1511, 1512, 1513, 1514 and 1515 - 9th Street; 711, 717, 727, 809-811, 815, 817, 821, 825, 835, 837, 903, 909-911, 919, 923 Griswold Street, and vacant lots in the 700 block of Griswold on north side, and vacant lot adjacent to 835 Griswold Street; White Park; 714, 719, 720, 723, 724, 725, 729, 730, 733, 734, 739, 740, 804, 810, 814, 818-822, 828, 832, 910, 914, 918, 922, and 924 White Street, City of Port Huron.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 04/25/05
PUBLISHED: 04/30/05
EFFECTIVE: 04/30/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Cutcher.

O-3. Councilmember Fisher moved that an ordinance introduced April 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, SECTIONS 10-152, 10-154, 10-159, 10-161, 10-164, 10-168, AND 10-170 OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXPANDING THE DEFINITIONS, ADDING ROOMING HOUSES AND BOARDING HOUSES AND UPDATING LANGUAGE IN VARIOUS OTHER SECTIONS.

Councilmember Steinborn moved to postpone action on this ordinance until May 23, 2005, and put this item on the workshop scheduled for May 2, 2005.

Motion to postpone adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Cutcher.

O-4. Councilmember Prax moved that an ordinance introduced April 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1248

AN ORDINANCE TO AMEND CHAPTER 22, ENVIRONMENT, ARTICLE II, BLIGHT, AND ARTICLE III, VEGETATION, SECTIONS 22-52, 22-53, 22-78, 22-83, 22-106, 22-107 AND 22-108, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXPANDING THE CAUSES OF BLIGHT AND REVISING ENFORCEMENT.

THE CITY OF PORT HURON ORDAINS:

That Chapter 22, Environment, Article II, Blight, and Article III, Vegetation, Sections 22-52, 22-53, 22-78, 22-83, 22-106, 22-107 and 22-108, of the Code of Ordinances of the City of Port Huron be amended for the purpose of expanding the causes of blight and revising enforcement, to read as follows:

**CHAPTER 22. ENVIRONMENT
ARTICLE II. BLIGHT
DIVISION 2. RESIDENTIAL AREAS**

Sec. 22-51. Purpose.

No changes

Sec. 22-52. Causes of blight or blighting factors.

It is hereby determined that the following uses, structures, activities, and conditions are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any causes of blight or blighting factors upon any property in the city whether owned, leased, rented, or occupied by such person. Such blight or blighting factors are as follows:

(1) In any area zoned or used for residential purposes, the storage upon any property, street or alley of junk automobiles, except in a completely enclosed building. For the purpose of this division, the term "junk automobiles" shall include any motor vehicle which is unlicensed for a period in excess of 30 days for use upon the roads and highways in the state and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for any period in excess of 30 days.

(2) In any area zoned or used for residential purposes, the open storage upon any property, street or alley of building materials unless there is in force a valid building permit issued by the city for construction upon such property and such materials are for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction.

(3) In any area zoned or used for residential purposes, the open storage or accumulation upon any property, street or alley of junk, trash, debris, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed seven days. The term "junk" shall include but not be limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the material could be put to any immediate reasonable use. The term "open storage," as used in this division, shall mean such storage or accumulation which is visible from any public street or sidewalk or from any adjoining property.

(4) In any area zoned or used for residential purposes, the failure to maintain the exterior of any building in a condition such that windows are glazed, exterior surfaces are kept clean and stained or painted, and shall be free from chipping or peeling. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti. Porches and stairs must be stable, free of cracked boards or block or not in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances. No storage, display or use of upholstered or other furniture or discarded automobile seats/parts on exterior porches, patios, or in the yard that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture.

(5) In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.

(6) In any area zoned or used for residential purposes, the existence of any vacant dwelling, garage or other outbuildings, unless such structure is kept securely locked, windows are glazed, exterior surfaces are kept clean and painted where indicated, porches and stairs are stable and free of cracked boards or block or in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances, and are otherwise protected to prevent entry thereto by the elements or by unauthorized persons.

(7) In any area zoned or used for residential purposes, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the city and unless such construction is completed within a reasonable time defined as twelve months from date of

issuance of building permit, along with any written extensions granted by the building inspector.

(8) Landscaping of all residential areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other code violations. Landscaping in a residential area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all lawns are mowed regularly, not to exceed eight inches in height, shrubs are trimmed so as not to provide a visual barrier/hazard to the front entrance and to provide a clear view of the front entrance, and that noxious weeds are eliminated. All ground surfaces other than a paved or graveled driveway or approved parking area (in accordance with city ordinances) or patio areas must be covered with grass. Exceptions include fruit, vegetable, herb, shrub, or flower garden areas.

Sec. 22-53. Enforcement and penalty.

(a) The administrator of the inspection division or his designee shall enforce this division and shall periodically inspect the city for causes of blight or blighting factors within the city.

(b) The existence of any condition as described in section 22-52(1)-(8) shall be a municipal civil infraction, and the enforcement officer may cause the immediate issuance of a municipal civil infraction notice or citation. Reoccurrence of the same violation may result in additional municipal civil infraction citations for each day that the violation exists.

(c) Notwithstanding the issuance or nonissuance of a municipal civil infraction notice or citation, the owner and, if possible, the occupant of any property upon which any of the causes of blight or blighting factors as set forth in section 22-52 may be notified in writing ("removal notice") to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the removal notice. Major repairs may be given thirty days if deemed suitable by the inspector. Such removal notice may be served by regular mail (first-class, postage pre-paid) to the occupant or owner. If notice is returned as undeliverable mail, it shall be deemed sufficient removal notice to post notice in a conspicuous location on the property in question. In addition, once the removal notice described in this subsection has been given, it shall be deemed sufficient notice for as long as the causes of blight described in the notice remain uncorrected. Additional time to remove the causes of blight or blighting factors may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress. Within such ten-day period, the person upon whom the removal notice has been served may request a hearing before the city manager or his designee. Such request shall be made within the ten-day period and shall be made in writing mailed by first class mail to the attention of the city clerk, 100 McMorran Boulevard, Port Huron, Michigan 48060. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At such hearing, the city manager or his designee shall hear statements, evidence or testimony offered at the hearing as to the existence of and removal or elimination of the causes of blight or blighting factors. The city manager or his designee shall make findings of fact from the statements and evidence offered as to whether or not the causes of blight or blighting factors exist and whether they have been removed or eliminated. If the city manager or his designee determines the causes of blight or blighting factors do

not exist or have been removed, he shall direct that no further action be taken regarding removal under subsection (e) of this section. If the city manager or his designee determines that the blight or blighting factors exist, they may be removed pursuant to subsection (e) of this section.

(d) Failure to comply with such notice by the owner and/or occupant for the removal of the causes of blight or blighting factors within the time allowed shall also constitute a municipal civil infraction.

(e) If the city manager or his designee determines that blight or blighting factors exist or the blight or blighting factors have not been removed after service of the removal notice as set forth in this article, the cause of the blight or blighting factors may be removed by the city upon the direction of the city manager or his designee. All of the costs of removal of such blight shall be billed to the owner of the subject property, and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed as a single lot assessment against such property.

(f) If a directive issued by the city manager or his designee pursuant to subsection (e) of this section involves the demolition of any dwelling or other structure and such order is not complied with within ten days after its issuance, the city council shall hear such report from the city manager or his designee regarding the determinations previously made in the matter and based on such report shall make its determination whether to proceed with the proposed demolition and to issue such resolution as the council deems appropriate under the circumstances, including but not limited to the demolition of the structure by the city with the assessment of the demolition costs to the subject property as a single lot assessment. The owners of record title to the subject property, any lienholder and any land contract purchaser of such property shall be notified of the city council hearing and shall be given the opportunity to be heard at the public hearing. Nothing in this subsection shall be construed to relieve the city manager of his authority to order the immediate abatement or demolition of structures under emergency circumstances as otherwise provided in this Code.

Secs. 22-54--22-75. Reserved.

No changes

DIVISION 3. COMMERCIAL AREAS

Sec. 22-76. through Sec. 22-77

No changes

Sec. 22-78. Buildings.

The exteriors of all commercial buildings or buildings located in any shopping center shall be maintained so as to present a neat and orderly appearance. Windows shall be glazed, painted surfaces shall be kept properly painted, block, brick or other siding in good repair with no holes, loose or missing pieces. There shall be no outside storage or display of any items whether offered for sale, disposal, junk, or otherwise. Exterior paint/stain shall be free from chipping or peeling. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti and all other appropriate measures shall be taken to properly maintain the buildings. Where buildings within a shopping center are owned by separate entities, the

obligations of this section shall fall only upon those persons responsible for the maintenance of the particular buildings which are not being maintained in accordance with this section.

Sec. 22-79. through Sec. 22-82

No changes

Sec. 22-83. Enforcement and penalty.

(a) The administrator of the inspection division or his designee shall enforce this division and shall periodically inspect the city for causes of blight or blighting factors within the city.

(b) The existence of any condition as described in sections 22-78, 22-80, 22-81, and 22-82 shall be a municipal civil infraction, and the enforcement officer may cause the immediate issuance of a municipal civil infraction notice or citation. Reoccurrence of the same violation may result in additional municipal civil infraction citations for each day that the violation exists.

(c) Notwithstanding the issuance or nonissuance of a municipal civil infraction notice or citation, the owner and, if possible, the occupant of any property upon which any of the causes of blight or blighting factors as set forth in this division in sections 22-78, 22-79, 22-80, 22-81 and 22-82 are found to exist may be notified in writing ("removal notice") to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the removal notice. Major repairs may be given thirty days if deemed suitable by the inspector. Such removal notice may be served personally by regular mail (first-class, postage prepaid) to the occupant or owner. If notice is returned as undeliverable mail, it shall be deemed sufficient removal notice to post notice in a conspicuous location on the property in question. In addition, once the removal notice described in this subsection has been given, it shall be deemed sufficient notice for as long as the causes of blight or blighting factors described in the removal notice remain uncorrected. Additional time to remove the causes of blight or blighting factors may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(d) Failure to comply with such notice by the owner and/or occupant by the removal of the causes of blight or blighting factors within the time allowed shall constitute a municipal civil infraction.

(e) Within the ten-day period set forth in subsection (c) of this section, the person upon whom the removal notice has been served may request a hearing before the city manager or his designee. Such request shall be made within the ten-day period and shall be made in writing mailed by first class mail to the attention of the city clerk, 100 McMorran Boulevard, Port Huron, Michigan 48060. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At such hearing, the city manager or his designee shall hear statements, evidence or testimony offered at the hearing as to the existence of and removal or elimination of the causes of blight or blighting factors. The city manager or his designee shall make findings of fact from the statements and evidence offered as to whether or not the causes of blight or blighting factors exist and whether they have been removed or eliminated. If the city manager or his designee determines the causes of blight or blighting factors do not exist or have been removed, he shall direct that no further action be taken regarding removal under subsection (e) of this section. If the city manager or his designee determines that the blight or blighting

factors exist, they may be removed pursuant to subsection (e) of this section.

(f) If the city manager or his designee determines that blight or blighting factors exist or the blight or blighting factors have not been removed after service of the ten-day notice as set forth in subsection (b) of this section, the cause of the blight or blighting factors may be removed by the city upon the direction of the city manager or his designee. All of the costs of removal of such blight shall be billed to the owner of the subject property, and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed as a single lot assessment against such property.

Secs. 22-84--22-105. Reserved.

No changes

DIVISION 4.

NOXIOUS WEEDS AND UNLAWFUL GROWTHS

Sec. 22-106. Noxious weeds.

It shall be unlawful for the owner or occupant of any lot or parcel of land within the city to allow to exist or maintain on any portion of such lot or land any growth of any noxious or poisonous weeds which may create a condition detrimental to the public health. The owner or occupant shall cut down all noxious or poisonous weeds during the last half of the month of June and during the last half of the month of August of each year and at such other times as may be necessary to prevent such weeds from going to seed or exceeding eight inches in growth.

Sec. 22-107. Unlawful growths.

No owner or occupant of any lot or parcel of land within the city shall allow or maintain on any portion of such lot or land any growth of brush, grass, or weeds or similar vegetation so as to create any unsightly, unhealthy, or unsafe condition. It shall further be the responsibility of any owner or occupant of any lot or parcel of land to maintain that portion of land adjacent to the property between the city sidewalk and curblines or edge of the roadway and the right-of-way areas, including lawn extensions. Brush, grass, or weeds or similar vegetation in excess of eight inches in height shall be presumed in violation of this section.

Sec. 22-108. Enforcement and penalty.

(a) The city shall notify the occupant or owner of any lot or land found to be in violation of section 22-106 or 22-107, personally by regular mail (first-class, postage pre-paid), that they shall have five days to remedy such unlawful conditions which are hereby deemed to be a public nuisance. If notice is returned as undeliverable mail, it shall be deemed sufficient removal notice to post notice in a conspicuous location on the property in question. Failure to remedy the violation within the time prescribed shall be a municipal civil infraction and, in addition, shall be cause for the city to enter the property and remove the unlawful growth of weeds, brush, or grass without further notice. All of the costs of removal of such unlawful growth shall be billed to the owner of the subject property, and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed as a single lot assessment against such property.

(b) Within such five day period, the person upon whom the removal notice has been served may request a hearing before the city manager or his designee. Such request shall be made within the five day period and shall be made in writing mailed by first class mail to the attention of the city clerk, 100 McMorrان Boulevard, Port Huron, Michigan 48060. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At such hearing, the city manager or his designee shall hear statements, evidence or testimony offered at the hearing as to the existence of and removal or elimination of the unlawful growth. The city manager or his designee shall make findings of fact from the statements and evidence offered as to whether or not the unlawful growth exists and whether it has been removed or eliminated. If the city manager or his designee determines the unlawful growth does not exist or has been removed, he shall direct that no further action be taken regarding removal under subsection (a) of this section. If the city manager or his designee determines that unlawful growth does exist, it may be removed pursuant to subsection (a) of this section.

Secs. 22-109--22-140. Reserved.

No changes

**ARTICLE III. VEGETATION
DIVISION 1. GENERALLY**

Sec. 22-141. Prohibited vegetation.

(a) No owner of any lot or parcel of land or any person in possession or control of any lot or parcel of land within the city shall allow or maintain upon any portion of such lot or land any growth of prohibited vegetation defined as grasses, weeds, brush, underbrush, or similar type of vegetation to a height of more than eight inches or the accumulation of dead grasses, weeds, brush, underbrush, or other similar type vegetation to a height of more than eight inches, so as to create an unsightly, unhealthy or unsafe condition or fire hazard.

(b) Upon complaint of a violation of this section, it shall be the duty of the chief inspector or his designee to investigate such complaint and the premises complained of. After such investigation, if the chief inspector or his designee determines that the condition of the premises is such to be in violation of this section, he shall issue an order directing the owner or person in possession or control of the land upon which the violation is committed, requiring correction of the violation within five days after receipt of such order. Such order may be served in accordance with section 2-768.

(c) If any owner of any lot or land or any person having charge of any lot or land in the city shall violate this section and fail to comply with the order described in this section within five days from the receipt thereof, he shall be deemed responsible for a municipal civil infraction.

Sec. 22-142. Enforcement and penalty.

(a) The city shall notify the occupant or owner of any lot or land found to be in violation of section 22-141, personally by regular mail (first-class, postage pre-paid), that they shall have five days to remedy such unlawful conditions which are hereby deemed to be a public nuisance. If notice is returned as undeliverable mail, it shall be deemed sufficient removal notice to post notice in a conspicuous location on the property in question. Failure to remedy the violation within the time prescribed shall be a municipal civil infraction and, in addition, shall be cause for the city to enter the property and

remove the unlawful growth of prohibited vegetation without further notice. All of the costs of removal of such unlawful growth shall be billed to the owner of the subject property, and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed as a single lot assessment against such property.

(b) Within such five day period, the person upon whom the removal notice has been served may request a hearing before the city manager or his designee. Such request shall be made within the five day period and shall be made in writing mailed by first class mail to the attention of the city clerk, 100 McMorran Boulevard, Port Huron, Michigan 48060. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At such hearing, the city manager or his designee shall hear statements, evidence or testimony offered at the hearing as to the existence of and removal or elimination of the unlawful growth of prohibited vegetation. The city manager or his designee shall make findings of fact from the statements and evidence offered as to whether or not the causes of unlawful growth of prohibited vegetation exist and whether they have been removed or eliminated. If the city manager or his designee determines the unlawful growth of prohibited vegetation does not exist or has been removed, he shall direct that no further action be taken regarding removal under subsection (a) of this section. If the city manager or his designee determines that the unlawful growth of prohibited vegetation exists, it may be removed pursuant to subsection (a) of this section.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 04/25/05
PUBLISHED: 04/30/05
EFFECTIVE: 04/30/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

O-5. Councilmember Fisher moved that an ordinance introduced April 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1249

AN ORDINANCE TO AMEND CHAPTER 32, LAW ENFORCEMENT, ARTICLE II, MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROVIDING FOR INCREASED PENALTIES FOR SECOND AND THIRD OFFENSES UPON ISSUANCE OF MUNICIPAL CIVIL INFRACTION NOTICES IN THE CITY.

THE CITY OF PORT HURON ORDAINS:

That Chapter 32, Law Enforcement, Article II, Municipal Civil Infractions, of the Code of Ordinances of the City of Port Huron be amended for the purpose of providing for increased penalties for second and third offenses on issuance of municipal civil infraction notices in the City, as follows:

**CHAPTER 32. LAW ENFORCEMENT
ARTICLE II. MUNICIPAL CIVIL INFRACTIONS**

Sec. 32-31 to Sec. 32-36.

No change.

Sec. 32-37. Schedule of Fines.

(a) Unless otherwise provided by another section of this Code, the fine payable to the municipal ordinance violations bureau for admission of responsibility by persons served with a municipal civil infraction notice shall be as follows:

(i) First Offense	\$ 50.00
(ii) Second Offense	\$100.00
(iii) Third Offense	\$200.00

(b) The fines authorized under this section shall be in addition to any other remedy provided for by law or ordinance and shall not diminish or impair the ability of the city to seek alternative or additional recourse or remedy for a violation of this Code or this article.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 04/25/05
PUBLISHED: 04/30/05
EFFECTIVE: 04/30/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Cutcher.

O-6. Councilmember Steinborn moved that an ordinance introduced April 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1250

AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, ARTICLE III, PARKING, STOPPING AND STANDING, DIVISION 1, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROHIBITING BOULEVARD AND FRONT OR STREET SIDE YARD PARKING IN THE CITY.

THE CITY OF PORT HURON ORDAINS:

That Chapter 46, Traffic and Vehicles, Article III, Parking, Stopping and Standing, Division 1, Generally, of the Code of Ordinances of the City of Port Huron for the purpose of prohibiting boulevard and front or street side yard parking in the City.

**CHAPTER 46. TRAFFIC AND VEHICLES
ARTICLE III. PARKING, STOPPING AND STANDING
Division 1. Generally**

Sec. 46-96. Restrictions and prohibitions at specific places.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with traffic or in compliance with law or the direction of a police officer, in violation of any parking restriction or prohibition established for specific streets or places by traffic control orders promulgated in accord with this chapter, provided signs stating such restrictions or prohibitions are duly posted in accordance with this chapter. However, a driver of a passenger vehicle may stop temporarily in such restricted or prohibited zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with traffic.

(b) No person shall park a vehicle on that portion of a highway located between the curb and the sidewalk or the property lot line of the property adjacent to the street if there is no sidewalk, commonly known as the boulevard.

(c) No person shall park a vehicle in the required front yard of a house or street side yard at a residential property contrary to residential parking requirements of the zoning code.

Sec. 46-97 to Sec. 46-130.

No changes.

Pauline M. Repp, CMC
City Clerk

ADOPTED: 04/25/05
PUBLISHED: 04/30/05
EFFECTIVE: 04/30/05

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Tom Hutka, City Manager, announced that Port Huron is a finalist, one of 30, for the All America City Award.

On motion (9:00 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 2, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 8:50 a.m.), and Steinborn.

Absent: Councilmember Prax.

Councilmember Cutcher moved to go into an executive session to discuss land acquisition.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Steinborn.
No: None.
Absent: Councilmembers Jacobs and Prax

Councilmember Jacobs arrived at 8:50 a.m.

Councilmember Haynes (9:15 a.m.) moved to go back into regular session.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax

RESOLUTIONS

1-2. Councilmember Steinborn offered and moved the adoption of the following resolutions:

R-1. WHEREAS, the City Recreation Department is hosting an event this summer on June 26, 2005, called "Find the Super Hero in You;" and

WHEREAS, the City Recreation Department has looked at acts that would be appropriate for this event; and

WHEREAS, an act entitled "Batman Begins Live" is one that the City Recreation Department would like to have as part of this event; and

WHEREAS, it is necessary to enter into an agreement with Capitol International Productions, Inc., the booking agent for "Batman Begins Live;"

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves an agreement with Capitol International Productions, Inc., the booking agent for "Batman Begins Live," in the amount of Seven Thousand Seven Hundred and 00/100 Dollars (\$7,700.00), using recently received grant funds, and authorizes the appropriate City officials to execute said agreement.

R-2. WHEREAS, the City Recreation Department is hosting an event this summer on June 26, 2005, called "Find the Super Hero in You;" and

WHEREAS, the City Recreation Department has looked at acts that would be appropriate for this event; and

WHEREAS, an act entitled "Batman Begins Live" is one that the City Recreation Department has proposed and as a part of this act would like to also have on display the "Batcopter;" and

WHEREAS, as part of their funding of recreation programs this summer Acheson Foundation has agreed to fund the "Batcopter;"

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1) Accepts the donation of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) from the Acheson Foundation to contract with the "Batcopter" for the "Find the Super Hero in You" event; and

2) Approves an agreement with Nock Helicopter, Inc., the booking agent for the "Batcopter" in the amount of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) and authorizes the appropriate City officials to execute said agreement.

Motion to adopt Resolutions 1 and 2 adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

R-3. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron is undertaking infrastructure improvements to the City of Port Huron downtown area which includes parks and access to the waterfront and desires to promote and provide public access to the waterfront along with other infrastructure improvements.

NOW, THEREFORE, based upon the presentation made by the City Engineer at the City Council meeting on May 2, 2005, the Port Huron City Council makes the following legislative findings:

- A. The City of Port Huron has engaged in and continues to promote projects which provide public access to the waterfront and other necessary infrastructure improvements in the City of Port Huron.
- B. The City of Port Huron has made improvements at the northwest corner of and adjoining the Military Street bridge which includes access to the waterfront of the Black River via stairs from the road level to the waterfront. The improved area also includes a small park and walkway along the waterfront.
- C. The waterfront area to rear of the property commonly known as 504-512 Quay Street, Port Huron, Michigan, Tax I.D. #74-06-298-0100-000, (the "Property") is privately owned such that there is no legal public access to the waterfront behind the Property. Further, the walkway behind the Property is in disrepair.

- D. The City of Port Huron wishes to acquire an easement over the Southwest 15.00 feet of the Property in order to construct, reconstruct and maintain a seawall and anchor wall system and, further, for ingress and egress by the public, for public utilities and for public access. The installation of the new seawall, walkway and the provision of public access will meet the goals of the City of Port Huron to improve its water front and to provide public access to the waterfront.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City of Port Huron Administration is hereby authorized and directed to make a good faith offer based upon the appraisals prepared by Mid-West Appraisal Company, Inc. for the acquisition of the following easements based upon the attached legal description and survey (Exhibit A) which was prepared by Tetra Tech MPS. (See City Clerk File No. 05-39)

Subject Property Legal Description

A parcel of land in the City of Port Huron, St. Clair County, Michigan, being Lot 4 and Lot 3 except the East 10.00' of "The Survey of Block 15, Butler Plat" (Liber 17, Page 163), said parcel is particularly described as: beginning at the Northwest corner of said Lot 4; thence S. 64°39'10" E. 90.00' to a point on the North line of said Lot 3; thence S. 25°20' 50" W. 116.90' to a corner of an existing seawall on the Black River; thence N. 68°25'14" W. 90.19' to the corner of an existing seawall on the Northwest line of said Lot 4, Block 15; thence N. 25°20'50" E. 122.83' to the beginning.

Easement "A" – Seawall and Anchor Wall, Ingress/Egress, Utility and Public Access Easement

A permanent easement for construction, reconstruction, and maintenance thereof for a seawall and anchor wall system, and for ingress, egress, public utilities and public access over, under, across, and through the Southwest 15.00' of the above described parcel, as measured along its sidelines.

Easement "B" – Temporary Construction Easement

A temporary easement for construction of a seawall, anchor wall, and pedestrian walkway where said temporary easement will expire upon its completion and acceptance by the City of Port Huron, said temporary easement is 15' wide and particularly described as the northeast 15' of the southwest 30' of the above described parcel as measured along its sidelines.

2. In the absence of acceptance of such good faith offer, the City of Port Huron Administration is authorized to commence condemnation proceedings and to take all steps necessary and proper to complete the procedures and measures necessary to acquire Easement A and B as set forth above.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
No: None.
Absent: Councilmember Prax.

MOTIONS & MISCELLANEOUS BUSINESS

This meeting was called to discuss several items and they are listed and described below:

1. Shaun Groden, St. Clair County Administrator, and William Corbett, Police Chief, were introduced by Tom Hutka, City Manager to discuss central dispatch/800 mhz radio system. Mr. Groden stated that the County Board of Commissioners will consider increasing the land line surcharge by 31 cents, bringing it to its maximum allowable rate. The money will go toward a 3.5 million dollar debt service (with 15 year amortization) for installation of the 800 mhz system "backbone" and will be combined with recently received grant funds. This money will be used for two towers and upgrading of the existing tower and hardware. Mr. Groden asked that Port Huron dedicate their 31 cent increase toward this. Any further monies needed toward this project would take voter approval.

2. Rose Bellanca, President, and Kirk Kramer, S.C.C.C.C., presented their request to lease City property on River Street (former recruiting office) for the college bookstore. Lease agreement will be on agenda for May 9, 2005 (see City Clerk File No. 05-40).

3. Geof Greeneisen, Terra Land Group, presented their proposal for development of downtown sites in six different phases (see City Clerk File No. 05-41). In response to questions and discussion by City Council, Tom Hutka, City Manager, will present a resolution to City Council at its May 9, 2005, regular meeting asking for approval to continue negotiations with Terra Land Group.

Councilmember Jacobs requested that Don Mitchell's study be looked at and distributed again so that Council can see how Terra Land's proposal compares.

Councilmember Haynes (10:25 a.m.) left during the discussion due to his having another commitment.

4. Due to time constraints, the following items slated for discussion at this workshop will be postponed until the June 6, 2005, workshop: Rental Inspection Ordinance changes; Communication - Administration/Council; Conflict of Interest/Ethics; and Recording of Council Meetings.

5. **Councilmember Jacobs** moved to postpone the third and final reading of the proposed Rental Inspection Ordinance changes be postponed from the May 23, 2005 regular meeting to the June 13, 2005, regular meeting. (Note: A motion was adopted at the April 25, 2005, regular meeting postponing it until May 23, 2005, but due to the fact that it won't be discussed until June 6, 2005, workshop there was a need to move the date.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs and Steinborn.
No: None.
Absent: Councilmembers Haynes and Prax.

On motion (11:00 a.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 9, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Franklin Spotts, Francophone Ministries for Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of April 25, 2005, and the special meeting of May 2, 2005, were approved.

PRESENTATIONS

1. Proclamation designating Saturday, May 14, 2005, as National Association of Letter Carriers Food Drive Day was presented to Christine Brown, NALC Food Drive Coordinator.
2. Proclamation declaring the week of May 15-21, 2005, to be Police Week and specifically recognizing May 15, 2005, as Peace Officers Memorial Day was presented to Police Chief William J. Corbett.
3. Proclamation declaring May 21, 2005, as "Cool to be Clean Day" was presented to Jim Relken, Gerry Kramer and Jerry Mortimer.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the proposed operating budget for fiscal year 2005-06.

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the proposed capital improvement program for fiscal years 2005-06 through 2009-10.

No one appeared to be heard.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the proposed Port Huron Downtown Development Authority budget for fiscal year 2005-06.

No one appeared to be heard.

The Mayor declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the reallocation of 2005 CDBG Annual Action Plan funding from the Vanness Street Paving Project, which has been rescheduled, to the Sidewalk Replacement, Property Improvement, Walkabout and Lead Based Paint Programs.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Fred Elliott, 106 - 7th Street, Apt. 309, addressed City Council with concerns about the Court Street Pool and the fact that it was not on par with Sanborn Pool. (Bob Clegg, City Engineer, responded that there has been problems but that the contractor is continuing to work on it so that it can be opened for the summer season.)
2. Norman Beauchamp, 627 Fort Street, S.C.C.C. Trustee, addressed the City Council relative to the proposed development by the Terra Land Group with concerns about parking and how that affects the college.
3. Holly Quaine, President, Chamber of Commerce, addressed the City Council stating they were appreciative of receiving a copy of the RFP sent to developers in 2003 and of the presentation given in February by the Terra Land Group; recognizing the reservations voiced about how this affects parking and other things but urging City Council to enter into the contract development phase so that specific issues can be addressed; and encouraging City Manager to keep communicating with business community.
4. Terry Nolan, Irish Rose, 205-07 Huron Avenue, addressed the City Council citing how her business has tripled in seven years but that added development is needed downtown and negotiations with Terra Land Group should continue because no one else is standing in line; stating she does not think a parking structure is a problem for women shoppers and that walking from the structure to stores will not be a problem either; and that she and others would like to be better informed of pending plans.
5. Dennis Raetzel, 3145 E. Village Lane, addressed the City Council relative to the Terra Land Group's proposal for downtown citing potential problems with parking and McMorran; stating he believes a lot of questions need to be answered and that it would cost \$4.8 million to replace lost parking and the developer is only paying \$1 million dollars asking where is the rest of the money coming from; stating his belief that women would prefer surface parking; feels Don Fletcher (Port Huron Hospital) could shed light on problems of having a parking structure; stating he supports some kind of development but encourages that before serious negotiations begin all retailers and property owners downtown need to have opportunity for input.
6. David O'Neill, 745 Pointe Drive, addressed the City Council stating that there are over 50 residential property owners in the DDA that should have been communicated with about the potential downtown development, not just the commercial property owners and businesses.
7. John Rigney, President of MainStreet, addressed the City Council stating that their mission is to encourage investment and development and that they will continue to support a mixed use project; stating he feels there are questions that remain to be answered and feels there is only one chance to get it right and that their group looks forward to playing an active role in this venture.

8. Sharon Bender, South Boulevard, addressed the City Council stating she is an employee of a downtown business owner and understands how parking affects them and encouraged City Council to move forward and feels the downtown has been studied to death but that something is needed to encourage people to come into our city. Additionally, she stated her opposition to decision about police officers who paid someone to retire early stating it is no different that the PHASD offering a buyout.

9. Tiny Renaker, 1307 - 21st Street, addressed the City Council commending the letter carriers for the job they do, commending the Police Department for their continued accreditation, commending the gentlemen who received the "Cool to be Clean Day" proclamation for their efforts; and stated the need to work together to get things done for Port Huron and that he would like to see City Council vote in favor of the Terra Land Group proposal.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- The third and final reading of the rental inspection ordinance changes has been postponed from the May 23 meeting to the June 13 meeting, per motion of the City Council.
- The City's Home Improvement Contest is now underway. Applications are available at the Community Development Division, third floor of the M.O.C., and will be accepted through June 30. Improvements must be completed by August 31 and prizes will be awarded in September. Contact Community Development at 984-9736 for more information.
- The City's Beautification Commission needs volunteers to help with the planting of 22 flower beds. Please join them on Saturday, May 21, at 8:00 a.m. in front of the County Building, 201 McMorrان Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Registration for summer recreation events will begin at 8:00 a.m. at Palmer Park Recreation Center on May 10 for residents and May 17 for non-residents.
- The annual Feast of the Ste. Claire will be held in Pine Grove Park on May 28-29.

COMMUNICATIONS & PETITIONS

***C-1.** From Richard C. Engle, Vice President, Acheson Ventures, LLC, requesting the permit fees be waived for the Wayne Newton concert on June 24 and the fireworks display on June 25, 2005.

Received and filed and permit fees waived

C-2. Councilmember Fisher moved that the following communication be received and filed:

PETITION #05-01: Request from property owners on Military Street between Water Street and Court Street requesting parking enforcement be the same as practiced north of Military Street Bridge with 2-hour limits and no meters. (See City Clerk File No. 05-42)

Adopted unanimously.

UNFINISHED BUSINESS

1. WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

the east 97 feet of Lot 15, Assessor's Hill Plat being a subdivision of Lot 3, McNeil Tract, also known as: 2405 Stone Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #04-006 (see City Clerk File #04-59) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 14, 2004, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Rejected unanimously.

NOTE: Kim Harmer, Planning Director, reported that all renovations have been completed and there was no need to continue with this Code Case. It had previously been postponed from March 14, 2005, meeting.

FROM THE CITY MANAGER

CM-1. Councilmember Steinborn offered and moved to receive and file the following City Manager's report:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the nine month period ending March 31, 2005. (See City Clerk File # 05-43).

Adopted unanimously.

CM-2. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

At its regular meeting of April 11, 2005, the City Council accepted a recommendation to award a quote from PC Mall for the purchase of ten mobile computer terminals (MCTs) for the Port Huron Police Department. The City has been advised that the desired MCT models are no longer available for purchase as a newer version has been released.

On March 4, 2005, the City of Port Huron received five (5) quotes for ten (10) MCTs for the Port Huron Police Department:

Capstone	\$41,000.00
PC Mall	\$41,190.00
CDW-G	\$41,310.00
Insight	\$41,522.70
Pomeroy	\$43,010.00

It is hereby recommended that the "From the City Manager #1" awarded at the April 11, 2005, to PC Mall is hereby rescinded; and

It is further recommended that the quote of Capstone, EDS Client Server Group, 5400 Legacy Drive, M/S: H4-1E-40, Plano, Texas 75024-3199, be accepted as the lowest responsive and responsible quote with 90 percent of the total cost being paid through unexpended 2003-2004 U.S. Department of Justice LLEBG funds and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On May 3, 2005, the City of Port Huron received six (6) bids for the Woodstock Area Phase II Utility and Pavement Reconstruction:

Raymond Excavating Co.	\$1,193,374.41
Pamar Enterprises, Inc.	\$1,342,923.60
Boddy Construction Co. Inc.	\$1,368,025.99
Ron Bretz Excavating, Inc.	\$1,474,969.97
Triangle Excavating Co	\$1,566,407.72
Aielli Construction Co., Inc.	\$2,034,432.47*

* Indicates corrected bid

It is recommended that the bid of Raymond Excavating Co., 800 Gratiot Blvd., Marysville, Michigan 48040, in the amount of One Million One Hundred Ninety-Three Thousand Three Hundred Seventy-Four and 41/100 Dollars (\$1,193,374.41) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On May 3, 2005, the City of Port Huron received two (2) quotes for the delivery of 1,500 cubic yards of compactable sand to be used in utility trenches:

S. A. Torello	\$8,175.00
Jerry Hall Trucking	\$8,190.00

It is recommended that the quote of S. A. Torello, 3500 Dove Road, Port Huron, Michigan 48060, in the amount of Eight Thousand One Hundred Seventy-Five and 00/100 Dollars (\$8,175.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

***R-2(a).** WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, the City Council determines that the cost of maintaining such project should be paid by special assessment levied against the lots and parcels of land benefitted by such improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager shall make an investigation of the cost of maintaining the project and prepare a report which shall include a budget for maintaining the project for the 2005-2006 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

***R-2(b).** WHEREAS, in accordance with the City Council resolution dated May 9, 2005, the following is a report of the City Manager regarding the proposed special assessment of the cost of maintaining certain public improvements:

1. The maintenance for the streetscape improvements for which all of the maintenance costs are to be specially assessed are described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The estimated cost of maintaining streetscape improvements for the 2005-2006 fiscal year is \$40,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard (See Appendix A - See City Clerk File #05-44).

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard (See Appendix A).

3. The cost of maintaining said public improvements for the 2005-2006 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

***R-2(c).** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The cost of operating improvements for the 2005-2006 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

***R-2(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on May 23, 2005, for the purpose of hearing all persons interested in the operation of said streetscape improvements and said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearing once in the Port Huron Times Herald, a newspaper of general circulation in the City of Port Huron, not less than ten (10) full days prior the date of the said hearing and shall further cause notice of the meeting to be sent by first class mail to each owner of or person in interest in property subject to assessment as indicated by the records in the City Assessor's office as shown on the current assessment rolls of the City, at least ten (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said current assessment rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
City of Port Huron
County of St. Clair, Michigan

TAKE NOTICE that the City Council of the City of Port Huron, St. Clair County, Michigan, has determined it to be necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron as follows:

The City Council has determined that all the costs of the above described public improvements shall be assessed against each of the following lots and parcels of land:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

Take Further Notice that the City Council has caused a report concerning said public improvements to be prepared, which report includes estimates of cost of such public improvements for the 2005-2006 fiscal year, a descriptions of the assessment districts and other pertinent information and has caused a special assessment roll to be prepared and this report and special assessment roll are on file in the office of the City Clerk and are available for public examination.

Take Further Notice that the City Council will meet on May 23, 2005, at 7:30 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on May 23, 2005, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Pauline M. Repp, CMC
City Clerk

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

Adopted.

*R-3. WHEREAS, on February 9, 2004 the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article III, Division 14, Section 2-402:

"Sec. 2-402. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk's Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years. In making the initial appointments, the City Council shall appoint three (3) members for terms of one (1) year, three (3) members for terms of two (2) years; and the remaining three (3) members for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years."

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the following reappointments to the Sister City Commission:

<u>Member</u>	<u>Term to Expire</u>
Perry Melton	April 12, 2008
Jennifer Merchant	April 26, 2008
Armstead R. Diggs	April 26, 2008

Adopted.

*R-4. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1164 effective March 14, 2005, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MILITARY STREET -

There shall be a 15 minute loading and unloading zone established on the east side of Military Street starting at a point 106 feet south from the apex of Military and Pine Streets continuing south to the first driveway.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

R-5. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City solicited professional engineering firms to provide services for a downtown parking study and selected the appropriate firm based upon an evaluation of competitive proposals submitted; and

WHEREAS, it is necessary to perform a downtown parking study and serve as the City's professional representative for future parking analysis for the downtown; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Fishbeck, Thompson, Carr & Huber, Inc., to perform a downtown parking study, Project No. P05-0080;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Fishbeck, Thompson, Carr & Huber, Inc., for professional engineering services for the downtown parking study to be funded by the Parking Fund and authorizes the appropriate City officials to execute the agreement (see City Clerk File #05-45).

Motion adopted by the following vote:

Yes:	Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Steinborn.
No:	Councilmembers Jacobs and Prax.
Absent:	None.

***R-6.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 23, 2005, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2004 (04/01/04 - 03/31/05); and

WHEREAS, the Community Development Division must report to the U. S. Department of Housing and Urban Development (HUD) all Community Development Block Grant (CDBG) and HOME activities performed during the year; and

WHEREAS, the CAPER will be available at the City Clerk's office and the St. Clair County Library as of Monday, May 16, 2005, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to the HUD after City Council approval on Tuesday, June 14, 2005, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Monday, May 23, 2005, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

Adopted.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron Planning Commission, receiving input from the City Council, City staff, citizens, businesses and all community stakeholders, approved the Comprehensive Master Plan on December 3, 2002 which states in part as a Downtown Strategy, "South of the McMorran Complex there are two city blocks occupied by a large surface parking lot. This open lot creates a void in the 'building wall' that lines McMorran Boulevard. This parking lot should be evaluated for redevelopment opportunities that will complete the 'building wall' and address the potential for additional parking, retail and/or residential uses"; and

WHEREAS, the City of Port Huron retained Development Concepts of Toronto, Ontario to study the future of downtown Port Huron, who on February 10, 2003 recommended the City "institute... a policy to promote the development of suitable lands for urban lifestyle housing projects [which] represents a far more effective use of these lands than surface parking" and "the incorporation of strategic parking structures"; and

WHEREAS, on April 28, 2003, City of Port Huron Council, with several private and public partners adopted the *Downtown Port Huron Commercial Development Action Plan* which includes Task B-3, "Prepare and release Requests for Proposals (RFPs) to a well-researched list of developers to solicit development agreements specifically for properties recommended in Development Concepts' report 'Downtown Port Huron Economic Reurbanization' (February 2003)"; and

WHEREAS, the City of Port Huron released a formal Request for Proposals in October 2003 which called for private development companies to work with the City toward developing three specific downtown sites with the requirement of "replacing and/or expanding the available parking access for the public"; and

WHEREAS, the Terra Land Group has responded formally and publicly to the City's Request for Proposals with a proposal for mixed use development in downtown Port Huron;

NOW, THEREFORE, BE IT RESOLVED, that City of Port Huron Council directs the City Manager to initiate negotiations with the Terra Land Group with the goal of a new downtown mixed-use commercial/residential construction project as set forth in the October 2003 Request for Proposal, with the understanding that any Developer's Agreement and/or Land Purchase Agreement requires formal City Council approval.

Councilmember Jacobs moved to postpone action until the June meeting and schedule a couple of public hearings prior to that time where Terra Land Group can present their proposal.

Motion *rejected* by the following vote:

No:	Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
Yes:	Councilmember Jacobs.
Absent:	None.

Councilmember Prax moved to amend by inserting the words "continue discussions" in place of "initiate negotiations" in the last paragraph.

Motion to amend adopted unanimously.

Motion to adopt resolution, as amended, adopted unanimously.

***R-8.** WHEREAS, Mueller Brass Co., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 23, 2005, in order to hear comments on the application of Mueller Brass Co. for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- St. Clair County Regional Educational Service Agency
- Downtown Development Authority

Adopted.

***R-9.** WHEREAS, under the Provisions of Chapter 18 of the School Code of 1955 of the State of Michigan, as amended, school districts and various governmental units are authorized to cooperate in establishing and operating public systems; and

WHEREAS, it is the desire of the City of Port Huron and the Board of Education of the Port Huron Area School District to enter into such an agreement, as authorized by the aforesaid statute, to cooperate with each other in furthering and improving the public recreation system being operated by the City in said school district;

NOW, THEREFORE BE IT RESOLVED that the attached agreement between the City of Port Huron and the Port Huron Area School District concerning the use of school buses for transporting children in the City's public recreation program is hereby approved and the appropriate City officials are authorized to execute said agreement. (See City Clerk File #05-46)

Adopted.

***R-10.** WHEREAS, Mueller Brass Forging Co., Inc., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements and machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 23, 2005, in order to hear comments on the application of Mueller Brass Forging Co., Inc., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- St. Clair County Regional Educational Service Agency
- Downtown Development Authority

Adopted.

On motion (9:30 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 10, 2005, at 8:40 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The purpose of the meeting was a budget workshop.

MOTIONS & MISCELLANEOUS BUSINESS

1. Tom Hutka, City Manager, gave introductory comments. He cited a recent article about the City of Grand Rapids, Michigan, and their budget shortfall and how they were going to have to make major cuts in personnel and programs. He stated that the staff is recommending virtually the same budget for 2005-06 as we are operating under this year (2004-05).

2. John Ogden, Director of Finance, talked about how the economic climate is very difficult for Michigan governmental entities, always the threat of more reductions in revenue sharing. He stated that income tax receipts should be up at the end of this budget year and that Council is looking at a budget for next fiscal year that is a little more optimistic; however, the cost of fuel and health care is up. He concurred with Mr. Hutka's comments that the 2005-06 proposed budget is pretty much "status quo."

3. John Berry, Personnel Director, talked about how the City has 340 full time employees, with seven unions whose five-year contracts all expire July 1, 2007. He stated that our health care cost will rise 8.9% this year. He talked about the different programs the City utilizes to encourage wellness. Mr. Berry talked about the possibility of have health savings accounts with higher deductibles and of reviewing the health care offered to future retirees (for new hires) as ways to keep rising costs under control.

4. Bob Clegg, City Engineer, presented charts on the CSO project showing where we were and our status as of January 2005. He stated the City has done 38 miles of water mains, 50 miles of streets and 95 miles of sewer, reducing by 73% the area served by combined sewers. He then presented a chart showing the 2005 construction projects. Discussion held on additional speed enforcement and signage of Military Street project; Hancock/Garfield/16th Avenue project; I-94 bridge over Black River and entrance ramp to Blue Water Bridge; longevity of work done to date; 7th Street Bridge; condition of Lakeview Avenue, Michigan/Merchant area, Glenwood Avenues and Fort Street; Erie Street and closeness of curb to homes causes problems with snow plowing (moving the curb and putting the bike path on the other side will be evaluated). It was announced that HB 4572 and 4573 will be good news for Port Huron as it will make available monies that can be used for investigative and design work. Mr. Clegg talked about the street projects, 2006 through 2009, that are not sewer separation projects. In answer to the question, Mr. Clegg stated that the City must be certified by December 31, 2012, that the sewer separation work has been completed and it works through two events.

AT THIS POINT (10:45 a.m.), Council recessed until 10:55 a.m.

5. Bob Eick, Fire Chief, talked about Homeland Security grants and how the money will now be distributed to the City through the County from funds available through the State. The City received \$167 million in 2003 and \$584 million in 2004 through Homeland Security funds and \$100,000 in 2003 and \$250,000 in 2004 through Fire Act grants and a \$250,000 Fire Act grant has been applied for this year. Councilmember Jacobs went over several things under the Fire Department's budget. Discussion was held on request for new bleachers in Pine Grove Park, the condition of the back tennis courts at Sanborn and softball field usage.

AT THIS POINT (12:05 p.m.), Council recessed for lunch until 12:50 p.m.

6. Other budget questions/answers and discussion points:

- Capital projects for near future: caulking M.O.C., fixing M.O.C. plaza, roofs at the fire stations, bleachers in parks, boat launches, McMorran dehumidification .
- Condition of McMorran south parking lot.
- Five-year vehicle replacement plan, amount allocated in this budget, how vehicles are disposed of.
- \$250,000 homeland security grant received from the State for 800 mhz system and general discussion about communications.
- Roof for Thomas Edison Depot (\$20,000).
- Replacement of boilers and mailboxes in Grandview Towers.
- Leonard Center: funding, lack of a director, possible merger with SONS, possibility of bidding out for recreation services at Leonard Center rather than just giving to the Friends of the Leonard Center, what if any programs offered right now. (NOTE: Administration to check on what programs, if any, are offered presently and report back to Council on status of Friends of the Leonard Center.)
- TIFA's and when the different districts are debt free.
- Outside legal counsel as far as dollars allocated.
- Housing Commission and its separation.
- Mayor's Exchange: Take \$4,800 from Council Travel and Training (NLC Annual Conference) and instead use it for a Mayor's Exchange event or even just visiting other communities. (NOTE: Administration to check and see what other communities are doing with Mayor's Exchange.)
- Car allowances.
- Police budget (William Corbett, Police Chief, answered questions) and discussion on scheduling of court time (overtime costs incurred) for officers and possibility of approaching judges about changing way it is done.
- McMorran budget - Tom Hutka, City Manager, to invite Jim Currier and Larry Krabach to June 6 workshop for further discussions.

On motion (2:40 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 23, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Tom Seppo, Operation Transformation , followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of May 9, 2005, and the special meeting of May 10, 2005, were approved.

PRESENTATIONS

1. Douglas R. Alexander, Executive Director, Economic Development Alliance of St. Clair County gave a presentation relative to Resolution #12 and ALD Thermal Treatment locating in Port Huron.
2. Proclamation proclaiming Saturday, May 28, and Sunday, May 29, 2005, as "Feast of the Ste. Claire Weekend" was presented to organizers of this event.
3. Proclamation designating the week of May 31 - June 8, 2005, to be "Port Huron Hospital Foundation Helmet Safety Week" was presented to Port Huron Police Department Officer Steve Harrington.
4. Stephen R. Williams, Chair, Port Huron Sesquicentennial Committee, gave a report on the progress of the committee.
5. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.
6. Mark Byrne, Sister City Committee Chair, gave an update and showed a DVD on Tom Seppo's recent trip to Chiquimula. Perry Melton, Committee member, commented on their strategic plan including memberships, partnerships, publicity, celebrations and fund raising activities.
7. Councilmember James Fisher presented a proposal for minor league baseball in Port Huron. (Councilmember Steinborn requested that administration research the City being a conduit for funds to be raised for this activity until a 503(c)3 organization can be formed.)

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Huron Avenue streetscape project (from the north side of Black River to the south side of McMorrان Boulevard) and for the purpose of reviewing said special assessment roll. (See Resolution #2)

Sharon Bender, South Boulevard, appeared asking that more maintenance free type of items be included in streetscape.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Division.

Sharon Bender, South Boulevard, appeared congratulating the efforts being made under this program.

The Mayor declared the hearing closed.

- 3-4. **The Mayor** announced that this was the time to hear comments on the application of Mueller Brass Co., 2119 Lapeer Avenue, for an Industrial Facilities Exemption Certificate. (See Resolution #4) and to hear comments on the application of Mueller Brass Forging Co., Inc., 2119 Lapeer Avenue, for an Industrial Facilities Exemption Certificate. (See Resolution #5)

Nick Coutsos, Attorney, Grand Rapids, representing Mueller Brass appeared to be heard asking for Council's support of their request.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Tony Moncrief, 1907 -22nd Street, addressed City Council commending Councilmember Fisher on his presentation on minor league baseball coming to Port Huron and stating he would like to see local people involved, including himself because of his baseball background.
2. Harry Brown, 2631 Krafft Road, #211, addressed City Council in support of minor league baseball coming to Port Huron and feels the Frontier League is a good league.
3. Ken Harris, Port Huron, addressed City Council stating there were two outstanding high school students recognized nationally and feels City should recognize them also.
4. Sharon Bender, South Boulevard, addressed City Council commending Council for continued allocation for Leonard Center in the budget and she apologized to Chief Corbett for her comments at last Council meeting about recent police arbitration stating she did not know all the facts when she spoke.

CONSENT AGENDA

Councilmember Prax offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Spirit of Port Huron nominations are being accepted through Friday, July 29, and should be sent to the Mayor's office for consideration by the selection committee.
- Upcoming events in the City:
 - Feast of the Ste. Claire, Pine Grove Park, May 28-29
 - Memorial Day parade, downtown, May 29
 - Kidfest, Port Huron High School, June 4
 - Be A Tourist in Your Own Town, June 4

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

Chapter 7, Cemeteries, Section 7-4 of the Code of Ordinances states, “The City Council shall fix the price of cemetery lots and fees and charges for services rendered by the City in connection with its cemeteries.” The cost of operating cemeteries should be totally funded by the revenues they generate from their operations. However, due to the age and size of Lakeside Cemetery, this has not been the case and the General Fund has been required to annually subsidize its operations. The proposed rate adjustment presented below is being recommended to at least offset the increased cost of its operations.

It is recommended that the following schedule of proposed charges for Lakeside Cemetery be adopted and become effective July 1, 2005:

GRAVES AND PERPETUAL CARE

	<u>Present</u>	<u>Proposed</u>
Residents:		
Adult	\$ 540	\$ 600
Child (Babyland, 36" to 59")	310	350
Infant (Babyland, 35" or under)	155	175
Non-residents:		
Adult	1,080	1,200
Child (Babyland, 36" to 59")	620	700
Infant (Babyland, 35" or under)	310	350
Allied Veterans Cemetery (For St. Clair County honorably discharged veterans only):		
Resident (within City of Port Huron limits)	Free	Same
Nonresident (within St. Clair County)	540	600
Columbaria:		
Resident (niche holds 2 cremains)	525	575
Nonresident (niche holds 2 cremains)	800	1,150
Plaque - must be purchased from and installed by City	125	175*
*Add'l fee charged for extra lettering		
Veterans Columbaria (For St. Clair County honorably discharged veterans only and their spouses):		
Niche (holds 2 cremains)	400	Same
Mausoleum:		
Crypt - Resident	1,350	Same
Crypt - Nonresident	2,700	Same
Perpetual Care:		
This fee is charged if care not previously paid. (Perpetual care is now included in grave purchase.)	140	200

INTERMENT SERVICE

(complete with chapel committal or graveside)

Prices based on Monday through Friday until 3:30 p.m.

	<u>Present</u>	<u>Proposed</u>
Remains:		
<u>Residents:</u>		
Adult	\$ 590	\$ 650
Child or Infant (up to 59")	310	350
<u>Nonresidents:</u>		
Adult	590	750
Child or Infant (up to 59")	310	400
<u>Overtime charges added to above rates:</u>		
After regular hours, Mon. through Fri	250	275
Saturday burial charge up to 3 p.m.	450	550
<u>Additional charges:</u>		
Add'l fee charged for setting steel vaults	225	Same
Add'l fee charged for greens and chairs for graveside service	0	50
Cremains:		
<u>Residents:</u>		
Adult, Child or Infant	310	350
Each additional cremains buried at same time, same opening	100	125
<u>Nonresidents:</u>		
Adult, Child or Infant	310	400
Each additional cremains buried at same time, same opening	100	150
<u>Overtime charges added to above rates:</u>		
After regular hours, Mon. through Fri	125	150
Saturday burial charge up to 3 p.m.	150	250
<u>Additional charges:</u>		
Add'l fee charged for greens and chairs for graveside service	0	50
Columbaria:		
Opening/closing	100	150
(Overtime charges for cremains apply when applicable)		
Veterans Columbaria:		
Opening/closing	25	50
(Overtime charges for cremains apply when applicable)		
Mausoleum:		
Remains - opening/closing	650	700
Cremains - opening/closing	250	300
(Overtime charges apply when applicable)		
Indigent burials (For City residents only, rate set by State of Michigan):		
One month and older	\$ 192	\$ 192
Under one month	45	45
Overtime charges for remain/cremains apply when applicable		

	<u>Present</u>	<u>Proposed</u>
Other Misc. Charges:		
Chapel service using second room	175	200
Chapel service only, no burial (Monday-Friday)	175	200
Chapel service only, no burial (Saturday)	300	350
Chapel use for viewing, additional charge	0	75

DISINTERMENTS / REINTERMENTS

	<u>Present</u>	<u>Proposed</u>
<u>Remains</u>		
Disinterment from Lakeside Cemetery to another cemetery:		
Adult	\$ 590	\$ 650
Child or Infant (up to 59")	310	350
Disinterment and Reinterment within Lakeside Cemetery:		
Adult	1,180	1,300
Child or Infant (Up to 59")	620	700
<u>Cremains:</u>		
Disinterment from Lakeside Cemetery to another cemetery:		
Adult, Child or Infant	310	350
Disinterment and Reinterment with Lakeside Cemetery:		
Adult, Child or Infant	460	500

FOUNDATIONS

	<u>Present</u>	<u>Proposed</u>
Infants (35" or under)	\$ 40	\$ 50
Others-.60 per square inch-minimum charge		160

NOTE: If indigent burial, perpetual care must be paid prior to installing foundations

Adopted unanimously.

CM-2. Councilmember Steinborn offered and moved the adoption of the following City Manager’s recommendation:

On May 10, 2005, the City of Port Huron received two (2) unit price bids for soil, concrete, asphalt, and other material testing services for construction projects over the next three construction seasons. The following is a comparison of costs applied to an annual estimated quantity of tests based on bid unit prices:

PSI	\$214,141.67
BMJ Engineers & Surveyors, Inc.	\$273,250.00

It is recommended that the bid of PSI, 1000 North Opdyke Road, Suite C, Auburn Hills, Michigan 48236 in the estimated annual amount of Two Hundred Fourteen Thousand One Hundred Forty-One and 67/100 Dollars (\$214,141.67) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On April 5, 2005, the City of Port Huron received one (1) quote for the purchase, installation and training for one TouchPrint TM 3100 desktop live scan fingerprint system for use in the Port Huron Police Department:

Indentix, Incorporated	\$17,946.00
------------------------	-------------

Indentix, Incorporated, has notified the police department that effective January 1, 2006, technical support will not be available for the Port Huron Police Department’s live scan fingerprint system currently being used, necessitating the purchase of a new system. Indentix, Incorporated, is the sole source distributor of the system, which is also used by the St. Clair County Sheriff Department and Michigan State Police.

It is recommended that the quote of Indentix, Incorporated, 1625 Island Court, Waconia, Minnesota 55387, in the amount of Seventeen Thousand Nine Hundred Forty-Six and 00/100 Dollars (\$17,946.00) be accepted with \$8,500.00 of the total cost being paid through Byrne Memorial/Local Law Enforcement Block Grant (LLEBG) funds and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On May 23, 2005, the City of Port Huron Streets Division received a single-source quote from the supplier for a Veedor-Root monitoring system. The quote is for the parts and installation cost to upgrade the current monitoring system at the Bancroft Street Warehouse:

Oscar W. Larson Company	\$5,240.00
-------------------------	------------

It is recommended that the quote of Oscar W. Larson Company, 10100 Dixie Highway, Clarkston, Michigan 48348, in the amount of Five Thousand Two Hundred Forty and 00/100 Dollars (\$5,240.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

***R-1. WHEREAS,** the Blue Water Area Transportation Commission operates a transit system within the Blue Water Area; and

WHEREAS, it was agreed to place the question of additional funding for the transportation system before the voters of each local unit of government in the form of a millage; and

WHEREAS, on May 4, 2004, the voters in the City of Port Huron and the Charter Township of Fort Gratiot approved the Blue Water Area Transportation System operation millage proposal which provided that the limitation on the total amount of all taxes which may be assessed against all property in said two (2) local units of government be increased by up to 0.6294 mills of taxable valuation, as finally equalized, of all real and personal taxable property within said two (2) local units of government for the period of four (4) years for the purpose of providing funds for the operation of the Blue Water Area Transportation System from July 1, 2004, through June 30, 2008; and

WHEREAS, the City of Port Huron has received a recommendation from the Blue Water Area Transportation Commission to levy 0.6245 mills (after a Headlee rollback of .9923) on the taxable valuation, as finally equalized, on all real and personal property in the City of Port Huron for the period of one (1) year (the July 1, 2005, City levy) which recommendation is within the 0.6294 mills approved by the voters of the City of Port Huron; and

WHEREAS, the amount to be received from the levy of 0.6245 mills by the City of Port Huron, based on the 2005 State Equalized Value of all real and personal taxable property has been determined by the Blue Water Area Transportation Commission to be a fair and equitable basis and formula for the local financing of the said operation of the transportation system from July 1, 2005, through June 30, 2006;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron, St. Clair County, Michigan, by the authority of said May 4, 2004, millage approval by the voters of the City of Port Huron, that the City of Port Huron does hereby levy for the period of one (1) year, 0.6245 mills on each dollar of taxable valuations, as finally equalized against all real and personal taxable property in the City of Port Huron for the purpose of the City of Port Huron contributing its share of the said financing of the operation of the Blue Water Area Transportation Commission for the operational period of July 1, 2005, through June 30, 2006; and

BE IT FURTHER RESOLVED that said 0.6245 mills be levied on July 1, 2005; and

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer of the City of Port Huron by delivering to said City Treasurer a certified copy of this resolution.

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

Adopted.

***R-2.** WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the 2005-2006 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$40,000.00, all of which shall be specially assessed and none to be paid as a general expense of the City.

3. The City Council hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessment shall be levied.

4. Said revised special assessment roll as prepared by the City Assessor in the amount of \$40,000.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0001 (See City Clerk File #05-47).

5. Payments on said special assessment roll shall be due and payable on or before July 1, 2005.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Adopted.

R-3. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the taxable value of real and personal property in the City of Port Huron has been determined to be \$731,140,139, plus \$40,673,376 of value on the Industrial Facilities Tax Roll.

NOW, THEREFORE, BE IT RESOLVED, that the budget of the City of Port Huron for the fiscal year beginning July 1, 2005 and ending June 30, 2006 is hereby determined and adopted as follows:

GENERAL FUND:

Means of financing:			
Estimated designated fund balance	\$ 400,000		
Property taxes	8,040,000		
Income tax	6,250,000		
Business licenses and permits	297,900		
Nonbusiness licenses and permits	314,900		
Grants	47,000		
State shared revenues	4,098,000		
Charges for services	519,500		
Fines and forfeits	200,000		
Investment income	250,000		
Rents	200,000		
Sale of fixed assets	3,000		
Charges to other funds	<u>1,616,250</u>	<u>\$22,236,550</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 22,100,550		
Capital outlay and/or salary adjustments	<u>136,000</u>	<u>\$22,236,550</u>	

MAJOR STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$ 6,513		
State shared revenues	1,810,000		
Trunkline maintenance	307,347		
State grants	2,200,000		
Transfer from Municipal streets to Major streets	<u>2,900,000</u>	<u>\$ 7,223,860</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 2,373,860		
Capital outlay and street improvements	<u>4,850,000</u>	<u>\$ 7,223,860</u>	

LOCAL STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$ 21,863		
State shared revenues	550,000		
Transfer from Major streets to Local streets	450,000		
Transfer from Municipal streets to Local streets	<u>1,550,000</u>	<u>\$ 2,571,863</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 1,121,863		
Capital outlay and street improvements	<u>1,450,000</u>	<u>\$ 2,571,863</u>	

MUNICIPAL STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$ 3,128,917		
Taxes	1,805,000		
Investment income	<u>50,000</u>	<u>\$ 4,983,917</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 4,976,917		
Capital outlay	<u>7,000</u>	<u>\$ 4,983,917</u>	

CEMETERY FUND:

Means of financing:			
Estimated designated fund balance	\$ 45,873		
Foundations	46,300		
Graveside interments	38,300		
Chapel interments	71,500		
Other services	7,900		
Transfer from General fund	45,000		
Transfer from Cemetery perpetual care fund	<u>250,000</u>	<u>\$ 504,873</u>	

Estimated requirements:			
Ordinary recurring expenses		<u>\$ 504,873</u>	

GARBAGE AND RUBBISH COLLECTION FUND:

Means of financing:			
Taxes		<u>\$ 1,965,000</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 1,761,177		
Capital outlay and/or other adjustments	<u>203,823</u>	<u>\$ 1,965,000</u>	

RENTAL CERTIFICATION FUND:

Means of financing:			
Estimated designated fund balance	\$ 32,191		
Charges for services	<u>186,445</u>	<u>\$ 218,636</u>	

Estimated requirements:			
Ordinary recurring expenses		<u>\$ 218,636</u>	

DOMESTIC PREPAREDNESS FUND:

Means of financing:			
Grants		<u>\$ 80,000</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 30,000		
Capital outlay	<u>50,000</u>	<u>\$ 80,000</u>	

O.U.I.L. FUND:

Means of financing:			
Fines and forfeits		<u>\$ 1,100</u>	

Estimated requirements:			
Ordinary recurring expenses		<u>\$ 1,100</u>	

DRUG LAW ENFORCEMENT FUND:

Means of financing:			
Fines and forfeits		<u>\$ 46,000</u>	

Estimated requirements:			
Ordinary recurring expenses	\$ 6,000		
Capital outlay	<u>40,000</u>	<u>\$ 46,000</u>	

LAW ENFORCEMENT FUND:

Means of financing:			
Charges for services		<u>\$ 1,000</u>	

Estimated requirements:			
Ordinary recurring expenses		<u>\$ 1,000</u>	

ENHANCED 911 FUND:

Means of financing:			
Charges for services		\$	<u>143,572</u>
Estimated requirements:			
Ordinary recurring expenses	\$	79,424	
Capital outlay		<u>64,148</u>	\$ <u>143,572</u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Means of financing:			
Grants		\$	<u>977,233</u>
Estimated requirements:			
Ordinary recurring expenses	\$	195,000	
Capital outlay		<u>782,233</u>	\$ <u>977,233</u>

RENTAL REHABILITATION FUND:

Means of financing:			
Grant		\$	<u>15,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$	1,500	
Capital outlay		<u>13,500</u>	\$ <u>15,000</u>

HOME PROGRAM FUND:

Means of financing:			
Grants		\$	<u>268,950</u>
Estimated requirements:			
Ordinary recurring expenses	\$	26,895	
Capital outlay		<u>242,055</u>	\$ <u>268,950</u>

STREETSCAPE MAINTENANCE FUND:

Means of financing:			
Charges for services		\$	<u>40,000</u>
Estimated requirements:			
Ordinary recurring expenses		\$	<u>40,000</u>

DOWNTOWN DEVELOPMENT FUND:

Means of financing:			
Taxes	\$	86,200	
State shared revenues		<u>3,800</u>	\$ <u>90,000</u>
Estimated requirements:			
Ordinary recurring expenses		\$	<u>90,000</u>

INDUSTRIAL PARK TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$	330,000	
Taxes		<u>1,484,000</u>	\$ <u>1,814,000</u>
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured	\$	1,484,000	
Contractual services		80,000	
Capital outlay		<u>250,000</u>	\$ <u>1,814,000</u>

PAPER COMPANY TAX INCREMENT FUND:

Means of financing:			
Taxes		\$	<u>566,000</u>
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured		\$	<u>566,000</u>

KRAFFT-HOLLAND TAX INCREMENT FUND:

Means of financing:			
Taxes		\$	<u>566,000</u>
Estimated requirements:			
Ordinary recurring expenses - Taxes not captured		\$	<u>566,000</u>

PEERLESS SITE TAX INCREMENT FUND:

Means of financing:			
Taxes		\$	<u>199,000</u>
Estimated requirements:			
Ordinary recurring expense	\$	174,000	
Capital outlay		<u>25,000</u>	\$ <u>199,000</u>

HARRINGTON HOTEL TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$	50,000	
Taxes		<u>21,000</u>	\$ <u>71,000</u>
Estimated requirements:			
Ordinary recurring expense	\$	10,000	
Capital outlay		<u>61,000</u>	\$ <u>71,000</u>

BANK TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$	70,000	
Taxes		<u>45,000</u>	\$ <u>115,000</u>
Estimated requirements:			
Ordinary recurring expense	\$	10,000	
Capital outlay		<u>105,000</u>	\$ <u>115,000</u>

EDISON REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:			
Taxes		\$	<u>507,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$	482,000	
Capital outlay		<u>25,000</u>	\$ <u>507,000</u>

WATER STREET TAX INCREMENT FUND:

Means of financing:			
Taxes	\$	396,000	
Other revenue		<u>90,000</u>	\$ <u>486,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$	446,000	
Capital outlay		<u>40,000</u>	\$ <u>486,000</u>

MAINSTREET TAX INCREMENT FUND:

Means of financing:			
Estimated designated fund balance	\$ 100,000		
Taxes	53,000		
Transfer from Land purchase fund	<u>72,000</u>	\$ <u>225,000</u>	
Estimated requirements:			
Ordinary recurring expense	\$ 10,000		
Capital outlay	<u>215,000</u>	\$ <u>225,000</u>	

INDUSTRIAL PARK EXPANSION TAX INCREMENT FUND:

Means of financing:			
Taxes		\$ <u>225,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 200,000		
Capital outlay	<u>25,000</u>	\$ <u>225,000</u>	

BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:			
Taxes		\$ <u>381,000</u>	
Estimated requirements:			
Ordinary recurring expenses		\$ <u>381,000</u>	

BEAUTIFICATION COMMISSION:

Means of financing:			
Estimated designated fund balance	\$ 2,500		
Miscellaneous	1,500		
Transfer from General fund	<u>3,300</u>	\$ <u>7,300</u>	
Estimated requirements:			
Ordinary recurring expenses		\$ <u>7,300</u>	

MARINA FUND:

Means of financing:			
Estimated designated fund balance	\$ 80,810		
Charges for services	679,100		
Transfer from Land purchase fund	<u>75,000</u>	\$ <u>834,910</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 798,200		
Capital outlay	<u>36,710</u>	\$ <u>834,910</u>	

SENIOR CITIZENS HOUSING FUND:

Means of financing:			
Estimated designated fund balance	\$ 129,014		
Grants	453,260		
Rent	319,822		
Charges for services	<u>31,804</u>	\$ <u>933,900</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 613,900		
Capital outlay and/or other adjustments	<u>320,000</u>	\$ <u>933,900</u>	

LAND PURCHASE FUND:

Means of financing:			
Estimated designated fund balance	\$ 950,000		
Investment income	75,000		
Rents	210,000		
Other income	50,000		
Transfer from tax increment funds	<u>1,225,733</u>	\$ <u>2,510,733</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 2,397,000		
Capital outlay	<u>113,733</u>	\$ <u>2,510,733</u>	

PARKING FUND:

Means of financing:			
Street meters	\$ 65,600		
Parking lots	64,300		
Annual permits	59,200		
Charges for services	<u>5,500</u>	\$ <u>194,600</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 182,330		
Capital outlay	<u>12,270</u>	\$ <u>194,600</u>	

WATER FUND:

Means of financing:			
Estimated designated fund balance	\$ 750,000		
Sale of water	4,850,985		
Charges for services	178,720		
Investment income	50,000		
Proceeds from long-term revenue bonds	10,583,000		
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	441,980		
Transfer from Land purchase fund	<u>600,000</u>	\$ <u>17,454,685</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 4,219,385		
Debt service	2,541,000		
Capital outlay	<u>10,694,300</u>	\$ <u>17,454,685</u>	

WASTEWATER FUND:

Means of financing:			
Estimated designated fund balance	\$ 2,200,000		
Charges for services	7,015,526		
Other income	125,000		
Investment income	100,000		
Grants	850,000		
Reimbursement from other units of government	1,793,000		
Proceeds from long-term revenue bonds	9,565,000		
Transfer from Land purchase fund	<u>1,600,000</u>	\$ <u>23,248,526</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 7,229,926		
Debt service	5,118,000		
Capital outlay	<u>10,900,600</u>	\$ <u>23,248,526</u>	

CENTRAL STORES FUND:

Means of financing:			
Estimated designated fund balance	\$ 10,000		
Charges for services	<u>164,402</u>	<u>\$ 174,402</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 164,402		
Capital outlay	<u>10,000</u>	<u>\$ 174,402</u>	

DATA PROCESSING FUND:

Means of financing:			
Charges for services		<u>\$ 1,055,696</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 975,151		
Capital outlay	<u>80,545</u>	<u>\$ 1,055,696</u>	

MOTOR VEHICLE FUND:

Means of financing:			
Estimated designated fund balance	\$ 275,000		
Charges for services	<u>2,494,219</u>	<u>\$ 2,769,219</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 2,063,115		
Capital outlay	<u>706,104</u>	<u>\$ 2,769,219</u>	

INSURANCE AND FRINGE BENEFIT FUND:

Means of financing:			
Charges for services			<u>\$11,395,880</u>
Estimated requirements:			
Ordinary recurring expenses	\$10,302,880		
Contractual services	<u>1,093,000</u>	<u>\$11,395,880</u>	

BE IT FURTHER RESOLVED, that the following Summary of Estimated Requirements by Budget Classes and Schedule of Estimated Expenditures, being for informational purposes only, is intended to substantiate the computation of budget appropriations included above, and

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2005-2006

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
GENERAL FUND						
General Government:						
City council	\$ 9,701	\$ 2,230	\$ 86,861	\$ 98,792	\$	\$ 98,792
City manager	337,302	2,870	21,020	361,192		361,192
Elections	58,400	12,000	20,005	90,405		90,405
Finance and accounting	524,122	6,700	97,745	628,567		628,567
Income tax	203,480	24,660	61,590	289,730		289,730
Assessor	329,933	8,550	74,638	413,121		413,121
Legal	193,360	1,500	100,890	295,750		295,750
Clerk	220,731	2,050	13,072	235,853		235,853
Personnel	236,992	3,100	69,705	309,797		309,797
Purchasing	28,966	200	8,200	37,366		37,366
Board of review	1,800		650	2,450		2,450
Treasurer	122,343	9,100	59,182	190,625		190,625
Municipal office center	182,274	38,850	323,270	544,394	6,000	550,394
Promotional			25,000	25,000		25,000
	<u>\$ 2,449,404</u>	<u>\$ 111,810</u>	<u>\$ 961,828</u>	<u>\$ 3,523,042</u>	<u>\$ 6,000</u>	<u>\$ 3,529,042</u>
Public Safety:						
Police administration	\$ 822,174	\$ 22,400	\$ 185,544	\$ 1,030,118	\$	\$ 1,030,118
Detectives	902,329	14,275	114,739	1,031,343		1,031,343
Patrol	4,491,488	75,900	423,336	4,990,724		4,990,724
Communications	660,991	7,331	76,251	744,573		744,573
Fire	4,776,884	166,625	316,989	5,260,498		5,260,498
	<u>\$ 11,653,866</u>	<u>\$ 286,531</u>	<u>\$ 1,116,859</u>	<u>\$13,057,256</u>	<u>\$</u>	<u>\$ 13,057,256</u>
Public Works:						
Inspection	\$ 320,914	\$ 5,007	\$ 37,965	\$ 363,886	\$	\$ 363,886
Emergency Management	5,000	2,730	9,397	17,127		17,127
Public works administration	187,999	575	9,450	198,024		198,024
Engineering	332,299	8,200	73,304	413,803		413,803
Street lighting	7,900	3,640	698,667	710,207		710,207
Blight	78,647	3,000	6,771	88,418		88,418
	<u>\$ 932,759</u>	<u>\$ 23,152</u>	<u>\$ 835,554</u>	<u>\$ 1,791,465</u>	<u>\$</u>	<u>\$ 1,791,465</u>

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2005-2006

	<u>Personal Services</u>	<u>Supplies and Materials</u>	<u>Contractual Services</u>	<u>Total Recurring Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>
Senior Citizens:						
Wastewater and water discounts	\$	\$	\$ 8,000	\$ 8,000	\$	\$ 8,000
Senior citizens transportation			14,732	14,732		14,732
	<u>\$</u>	<u>\$</u>	<u>\$ 22,732</u>	<u>\$ 22,732</u>	<u>\$</u>	<u>\$ 22,732</u>
Recreation, Parks and Culture:						
Parks and Forestry	\$ 814,164	\$ 109,721	\$ 359,164	\$ 1,283,049	\$ 90,000	\$ 1,373,049
Recreation	434,221	110,490	125,519	670,230		670,230
Leonard Center			10,000	10,000		10,000
20th and Court pool	59,875	16,950	29,370	106,195		106,195
Sanborn pool	71,003	16,950	37,370	125,323		125,323
Lighthouse park	55,428	6,310	4,392	66,130		66,130
Lakeside park	56,768	7,210	12,742	76,720		76,720
Palmer park recreation center	87,222	9,100	31,582	127,904		127,904
Lightship	877	2,340	7,244	10,461		10,461
McMorran complex			335,000	335,000		335,000
Library			8,000	8,000		8,000
Museum	790	3,500	111,226	115,516		115,516
Fine arts			1,500	1,500		1,500
	<u>\$ 1,580,348</u>	<u>\$ 282,571</u>	<u>\$ 1,073,109</u>	<u>\$ 2,936,028</u>	<u>\$ 90,000</u>	<u>\$ 3,026,028</u>
Other Functions:						
Planning	\$ 191,294	\$ 4,200	\$ 22,960	\$ 218,454	\$	\$ 218,454
Telephone service		6,100	40,431	46,531		46,531
Contingencies			50,000	50,000		50,000
Insurance, health and safety	91,278	130	260,334	351,742		351,742
Taxes written off			30,000	30,000		30,000
Demolitions			25,000	25,000		25,000
	<u>\$ 282,572</u>	<u>\$ 10,430</u>	<u>\$ 428,725</u>	<u>\$ 721,727</u>	<u>\$</u>	<u>\$ 721,727</u>
Public Improvements:						
Available for public improvements and/or salary adjustments	\$	\$	\$	\$	\$ 40,000	\$ 40,000
Transfer to other funds:						
Beautification commission fund			48,300	48,300		48,300
	<u>\$</u>	<u>\$</u>	<u>\$ 48,300</u>	<u>\$ 48,300</u>	<u>\$</u>	<u>\$ 48,300</u>
TOTAL GENERAL FUND	<u>\$ 16,898,949</u>	<u>\$ 714,494</u>	<u>\$ 4,487,107</u>	<u>\$22,100,550</u>	<u>\$ 136,000</u>	<u>\$ 22,236,550</u>
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	\$ 1,108,818	\$ 219,743	\$ 1,045,299	\$ 2,373,860	\$ 4,850,000	\$ 7,223,860
Local streets	671,451	95,285	355,127	1,121,863	1,450,000	2,571,863
Municipal streets	33,887	20,396	4,922,634	4,976,917	7,000	4,983,917
	<u>1,814,156</u>	<u>335,424</u>	<u>6,323,060</u>	<u>8,472,640</u>	<u>6,307,000</u>	<u>14,779,640</u>
Cemetery fund	359,039	21,379	124,455	504,873		504,873
Garbage and rubbish collection fund	85,439	2,400	1,673,338	1,761,177	203,823	1,965,000
Rental certification fund	179,136	5,800	33,700	218,636		218,636
Domestic Preparedness		5,000	25,000	30,000	50,000	80,000
OUIL		600	500	1,100		1,100
Drug law enforcement fund		5,000	1,000	6,000	40,000	46,000
Law enforcement fund		1,000		1,000		1,000
Enhanced 911 fund		4,308	75,116	79,424	64,148	143,572
Community development block grant	166,512	6,058	22,430	195,000	782,233	977,233
Rental rehabilitation	1,500			1,500	13,500	15,000
Home program fund	26,895			26,895	242,055	268,950

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2005-2006

	<u>Personal Services</u>	<u>Supplies and Materials</u>	<u>Contractual Services</u>	<u>Total Recurring Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>
Streetscape maintenance	\$ 253	\$ 1,010	\$ 38,737	\$ 40,000	\$	\$ 40,000
Downtown development fund	500	3,000	86,500	90,000		90,000
Industrial park tax increment fund			1,564,000	1,564,000	250,000	1,814,000
Paper Company tax increment fund			566,000	566,000		566,000
Krafft-Holland tax increment fund			566,000	566,000		566,000
Peerless site tax increment fund			174,000	174,000	25,000	199,000
Harrington Hotel tax increment fund			10,000	10,000	61,000	71,000
Bank tax increment fund			10,000	10,000	105,000	115,000
Edison redevelopment tax increment fund			482,000	482,000	25,000	507,000
Water Street tax increment fund			446,000	446,000	40,000	486,000
Mainstreet tax increment fund			10,000	10,000	215,000	225,000
Industrial park expansion tax increment fund			200,000	200,000	25,000	225,000
Brownfield redevelopment tax increment fund			381,000	381,000		381,000
Beautification commission fund		6,570	730	7,300		7,300
TOTAL SPECIAL REVENUE FUNDS	\$ 2,633,430	\$ 397,549	\$12,813,566	\$15,844,545	\$ 8,448,759	\$24,293,304
 ENTERPRISE FUNDS						
Marina fund	\$ 174,551	\$ 282,030	\$ 341,619	\$ 798,200	\$ 36,710	\$ 834,910
Senior citizens housing fund	\$ 169,438	\$ 19,200	\$ 425,262	\$ 613,900	\$ 320,000	\$ 933,900
Land purchase fund	\$	\$	\$ 2,397,000	\$ 2,397,000	\$ 113,733	\$ 2,510,733
Parking fund	\$ 90,903	\$ 10,639	\$ 80,788	\$ 182,330	\$ 12,270	\$ 194,600
Water fund:						
Treatment plant	\$ 998,903	\$ 116,541	\$ 856,813	\$ 1,972,257	\$ 2,665,100	\$ 4,637,357
Distribution	761,508	101,484	500,176	1,363,168	8,023,500	9,386,668
Customer accounting	134,095	29,064	94,245	257,404		257,404
Meter reading	378,315	104,317	143,924	626,556	5,700	632,256
Debt service			2,541,000	2,541,000		2,541,000
	<u>\$ 2,272,821</u>	<u>\$ 351,406</u>	<u>\$ 4,136,158</u>	<u>\$ 6,760,385</u>	<u>\$10,694,300</u>	<u>\$ 17,454,685</u>
Wastewater fund:						
Treatment plant	\$ 2,076,642	\$ 432,455	\$ 2,256,267	\$ 4,765,364	\$ 477,900	\$ 5,243,264
Collection, general	872,380	102,105	1,443,525	2,418,010	10,422,700	12,840,710
Collection system no. 1			211	211		211
Collection system no. 2	2,497	3,100	18,834	24,431		24,431
Collection system no. 3	4,269	500	17,141	21,910		21,910
Debt service			5,118,000	5,118,000		5,118,000
	<u>\$ 2,955,788</u>	<u>\$ 538,160</u>	<u>\$ 8,853,978</u>	<u>\$12,347,926</u>	<u>\$10,900,600</u>	<u>\$ 23,248,526</u>
TOTAL ENTERPRISE FUNDS	\$ 5,663,501	\$1,201,435	\$16,234,805	\$23,099,741	\$22,077,613	\$ 45,177,354
 INTERNAL SERVICE FUNDS						
Central stores fund	\$ 10,646	\$ 49,000	\$ 104,756	\$ 164,402	\$ 10,000	\$ 174,402
Data Processing fund	629,712	117,475	227,964	975,151	80,545	1,055,696
Motor vehicle fund	860,105	339,054	863,956	2,063,115	706,104	2,769,219
Insurance and fringe benefit fund	10,302,880	500	1,092,500	11,395,880		11,395,880
TOTAL INTERNAL SERVICE FUNDS	\$ 11,803,343	\$ 506,029	\$ 2,289,176	\$14,598,548	\$ 796,649	\$ 15,395,197
 TOTAL ALL FUNDS	 \$ 36,999,223	 \$2,819,507	 \$35,824,654	 \$75,643,384	 \$31,459,021	 \$107,102,405

SCHEDULE OF ESTIMATED EXPENDITURES
2005-2006

	Actual		Budget			
	2002-2003	2003-2004	2004-2005	2005-2006	Increase	Decrease
GENERAL FUND						
General Government:						
City council	\$ 83,357	\$ 79,937	\$ 96,646	\$ 98,792	\$ 2,146	\$
City manager	253,387	325,614	340,494	361,192	20,698	
Elections	67,885	64,207	78,777	90,405	11,628	
Finance and accounting	543,169	561,155	592,136	628,567	36,431	
Income tax	251,560	252,424	272,271	289,730	17,459	
Assessor	324,959	340,449	380,428	413,121	32,693	
Legal	249,756	231,718	276,818	295,750	18,932	
Clerk	194,891	213,081	219,213	235,853	16,640	
Personnel	283,050	275,304	290,567	309,797	19,230	
Purchasing	31,051	32,582	34,044	37,366	3,322	
Board of review	2,395	2,412	2,450	2,450		
Treasurer	179,979	184,144	178,028	190,625	12,597	
Municipal office center	538,822	474,747	514,059	550,394	36,335	
Promotional	29,605	30,019	22,000	25,000	3,000	
	<u>\$ 3,033,866</u>	<u>\$ 3,067,793</u>	<u>\$ 3,297,931</u>	<u>\$ 3,529,042</u>	<u>\$ 231,111</u>	<u>\$</u>
Public Safety:						
Police administration	\$ 889,967	\$ 873,354	\$ 970,069	\$ 1,030,118	\$ 60,049	\$
Detectives	888,131	966,966	973,843	1,031,343	57,500	
Patrol	4,510,591	4,403,734	4,725,507	4,990,724	265,217	
Communications	595,260	621,167	696,393	744,573	48,180	
Fire	5,021,227	5,072,214	5,054,713	5,260,498	205,785	
	<u>\$ 11,905,176</u>	<u>\$ 11,937,435</u>	<u>\$ 12,420,525</u>	<u>\$ 13,057,256</u>	<u>\$ 636,731</u>	<u>\$</u>
Public Works:						
Inspection	\$ 339,318	\$ 325,883	\$ 336,499	\$ 363,886	\$ 27,387	\$
Emergency Management	6,685	7,564	9,827	17,127	7,300	
Public works administration	172,631	175,086	186,358	198,024	11,666	
Engineering	198,636	201,655	377,003	413,803	36,800	
Street lighting	590,471	621,375	627,955	710,207	82,252	
Blight	64,123	66,699	81,793	88,418	6,625	
	<u>\$ 1,371,864</u>	<u>\$ 1,398,262</u>	<u>\$ 1,619,435</u>	<u>\$ 1,791,465</u>	<u>\$ 172,030</u>	<u>\$</u>
Senior Citizens:						
Wastewater and water discounts	\$ 6,501	\$ 4,526	\$ 8,400	\$ 8,000	\$	\$ 400
Senior citizens transportation	55,624	9,191	9,588	14,732	5,144	
	<u>\$ 62,125</u>	<u>\$ 13,717</u>	<u>\$ 17,988</u>	<u>\$ 22,732</u>	<u>\$ 5,144</u>	<u>\$ 400</u>
Recreation, Parks and Culture:						
Parks and Forestry	\$ 1,153,719	\$ 1,051,918	\$ 1,204,945	\$ 1,373,049	\$ 168,104	\$
Recreation	642,337	566,044	606,375	670,230	63,855	
Leonard center	15,000	7,736	10,000	10,000		
20th and Court pool	92,372	82,057	104,145	106,195	2,050	
Sanborn pool	108,030	118,616	121,673	125,323	3,650	
Lighthouse park	41,212	37,524	66,239	66,130		109
Lakeside park	55,788	55,626	75,606	76,720	1,114	
Palmer park recreation center	125,029	114,455	119,206	127,904	8,698	
Lightship	7,507	9,344	9,172	10,461	1,289	
McMorran complex	335,000	335,000	335,000	335,000		
Library	8,000	8,000	8,000	8,000		
Museum	73,770	77,698	89,197	115,516	26,319	
Fine arts	3,000	1,500	1,500	1,500		
	<u>\$ 2,660,764</u>	<u>\$ 2,465,518</u>	<u>\$ 2,751,058</u>	<u>\$ 3,026,028</u>	<u>\$ 275,079</u>	<u>\$ 109</u>

SCHEDULE OF ESTIMATED EXPENDITURES
2005-2006

	Actual		Budget			
	2002-2003	2003-2004	2004-2005	2005-2006	Increase	Decrease
Other Functions:						
Planning	\$ 162,918	\$ 170,105	\$ 202,224	\$ 218,454	\$ 16,230	\$
Telephone service	35,659	35,367	47,030	46,531		499
Contingencies			50,000	50,000		
Insurance, health and safety	352,730	354,006	343,260	351,742	8,482	
Taxes written off	7,317	1,751	30,000	30,000		
Demolitions	742		15,000	25,000	10,000	
	<u>\$ 559,366</u>	<u>\$ 561,229</u>	<u>\$ 687,514</u>	<u>\$ 721,727</u>	<u>\$ 34,712</u>	<u>\$ 499</u>
Public Improvements:						
Available for public improvement and/or salary adjustments	\$ 23,873	\$ 23,198	\$ 45,314	\$ 40,000	\$	\$ 5,314
Transfer to other funds:						
Cemetery fund	\$	\$	\$	\$ 45,000	\$ 45,000	\$
Beautification commission fund	6,600	3,300	3,300	3,300		
Land purchase fund		600,000				
Motor vehicle	300,000					
	<u>\$ 306,600</u>	<u>\$ 603,300</u>	<u>\$ 3,300</u>	<u>\$ 48,300</u>	<u>\$ 45,000</u>	<u>\$</u>
TOTAL GENERAL FUND	<u>\$ 19,923,634</u>	<u>\$ 20,070,452</u>	<u>\$ 20,843,065</u>	<u>\$ 22,236,550</u>	<u>\$ 1,399,807</u>	<u>\$ 6,322</u>
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	\$ 3,694,927	\$ 3,804,012	\$ 7,866,602	\$ 7,223,860	\$	\$ 642,742
Local streets	1,417,938	1,146,932	1,761,692	2,571,863	810,171	
Municipal streets	1,645,020	1,152,588	4,609,020	4,983,917	374,897	
	<u>\$ 6,757,885</u>	<u>\$ 6,103,532</u>	<u>\$ 14,237,314</u>	<u>\$ 14,779,640</u>	<u>\$ 1,185,068</u>	<u>\$ 642,742</u>
Cemetery fund	\$ 434,574	\$ 458,216	\$ 459,917	\$ 504,873	\$ 44,956	\$
Garbage and rubbish collection fund	1,609,051	1,580,988	1,830,000	1,965,000	135,000	
Rental certification fund	168,077	166,322	207,120	218,636	11,516	
Domestic preparedness		83,372		80,000	80,000	
OUIL		5,761	1,000	1,100	100	
Drug law enforcement fund	13,363	65,900	46,000	46,000		
Law enforcement	3,692	3,291	1,000	1,000		
Enhanced 911 fund	62,703	75,809	142,185	143,572	1,387	
Community development block grant fund	1,165,000	1,350,219	1,023,000	977,233		45,767
Rental rehabilitation			15,000	15,000		
Home program fund	465,240	675,122	300,835	268,950		31,885
Streetscape maintenance	35,148	37,328	40,000	40,000		
Downtown development fund	60,500	64,423	77,700	90,000	12,300	
Industrial park tax increment fund	1,470,694	2,544,119	2,176,000	1,814,000		362,000
Paper Company tax increment fund	608,790	627,143	634,000	566,000		68,000
Krafft-Holland tax increment fund	521,120	531,074	551,900	566,000	14,100	
Peerless site tax increment fund	196,331	197,864	196,500	199,000	2,500	
Harrington Hotel tax increment fund	16,122		51,200	71,000	19,800	
Bank tax increment fund	39,531	8,465	70,000	115,000	45,000	
Edison redevelopment tax increment fund	473,148	466,382	491,500	507,000	15,500	
Water Street tax increment fund	630,455	672,415	503,500	486,000		17,500
Mainstreet tax increment fund	6,042		175,000	225,000	50,000	
Industrial park expansion tax increment fund	211,436	225,989	185,000	225,000	40,000	
Brownfield redevelopment tax increment fund		407	136,000	381,000	245,000	
Beautification commission fund	4,984	4,413	7,300	7,300		
TOTAL SPECIAL REVENUE FUNDS	<u>\$ 14,953,886</u>	<u>\$ 15,948,554</u>	<u>\$ 23,558,971</u>	<u>\$ 24,293,304</u>	<u>\$ 1,902,227</u>	<u>\$ 1,167,894</u>

SCHEDULE OF ESTIMATED EXPENDITURES
2005-2006

	Actual		Budget			
	2002-2003	2003-2004	2004-2005	2005-2006	Increase	Decrease
ENTERPRISE FUNDS						
Marina Fund	\$ 669,492	\$ 749,658	\$ 735,770	\$ 834,910	\$ 99,140	\$
Senior citizens housing fund:						
Administration	\$ 646,312	\$ 578,232	\$ 798,393	\$ 933,900	\$ 135,507	\$
Debt service	206,313					
	<u>\$ 852,625</u>	<u>\$ 578,232</u>	<u>\$ 798,393</u>	<u>\$ 933,900</u>	<u>\$ 135,507</u>	<u>\$</u>
Land purchase fund	\$ 3,171,676	\$ 2,604,259	\$ 2,295,233	\$ 2,510,733	\$ 215,500	\$
Parking fund	\$ 156,138	\$ 156,711	\$ 181,800	\$ 194,600	\$ 12,800	\$
Water fund:						
Treatment plant	\$ 1,636,501	\$ 1,774,184	\$ 1,867,033	\$ 1,972,257	\$ 105,224	\$
Distribution	1,307,192	1,269,374	1,307,993	1,363,168	55,175	
Customer accounting	205,880	216,027	236,720	257,404	20,684	
Meter reading	461,518	467,438	494,334	626,556	132,222	
Debt service	1,364,923	1,817,959	2,150,000	2,541,000	391,000	
Capital outlay	6,475,120	2,825,000	6,217,500	10,694,300	4,476,800	
	<u>\$ 11,451,134</u>	<u>\$ 8,369,982</u>	<u>\$ 12,273,580</u>	<u>\$ 17,454,685</u>	<u>\$ 5,181,105</u>	<u>\$</u>
Wastewater fund:						
Treatment plant	\$ 4,328,854	\$ 4,201,887	\$ 4,389,850	\$ 4,765,364	\$ 375,514	\$
Collection, general	1,798,952	1,787,315	2,340,925	2,418,010	77,085	
Collection system no. 1	15	11	211	211		
Collection system no. 2	10,365	15,883	18,346	24,431	6,085	
Collection system no. 3	30,281	23,005	24,577	21,910		2,667
Debt service	2,984,689	4,117,066	4,872,600	5,118,000	245,400	
Capital outlay	14,725,460	14,665,214	10,605,636	10,900,600	294,964	
	<u>\$ 23,878,616</u>	<u>\$ 24,810,381</u>	<u>\$ 22,252,145</u>	<u>\$ 23,248,526</u>	<u>\$ 999,048</u>	<u>\$ 2,667</u>
TOTAL ENTERPRISE FUNDS	<u>\$ 40,179,681</u>	<u>\$ 37,269,223</u>	<u>\$ 38,536,921</u>	<u>\$ 45,177,354</u>	<u>\$ 6,643,100</u>	<u>\$ 2,667</u>
INTERNAL SERVICE FUNDS						
Central stores fund	\$ 113,934	\$ 140,535	\$ 176,461	\$ 174,402	\$	\$ 2,059
Data Processing fund	851,547	901,907	1,002,301	1,055,696	53,395	
Motor vehicle fund	2,108,806	1,977,098	2,605,901	2,769,219	163,318	
Insurance and fringe benefit fund	8,121,090	8,501,106	10,644,435	11,395,880	751,445	
TOTAL INTERNAL SERVICE FUNDS	<u>\$ 11,195,377</u>	<u>\$ 11,520,646</u>	<u>\$ 14,429,098</u>	<u>\$ 15,395,197</u>	<u>\$ 968,158</u>	<u>\$ 2,059</u>
TOTAL ALL FUNDS	<u>\$ 86,252,578</u>	<u>\$ 84,808,875</u>	<u>\$ 97,368,055</u>	<u>\$ 107,102,405</u>	<u>\$ 10,913,292</u>	<u>\$ 1,178,942</u>

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within and between the activity centers of each fund established through this budget, and that all budgetary transfers between funds may be made only by further action of the Council pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act, and

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized and directed to transfer 25% of the fiscal year 2005-06 Motor Vehicle Highway Distribution revenue from the Major Street Fund to the Local Street Fund as provided for in Section 13d of Act 51 of P.A. 1951, and

BE IT FURTHER RESOLVED, that the following schedule of parking fees, rates and charges established by the City Manager during the previous twelve month period and for any prior periods are hereby confirmed by the City Council, in accordance with Ordinance No. 835:

Street Meters

- Various locations - converted 2 hour meters to 3 hour meters
- Various locations - converted 1 hour meters to 3 hour meters
- Various locations - 15 new 1 hour meters

Metered Off Street Lots

- Various locations - from \$.50 for ten hours to \$.75 for ten hours

(A schedule of parking fees, rates and charges is attached as City Clerk File #05-48)

BE IT FURTHER RESOLVED, that there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the City of Port Huron, 16.0869 mills for operating purposes, being 11.2696 mills for general operations, 2.8173 mills for the collection of refuse and 2.0000 mills for street improvements, and

BE IT FURTHER RESOLVED, that in accordance with the recommendation of the Downtown Development Authority, there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the Downtown Development District, 1.9874 mills for operating purposes, and

BE IT FURTHER RESOLVED, that said 16.0869 mills for various operating purposes and said 1.9874 mills for operations of the Downtown Development Authority be levied on July 1, 2005, and

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer by delivering a certified copy of this resolution, and

BE IT FURTHER RESOLVED, that the City Treasurer is hereby authorized and directed to accept payment on taxes due July 1, 2005, for a period not extending beyond March 1, 2006 with penalty as follows:

1. Taxes shall be collected without additional charge for a period of one (1) month from the date the tax bills are mailed or July 1, 2005, whichever is later.

2. An addition of one percent (1%) of every unpaid tax shall be made on the first day of the second, third, fourth and fifth, thirty (30) day period (four percent <4%> maximum) next following the mailing of the tax bills or July 1, 2005, whichever is later, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to grant non-union employees a salary adjustment of up to 3.0 percent and/or to require additional merit consideration to be effective June 25, 2005, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the necessary employment agreements with key personnel, and

BE IT FURTHER RESOLVED, that the Capital Improvement Program for the 2005-2006 through 2009-2010 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Adopted unanimously.

***R-4.** WHEREAS, Mueller Brass Co., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on May 23, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Mueller Brass Co. application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Mueller Brass Co. is located.

Adopted.

***R-5.** WHEREAS, Mueller Brass Forging Co., Inc., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements and machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on May 23, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Mueller Brass Forging Co., Inc., application for an Industrial Facilities Exemption Certificate for twelve (12) years on real property and six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All real property: 12/31/05 to 12/31/17 (12 years)

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Mueller Brass Forging Co., Inc., is located.

Adopted.

***R-6.** WHEREAS, the City Council has created a Brownfield Redevelopment Authority consistent with the provisions of Act No. 381 of the Public Acts of 1996; and

WHEREAS, Act 381 states that the members of the Authority will be appointed by the Mayor of the municipality subject to the approval of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Lynne Secory, and Donna Klune are hereby reappointed to the Brownfield Redevelopment Authority for terms to expire April 14, 2008.

Adopted.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Community Development Department of the City of Port Huron has allocated Community Development Block Grant (CDBG) funds for street lighting in the 2002 Annual Action Plan; and

WHEREAS, the City, along with its partners (Acheson Ventures, Citizen's First Savings Bank, Community Foundation of St. Clair County, Economic Opportunity Committee and the Port Huron Neighborhood Housing Corporation) have made many improvements to homes located in the Community Renaissance Program area; and

WHEREAS, the Community Development Department has received a proposal for the installation of twenty-two acorn style lighting fixtures on White and Chestnut Streets in the amount of Sixty Four Thousand Nine Hundred Sixty Eight and No/100 (\$64,968.00) from the Detroit Edison Company;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron approves and authorizes the expenditure from the Community Development Block Grant 2002 Street Lighting Program for the installation of lighting fixtures on White and Chestnut Streets.

Adopted unanimously.

R-8. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the 2005 Annual Action Plan and Consolidated Plan was approved by City Council on February 28, 2005, which included funding for the Vanness Street Paving Project; and

WHEREAS, the Community Development Division has been advised that the Vanness Street Paving Project has been delayed until 2006, and therefore, funds have been reallocated to the Sidewalk Replacement Program to be completed primarily in the Community Renaissance Program area, the Olde Town area (CT 6240), and areas in the City as needed, and to the Property Improvement Program, the Walkabout Program and the Lead Based Paint Program; and

WHEREAS, a public hearing is required regarding the proposed amendment to the 2005 Annual Action Plan and the Community Development Division notified local media sources, interest groups, and social service agencies of the public hearing and subsequent changes to the 2005 Annual Action Plan; and

WHEREAS, the City Council conducted the required public hearing to amend the Annual Action Plan in accordance with the Citizen Participation Plan on May 9, 2005;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby approves the amendments to the 2005 Annual Action Plan and authorizes the appropriate City officials to submit the changes to the Department of Housing and Urban Development. (See City Clerk File #05-49)

Adopted unanimously.

R-9. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for 2419 Little Street, Code Case #05-003 (see City Clerk file # 05-50) from the City's Chief Inspector relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lots 13 and 14, Block 4, Factory Land Company's Plat No. 2, including one-half of vacated alley adjacent; and

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 10, Article VI, Section 10-211, and Chapter 34, Article I, Section 34-3, of the Code of Ordinances of the City of Port Huron and further, that the property is in violation of Chapter 22, Division 2, Section 22-52 (4) and (5), justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, Article VI, Section 10-211, Chapter 22, Division 2, Section 22-53 (e) and (f), and Chapter 40, Sections 40-19 and 40-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10, Chapter 22, and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on June 13, 2005, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Article VI, Section 10-211, and Chapter 34, Article I, Section 34-3, and further, that the property is in violation of Chapter 22, Division 2, Section 22-52 (4) and (5), Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted unanimously.

***R-10.** WHEREAS, it is stated in the City Ordinance Code, Chapter 16, Community Development, Article III, Downtown Development Authority, Division 1, Generally, Section 16-83, Board:

"(a) The downtown development authority shall be under the supervision and control of a board consisting of the city manager and eight members appointed by the city manager subject to approval by the city council. At least five of the members shall be persons having an interest in property located in the downtown district. At least one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it...A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for a term of four years."

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority re-appointment of Kenneth Montgomery for a term to expire February 9, 2009, is hereby approved and confirmed.

Adopted.

R-11. WITHDRAWN

R-12. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has the opportunity to purchase a vacant industrial building in the industrial park on favorable terms and simultaneously lease the building to an industry that would provide needed employment; and

WHEREAS, it is in the best interest of the citizens of the City of Port Huron to encourage and increase the available employment and the industrial tax base of the City ; and

WHEREAS, an agreement between the City of Port Huron and Takata Petri, Inc., for the purchase of an industrial park building commonly know as Takata # 2 and associated land has been negotiated; and

WHEREAS, final drafting of the lease agreement has not been completed with ALD Thermal Treatment, Inc. who will be leasing the building;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Takata Petri, Inc., for the purchase of the industrial park building commonly know as Takata # 2 and associated land, located at 2656 - 24th Street in the Port Huron Industrial Park, conditioned upon the commitment of ALD Thermal Treatment, Inc., to a definitive lease and authorizes the appropriate City officials to execute said agreement conditioned upon the simultaneous signing and execution of a Lease Agreement for the property with ALD Thermal Treatment, Inc. (See City Clerk File #05-51)

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Fisher** stated that Bill Lee, Commissioner of Frontier League, will be here June 2, 2005, to visit the community.

2. **Mayor Neal** requested that Fire Chief Bob Eick comment on the City's new fire trucks, which he did.

3. **Councilmember Haynes** thanked Kim Harmer, Planning Director, and her staff for attending Woodrow Wilson neighborhood meeting and also Councilmember Jacobs. He also said he appreciated their participation in neighborhood cleanup.

On motion (9:25 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 6, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 8:40 a.m.), Prax (arrived at 9:15 a.m.) and Steinborn.

RESOLUTIONS

R-1. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has agreed to purchase a vacant industrial building in the industrial park on favorable terms and simultaneously leasing the building to an industry that will provide needed employment;

WHEREAS, it is in the best interest of the citizens of the City of Port Huron to encourage and increase the available employment and the industrial tax base of the City; and

WHEREAS, an agreement between the City of Port Huron and ALD Thermal Treatment, Inc. guaranteed by the parent company of ALD Thermal Treatment, Inc. for the long term lease of the industrial park building commonly know as Takata # 2 and associated land has been negotiated;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached long term lease with ALD Thermal Treatment, Inc. and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #05-52)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Steinborn.
No: None.
Absent: Councilmembers Jacobs and Prax.

During discussion of this item, Douglas Alexander, Executive Director, Economic Development Alliance of St. Clair County, addressed the City Council.

R-2. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City and the Port Huron Patrol and Command Unions recognize that it is necessary to reduce costs while maintaining the same level of high quality service to the citizens of Port Huron; and

WHEREAS, the City and the Port Huron Patrol and Command Unions have negotiated the Memorandums of Understanding (see City Clerk File #05-53) offering a Retirement Incentive Program as an inducement to attract qualified officers to retire;

NOW, THEREFORE, BE IT RESOLVED that an employee who is a member of the Port Huron Patrol and Command Unions, is at least 50 years old, is within one year of attaining the minimum of 25 years of service credit, and has had at least one year of honorable military service with the United Stated Armed Forces shall be eligible to retire under the provisions of the Retirement Incentive Program; and

BE IT FURTHER RESOLVED that the attached Memorandums of Understanding with the Port Huron Patrol and Command Unions are hereby accepted and that the appropriate City officials are hereby authorized to execute the provisions of the Memorandums of Understanding.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Steinborn.
No: None.
Absent: Councilmembers Jacobs and Prax.

MISCELLANEOUS BUSINESS

1. Housing project proposal: Randy Maiers, Community Foundation of St. Clair County, gave Council an update of progress to date on the Community Renaissance Program (see City Clerk File No. 05-54 for outline and map).

2. McMorran budget needs: Larry Krabach, General Manager, McMorran, addressed their request for appropriations for fiscal year 2005-06 (see City Clerk File No. 05-55).

During the discussion Ken Harris, Wells Street, addressed Council asking about insulation in the hockey arena, specifically lack of it in the ceiling.

3. Proposed rental inspection ordinance changes: Kim Harmer, Planning Director, stated that she has met with representatives of the landlord association and will continue doing so and will be recommending that the amount of units to be inspected in larger complexes be increased to 50%. The ordinance will be on the agenda June 13, 2005, for its third and final reading.

4. Water and sewer billing: John Ogden, Director of Finance, and Robert Clegg, City Engineer/Director of Public Works, addressed the Council on the subject of whether it is feasible to bill water/sewer on a monthly basis rather than quarterly so that residents are not hit with such a high bill. Discussion held on additional employees it would take to accomplish this if the meters were to be read monthly. Mayor Pro-tem Cutcher suggested a survey be sent to residents via the newsletter asking whether they would like monthly estimated bills with an accurate read on the third month. John Ogden stated that they are still researching the possibility of paying by credit card and/or paying through the internet.

During the discussion Sharon Bender, South Boulevard, stated she has used the City's current payment arrangement for those who cannot pay the entire bill at once and finds it inconvenient – would rather pay monthly. Ken Harris suggested that yearly income amount for reduced rates for seniors over 65 be increased to \$20,000.

AT THIS POINT (9:25 a.m.) Councilmember Haynes left the meeting.

5. Communication: Tom Hutka, City Manager, stated that communication with Council is a priority for him and he can communicate with them however they wish. Councilmembers Cutcher, Fisher, Prax and Steinborn stated they were fine with the current way of communicating - via email for information items and phone calls for more important things. Mayor Neal and Councilmember Jacobs preferred telephone calls over email, except for mundane things. Discussed importance of informing Council, where possible, prior to items being in the media. (Mayor Pro-tem Cutcher suggested agenda be emailed to Council on Wednesdays so that they have opportunity to review before it goes to the media.)

AT THIS POINT (9:35 a.m.), Councilmember Steinborn left the meeting.

6. Conflict of interest/ethics: Councilmember Prax suggested that someone, perhaps from MML, come in and give a presentation to City Council on this subject matter.

7. Recording of Council meetings: Councilmember Fisher questioned the fact that the City does not keep a copy of each Council meeting (video and audio) for future reference. Discussion followed about requirements under the law. Tom Hutka, City Manager, to check and see whether DDA keeps their audio tapes.

8. Council personal computer use: Mayor Pro-tem Cutcher presented a draft policy for "PC Use for Councilmembers" for everyone's review (see City Clerk File #05-56). Administration to look at it and report back.

9. Mayor's Exchange: Councilmember Jacobs stated that she thinks the Council can learn a lot from other comparable communities and that a visit should be arranged. Some of the cities mentioned were Holland, Kalamazoo and Traverse City (St. Joseph/Benton Harbor was suggested by Ken Harris). Administration to investigate and report back to Council at June 13, 2005, meeting about the demographics, goals and projects for each of these cities and others for Council to make a decision of where to visit.

10. Next meeting: Because of the July 4th holiday, it was decided that the next special workshop would be on June 27 as long as this works for Councilmembers Haynes and Steinborn. If not, then July 18.

On motion (10:10 a.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 13, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Chaplain Max Amstutz, Port Huron Hospital, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Steinborn.

The minutes of the regular meeting of May 23, 2005, and the special meeting of June 6, 2005, were approved.

PRESENTATIONS

1. Certificates of Recognition were presented to Andrew Mullally and Rahul Reddy for being named to the USA TODAY 2005 All-USA High School Academic Third Team for co-developing a clinical study to see if diabetes education would result in healthier students and also for co-founding Students for Healthy America.
2. Jerry Mortimer, from Blight Busters, gave a presentation on the "Cool to be Clean Day Event" held on May 21, 2005.
3. Proclamation designating June 18, 2005 to be Juneteenth Celebration Day was presented to Muffin Hines of the St. Clair County Chapter of the American Red Cross.
4. Kim Harmer, Planning Director, gave a presentation on the upcoming visit (June 23-25, 2005) to Atlanta, Georgia, where the community is competing as a finalist for an All America City award.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on Code Case #05-003, 2419 Little Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, Chapter 22, Section 22-53 (e) and (f) and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #10)

Kim Harmer, Planning Director, addressed the Council giving the facts about this code case.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Gregory Stremers, 316 McMorran Blvd., representing the Port Huron Housing Commission, addressed the City Council requesting that Resolution No. 15 be withdrawn from the agenda. He stated that they are meeting with City administration to work out some issues and that their employees will abide by the City's up to 3% pay increase for employees this year.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

Upcoming events:

- June 15: Big Screen Movie, Palmer Park (Herbie the Lovebug showing)
- June 16: Sanborn and Court Street pools open
- June 16: Art in the Park Concert series begins, 10th Street Bridge area, most Thursday nights
- June 18: Furniture Fair, downtown
- June 23: Big Screen Movie, River Street Marina (Batman Forever showing)
- June 25: Fireworks, Acheson site
- June 26: Find the Super Hero in You Event, Port Huron High School
- June 29: Big Screen Movie, Lincoln Park (National Treasure)

UNFINISHED BUSINESS

1. **Councilmember Fisher** offered and moved that the following ordinance postponed from the April 25, 2005, be given its third and final reading and enacted, as revised:

ORDINANCE NO. 1251

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, SECTIONS 10-152, 10-154, 10-159, 10-161, 10-164, 10-168, AND 10-170 OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXPANDING THE DEFINITIONS, ADDING ROOMING HOUSES AND BOARDING HOUSES AND UPDATING LANGUAGE IN VARIOUS OTHER SECTIONS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Sections 10-152, 10-154, 10-159, 10-161, 10-164, 10-168, and 10-170 of the Code of Ordinances of the City of Port Huron, be amended for the purpose of expanding the definitions, adding rooming houses and boarding houses and updating language in various other sections, to read as follows:

CHAPTER 10. BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. RENTAL CERTIFICATION

Sec. 10-151. Purpose.

No changes

Sec. 10-152. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boarding house means an establishment or building where meals, lodging or both are provided for compensation with the following stipulations:

- (1) Rental shall be prearranged and without limitations or time periods involved.
- (2) No cooking facilities shall be permitted in sleeping rooms.
- (3) There shall not be more than ten sleeping rooms per establishment.
- (4) No more than one person shall occupy each sleeping room.
- (5) Sufficient off-street parking shall be provided pursuant to article VI of this chapter.
- (6) There shall be provided one toilet and bathing facility per three sleeping rooms.

In larger structures, located in A-1 zones, up to a minimum of ten sleeping rooms (bedrooms) may be used in accordance with all other city ordinances and applicable codes.

Building official means the chief inspector of the city or authorized representative.

Certification means a certificate issued by the department of rental inspection which certifies compliance with this article and the date of such certification.

He/his. The term "he" shall be synonymous with the terms "she," "it," and "they"; and the term "his" shall be synonymous with the terms "her," "its" and "theirs."

Housing code and *building code* mean the most recent standards of construction and maintenance for residential property in general and residential rental property in particular, as adopted by the city council.

Inspection guidelines means those guidelines as adopted by the city council to be used by the building official in conducting inspections, setting forth the minimum requirements for dwellings inspected under this article.

Lease means any written or oral agreement that sets forth conditions concerning the use and occupancy of residential rental structures or residential rental units by an entity paying rent or for whom rent is paid.

Manager means a person, partnership, firm or corporation that actively operates or manages a residential rental property for the owner.

Multi-Family (rental) dwelling "complex" is a rental complex with twenty or more units on one site under one ownership and one identified complex name. May be separate tax parcel identification numbers or separate mailing addresses, but must be on one contiguous parcel(s) of land in one identified area.

Occupants means tenants, lessees and/or persons residing in a residential rental structure or residential rental unit.

Owner means any person, agent, firm or corporation having a legal or equitable interest in a residential rental structure or a residential rental unit.

Premises means any lot or parcel of land that includes a residential rental structure or a residential rental unit.

Rent includes let, lease, barter or any other arrangement whereby one person pays a consideration to another for the privilege of residing in a residential rental unit for any period of time.

Residential rental structure means any building that contains one or more residential rental units.

Residential rental unit means any apartment, room, rooming house, boarding house, dwelling house or portion thereof or any condominium unit for which a person or group of persons pays rent directly or indirectly to the owner thereof for the purpose of a person to reside therein. This definition includes one- and two-family dwellings, multiple and multifamily dwellings, apartment units, flats, rooming house rooms, and boarding houses. This definition does not include hotels and motels licensed and inspected by the state.

Rooming house means any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented to rooms shall not exceed three, unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

To secure means to board up or otherwise make the premises inaccessible by anyone other than the owner or the city inspection department for a temporary purpose and then to glaze all windows and install proper locks for a permanent solution.

Sec. 10-153. Registration required.

No changes

Sec. 10-154. Responsible local agent.

For the purposes of this article, the responsible local agent shall be an individual person who represents the owner, a real estate holding company, corporation, partnership or other legal entity and must have a place of residence in the state within 45 miles of the city limits. The responsible local agent shall be designated by the owner as legally responsible for operating such premises in compliance with all the provisions of the city codes and ordinances. The owner may act as the responsible local agent provided he resides in the state and within 45 miles of the city limits. All official notices of the city may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record.

Secs. 10-155 through 10-158.

No changes

Sec. 10-159. Certification required.

(a) No person shall lease, rent or cause to be occupied a residential rental structure or residential rental unit unless there is a valid certification issued by the city inspection department in the name of the owner and issued for the specific residential rental structure and each residential rental unit. The certificate shall be produced upon request. The certificate shall be issued after an inspection by the building inspection department which may include inspections by the building inspector, mechanical inspector, housing inspector, electrical inspector, plumbing inspector, and fire department inspectors when fire inspectors have jurisdiction or other building officials to determine that each rental dwelling and rental unit complies with the provisions of the codes and ordinances of the

city. Such inspections shall commence after the effective date of the ordinance from which this article is derived and shall continue until all rental dwellings and all rental units in the city have been inspected and continue, thereafter, as required for renewals.

(b) A certification may be issued for the following period: existing one- and two-family dwelling units: four-year certificate; existing multifamily dwelling (three or more and any rooming house with one or more rooms, or boarding house): three-year certificate, in accordance with the following:

(1) The city will issue a certification valid for those years if the inspector determines during the inspection that:

a. Any deficiencies discovered during previous inspections of the rental unit have been corrected; and

b. There are no major violations of the inspection guidelines for rental dwellings. Major violations are those violations which, in the inspector's professional judgment, create a risk to the health or safety of tenants.

However, a residential rental unit located in a multifamily residential rental structure will receive a certification only if all other occupied residential rental units within the residential rental structure have a valid certification or are also entitled to receive a certification.

(2) If a residential rental unit does not satisfy the criteria set forth in subsection (1) of this section, the city will not issue a certification.

(3) Notwithstanding the language in subsection (2) of this section, the planning director as supervisor of the rental inspection department may in his discretion waive compliance with the criteria set forth in subsection (1) of this section if the director determines:

a. A waiver of such criteria will not endanger the health or safety of tenants; and

b. The owner of the rental unit has demonstrated a history of compliance with the city's inspection guidelines for rental dwellings.

Sec. 10-160. Applicability to existing residential rental structures.

No changes

Sec. 10-161. Inspections.

(a) The enforcing officer for the city inspection department shall inspect residential rental units on a periodic basis pursuant to this article or under any of the following circumstances:

(1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article.

(2) Upon receipt of a report or a referral from the police department, other public agencies or departments, or any individual indicating that the premises are in violation of this article and which is based on the personal knowledge of the person making the report.

(3) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this article.

(4) Upon receipt of information by the enforcing officer that a rental unit is not registered with the city as required by this article.

(b) The owner or local agent shall be sent a reminder notice regarding the need to schedule an inspection for the renewal of certification. Owners of newly registered units must call to schedule their own inspections. If the owner or agent does not respond to the reminder notice, the following will take place:

(1) The inspector or clerk shall notify the owner of a residential rental structure of the date and time such structure is to be inspected. Such notice may be personally delivered or may be sent by first class mail.

(2) Upon receipt of the notice, the owner must either:

a. Appear at the date and time scheduled for the inspection; or

b. Object within ten days of the mailing or delivery of the notice, and:

1. Schedule an alternative date for the appointment within 30 days from the date identified in the initial notice; or

2. Direct the inspector to contact the occupant of the rental unit directly to schedule the inspection and provide the occupant's name and address.

(3) If an owner of a residential rental structure requests in writing the inspector to schedule the appointment with the occupant, the inspector shall notify the occupant of the residential rental unit of the date and time such unit is scheduled to be inspected. Such notice may be personally delivered or may be sent by first class mail. Upon receipt of the notice, the occupant must either:

a. Appear at the date and time scheduled for the inspection; or

b. Object within ten days and schedule an alternative date/time for the appointment within 30 days from the date identified in the initial notice.

(4) If an owner or occupant subsequently learns he will not be present for a scheduled appointment, the individual must provide the inspector with at least 24 hours' advance notice and must schedule a second inspection date within 30 days from the scheduled appointment. Failure to appear for a scheduled appointment without providing the notice shall be a violation of this subsection and a municipal civil infraction. Failure to appear for a scheduled second inspection date shall be a violation of this subsection and a municipal civil infraction.

(c) The tenant of a single- or two-family dwelling unit may have the right to deny access for a rental inspection, provided that the following procedures are followed:

(1) The tenant must complete and submit an "access denied" form to the rental certification department within the ten-day time frame.

(2) The certification will be pulled and the unit will be placed in an inactive file with a recheck scheduled for one year's time.

(3) If the unit becomes vacant, it is the property owner's responsibility to schedule an inspection and to obtain certification prior to allowing occupancy.

(4) Failure to arrange for an inspection once the unit becomes vacant shall result in a municipal civil infraction.

(5) Allowing occupancy of a unit without a valid certification after a vacancy shall result in a separate municipal civil infraction.

(6) Multifamily dwelling units (three or more, including rooming houses and boarding houses) must be inspected every three years and receive a valid certification. Multifamily dwelling complexes of twenty or more units may be inspected every three years by the Rental Certification Division by randomly selecting fifty percent (50%) of the total number of units for inspection. If no violations are noted, the entire complex may be certified for three years. Subsequent complaints may effect the certification if there are valid violations and it is determined that such violations warrant further inspections. The units shall be selected and inspected randomly at the time of scheduling. Additional units may be deemed necessary to inspect at the discretion of the Rental Certification Inspector or Building Inspector should he/she have reasonable cause to believe other violations exist in uninspected units or the unit(s) inspected is/are found to have significant code violations that may be believed to adversely affect other units or reasonably expected to be found in other units. Failure to correct violations in units inspected will prevent certification of the multi-unit building.

(d) During the inspection, the enforcing officer shall note any violations of this article or other sections of this Code and give notice of the violations to the responsible local agent in accordance with section 10-154. The enforcing officer shall direct the responsible local agent and owner to correct violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the enforcing officer in light of the nature of the violations and all relevant circumstances, but shall not exceed 60 days. Upon request of the person responsible for correcting violations, the enforcing officer may extend the time for correcting violations if the enforcing officer deems such action appropriate under all relevant circumstances, but not to exceed an additional 60 days.

Secs. 10-162 through 10-163

No changes

Sec. 10-164. Notices and orders.

(a) *Notice of violation.* Whenever the building official or enforcing officer determines that there has been a violation of any section of this article, he shall give notice of such alleged violation and orders for correction of the violation as provided in this section, except this section shall not apply in any way to the prosecution of violations of section 10-161 or 10-166 or violations of the registration requirements set forth in this article as such may be prosecuted without notice. Such notice shall:

- (1) Be in writing.

(2) Include a statement of the conditions that constitute violations of this article.

(3) State the date of the inspection, the name of the inspector, the address of the dwelling, and the date set for reinspection.

(4) Specify a time limit for the performance of any act it requires.

(5) Notify the responsible local agent or the occupant, as the case may require, of his right to appeal from the notice or order to the rental housing board of appeals.

(6) Be served upon the owner or the occupant, as the case may require, and on the responsible local agent and that such notice shall be deemed to be properly served if a copy thereof is (i) served personally, or (ii) sent by first class mail to the last known address. Notice given to the responsible local agent is deemed as notice given to the owner.

(b) *Final notice of violation.* Upon observing the continued existence of a violation of this article as stated in the notice of violation, the building official or enforcing officer shall send a final notice of violation and may issue an order to vacate to the responsible local agent. Such notice shall be sent by regular, first-class mail to the last known address of the owner or responsible local agent and shall:

- (1) Specify the date of the inspection.

- (2) Specify the address where the violation was found.

(3) Include the name, telephone number and signature of the inspector.

(4) Include a description of each violation observed by the inspector.

(5) State that each violation is a separate punishable offense.

(6) Order the premises to be vacated within a time to be set by the inspector, the length of which shall be determined by the extent of the danger to the occupants, but in no case shall it exceed 30 days, or alternatively:

a. Order correction of all violations within a time period not to exceed 30 days;

b. State that a reinspection will be made to determine whether all violations have been corrected by the specified date. A reinspection fee as adopted by resolution by the city council and amended, as necessary, by resolution of the city council will be required to be paid prior to a reinspection, and the owner or local agent shall be responsible for contacting the rental inspection department for scheduling the reinspection within ten days of the date on the notice;

c. State that failure to comply with the notice will result in prosecution; or

d. Employ any other additional or optional corrective or enforcement measure as provided for under this Code or by law.

e. Each reinspection, as needed, will require an additional reinspection fee to be paid prior to a reinspection.

(c) *Posting final notice of violation.* Upon issuing a final notice of violation for a residential rental structure or residential rental unit or its accessory building, the city may affix a copy of the notice on the residential rental structure or unit and deliver a copy of the notice to the occupants, if any.

(d) *Nuisance per se.* Notwithstanding any section in this article to the contrary, any residential rental structure or unit that is found to be in such condition as to preclude habitation or threaten the health, safety or welfare of the occupants or community shall be considered a nuisance per se and, as such, subject to abatement in a manner prescribed by the Charter, state statute and/or law.

Sec. 10-165 through 10-167

No changes

Sec. 10-168. Revocation of certification.

If the owner does not correct a violation of any section of this article, the building official shall revoke any existing certification and may bring an action to seek the enforcement of this article by abatement, mandatory injunction to cause correction of a violation, enjoinder of the violation to prevent an act or violation, the vacation of the premises by all occupants and its discontinuance as a residential rental structure, or such other action as provided for under this article. Any structure not in compliance with this article is deemed a nuisance per se.

If a residential unit is vacant and not certified, or the certification has expired, or an inspection to certify has not been completed, then the unit may be yellow-tagged to signify that it may not be occupied until a rental inspection has been completed and/or a certificate has been renewed or issued.

Sec. 10-169. Penalties.

No changes

Sec. 10-170. Vacating and securing buildings.

The city building official may declare a residential rental structure or residential rental unit to be unfit for human occupancy or entry (i.e., red-tagged):

- (1) When a condition exists that constitutes an immediate threat to life or an immediate threat of serious injury to the person or any occupant.
- (2) When an emergency or hazardous condition has not been corrected as ordered.
- (3) When a vacant dwelling or vacant unit has not been secured as ordered in a notice of violation.
- (4) As otherwise provided for in this article.
- (5) When any other hazardous or dangerous condition exists as defined in any other code or ordinance adopted by the city.

Sec. 10-171 through 10-210

No changes

Pauline M. Repp, CMC
City Clerk

ADOPTED: 06/13/05
PUBLISHED: 06/18/05
EFFECTIVE: 06/18/05

Adopted unanimously.

NOTE: Councilmember Prax requested that there be a time frame established for when a building is considered to be "older" and in need for more than 50% inspection.

FROM THE CITY MANAGER

CM-1. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On May 31, 2005, the City of Port Huron received one (1) bid for the Water Reclamation Facility Substation Replacement, Project Number P05-0020:

Ferndale Electric Company, Inc.	\$278,880.00
---------------------------------	--------------

It is recommended that the bid of Ferndale Electric Company, Inc., 915 East Drayton, Ferndale, Michigan 48220, in the amount of Two Hundred Seventy-Eight Thousand Eight Hundred Eighty and 00/100 Dollars (\$278,880.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On May 31, 2005, the City of Port Huron received two (2) bids for the Water Reclamation Facility Divider Wall Installation, Project Number P05-0060:

Gerald W. Moeller Construction	\$13,127.00
Brown Builders & Contracting	\$25,750.00

It is recommended that the bid of Gerald W. Moeller Construction, 425 Rural Street, Port Huron, Michigan 48060, in the amount of Thirteen Thousand One Hundred Twenty-Seven and 00/100 Dollars (\$13,127.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On June 2, 2005, the City of Port Huron received six (6) bids for a Ford F-450 Truck Chassis complete with a Service Body for the Utilities Division:

Royal Oak Ford	\$34,226.00
Central Ford Truck	\$35,306.00
Signature Ford	\$35,753.00
Northgate Ford	\$36,972.00
Bill MacDonald Ford	\$39,059.00
Jorgensen Ford	\$43,707.00

It is recommended that the bid of Royal Oak Ford, 27550 Woodward Avenue, Royal Oak, Michigan 48067, in the amount of Thirty-Four Thousand Two Hundred Twenty-Six and 00/100 Dollars (\$34,226.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-4. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On June 2, 2005, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program (MI DEAL) bids for one (1) 2005 Ford F-250 4 X 4 Extended Cab with 6' box for the Utilities Division:

Gorno Ford, Inc.	\$20,392.00
------------------	-------------

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Twenty Thousand Three Hundred Ninety-Two and 00/100 Dollars (\$20,392.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Steinborn.
 No: Councilmember Prax.
 Absent: None.

CM-5. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

The Planning Department, Inspection Division is interested in purchasing the Equalizer Building Department System Software Program, a multi-faceted program which includes permits, inspections, contractors, rental certifications, code enforcement and imaging/documentation.

BS & A Software is the sole-source distributor of the program. The City of Port Huron Assessing Department and the St. Clair County Equalization Department currently use BS&A Equalizer Software to accumulate all data related to property ownership, taxable valuations and other information. The new program will be compatible with those programs, will use the City's existing database and will be a logical extension of existing services provided by the Inspection Division.

On May 2, 2005, the City of Port Huron received a quote in the amount of \$6,395.00 from BS & A Software for the purchase of the Equalizer Building Department System Software Program for use by the Planning Department, Inspection Division.

It is recommended that the quote of BS & A Software, 5668 Okemos Road, East Lansing, Michigan 48823 in the amount of Six Thousand Three Hundred Ninety-Five and 00/100 Dollars (\$6,395.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-6. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2004-2005 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

GENERAL FUND:

Means of financing:

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
Estimated designated fund balance	\$ 300,000	\$	\$ (300,000)
Property taxes	7,520,000	7,720,000	200,000
Income tax	5,675,000	5,875,000	200,000
Business licenses and permits	290,600	290,600	
Nonbusiness licenses and permits	269,400	269,400	
Grants		450,000	450,000
State shared revenues	4,222,500	4,222,500	
Charges for services	520,000	520,000	
Fines and forfeits	215,000	215,000	
Investment income	160,000	210,000	50,000
Rents	180,000	180,000	
Sale of fixed assets	3,000	3,000	
Charges to other funds	1,487,565	1,487,565	
	<u>\$ 20,843,065</u>	<u>\$ 21,443,065</u>	<u>\$ 600,000</u>

	As currently Adopted	Per Proposed Amendment	Increase (Decrease)
Estimated requirements:			
General government	\$ 3,297,931	\$ 3,347,931	\$ 50,000
Public safety	12,420,525	12,870,525	450,000
Public works	1,619,435	1,619,435	
Senior citizens	17,988	17,988	
Recreation, parks and culture	2,751,058	2,751,058	
Other functions	687,514	687,514	
Public improvements	45,314	145,314	100,000
Transfer to other funds	3,300	3,300	
	<u>\$ 20,843,065</u>	<u>\$ 21,443,065</u>	<u>\$ 600,000</u>
MAJOR STREETS FUND:			
Means of financing:			
Estimated designated fund balance	\$ 41,709	\$ 41,709	\$
State shared revenues	1,735,000	1,765,000	30,000
Trunkline maintenance	264,893	264,893	
State grants	2,475,000	2,475,000	
Transfer from Municipal streets to Major streets	3,350,000	3,350,000	
Total	<u>\$ 7,866,602</u>	<u>\$ 7,896,602</u>	<u>\$ 30,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 2,151,192	\$ 2,181,192	\$ 30,000
Capital outlay and street improvements	5,715,410	5,715,410	
	<u>\$ 7,866,602</u>	<u>\$ 7,896,602</u>	<u>\$ 30,000</u>
LOCAL STREETS FUND:			
Means of financing:			
Estimated designated fund balance	\$ 1,692	\$ 1,692	\$
State shared revenues	530,000	530,000	
Transfer from Major streets to Local streets	430,000	460,000	30,000
Transfer from Municipal streets to Local streets	800,000	1,270,000	470,000
	<u>\$ 1,761,692</u>	<u>\$ 2,261,692</u>	<u>\$ 500,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 956,302	\$ 956,302	\$
Capital outlay and street improvements	805,390	1,305,390	500,000
	<u>\$ 1,761,692</u>	<u>\$ 2,261,692</u>	<u>\$ 500,000</u>
MUNICIPAL STREETS FUND:			
Means of financing:			
Estimated designated fund balance	\$ 2,929,020	\$ 3,399,020	\$ 470,000
Taxes	1,630,000	1,630,000	
Investment income	50,000	50,000	
	<u>\$ 4,609,020</u>	<u>\$ 5,079,020</u>	<u>\$ 470,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 4,609,020	\$ 5,079,020	\$ 470,000
	<u>\$ 4,609,020</u>	<u>\$ 5,079,020</u>	<u>\$ 470,000</u>
CEMETERY FUND:			
Means of financing:			
Estimated designated fund balance	\$ 29,617	\$ 29,617	\$
Foundations	20,900	25,900	5,000
Graveside interments	45,300	45,300	
Chapel interments	54,800	59,800	5,000
Other services	14,300	24,300	10,000
Transfer from Land purchase fund	50,000	50,000	
Transfer from Cemetery Perpetual Care fund	245,000	245,000	
	<u>\$ 459,917</u>	<u>\$ 479,917</u>	<u>\$ 20,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 443,917	\$ 463,917	\$ 20,000
Capital outlay	16,000	16,000	
	<u>\$ 459,917</u>	<u>\$ 479,917</u>	<u>\$ 20,000</u>
RENTAL CERTIFICATION FUND:			
Means of financing:			
Estimated designated fund balance	\$ 21,305	\$ 41,305	\$ 20,000
Charges for services	185,815	185,815	
	<u>\$ 207,120</u>	<u>\$ 227,120</u>	<u>\$ 20,000</u>
Estimated requirements:			
Ordinary recurring expense:	\$ 207,120	\$ 227,120	\$ 20,000

	As currently <u>Adopted</u>	Per Proposed <u>Amendment</u>	Increase <u>(Decrease)</u>
DOMESTIC PREPAREDNESS FUND:			
Means of financing:			
Grants	\$ _____	\$ 300,000	\$ 300,000
Estimated requirements:			
Ordinary recurring expenses	\$ _____	\$ 150,000	\$ 150,000
Capital outlay	_____	150,000	150,000
	<u>\$ _____</u>	<u>\$ 300,000</u>	<u>\$ 300,000</u>
COMMUNITY DEVELOPMENT BLOCK GRANT FUND:			
Means of financing:			
Grants	\$ 1,023,000	\$ 1,523,000	\$ 500,000
Charges for services	_____	100,000	100,000
	<u>\$ 1,023,000</u>	<u>\$ 1,623,000</u>	<u>\$ 600,000</u>
Estimated requirements:			
Ordinary recurring expense:	\$ 200,000	\$ 200,000	\$ _____
Capital outlay	823,000	1,423,000	600,000
	<u>\$ 1,023,000</u>	<u>\$ 1,623,000</u>	<u>\$ 600,000</u>
HOME PROGRAM FUND:			
Means of financing:			
Grants	\$ 300,835	\$ 580,835	\$ 280,000
Charges for services	_____	20,000	20,000
	<u>\$ 300,835</u>	<u>\$ 600,835</u>	<u>\$ 300,000</u>
Estimated requirements:			
Ordinary recurring expenses:	\$ 30,083	\$ 45,083	\$ 15,000
Capital outlay	270,752	555,752	285,000
	<u>\$ 300,835</u>	<u>\$ 600,835</u>	<u>\$ 300,000</u>

Adopted unanimously.

CM-7. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On May 24, 2005, the City of Port Huron received a single-source quote from CorrPro Companies, Inc., to upgrade the existing cathodic system at the Water Treatment Plant North Water Tower:

CorrPro Companies, Inc. \$7,300.00

It is recommended that the quote of CorrPro Companies, Inc., 1055 W. Smith Road, Medina, Ohio 44256, in the amount of Seven Thousand Three Hundred and 00/100 Dollars (\$7,300.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Steinborn offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

***R-2.** WHEREAS, J.E.M. Investors, LLC, has requested to transfer interest in 2004 Class C licensed business with dance-entertainment permit, located at 1631-1641 Garfield Street, Port Huron, Michigan, by adding Roy C. Krohn as new member through transfer of 51% interest from existing member, John E. McCaffrey*;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

***R-3.** WHEREAS, J.E.M. Investors, LLC, has requested to transfer interest in 2004 Class C-SDM licensed business with dance-entertainment permit, official permits (food and bowling) and 2 bars, located at 1631-1641 Garfield, Port Huron, Michigan, through transfer of 49% interest from existing member, John E. McCaffrey, to existing member, Roy C. Krohn*;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

***R-4.** WHEREAS, ITW Superb Products, 2101 Cypress Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, July 11, 2005, in order to hear comments on the application of ITW Superb Products for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- St. Clair County Regional Educational Service Agency
- Downtown Development Authority

Adopted.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$276.18 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #05-57).

Adopted.

***R-6.** WHEREAS, ALD Thermal Treatment, Inc., 2656 24th Street, Port Huron, Michigan, has applied for Industrial Facilities Exemption Certificates for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, and Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999, a public hearing is to be held on the applications; and

WHEREAS, Act No. 198 and Act. 328 both state that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, July 11, 2005, in order to hear comments on the applications of ALD Thermal Treatment, Inc., for Industrial Facilities Exemption Certificates; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- St. Clair County Regional Educational Service Agency
- Downtown Development Authority

Adopted.

R-7. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron is exposed to various risks of loss and has purchased commercial insurance for property damage, including buildings, contents and other assets, boiler and machinery, computers and other equipment, employee dishonesty and other potential losses; and

WHEREAS, such coverage is necessary for the fiscal year beginning July 1, 2005 and ending June 30, 2006; and thereafter and

WHEREAS, from time to time this benefit is reviewed and analyzed for its appropriateness of coverages, cost effectiveness and other factors; and

WHEREAS, competitive proposals have been solicited from a number of insurance firms which have demonstrated the qualifications, competence and capacity to provide this coverage; and

WHEREAS, the Hartford Insurance Company was selected for property loss coverage, with an estimated annual cost of \$194,019.00, based upon its comprehensiveness of coverage, superior service, exceptional insurance rating and experience with municipalities, and the Hanover Insurance Company was selected for public employee crime and fraud coverage, with an estimated annual cost of \$7,485.00, based upon its superior service, experience and annual cost savings;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves insurance contracts with the Hartford Insurance Company for property loss coverage and the Hanover Insurance Company for public employee crime and fraud coverage in accordance with the insurance requirements of the City and authorizes and directs the proper City officials to execute such agreements.

Adopted unanimously.

***R-8.** WHEREAS, on February 9, 2004 the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Article III, Division 14, Section 2-402:

“Sec. 2-402. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years. In making the initial appointments, the City Council shall appoint three (3) members for terms of one (1) year, three (3) members for terms of two (2) years; and the remaining three (3) members for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.”

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the appointment of John Cruz to fill a vacancy of a term to expire on April 26, 2006 on the Sister City Commission.

Adopted.

R-9. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 23, 2005, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2004 (04/01/04 - 03/31/05) and;

WHEREAS, the Community Development Division of the City has provided a copy of the CAPER for public viewing at the City Clerk’s office and the St. Clair County Public Library for a period of at least 15 days; and

WHEREAS, any comments heard and/or received have been incorporated into the CAPER for review by the U.S. Department of Housing and Urban Development (HUD);

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby authorizes the Community Development Division to submit the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2004 (April 1, 2004 through March 31, 2005), regarding the use of Community Development Block Grant and HOME funds, to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File #05-58).

Adopted unanimously.

R-10. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as:

Lots 13 and 14, Block 4, Factory Land Company's Plat No. 2, including one-half of vacated alley adjacent, also known as: 2419 Little Street

has been brought to the attention of the City Council by the Building Official as Code Case #05-003 (see City Clerk File #05-50) claiming such condition constitutes a nuisance, and

WHEREAS, such property has received repeated inspections by appropriate City Inspection Officials; and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property, violations regarding the Code of Ordinances of the City of Port Huron, and requesting abatement of these conditions; and

WHEREAS, to date there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted May 23, 2005, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, Section 10-211 and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron, and contains the following code violations:

Building Electrical Plumbing Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, Sections 40-19 and 40-20 of the Port Huron City Code of Ordinances.

4. That the City Manager is hereby authorized to solicit and receive bids in order that the City be in position to move promptly to carry out the direction of the City Council as provided for herein.

5. That the City Clerk shall send, by certified mail, return receipt requested, a certified copy of this resolution to the last known address of the property owner, according to the most recent records maintained by the Office of the City Assessor and shall have this resolution also posted on the property.

Adopted unanimously.

***R-11.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager shall appoint seven members from the City of Port Huron subject to approval by the City Council, two members from the Port Huron Area School District, one member from St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners;

Chap. Sec.	Description	Current Fee	Fee Change*
	<u>\$25,001 to \$50,000</u>		
	First \$25,000	352.00	390.00
	For each additional \$1,000, or fraction of, up to and including \$50,000	9.00	9.00
	<u>\$50,001 to \$100,000</u>		
	First \$50,000	580.00	615.00
	For each additional \$1,000, or fraction of, up to and including \$100,000	6.00	7.00
	<u>\$100,001 to \$500,000</u>		
	First \$100,000	895.00	965.00
	For each additional \$1,000, or fraction of, up to and including \$500,000	5.00	6.00
	<u>\$500,001 to \$1,000,000</u>		
	First \$500,000	2,855.00	3,365.00
	For each additional \$1,000, or fraction of, up to and including \$1,000,000	4.00	5.00
	<u>\$1,000,001 and up</u>		
	First \$1,000,000	4,955.00	5,865.00
	For each additional \$1,000,000 or fraction of	3.00	5.00
	Demolition Permit (based on cost):		
	\$0 to 4,999	100.00	
	\$5,000 to \$19,000	200.00	
	\$20,000 to \$49,999	200.00	300.00
	\$50,000 to \$99,999	300.00	400.00
	\$100,000 and up per \$10,000 of additional cost, add	100.00	110.00
	Other Inspections and Fees:		
	Inspections outside normal business hours (minimum charge - two hours)	50.00	55.00
	Re-inspection	50.00	55.00
	Inspection not specifically listed (minimum charge - one-half hour)	50.00	55.00
	Additional plan review required by changes, additions or revisions to plans	50.00	55.00
	Use of outside consultants for plan checking and inspections or both	50.00	55.00
	All projects subject to Plan Review Fee (up to 65% of building permit fee)		
	Certificate of Occupancy Bond (refundable at issuance of final certificate)	50.00	55.00
	Zoning Permit, 1-5 (see below):	15.00	20.00
	1 One-story, detached accessory building used as tool and storage shed, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m)		
	2 Fences six feet (1829mm) or less in height		
	3 Retaining wall four feet (1219mm) or less in height measured from bottom of footing to top of wall (unless supporting a surcharge or impounding Class I, II, or III-A liquids)		
	4 Platforms, walks and driveways not more than thirty (30") inches (762mm) above grade and not over any basement or story below		
	5 Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927L)		
10-32	ELECTRICAL FEES		
	1 Application Fee (Non-refundable)	30.00	35.00
	2 Service:		
	Through 200 amp	25.00	30.00
	Over 200 amp through 600 amp	30.00	35.00
	Over 600 amp through 800 amp	35.00	40.00
	Over 800 amp through 1200 amp	40.00	45.00
	Over 1200 amp (GFP)	55.00	60.00
	3 Circuits (*include all branch circuits, regardless of load-end termination point)	8.00	9.00
	4 Lighting fixtures (per 25)	15.00	20.00
	5 Stationary appliances-dishwasher, disposal, etc.*	7.00	8.00
	6 Furnace, space heater, boiler, etc.*	7.00	8.00
	7 Electrical heating units - baseboard*	7.00	8.00
	8 Power outlets - ranges, dryers, welders, etc.*	10.00	15.00

Chap. Sec.	Description	Current Fee	Fee Change*
9	Signs:		
	Unit*	25.00	30.00
	Letter*	15.00	20.00
	Neon/each 25 feet	25.00	30.00
10	Feeders - bus ducts, all underground conducts/circuits, etc. - per 50 feet	10.00	15.00
11	Additional sub-panel, distribution centers, etc.*	15.00	20.00
12	Motors, air conditioners, transformers:		
	Up to 20 HP or KVA*	25.00	30.00
	21 to 50 HP or KVA*	30.00	35.00
	51 HP/KVA and over*	35.00	40.00
13	Fire Alarms:		
	Up to 10 devices	50.00	55.00
	11 to 20 devices	100.00	110.00
	Over 20 devices (each)	7.00	8.00
14	Energy retrofit - temp controls	50.00	55.00
15	Conduit only or grounding only	50.00	55.00
16	Special/safety inspection (per hour)	45.00	50.00
17	Additional inspection	30.00	35.00
18	Final inspection	30.00	35.00
19	Certification fee	15.00	20.00
20	Plan review (per hour)	50.00	55.00
21	License registration	20.00	25.00
	* If a new circuit, it must be included in #3		
	** Sub-panel fee is in addition to feeder in #10		
10-32	PLUMBING FEES		
	Application fee (non-refundable)	30.00	35.00
	Mobile Home Park Site	5.00	10.00
	Fixtures, floor drains, special drains, water connected appliances	5.00	10.00
	Stacks (soil, waste, vent and conductor)	3.00	5.00
	Sewage ejectors, sumps	5.00	10.00
	Sub-soil drains	5.00	10.00
	Water Service:		
	Less than two inches (2")	5.00	10.00
	Two (2") to six (6") inches	25.00	30.00
	Over six (6") inches	50.00	55.00
	Connection building drain - building sewer	5.00	10.00
	Sewers (sanitary, storm, or combined):		
	Less than six inches (6")	5.00	10.00
	Six inches (6") and over	25.00	30.00
	Manholes, catch basins	5.00	10.00
	Water distributing pipe (system):		
	Three-quarter inch (3/4") water distribution pipe	5.00	10.00
	One inch (1") water distribution pipe	10.00	15.00
	One and one-quarter inch (1-1/4") water distribution pipe	15.00	20.00
	One and one-half inch (1-1/2") water distribution pipe	20.00	25.00
	Two inch (2") water distribution pipe	25.00	30.00
	Over two inch (2") water distribution pipe	30.00	35.00
	Reduced pressure zone back-flow preventer	5.00	10.00
	Special/safety inspection (includes certification fee)	45.00	50.00
	Additional inspection underground plumbing	30.00	35.00
	Final inspection	30.00	35.00
	Certification fee	15.00	20.00
	Plan review (per hour)	50.00	55.00
	License registration fee	15.00	20.00
10-32	MECHANICAL FEES		
	Application fee (non-refundable)	30.00	35.00
	Residential heating system (includes duct and pipe)	50.00	55.00
	Gas/oil burning equipment - new and/or conversion units	30.00	35.00
	Residential boiler (state boiler license required)	30.00	35.00
	Water heater	5.00	10.00
	Flue/vent damper	5.00	10.00

Chap. Sec.	Description	Current Fee	Fee Change*
	Solid fuel equipment (includes chimney)	30.00	35.00
	Gas burning fireplace	30.00	35.00
	Chimney, factory built - installed separately	25.00	30.00
	Solar - set of three panels (includes piping)	20.00	25.00
	Gas piping; each opening - new installation	5.00	10.00
	Air conditioning (includes split systems)	30.00	35.00
	Heat pumps; complete residential	30.00	35.00
	Bath, kitchen and dryer exhaust	5.00	10.00
	Tanks:		
	Aboveground	20.00	25.00
	Underground	25.00	30.00
	Humidifiers	10.00	15.00
	Piping per foot(minimum \$25.00)	0.05	
	Duct per foot (minimum \$25.00)	0.10	
	Heat pumps; commercial (pipe not included)	20.00	25.00
	Air handlers/heat wheels:		
	Under 10,000 CFM	20.00	25.00
	Over 10,000 CFM	60.00	65.00
	Commercial hoods	15.00	20.00
	Heat recovery units	10.00	15.00
	V.A.V. boxes	10.00	15.00
	Unit ventilators	10.00	15.00
	Unit heaters (terminal units)	15.00	20.00
	Fire suppression/protection per head (minimum \$20.00)	1.00	
	Evaporator coils	30.00	35.00
	Refrigeration (spilt system)	30.00	35.00
	Chiller	30.00	35.00
	Cooling towers	30.00	35.00
	Compressor	30.00	35.00
	Special/safety inspection (includes certification fee)	45.00	50.00
	Additional inspection	30.00	35.00
	Final inspection	30.00	35.00
	Certification fee	15.00	20.00
	Plan review (per hour)	50.00	55.00
	License registration fee	15.00	20.00
10-156	Rental registration fee		
	One-time fee, each building	10.00	
10-162	Rental - Annual operating fees		
	Per unit fee for the first unit up to 20 units and at the same site	35.00	
	Inspection of every unit thereafter	28.00	
10-164	Rental - Final notice of violation		
	Reinspection fee	100.00	
12-84	Auto-wash establishment license		
	Annual fee	50.00	55.00
12-289	Massage establishment license		
	Processing fee	25.00	
	Annual license fee	25.00	30.00
12-290	Massagist license		
	Processing fee	25.00	
	Annual license fee	10.00	15.00
12-346	Pawnbroker's license		
	Annual fee	100.00	110.00

Chap. Sec.	Description	Current Fee	Fee Change*
12-406 and 12-408	Peddler's license		
	Processing fee - single applicant	25.00	
	Processing fee - group (up to four applicants) Each additional applicant	50.00	15.00
	Per month	30.00	35.00
	Three-month fee	75.00	80.00
	Per year	200.00	250.00
	Additional persons from group for the original term of license or renewal period	15.00	
12-438 and 12-439	Solicitor's license		
	Processing fee - single applicant	25.00	
	Processing fee - group (up to four applicants) Each additional applicant	50.00	15.00
	Per month	30.00	35.00
	Three-month fee	75.00	80.00
	Per year	200.00	250.00
	Additional persons from group for the original term of license or renewal period	15.00	
12-467	Transient merchant's license		
	Processing fee	25.00	
	Sale period, 30-consecutive days (only 4 sale periods issued per year, per applicant)	40.00	45.00
	Additional locations, same applicant and sale period	25.00	30.00
12-476	Special events vendor permit		
	Processing fee Annual fee	100.00	25.00
12-502	Secondhand dealers Annual fee	50.00	55.00
12-541	Precious metal and gem dealers Certificate of registration	50.00	55.00
12-636	Taxicab license		
	Annual fee per vehicle Transfer of existing taxicab license to another vehicle	25.00	10.00
12-660	Taxicab driver's license		
	Annual fee	20.00	25.00
12-701	Taxi service schedule of fares		
	For the first 1/6 mile or fraction thereof	1.85	
	For each additional 1/6 mile or fraction thereof	0.30	
	Waiting time - each minute or fraction thereof	0.35	
	Extra passengers - no charge All rates authorized in this section may, in the discretion of the taxicab licensee, be discounted 10% for senior citizens.		
12-728	Busking permit		
	Per act, semi-annually	10.00	
30-33	Lot splits	100.00	110.00
30-34	Subdivision regulations Fees and development charges	Actual cost	
38-47	Garbage and trash collector's permit		
	Annual fee per vehicle Transfer of existing license to another vehicle	25.00	35.00 10.00
	Permit to operate a disposal area Annual fee	25.00	

Chap. Sec.	Description	Current Fee	Fee Change*
48-154	Water Department service charges		
	<i>Annual hydrant charge</i>		
	Inside city	40.00	
	Outside city	60.00	
	<i>Meter reading charges</i>		
	Turn on	20.00	25.00
	Turn off	20.00	25.00
	Initial reading (without turn off or on)	15.00	20.00
	Final reading (without turn off or on)	15.00	20.00
	Turn on with initial read	30.00	35.00
	Shut off with final read	30.00	35.00
	Turn off, turn on, same day	30.00	40.00
Private use of hydrants - Connection	25.00		
	- Weekly use	25.00	
48-159	Testing water meters		
	Meter found to be accurate	50.00	75.00
52-105 and 52-128	Board of Zoning Appeals Fees		
	Variance request	100.00	110.00
	Rezoning request	200.00	220.00

*Proposed fee changes are listed in the chart next to the current fees. Language changes describing fees are in italics within the description.

Adopted unanimously.

R-14. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it has been determined that a sidewalk be constructed on the south side of Holland Avenue from the east right of way line of Holland Park Lane to the west right of way line of Parkway Drive; and

WHEREAS, upon investigation it has been found that the proposed sidewalk is of public necessity; and

WHEREAS, the Department of Public Works has designed the aforementioned sidewalk and has received competitive bids to construct said sidewalk;

NOW, THEREFORE, BE IT RESOLVED that the property owners adjacent to the south right of way of Holland Avenue from the east right of way line of Holland Park Lane to the west right of way line of Parkway Drive are hereby required to build the sidewalk adjacent to their property in accordance with the City design specifications; and

BE IT FURTHER RESOLVED that in accordance with Section 42-56, of the Code of Ordinances that the appropriate City officials are hereby authorized to implement the requirement of the City Ordinance for this project by directing the City Clerk to give notice to said property owners and the Director of Public Works to cause the construction of the sidewalk not built by the property owner.

Adopted unanimously.

R-15. WITHDRAWN (See Public Audiences)

R-16. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Legislature has been working on the state's fiscal 2006 budget which takes effect October 1, 2005; and

WHEREAS, a \$1 million reduction in funding to Amtrak has been proposed for the State's 2005-06 fiscal year which would mean the cessation of the Blue Water Line which runs from Port Huron to Chicago; and

WHEREAS, since the new Blue Water Line was instituted one year ago ridership has steadily increased, with the latest figures reporting a 14.4% increase in April and a 20.9% increase year to date; and

WHEREAS, the Blue Water Line is a vital service for many, both residents and visitors, and it is an important ingredient when addressing economic opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby urges our state legislators to find solutions to the budget situation that would allow the continuance of Amtrak's Blue Water Line.

Adopted unanimously.

R-17. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City Council, at its April 4, 2005 Special Meeting, requested that a panel be formed to examine options when the McMorran Authority ends in 2006;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints the following people to serve on a committee for the purpose of developing options upon the 50 year expiration of the McMorran Authority as stated in their Articles of Incorporation;

Tom Hutka	Randy Maiers
Mark Neal	(One other representative of the Comm. Found. Board)
Morris Snider	Doug Alexander
Shaun Groden	(One other representative of the EDA Board)
Pat Anger	Donna Niester
Larry Krabach	Paul Maxwell
Jim Currier	Marshall Campbell
Chuck Wanninger	Don Fletcher
Brian Connolly	(Two representatives of user groups)

BE IT FURTHER RESOLVED that the Committee present a report with recommendations within six months.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Discussion held on possible "Educational Exchange" visit to similar city in Michigan. The City of Holland was chosen and the Administration is to set up visit for sometime this summer.

2. **Mayor Pro-tem Cutcher** announced Town North Clean Up day on June 25, 2005, 8 a.m. until noon.

3. **Councilmember Prax** asked when the building at the corner of 11th and Wall was going to be demolished (also house on Superior). Kim Harmer, Planning Director, stated that they should be down in the next five to seven days. She also stated that a representative from City Council should attend the All America City Award ceremony on June 25 in Atlanta, Georgia, in hopes that the City wins. Tom Hutka, City Manager, stated that if a Councilmember is interested in attending to contact him and he will make the arrangements.

4. **Councilmember Jacobs** congratulated all the 5th grade graduates from Woodrow Wilson School, especially her two twin daughters. She also thanked the Community Foundation for funds given to the school for improvements.

5. **Mayor Neal** asked whether the City Administration is working with the federal government to keep the post office in Port Huron and whether a letter should be sent from Council encouraging this. Tom Hutka, City Manager, stated they have been working with them but he will check to see if they are still in the comment period and have a letter drafted to be sent by Council.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 27, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal at 8:05 a.m.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 8:10 a.m.) and Prax.

Absent: Councilmember Steinborn.

NOTE: The first matter discussed by City Council was Miscellaneous Business #1 dealing with the Port Huron Flags. For continuity, please refer to that section for the discussion and action taken.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, through the Help America Vote Act (HAVA), which mandates that all jurisdictions within each state be on the same voting system, each jurisdiction in Michigan will be receiving new optical scan voting equipment; and

WHEREAS, it has been decided in St. Clair County to use the Optech Insight optical scan voting equipment; and

WHEREAS, before each jurisdiction can receive the equipment a grant application must be submitted to the State of Michigan for full funding; and

WHEREAS, the City of Port Huron wishes to apply to the Secretary of State for a grant in 2005 to purchase the optical scan voting system and related Election Management System (EMS) software to comply with the Help America Vote Act (HAVA);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City Clerk to submit and, subsequently, accept a grant application on behalf of the City of Port Huron for full funding to acquire the necessary optical scan voting system and related Election Management System (EMS) software.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmember Steinborn.

R-2. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, Act 451, P.A. 1994, as amended, provides for the conveyance of state-owned tax reverted lands to municipal units for public purposes; and

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above-mentioned act as follows:

PROPERTIES TO BE PURCHASED:

- 1. Lot 11, Block 36, White Plat, commonly known as: 727 Chestnut Street
- 2. Lot 8, Block 46, White Plat, commonly known as: 1511 - 6th Street; and

WHEREAS, the Port Huron Neighborhood Housing Corporation (PHNHC), at their June 16, 2005, meeting expressed interest in purchasing these properties for the purpose of neighborhood preservation within the community; and

WHEREAS, the City would need to be the purchaser and then subsequently transfer the property to the PHNHC for the purpose of completely renovating or rebuilding the structure(s) for sale to a low-to moderate-income family that is a first-time home buyer;

NOW, THEREFORE, BE IT RESOLVED, that the City of Port Huron is authorized to make application to the State of Michigan, Department of Treasury, Real Estate Division for the conveyance of said land to the City of Port Huron for a nominal fee of Ten Thousand Nine Hundred and Ninety-Nine Dollars and 22/100 (\$10,999.22) as set by the Department of Treasury; and

BE IT FURTHER RESOLVED, that the City of Port Huron shall set up the necessary procedures and controls to provide for proper distribution of funds arising from the subsequent sale of acquired property in conformity with the above-mentioned act.

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmember Steinborn.

AT THIS POINT, Mary Wrocklage, Port Huron Neighborhood Housing Corp. secretary-treasurer and Community Development Division employee, presented to the Mayor and Council the All-America City Award given to the City by the National Civic League last weekend in Atlanta, Georgia, along with a copy of the program from the event. (See City Clerk File #05-59)

MISCELLANEOUS BUSINESS

1. Port Huron Flags. Charlie Barrett and Dan Isenberg from the Port Huron Flags team gave an update on their progress with player recruitment, hiring of employees and season ticket holder sales. They requested that a member of Council be appointed to serve as a non-voting member of their nonprofit corporation.

Councilmember Cutcher moved to appoint Mayor Neal to serve as the City's nonvoting representative on the Port Huron Flags board. Motion adopted by the following vote:

Yes: Councilmembers Cutcher, Fisher, Haynes and Prax.
No: None.
Abstain: Mayor Neal.
Absent: Councilmembers Jacobs and Steinborn.

2. Post Office Location. Scott Pickelhaupt, Assistant to the City Manager, updated the Council on this matter. A draft copy of a letter to be sent by the Mayor to Ms. Judy Balanda, Vice President Facilities, U. S. Postal Service, was discussed (see City Clerk File #05-60). It was also suggested that the Mayor send a "Letter to the Editor" asking citizens to write a letter to the above-listed postal official to express their desire to keep at least the retail portion of the post office in the downtown area.

3. Water Monitoring Station. Robert Clegg, City Engineer, informed the Council of the request by National Oceanic and Atmospheric Administration (NOAA) to lease City property at the south end of the Water Reclamation Facility to construct a building that would measure water flow/depth levels used for navigational purposes, measuring of atmospheric conditions and other water resource management and development activities. As the City Attorney has determined that the property to be leased is "waterfront property," approval by the electorate is required. A resolution authorizing a ballot question for the general election on November 8, 2005, will be put on the Council's next agenda for consideration.

4. Councilmember Prax stated that she understands the Sesquicentennial Committee has asked for monies through the Kiefer Trust Fund to help pay for a statue. Discussion held on whether this was allowed under the provisions of the trust and will the Council be opening the door for other groups/organizations to also ask for funding (i.e., First Night, Sister City, etc.).

Councilmember Haynes asked that Council receive a copy of the trust fund language (original will, court rulings, etc.) so they can have firsthand knowledge of the requirements for spending the funds. Mayor Neal wondered if the trust fund dollars could be spent on promoting the All-America City Award just received.

It was decided to place this matter on the Council's next workshop to discuss further.

5. Councilmember Haynes (9:05 a.m.) moved to enter into an executive session to discuss land acquisition. Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Prax.

No: None

Absent: Councilmember Steinborn.

Councilmember Prax (9:20 a.m.) moved to reconvene into regular session. Motion to reconvene adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Prax.

No: None

Absent: Councilmember Steinborn.

On motion (9:20 a.m.), meeting adjourned.

SUSAN M. CHILD, CMC
Deputy City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 11, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Bill Terry, St. John's United Church of Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn. Absent: Councilmember Fisher.

The minutes of the regular meeting of June 13, 2005, and the special meeting of June 27, 2005, were approved.

PRESENTATIONS

1. Susan Amato, St. Clair County Health Department, presented the Healthy Community Checklist process as developed by the Healthy Community Coalition and stated their goal of encouraging environmental changes. She also thanked the City for its participation.
2. Dr. Rose Bellanca, President, St. Clair County Community College, thanked the City Council for their cooperation in the bookstore plans and presented the College's capital facility plans.
3. Tom Barrett, Chairman of the Downtown Development Authority (DDA), introduced various members of the DDA that were present in the audience and presented the DDA's recently developed Mission Statement, Strategic Drivers and Potential Activity - Objectives requesting the Council's endorsement. (Note: Mayor Protem Cutcher requested that a joint meeting be held.)
4. Representatives of the delegation to the All America City award final competition reported on their work in Atlanta and designation of Port Huron as an All America City (Kim Harmer, Planning Director, gave the narrative and introduced fellow attendees Sherry Archibald, Anissa Burton, Mary Wrocklage, Randy Fernandez, Justin King, Lynn and Bob Hines, Marshall Campbell and Donna Neister). Marshall Campbell, President, Citizens First, made comments and congratulated Kim Harmer and Randy Fernandez for their work on this project.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of ITW Superb Products, 2101 Cypress Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of ALD Thermal Treatment, Inc., 2656 - 24th Street, for Industrial Facilities Exemption Certificates. (Resolution #3)

Doug Alexander, Executive Director, EDA, and Phil Frazier, CFO for ALD Thermal Treatment, Inc., South Carolina, addressed the City Council requesting their support of the application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. John Rigney, President, MainStreet, addressed the City Council and congratulated everyone involved in getting the All America City designation and expressed MainStreet's support of continued negotiations with the Terra Land Group.

CONSENT AGENDA

Councilmember Steinborn offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Fisher.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Spirit of Port Huron nominations are being accepted through Friday, July 29, and should be sent to the Mayor's office for consideration by the selection committee.
- Nominations for Yard of the Year will be accepted through Friday, July 15, in the City Clerk's office.

Upcoming Events in the City:

July 13, Big Screen Movie, Crull School, Willy Wonka & the Chocolate Factory
July 14 and 28, Art in the Park, 10th Street Bridge area
July 15-16, Antique & Classic Auto Parade and Show
July 17, Southside Blues & Jazz Festival, Lincoln Park
July 19-23, McDonagh's Carnival, McMorrans parking lot
July 20, Youth Parade, 1 p.m., and Rotary International Day Parade, 6:30 p.m.
July 21, Mackinac Race Festivities begin (race Sat., July 23)
July 24, Sand Sculpture Contest, Lighthouse Beach
July 26, Big Screen Movie, Harrison School, The Incredibles
July 28, Water Warriors (Special Olympics) will be in Port Huron

COMMUNICATIONS & PETITIONS

C-1. Councilmember Steinborn moved to receive and file the following communication:

From Tom Barrett, Chairman, Downtown Development Authority, requesting that the City Council endorse the DDA's Mission Statement, Strategic Drivers and Potential Activity - Objectives and also the DDA's work in reviewing specific downtown development projects.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

NOTE: Mayor Pro-tem Cutcher requested that a joint meeting between City Council and the DDA be held prior to the Council's next regular meeting in order to discuss this request before giving the Council's endorsement.

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On June 9, 2005, the City of Port Huron received three (3) quotes for an HP Designjet 1050C Plus Plotter for use in the Planning Department:

PC Mall	\$6,238.00
CDW-G	\$6,695.00
Insight	\$6,426.00

It is recommended that the bid of PC Mall, P.O. Box 308, Menomonee Falls, Wisconsin, 53052, in the amount of Six Thousand Two Hundred Thirty-eight and 00/100 Dollars (\$6,238.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

CM-2. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

The City of Port Huron Fire, Police and Public Works employees are required to be tested annually to meet respirator fit standards. Testing is necessary based on the life threatening environments faced by responders every day. Previously, this testing was performed by a vendor.

On July 1, 2005, the Port Huron Fire Department received two (2) quotes for a TSI Model #8028 Universal PortaCount Respirator Fit Test System to be purchased under the Michigan 2004 Homeland Security Grant Program as follows:

Argus Supply Company	\$10,150.00
Time Emergency Equipment, LLC	\$11,999.95

It is recommended that the quote from Argus Supply Company, 46400 Continental Dr., Chesterfield, Michigan 48047 in the amount of Ten Thousand One Hundred Fifty and 00/100 Dollars (\$10,150.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

CM-3. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On April 25, 2005, the City of Port Huron received one (1) quote for the purchase and installation of tactical electronic equipment for use in the Port Huron Police Department:

Tactical Electronics	\$29,200.00
----------------------	-------------

Tactical Electronics is the sole distributor of this type of electronics.

It is recommended that the quote of Tactical Electronics, P.O. Box 152, Broken Arrow, Oklahoma 74013-0152, in the amount of Twenty Nine thousand Two Hundred and 00/100 Dollars (\$29,200.00) be accepted with full funding through the Department of Homeland Security grant funding and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

CM-4. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On June 23, 2005, the City of Port Huron received one (1) quote for the purchase of a Direct Link Generation II Crisis Negotiations Phone System for use in the Port Huron Police Department:

Enforcement Technology Group	\$23,500.00
------------------------------	-------------

The Police Department is currently using an ATT Crisis Negotiations Phone System that is 15 years-old and cannot be upgraded. The Generation II Crisis Negotiations Phone System will enable the Department's Crisis Negotiations Unit to better assess, handle and resolve crisis negotiations incidents using its advanced technology. The system is currently being used by more than 250 law enforcement agencies in the United States and 95 units are being used by the U.S. Armed Forces.

Enforcement Technology Group is the sole manufacturer and vendor of the Direct Link Generation II Crisis Negotiations Phone System in the United States.

It is recommended that the quote of Enforcement Technology Group, 400 N. Broadway, Fourth Floor, Milwaukee, Wisconsin 53202, in the amount of Twenty Three Thousand Five Hundred and 00/100 Dollars (\$23,500.00) be accepted with full funding through the United States Department of Homeland Security grant program and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Councilmember Fisher.

CM-5. Councilmember Steinborn offered and moved the adoption of the following City Manager's recommendation:

On June 8, 2005, the City of Port Huron received three (3) proposals for the replacement of the entry doors at the Municipal Office Center, Project Number:

Port Huron Auto Glass, Inc.	\$20,564.16
Detroit Door & Hardware	\$21,000.00
Henderson Glass	\$25,625.00

It is recommended that the bid of Port Huron Auto Glass, Inc., 4120 Lapeer Road, Port Huron, Michigan 48060, in the amount of Twenty Thousand Five Hundred Sixty-Four and 16/100 Dollars (\$20,564.16) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Councilmember Fisher.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
 No: None.
 Absent: Councilmember Fisher.

***R-2.** WHEREAS, ITW Superb Products, 2101 Cypress Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on July 11, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the ITW Superb Products application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as ITW Superb Products is located.

Adopted.

***R-3.** WHEREAS, ALD Thermal Treatment, Inc., 2656 - 24th Street, Port Huron, Michigan applied for an Industrial Facilities Exemption Certificate for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, and Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999, a public hearing was held on July 11, 2005, to hear comments on the applications; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes were notified of the public hearing prior to said meeting; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby approves the ALD Thermal Treatment, Inc., application for an Industrial Facilities Exemption Certificate for twelve (12) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the applications to the State Tax Commission; and

BE IT FURTHER RESOLVED that ALD Thermal Treatment, Inc., 2656 - 24th Street, is an "eligible business" within an "eligible district" (an Industrial Development District established by resolution of the City Council on December 26, 1976) and is qualified to receive a 100% exemption on personal property for two years as provided by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property:
12/31/05 to 12/31/07 (2 years - 100% abatement))
12/31/05 to 12/31/17 (12 years - 50% abatement)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as ALD Thermal Treatment, Inc., is located.

Adopted.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of lawn mowing shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$750.00 for lawn mowing upon the lots and premises described in the attached special assessment report (see City Clerk file #05-61).

Adopted.

R-5. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering design services for the Grandview Tower boiler replacement and the Municipal Office Center boiler replacement projects; and

WHEREAS, BCF Engineering Inc. is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BCF Engineering Inc. for professional engineering design services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BCF Engineering Inc. for professional engineering design services for the Grandview Tower boiler replacement and the Municipal Office Center boiler replacement projects and authorizes the appropriate City officials to execute the agreement (see City Clerk File #05-62).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 42-57; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$533.00 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #05-63).

Adopted.

R-7. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, there has been a request by the National Oceanic and Atmospheric Administration (NOAA) to lease City property at the south end of the Water Reclamation Facility to construct a building and piping that would measure water flow/depth levels used for navigational purposes, measuring of atmospheric conditions and other water resource management activities; and

WHEREAS, Section 78 of the City Charter for the City of Port Huron requires that any development, lease or sale of any City-owned waterfront property be approved by a majority of the electorate;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Clerk to make all necessary arrangements in accordance with the law for the placement on the ballot at the Odd-Year General Election to be held on Tuesday, November 8, 2005, the following question:

PROPOSITION NO. 1

“Shall the City of Port Huron be authorized to lease City property at the south end of the Water Reclamation Facility to the National Oceanic and Atmospheric Administration (NOAA) to construct a building and piping that would measure water flow/depth levels used for navigational purposes, measuring of atmospheric conditions and other water resource management activities?”

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

R-8. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, a request has been received for a special use permit to construct a parking lot in an R-1, Single- and Two-Family Residential zoning district at 1417 Lyon Street (adjacent to 1903 - 10th Avenue); and

WHEREAS, on July 5, 2005, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 5 ayes; 0 nays; 4 absent; 0 abstained) of the special use permit request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request to construct a parking lot in an R-1, Single- and Two-Family Residential zoning district at 1417 Lyon Street (adjacent to 1903 - 10th Avenue).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Steinborn.
No: Councilmember Prax.
Absent: Councilmember Fisher.

R-9. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, a request has been received for a special use permit to conduct a used car sales business in an C-1, General Business zoning district at 2731 Pine Grove Avenue; and

WHEREAS, on July 5, 2005, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 5 ayes; 0 nays; 4 absent; 0 abstained) of the special use permit request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request to conduct a used car sales business in an C-1, General Business zoning district at 2731 Pine Grove Avenue.

Councilmember Cutcher moved to postpone action until the next regular meeting of the City Council on August 8, 2005.

Motion *rejected* by the following vote:

No: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
Yes: None.
Absent: Councilmember Fisher.

AT THIS POINT, John Carlton, owner of 2731 Pine Grove Avenue, addressed Council in answer to their questions.

Motion to approve adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Fisher.

NOTE: Council requested that the "special use permit" portion of the zoning ordinance be reviewed with any suggested changes, before adoption of the amendments to the zoning ordinance, which is being introduced later in this agenda, to address items such as this when someone is requesting a permit for a second business at the same location.

***R-10.** WHEREAS, Section 12-631 of Chapter 12 of the Port Huron City Code states that taxi cab licenses be approved by City Council subject to the condition that the licenses are issued only upon receipt of proper application; and

WHEREAS, on September 13, 2004 there were four licenses approved for Ruby's (Port Huron Taxi Company); and

WHEREAS, Brian Duenaz, owner of Ruby's, is in the process of selling his taxi cab business to Donald J. Swinson;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves transferring the approval of four taxi cab licenses from Brian Duenaz, doing business as Ruby's (Port Huron Taxi Company) to Donald J. Swinson for the balance of the licensing year, which ends October 31, 2005.

Adopted.

R-11. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron is required to research and develop an all hazard mitigation plan in order to substantially reduce the risk of future damage, hardship, loss or suffering resulting from a major disaster; and

WHEREAS, the City of Port Huron Office of Emergency Management has, in cooperation with other city departments, created a hazard mitigation plan; and

WHEREAS, input from the public is important to the effectiveness of disaster planning; and

WHEREAS, a copy of the hazard mitigation plan is available for review and comment in the City Clerk's Office and Office of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, August 8, 2005 to hear comments from the public on the City of Port Huron's Hazard Mitigation Plan (see City Clerk File #05-64).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.
No: None.
Absent: Councilmember Fisher.

ORDINANCES

O-1. Councilmember Prax moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs, Prax and Steinborn.

No: None.

Absent: Councilmember Fisher.

NOTE: Mayor Pro-tem Cutcher requested that a Council workshop be held to discuss the proposed changes before ordinance given its third and final reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher announced recent ribbon cuttings at Twist & Scoops, Port Huron Flags and Indochina Gardens. Also, announced that there will be a ribbon cutting Wednesday, July 13, at 5 p.m. for Ehardt's new pharmacy downtown. He also cited another successful Town North cleanup, with over 100 tons of trash being collected in the four cleanups they have held. Next cleanup is October 22, "Make a Difference Day." He thanked Huron House and Mike Webster for their work in the cleanups.

2. Councilmember Haynes cited the All America City designation and stated he hoped that we planned on having banners and posters available for promotional opportunities.

3. Mayor Neal questioned Bob Clegg, City Engineer, on the progress on the Military Street project stating that he thought from previous comments that the west side of the street, Water to Court, would be done by July 1st and it's not. Additionally, he stated that Blue Water Habitat is still looking for volunteers to complete their Jimmy Carter Work Project on Rural Street.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 8, 2005, at 5:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal at 5:45 p.m.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

Absent: Councilmember Jacobs.

MOTIONS & MISCELLANEOUS BUSINESS

1. Joint meeting with the Downtown Development Authority (DDA) was held with DDA Members Barrett, Bellanca, Brooks, Campbell, Charron, Connelly, Engle, Hutka and Montgomery. Tom Barrett, DDA Chairman, introduced their board and Executive Director Randy Fernandez.

The DDA's Mission Statement, Strategic Drivers and Potential Activity - Objectives were distributed to City Council (see City Clerk File #05-65) and Brian Connelly explained them, followed by questions from City Council.

Discussion centered around role that the DDA would play with potential developers (by reviewing the projects and making recommendations to City Council), the effect their new direction would have on funding for MainStreet and the process of working with key stakeholders and developers.

Councilmember Cutcher moved to endorse the DDA's Mission Statement, Strategic Drivers and Potential Activity - Objectives and their work in reviewing specific downtown development projects.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

AT THIS POINT, City Council recessed from 6:40 to 6:45 p.m. so that the DDA Board could be excused from the meeting.

2. Discussion held on proposed amendments to the Zoning Ordinance.

On motion (7:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 8 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Vincent Mathews, All National Church of God, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn. Absent: Councilmember Jacobs.

The minutes of the regular meeting of July 11, 2005, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the City of Port Huron’s Hazard Mitigation Plan.

Robert Eick, Fire Chief, went over the details of the Hazard Mitigation Plan.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1421 Wells Street, addressed the City Council congratulating the City on its All-America City Award; questioned whether it would compromise us if Resolution #16 is adopted and money given to St. Clair County; and stated that in goal of cleaning up city would like to see landlords held accountable for the behavior of their tenants.

2. Sharon Bender, South Boulevard, addressed the City Council in opposition to Resolution #16 stating she doesn’t feel the City should subsidize the County and strongly urged the Council to change the time frame from fifteen to five years if it is adopted and stated that the issue of a surcharge on cell phones should be addressed. She also stated that the DDA should not be considered a planning commission and City personnel should review development proposals first and not the DDA and objected to the Council endorsing the DDA’s plans in a special meeting without citizen input. (Tom Hutka, City Manager, responded to Ms. Bender’s concerns.)

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Upcoming events in the City:
- Aug. 10: Big Screen Movie, Lincoln Park
 - Aug. 13: Sidewalk sales, downtown

- Aug. 13-14: Blue Water Indian Celebration Pow Wow, Pine Grove Park
- Aug. 16: Big Screen Movie, Palmer Park,
- Aug. 19-21: U.S. Coast Guard Appreciation Days
- Aug. 27-28: Art on the Avenue, downtown
- Sept. 10: Antique and Classic Boat Show, River Street Marina
- Sept. 10: Port Huron Historic Home Tour

COMMUNICATIONS & PETITIONS

C-1. Councilmember Prax moved to receive and file the following communication and designate Mayor Neal as the voting delegate:

Notification from the Michigan Municipal League that the Annual Convention will be held September 20 - 23, 2005, at the Amway Grand Plaza Hotel, Grand Rapids, and requesting designation of one voting and one alternate delegate.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

FROM THE DIRECTOR OF FINANCE

***1.** The City of Port Huron Administrative Regulation No. 2-1, "Conflict of Interest Policy", adopted by the City Council on June 14, 1993, provides procedures for reporting of situations where a conflict of interest might exist by certain City officials.

The annual conflict of interest statements were transmitted to each City Council member, the City Manager, department heads, division heads and other individuals required by the City Manager on July 1, 2005. Section 3.D of said administrative regulation states, "At the first City Council meeting in August, the City Council shall be notified of the results of the evaluation of the conflict of interest statements by the Director of Finance. The City Council shall take such action as is appropriate concerning any council member who fails to complete the form."

Please be advised that all conflict of interest statements have been returned and no discrepancies have been noted.

Received and filed.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
 No: None.
 Absent: Councilmember Jacobs.

***R-2.** WHEREAS, Collins & Aikman Products, Co. - Textron Automotive, 2100 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, September 12, 2005, in order to hear comments on the application of Collins & Aikman Products, Co. - Textron Automotive for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

***R-3.** WHEREAS, GMA Cover Corporation, 2440 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, September 12, 2005, in order to hear comments on the application of GMA Cover Corporation for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School Board
St. Clair County Community College
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

***R-4.** WHEREAS, the Municipal Employees Retirement Act provides that an annual meeting of the participating municipalities shall be held each year "for the purpose of selecting nominees for membership on the Retirement Board and to transact such other business as may be required for the proper operation of the Retirement System;" and

WHEREAS, it also provides that the governing body of each participating municipality shall certify to the Board the names of the delegates, one of whom shall be an officer and one an employee to represent said municipality at this meeting; and

WHEREAS, the annual meeting for 2005 has been called for on Tuesday, September 20 through Thursday, September 22, 2005, at the Hyatt Hotel, Dearborn, Michigan; and

WHEREAS, the City Clerk has certified the name of John Zielke as employee delegate and the name of Lynda Lynch as employee alternate selected by secret ballot, as prescribed by the Act;

NOW, THEREFORE, BE IT RESOLVED that John H. Ogden be certified as the Officer Delegate and John P. Berry as Officer Alternate, in accordance with the recommendation of the City Manager.

Adopted.

R-5. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron received a certificate of coverage under the State of Michigan General Storm Water Phase II, National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, the General Storm Water Phase II Permit stipulates that the City implement certain requirements using the watershed based approach; and

WHEREAS, the City Council at their August 11, 2003, meeting authorized the City to enter into three operating agreements with other local communities; and

WHEREAS, these operating agreements require the financial participation from the communities that have entered into the agreements; and

WHEREAS, the cost has been determined to complete the required activities for the first year of the operating agreements, and an equitable method of distribution of these costs amongst the member agencies has been developed; and

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials be authorized to pay \$4,769.24 to St. Clair County for the City's share of operating agreement costs for the three Watershed Management Plan agreements, as approved by City Council on August 11, 2003, and as required under our General Storm Water Phase II permit.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$517.21 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #05-66).

Adopted.

***R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 42-57; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$2,080.19 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #05-67).

Adopted.

R-8. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron provides post-employment healthcare benefits for retired employees and will provide such benefits for current employees in accordance with bargaining group agreements and personnel policies; and

WHEREAS, the cost of such post-employment healthcare benefits is recognized annually as an expenditure as current premiums are paid (pay as you go method); and

WHEREAS, the Government Accounting Standards Board (GASB) has issued Statement No. 43 regarding Financial Reporting for Post-employment Benefit Plans Other Than Pension Plans and Statement No. 45 regarding Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions which require that governments calculate the cost of post-employment healthcare benefits and recognize the cost of such benefits actuarially over the employees' working careers, similar to pension costs; and

WHEREAS, the Michigan Commission on Pension and Retiree Health Benefits recommends that governments disclose unfunded post-employment healthcare benefit liabilities and begin a program to set aside monies to reduce those unfunded liabilities; and

WHEREAS, it is necessary to have an actuarial valuation of the City's post-employment healthcare benefits performed in order to calculate the amount of the current liability and determine potential funding methods; and

WHEREAS, the Municipal Employees' Retirement System of Michigan (MERS), which provides pension services for the City of Port Huron, has previously requested proposals for actuarial services and has chosen Gabriel, Roeder, Smith & Company Consultants and Actuaries, as a result of this competitive process; and

WHEREAS, Gabriel, Roeder, Smith & Company, as a part of their annual pension actuarial services for MERS and the City of Port Huron, has developed membership characteristics for the City's active members, inactive vested members and retirees and beneficiaries required to make the necessary actuarial assumptions regarding uncertain future events in order that they can complete the pension actuarial valuation; and

WHEREAS, the membership characteristics, demographic assumptions and actuarial methods developed for the annual pension services can also be used for the actuarial valuation of post-employment healthcare benefits, resulting in a significant cost and time advantage for providing the services; and

WHEREAS, MERS has negotiated a discounted price for MERS members from Gabriel, Roeder, Smith & Company for the provision of annual actuarial and consulting services related to post-employment healthcare plans;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Gabriel, Roeder, Smith & Company, Consultants and Actuaries, to conduct an actuarial valuation of post-employment healthcare benefits for the City of Port Huron and authorizes and directs the proper City officials to execute the agreement and appoints John H. Ogden, Director of Finance, as the Project Coordinator. (See City Clerk File #05-68)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.

No: None.

Absent: Councilmember Jacobs.

***R-9.** WHEREAS, the State of Michigan received a U.S. Department of Homeland Security award for Critical Infrastructure Protection expenditures to be determined on a case-by-case basis for the performance period July 1, 2005 to October 15, 2005 to continue funding for emergency prevention, preparedness and response personnel to prevent, deter, respond to and recover from threats and incidents of terrorism; and

WHEREAS, the City of Port Huron has been identified as a sub-grantee eligible for pass-through funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the submission of this grant application along with any necessary documents to the Department of State Police Emergency Management Division and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan; and
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator, be appointed as project coordinator and authorized representative for all aspects of the grant application and any subsequent agreement that is awarded, including determining the appropriate planning, equipment, training and exercises; and

BE IT FURTHER RESOLVED that the City Council approves acceptance of the grant agreement for homeland security funding through the Department of State Police Emergency Management Division upon being awarded to the City of Port Huron and hereby authorizes the appropriate City officials to execute said agreement.

Adopted.

***R-10.** WHEREAS, pursuant to the Neighborhood Enterprise Zone Act, Public Act 147 of 1992, as amended, the Port Huron City Council adopted Resolution #9 on April 11, 2005, approving the tentative boundaries of a Neighborhood Enterprise Zone per the attached map; and

WHEREAS, the City of Port Huron is committed to creating new residential opportunities for its citizens and strengthening its neighborhoods and the NEZ encourages reinvestment in neighborhoods through the development and rehabilitation of residential housing; and

WHEREAS, per the requirements of Public Act 147, a public hearing is required to receive comments regarding the proposed NEZ;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing for September 12, 2005, to hear comments on the establishment of the proposed Neighborhood Enterprise Zone. Notice of said public hearing shall be published in the Times Herald not less than fifteen (15) days prior to date set for public hearing.

Adopted.

***R-11.** WHEREAS, on April 11, 2005, City Council adopted Resolution #6, which approved the vacation of various City-owned full-width public utility easements on the St. Clair County Community College property located in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street, and Stone Street; and

WHEREAS, said resolution was forwarded to the St. Clair County Register of Deeds for recording and was subsequently returned requesting that a more detailed legal description for the public utility easements be provided; and

WHEREAS, it was determined that in order to fulfill the Register of Deed's request that the vacations should be reconsidered by the Planning Commission and the City Council using the more detailed legal descriptions; and

WHEREAS, on August 2, 2005, the City Planning Commission held a public hearing to hear comments on the vacation of the various public utility easements located on the St. Clair County Community College property as described below:

- 1) That portion of vacated St. Clair Street from the north right-of-way line of vacated Andrew Murphy Avenue to the south right-of-way line of vacated Bard Street, adjacent to Lots 7-12, Block 32 and Lots 1-6, Block 36, Butler Plat.
- 2) That portion of vacated St. Clair Street from the north right-of-way line of vacated Beers Street to 14 feet north of the north right-of-way line of vacated Beers Street, adjacent to the south 14 feet of Lot 12, Block 30, and the south 14 feet of Lot 1, Block 38, Butler Plat.
- 3) That portion of vacated Willow Street from the northeast right-of-way line of vacated River Street to the south right-of-way line of vacated Andrew Murphy Avenue, adjacent to Lot 5, Block 35, Butler Plat.
- 4) That portion of vacated Willow Street from the north right-of-way line of vacated Beers Street to 14 feet north of the north right-of-way line of vacated Beers Street, adjacent to the south 14 feet of Lot 12, Block 38, and the south 14 feet of Lot 1, Block 39, Butler Plat.
- 5) That portion of vacated Bard Street from the east right-of-way line of vacated St. Clair Street to the west right-of-way line of Erie Street, adjacent to Lots 6 and 7, Block 32, and Lots 1 and 12, Block 31, Butler Plat; and

WHEREAS, after due consideration, the Planning Commission rescinded their previous action of March 1, 2005, and subsequently recommended approval (vote: 5 ayes; 0 nays; 4 absent) of the more fully described full-width public utility easement vacations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for September 12, 2005, to hear comments on the previously vacated full-width public utility easements located on St. Clair County Community College property in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street and Stone Street to reflect their corrected property descriptions as described above.

Adopted.

***R-12.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Section 10-167(b), Appeal Process:

"The rental housing board of appeals shall consist of five persons appointed by the city manager and confirmed by the city council. The members of the rental housing board of appeals shall consist of persons who are qualified by experience to pass on matters pertaining to this article and who are not employees of the city. Specifically, the membership of the board shall be (i) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant); (ii) two current rental property owners; (iii) one current rental property occupant (tenant); and (iv) one resident of the city at large who is neither a rental property owner nor occupant (tenant)."

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby reappoints the following individuals to the Rental Housing Board of Appeals with a term to expire as indicated:

Ron Saffee, landlord	June 10, 2007
Linda Reichenbach, citizen-at-large	June 10, 2007

Adopted.

***R-13.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of lawn mowing shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$805.00 for lawn mowing upon the lots and premises described in the attached special assessment report (see City Clerk File #05-69).

Adopted.

R-14. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns a vacant lot on the corner of 17th and Minnie Streets; and

WHEREAS, an offer to purchase a portion of the property has been received from the adjacent property owners, Thomas and Rachel Lewandowski; and

WHEREAS, after careful review, it has been determined the City of Port Huron has no need for a portion of the property;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to sell the following described property to Thomas and Rachel Lewandowski for Five Hundred and 00/100 dollars (\$500.00):

the West 62.50 feet of Lot 12, Block 3, Assessor's Plat of the Weyers Land.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

R-15. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the State of Michigan currently leases 4,242 square feet of space on the fifth floor of the Municipal Office Center for the Michigan Department of Career Development Rehabilitative Services; and

WHEREAS, the current lease has expired and the State of Michigan wishes to continuing leasing the space; and

WHEREAS, a new five-year lease has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease between the City of Port Huron and the State of Michigan for space on the fifth floor of the Municipal Office Center and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #05-70)

Motion adopted by the following vote:

Yes: Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: Mayor Neal.
Absent: Councilmember Jacobs.

R-16. Councilmember Steinborn offered and moved the adoption of the following resolution:

WHEREAS, the County established a 911 Service Plan for St. Clair County on July 22, 1992 under the authority of Public Act 32 of 1986, as amended; and

WHEREAS, pursuant to the 911 Service Plan three existing Public Safety Answering Points (PSAP) were recognized to be included, one being the City of Port Huron; and

WHEREAS, pursuant to the 911 Service Plan charges were assessed on telephones within the County to fund this plan; and

WHEREAS, the St. Clair County 911 Service Plan has been recently amended to increase the recurring emergency telephone operational costs from Forty Nine (\$0.49) Cents to Eighty (\$0.80) Cents per month per subscriber; and

WHEREAS, the City of Port Huron supports the operation of a County-wide interoperable communications system using new technology (specifically 800 MHz technology); and

WHEREAS, an implementation plan for development of an 800 MHz system consisting of four phases has been envisioned with Phase I to consist of building infrastructure of three towers (including one tower located on the Municipal Office Center) and upgrading one State of Michigan tower; and

WHEREAS, contracts have been negotiated by the County with Motorola for the development of the communications system infrastructure; and

WHEREAS, the increase in the telephone surcharge per subscriber of Thirty One (\$0.31) Cents is needed to provide funding for the 800 MHz Communications System improvements; and

WHEREAS, it is anticipated that additional grants for the development of the 800 MHz system may be obtained.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby approves an agreement with St. Clair County committing the Thirty-One (\$0.31) Cent per month per subscriber increase for assessments made on all telephone subscribers within the City for a period that shall not exceed fifteen (15) years from July 1, 2005 in consideration of mutual promises of the parties and in conformity with applicable law and authorizes the appropriate City officials to execute said agreement (see City Clerk File #05-71).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

(During the discussion of this resolution Shaun Groden, County Administrator/Controller, addressed the City Council and answered questions. For a copy of his memo addressing the 800 MHz Communications System, see City Clerk File # 05-72.)

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced July 11, 2005, entitled and reading as follows be given its third and final reading and enacted:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

Councilmember Cutcher moved to *postpone* action until the September 12, 2005, regular City Council meeting to allow an opportunity to ask additional questions at a future workshop.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Prax and Steinborn.
No: None.
Absent: Councilmember Jacobs.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher announced Coast Guard Appreciation Days August 19-21, 2005, and outlined the specific activities planned for this weekend.

2. Councilmember Prax responded to Sharon Bender's comments (Public Audience #2) about no citizen input on DDA decision stating that the item in question was on the agenda at the Council's last meeting and also if she had wanted to speak the Council would have allowed her to. Councilmember Prax also wished Councilmember Steinborn good luck on his move to New York City.

3. Councilmember Steinborn announced his resignation from City Council, effective August 31, 2005, due to his move out of state and submitted a letter of resignation.

4. Councilmember Fisher moved to receive and file and accept Councilmember Steinborn's resignation.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, and Prax.
No: None.
Abstain: Councilmember Steinborn.
Absent: Councilmember Jacobs.

Mayor Neal expressed his regrets that Councilmember Steinborn is leaving and wished him well.

5. Mayor Neal commented on the All-America City Award celebration held earlier in the day at McMorran with Governor Granholm. **Councilmember Prax** followed his comments thanking Kim Harmer, Planning Director, and her staff for all they contributed toward the City receiving this award.

On motion (8:50 p.m.), meeting adjourned.

PAULINE M. REPP, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, September 6, 2005, at 8:00 a.m. in the Memorial Room, McMorran Complex, 701 McMorran Boulevard.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 8:15 a.m.) and Prax.

Vacancy: One.

City Manager Tom Hutka introduced Jon Forster from Carl Walker and Dave Clark from Fishbeck, Thompson, Carr & Huber, Inc., the parking consultants hired to do a downtown parking study.

Jon Forster presented the study (see City Clerk File No. 05-73 for a copy of the report) stating that of the survey sent out by the City to residents 189 of them were returned. He talked about how McMorran and S.C.C.C.C. would be affected should the parking lots adjacent to their facilities be sold for development and about parking structures as a replacement. (During discussion, Mr. Forster stated that a parking structure would run approximately \$15,000 per space and another \$400 to \$700 per space to operate and that TIF dollars and the sale of the lots could be used to finance.)

In addition to questions and comments from City Council, the following people addressed Council relative to this subject matter: Larry Krabach, General Manager, McMorran, stating he feels that the data collected was skewed; Charles Barrett, Cawood Auto & Port Huron Flags Hockey, stating he feels there would be a need for a parking structure if the lots are sold and that the winter weather will make a difference as to whether people will walk a distance; a student from S.C.C.C.C. stating concerns that there will be an increased cost for parking; Fred Moore, owner of former J.C. Penney building, stating that convenient parking is critical and that the study of the future of McMorran needs to be completed before deciding on the lot; Dianna Maxwell, S.C.C.C.C. Trustee, stating she does not see the benefit of the proposal to sell the lots.

Tom Hutka, City Manager, stated that the Terra Land Group proposal (which would involve selling the lots) should be in front of DDA and then City Council in the next few weeks.

Councilmember Prax requested that this same presentation be given at the regular City Council meeting on Monday, September 12, 2005, and be discussed at a future workshop once City Council receives input from the community.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City has prepared the Downtown Port Huron Commercial Development Action Plan and the Downtown Port Huron Development Request for Proposals to find appropriate private companies interested in new mixed use construction in the city's Central Business District; and

WHEREAS, one of the parcels on which development is sought is the West Quay Street parking lot while reserving ownership by the City of the walkway along the Black River and public use thereof; and

WHEREAS, the West Quay Street parking lot constitutes waterfront property; and

WHEREAS, Section 78 of the City Charter for the City of Port Huron requires that any development, lease or sale of any City-owned waterfront property be approved by a majority of the electorate; and

WHEREAS, before a developer can reasonably be expected to make significant monetary commitments towards the development process there must be certainty of adequate property available for development.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Clerk to make all necessary arrangements in accordance with the law for the placement on the ballot at the Odd-Year General Election to be held on Tuesday, November 8, 2005, the following question:

PROPOSITION NO. 2

"Shall the City of Port Huron be authorized until December 31, 2008, to sell, long-term lease or option to sell the property known as the West Quay Street parking lot to Terra Land Group for the purpose of development, keeping City ownership of the seawall and walkway along the Black River for use and access by the public?"

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Prax.

No: None.

Absent: None.

Vacancy: One.

R-2. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the Water Street Marina has been operating at a loss for several years; and

WHEREAS, the James C. Acheson Charitable Foundation is interested in acquiring the Water Street Marina for development for marina and other development; and

WHEREAS, Section 78 of the City Charter for the City of Port Huron requires that any development, lease or sale of any City-owned waterfront property be approved by a majority of the electorate;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Clerk to make all necessary arrangements in accordance with the law for the placement on the ballot at the Odd-Year General Election to be held on Tuesday, November 8, 2005, the following question:

PROPOSITION NO. 3

"Shall the City of Port Huron be authorized to sell or long-term lease the property known as the Water Street Marina to the James C. Acheson Foundation for the purpose of redevelopment of the property for marina and other development?"

NOTE: Councilmember Haynes stated his relationship with the Acheson Foundation but said it was not a conflict with this particular request so he would not be abstaining.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Prax.
 No: None.
 Absent: None.
 Vacancy: One.

During the discussion of this item, audience member Ken Harris asked about putting this property on the open market.

AT THIS POINT (10:10 a.m.), Councilmember Prax left the meeting.

Councilmember Fisher moved to go into Executive Session to discuss pending litigation.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Jacobs.
 No: None.
 Absent: Councilmember Prax.
 Vacancy: One.

On motion (10:20 a.m.), Council resumed regular session.

R-3. Councilmember Cutcher offered and moved the adoption of the following resolution:

WHEREAS, a civil action has been filed in the Wayne County Circuit Court to recover a valuable painting belonging to the City of Port Huron that was stolen, embezzled or converted from the Port Huron Museum; and

WHEREAS, the trial Judge has scheduled a settlement conference for September 8, 2005, and a follow-up conference is scheduled for September 12, 2005; and

WHEREAS, the trial Judge initially required the entire City Council appear at both settlement conferences; and

WHEREAS, the Court and the Parties have agreed that if City Council formally designates specific City officials to attend the settlement conferences and authorizes said officials with full and complete settlement authority, City Council need not attend the settlement conferences; and

WHEREAS, the City Attorney and the City Director of Finance are familiar with the facts and issues involved in the civil action;

NOW, THEREFORE, BE IT RESOLVED the Port Huron City Council designates the City Attorney and City Finance Director to attend the Settlement Conference with full and complete settlement authority.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Jacobs.
 No: None.
 Absent: Councilmember Prax.
 Vacancy: One.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher stated that because time did not allow discussion of the zoning ordinance he would be requesting at Monday's meeting that it be postponed again and encouraged fellow Councilmembers to read through the proposed changes.

2. Mayor Neal requested that there be a special meeting (single purpose) between the City Council and the Housing Commission and asked that the City Clerk poll Councilmembers for an agreeable time for the meeting.

3. Councilmember Fisher mentioned that perhaps the "once a month" summer schedule should be revisited next year as there seems to have been the need for additional meetings this summer.

On motion (10:25 a.m.), meeting adjourned.

PAULINE M. REPP, CMC
 City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Thursday, September 8, 2005, at 7:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
Absent: Councilmember Fisher.
Vacancy: One.

The purpose for the calling of this special meeting was to further discuss the language of the two ballot proposal resolutions adopted at the special meeting held on Tuesday, September 6, 2005.

Council asked questions about whether Council should specifically designate Terra Land Group as the developer in Proposition No. 2 as there is no formal agreement with them yet and what if it falls through. Councilmember Prax expressed concern that Proposition 1 and 2 be consistent, either mention the developer in both cases or not.

Councilmember Prax moved to rescind Resolution No. 1 adopted at the September 6, 2005, meeting (Proposition No. 2 for the November 8, 2005, ballot).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmember Fisher.
Vacancy: One.

RESOLUTIONS

R-1. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the City has prepared the Downtown Port Huron Commercial Development Action Plan and the Downtown Port Huron Development Request for Proposals to find appropriate private companies interested in new mixed use construction in the city's Central Business District; and

WHEREAS, one of the parcels on which development is sought is the West Quay Street parking lot while reserving ownership by the City of the walkway along the Black River and public use thereof; and

WHEREAS, the West Quay Street parking lot constitutes waterfront property; and

WHEREAS, Section 78 of the City Charter for the City of Port Huron requires that any development, lease or sale of any City-owned waterfront property be approved by a majority of the electorate; and

WHEREAS, before a developer can reasonably be expected to make significant monetary commitments towards the development process there must be certainty of adequate property available for development.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Clerk to make all necessary arrangements in accordance with the law for the placement on the ballot at the Odd-Year General Election to be held on Tuesday, November 8, 2005, the following question:

PROPOSITION NO. 2

"Shall the City of Port Huron be authorized until December 31, 2008, to sell, long-term lease or option to sell the property known as the West Quay Street parking lot to Terra Land Group or another suitable developer for the purpose of development, keeping City ownership of the seawall and walkway along the Black River for use and access by the public?"

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Haynes, Jacobs and Prax.
No: None.
Absent: Councilmember Fisher.
Vacancy: One.

MISCELLANEOUS BUSINESS

1. Councilmember Prax requested that a special Council meeting be held to discuss what development the community wants for Port Huron stating that the Council needs to make a decision on what they want to see developed and that they should begin the process soon.

On motion (7:50 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 12, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Dwight Weber, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs (arrived at 7:42 p.m.) and Prax.

Vacancy: One

The minutes of the regular meeting of August 8, 2005, and the special meetings of August 8, September 6 and September 8, 2005, were approved.

AT THIS POINT, Councilmember Prax moved to appoint Laurie Sample-Wynn to fill the vacancy on City Council.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes and Prax.

No: None.

Absent: Councilmember Jacobs.

City Clerk Pauline Repp administered the Oath of Office and Laurie Sample-Wynn assumed the role of Councilmember.

PRESENTATIONS

1. Certificate of Recognition in honor and memory of Father Rene Desmarais, presented to Father Rene's family, as well as Sister Margaret and Father Simeon from the Newman Center.
2. Jenny Schultz, Director, Safe Horizons, gave an update on current operations talking about the numerous homeless that have been turned away because of lack of room.
3. Yard of the Year awards presented by the Beautification Commission (see City Clerk File No. 05-74 for a list of recipients).

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Collins & Aikman Products Co. - Textron Automotive, 2100 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

William Sawicki, representing Collins & Aikman Products Co. - Textron Automotive, appeared in support of the application.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of GMA Cover Corporation, 2440 - 20th Street, for an Industrial Facilities Exemption Certificate. (See Resolution #3)

Vickie Ledsworth, Economic Development Alliance, appeared in support of the application.

The Mayor declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the establishment of the proposed Neighborhood Enterprise Zone in the area located along Huron Avenue and Military Street from Glenwood Avenue south to Griswold Street.

No one appeared to be heard.

The Mayor declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the previously vacated full-width public utility easements located on St. Clair County Community College property in the area bound by Glenwood Avenue, Erie Street, McMorrان Boulevard, River Street and Stone Street to reflect their corrected property descriptions. (See Resolution #8)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. John Ferda, 929 Huron Avenue, and Janice Littlefield, 923 Michigan Street, representing River Park Neighborhood gave a presentation on the issue of sewer separation and paving of this area. (Due to time limitations, Mayor Neal asked that Mr. Ferda give a presentation at the next meeting.)
2. Alice O'Neil, 802 Prospect Place, addressed City Council relative to traffic issues in Pine Grove Park stating she feels something needs to be done before some child gets hurt and also stated that she feels that the lack of a crosswalk and/or sidewalk on Prospect is a problem.
3. Mary Goschnick, addressed City Council about the luncheon meeting the Beautification Commission is hosting on December 1, 2005, for the Southeastern Michigan group.
4. Sharon Bender, South Boulevard, addressed City Council relative to the increased taxi cab fares and the proposed change in the ordinance to not regulate the rates.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

Upcoming events:

- Fall recreation registration for residents, Palmer Park Recreation Center, September 13
- Non-resident registration, September 14.
- Miss Michigan USA/Miss Teen USA Pageant, McMorrان Place, September 15-17
- Hobbyfest, Pine Grove Park, September 17
- Spirit of Port Huron Awards, McMorrان Memorial Room, September 20

UNFINISHED BUSINESS

1. Councilmember Cutcher offered and moved to postpone the third and final reading of the following ordinance until the regular meeting of October 10, 2005 (previously postponed from August 8, 2005, meeting):

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager’s recommendation:

On August 30, 2005, the City of Port Huron received a quote to upgrade the 24-hour voice recording system for the Communications Center in the Police Department as follows:

VanBelkum Voice & Data Services	\$17,998.00
---------------------------------	-------------

The recording system currently used in the Police Department was purchased in 2001. The upgrade allows more storage on DVDs and easier access to locating police reports.

The Police Department has had contact with Tri Hospital EMS as they purchased the upgrade two months ago and are very satisfied with it. Other law enforcement agencies using the Audiolog system include Monroe County, Newaygo County, Ottawa County and Roscommon County.

The recording equipment will be funded with E-911 money made available to public safety agencies from surcharges paid by residential and business telephone users for 911 services. The E-911 funds are distributed to the City in order to maintain and update their communications equipment.

It is recommended that the quote from Van Belkum Voice & Data Services, 535 Cascade West Parkway SE, Grand Rapids, Michigan 49546, in the amount of Seventeen Thousand Nine Hundred Ninety Eight and 00/100 Dollars (\$17,998.00) be accepted and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Sample-Wynn offered and moved the adoption of the following City Manager’s recommendation:

On August 16, 2005, the City of Port Huron received four (4) quotes for the purchase of twelve (12) IBM A51P desk top computers and related software to replace twelve (12) obsolete desk top computers currently used in the Port Huron Police Department:

CDWG	\$19,963.33
Softmart	\$20,379.24
PC Mall	\$20,753.11
Insight	\$20,909.31

It is recommended that the quote of CDWG, 230 N. Milwaukee Avenue, Vernon Hills, Illinois 60061, in the amount of Nineteen Thousand Nine Hundred Sixty Three and 33/100 Dollars (\$19,963.33) be accepted as the best quote with the total cost being paid through Byrne Memorial Justice Association (JAG) funds and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

3-6. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendations:

CM-3. On August 30, 2005, the City of Port Huron received two (2) proposals for a Transport Kit Portable FT-1R to be used by the Fire Department, as follows:

Thermo Electron, North America LLC	\$50,531.52
Argus Group *	

* Did not meet proposal specifications

It is recommended that the proposal from Thermo Electron, North America LLC, 5225 Verona Road, Madison, Wisconsin 53711, in the amount of Fifty Thousand Five Hundred Thirty-one and 52/100 Dollars (\$ 50,531.52) be accepted as the best proposal and be funded from the U.S. Department of Homeland Security award for Critical Infrastructure Protection and that the appropriate City officials be authorized to execute the necessary documents.

CM-4. On August 30, 2005, the City of Port Huron received a single-source proposal for a AREARAE Rapid Deployment Kit to be used by the Fire Department, as follows:

Argus Group	\$60,360.00
-------------	-------------

It is recommended that the proposal from Argus Group, 46400 Continental Drive, Chesterfield, Michigan 48047, in the amount of Sixty Thousand Three Hundred Sixty and 00/100 Dollars (\$ 60,360.00) be accepted as the best proposal and be funded from the U. S. Department of Homeland Security award for Critical Infrastructure Protection and that the appropriate City officials be authorized to execute the necessary documents.

CM-5. On August 30, 2005, the City of Port Huron received three (3) proposals for a Draeger Multi-IMS Analyzer Kit to be used by the Fire Department, as follows:

Time Emergency Equipment	\$ 9,320.00
Argus Group	\$ 9,600.00
Fisher Scientific Company	\$10,359.94

It is recommended that the proposal from Time Emergency Equipment, 454 Cass Street, Dundee, Michigan 48131, in the amount of Nine Thousand Three Hundred Twenty and 00/100 Dollars (\$9,320.00) be accepted as the best proposal and be funded from the U. S. Department of Homeland Security award for Critical Infrastructure Protection and that the appropriate City officials be authorized to execute the necessary documents.

CM-6. On August 30, 2005, the City of Port Huron received two (2) proposals for a MSA HazMatCAD Plus to be used by the Fire Department, as follows:

Fisher Scientific Company	\$ 7,301.65
Argus Group	\$ 7,369.00

It is recommended that the proposal from Fisher Scientific Company, 2000 Park Lane, Pittsburgh, Pennsylvania 15275, in the amount of Seven Thousand Three Hundred One and 65/100 Dollars (\$ 7,301.65) be accepted as the best proposal and be funded from the U.S. Department of Homeland Security award for Critical Infrastructure Protection and that the appropriate City officials be authorized to execute the necessary documents.

City Manager recommendations 3 through 6 adopted unanimously.

CM-7. Councilmember Prax offered and moved the adoption of the following City Manager’s recommendation:

On August 23, 2005, the City of Port Huron received one (1) bid for 42,000 lbs of sodium silicofluoride for the Water Treatment Plant:

LCI, LTD.	\$13,860.00
-----------	-------------

It is recommended that the bid of LCI, LTD, P. O. Box 49000, Jacksonville Beach, Florida 32240-9000, in the amount of Thirteen Thousand Eight Hundred Sixty and 00/100 Dollars (\$13,860.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

***R-2.** WHEREAS, Collins & Aikman Products, Co. - Textron Automotive, 2100 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on September 12, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Collins & Aikman Products, Co. - Textron Automotive application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Collins & Aikman Products, Co. - Textron Automotive is located.

Adopted.

***R-3.** WHEREAS, GMA Cover Corporation, 2440 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on September 12, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the GMA Cover Corporation application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as GMA Cover Corporation is located.

Adopted.

***R-4.** BE IT RESOLVED THAT, the following taxi cab licenses for 2005-06 (November 1, 2005 through October 31, 2006) are hereby approved subject to the condition that the licenses are issued only upon receipt of proper application in accordance with Chapter 12 of the Port Huron City Code:

Acme Cab Company - 10 Licenses (Star Taxi & Transfer, Inc.)
Peoples City Cab, Inc. - 10 Licenses (Gary Goulette)
Port Huron Cab - 4 Licenses (Donald J. Swinson)

Adopted.

R-5. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, Chapter 12, Article XIII, Vehicles for Hire, Division 2, Taxicabs, Subdivision V, Fares, Section 12-701, Determining fares and charges, of the Code of Ordinances of the City of Port Huron states:

“All fares and charges for the use of taxicabs shall be determined by resolution of the City Council. All taxicab licensees shall be notified of any resolution. It shall be unlawful for any owner or driver to make any charge other than that determined by the Council.”; and

WHEREAS, the rates charged for the use of taxicabs was last revised in June of 2004; and

WHEREAS, the various owners of the City’s taxi cab companies are requesting a rate increase due to the substantial increase in the cost of gasoline;

NOW, THEREFORE, BE IT RESOLVED that the following schedule of fares for taxi service in the City of Port Huron be and the same is hereby adopted to take effect immediately:

- For the first 1/6 mile or fraction thereof - Two dollars and fifty cents (\$2.50).
- For each additional 1/6 mile or fraction thereof-thirty-five cents (\$0.35)
- Waiting Time - each minute or fraction thereof - thirty-five cents (\$0.35).
- Extra passengers - no charge.

- All rates authorized in this section may, in the discretion of the taxicab licensee, be discounted ten (10%) percent for senior citizens.

Adopted unanimously.

R-6. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron Fire Department has been informed that their request for a “Jaws of Life” equipment grant from the AAA of Michigan Corporate Contributions Committee has been approved; and

WHEREAS, the principal objective of this funding is for the Port Huron Fire Department to purchase “Jaws of Life” equipment; and

WHEREAS, AAA of Michigan has awarded a check in the amount of Fifteen Thousand, Eight Hundred Dollars and 00/100 (\$15,800.00) to the City of Port Huron Fire Department;

WHEREAS, on August 15, 2005, the City of Port Huron Fire Department received a single-source quote from Apollo Fire Equipment Company Inc., for the “Jaws of Life” equipment, to be purchased with funds provided by AAA of Michigan Corporate Contributions Committee;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the terms of the AAA of Michigan funding award in the amount of Fifteen Thousand, Eight Hundred and 00/100 Dollars (\$15,800.00) for the purchase of “Jaws of Life” equipment and appoints Robert W. Eick, Fire Chief/Emergency Management Coordinator as project coordinator and authorized representative for all aspects of the grant award; and

BE IT FURTHER RESOLVED that the quote from Apollo Fire Equipment Company, 12584 Lakeshore Dr., Romeo, Michigan 48065 in the amount of Fifteen Thousand Eight Hundred and 00/100 Dollars (\$15,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been informed that their application to the U.S. Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for the FY2005 Assistance to Firefighter Grant Program (AFGP) in the area of Operations and Safety Program has been approved; and

WHEREAS, the total project cost was in the amount of Two Hundred Forty Thousand, Seven Hundred Seventy-eight and 00/100 Dollars (\$240,778.00); and

WHEREAS, 90% of the total project cost or Two Hundred Sixteen Thousand Seven Hundred and 00/100 Dollars (\$216,700.00) is the Federal share that has been awarded to the City of Port Huron and 10% or Twenty-Four Thousand Seventy-eight and 00/100 Dollars (\$24,078.00) is the local share; and

WHEREAS, the principal objectives of this grant agreement for the Port Huron Fire Department are to update and replace the fire department’s self-contained breathing apparatus and accessories, purchase two (2) additional thermal imaging cameras and provide funding to train additional staff to the HazMat Technician level;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this FY2005 Assistance to Firefighter Grant Program Agreement (AFGP) through the DHS-EP&R/FEMA and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the U.S. Department of Homeland Security/AFGP;

2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator be appointed as project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File #05-75)

Adopted unanimously.

***R-8.** WHEREAS, on April 11, 2005, the City Council adopted Resolution #6 approving the vacation of various City-owned full-width public utility easements on the St. Clair County Community College (SC4) property located in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street and Stone Street; and

WHEREAS, the City was informed by the St. Clair County Register of Deed’s office that a more detailed legal description of the easements was required in order to record the vacations so it was determined that the Planning Commission and the City Council should rescind their previous resolutions and reconsider the vacations using the revised property descriptions; and

WHEREAS, on August 2, 2005, the City Planning Commission held a public hearing to reconsider the vacation of the more fully described public easements located on the SC4 property and subsequently recommended approval; and

WHEREAS, the City Council on September 12, 2005, held a public hearing to reconsider the vacation of the more fully described public utility easements and after due consideration, it is the judgment of the Port Huron City Council that the vacations would be keeping with the City’s Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, IT BE RESOLVED that the City Council hereby approves the vacation of the full-width public utility easements on the St. Clair County Community College property located in the area bound by Glenwood Avenue, Erie Street, McMorran Boulevard, River Street and Stone Street, which are more fully described below:

1) That portion of vacated St. Clair Street from the north right-of-way line of vacated Andrew Murphy Avenue to the south right-of-way line of vacated Bard Street, adjacent to Lots 7-12, Block 32 and Lots 1-6, Block 36, Butler Plat.

2) That portion of vacated St. Clair Street from the north right-of-way line of vacated Beers Street to 14 feet north of the north right-of-way line of vacated Beers Street, adjacent to the south 14 feet of Lot 12, Block 30, and the south 14 feet of Lot 1, Block 38, Butler Plat.

3) That portion of vacated Willow Street from the northeast right-of-way line of vacated River Street to the south right-of-way line of vacated Andrew Murphy Avenue, adjacent to Lot 5, Block 35, Butler Plat.

4) That portion of vacated Willow Street from the north right-of-way line of vacated Beers Street to 14 feet north of the north right-of-way line of vacated Beers Street, adjacent to the south 14 feet of Lot 12, Block 38, and the south 14 feet of Lot 1, Block 39, Butler Plat.

5) That portion of vacated Bard Street from the east right-of-way line of vacated St. Clair Street to the west right-of-way line of Erie Street, adjacent to Lots 6 and 7, Block 32, and Lots 1 and 12, Block 31, Butler Plat.

Adopted.

***R-9.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1166 effective July 18, 2005, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

HURON AVENUE - There shall be NO PARKING from the NW apex of Andrew Murphy Avenue and Huron Avenue, for a distance of 43 ft. north on Huron Avenue, where a “metered parking zone” starts and continues north for a distance of 252 feet.

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statues of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-10.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1167 effective July 18, 2005, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

HURON AVENUE - There shall be NO PARKING on the east side of Huron Avenue from the SE apex of Bard Street and Huron Avenue, for a distance of 39 ft. south on Huron Avenue, where a “metered parking zone” starts and continues south for a distance of 133.5 feet, at which point there shall be NO PARKING for a distance of 61 feet (Super 7 Motel drive) and then the “metered parking zone” continues for another 44 feet south. (This rescinds Traffic Control Order No. 837.)

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

***R-11.** WHEREAS, the Port Huron Minor Hockey Association, Inc., has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as nonprofit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the Port Huron Minor Hockey Association, Inc., as a nonprofit organization in the City of Port Huron.

Adopted.

R-12. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City has adopted a bond authorizing resolution (the "Bond Resolution") which authorizes the issuance of \$10,000,000 General Obligation Limited Tax Bonds of the City as supplemented by an Order Approving Bond Specifications for \$6,500,000 General Obligation Limited Tax Bonds, Series 2005B (the "Bonds") of the Director of Finance of the City and has offered the Bonds for competitive sale; and

WHEREAS, Monday, September 12, 2005, at 3:00 o'clock p.m., Eastern Standard Time, has been set as the date and time for opening bids for the purchase of the Bonds; and

WHEREAS, said bids have been publicly opened and read; and

WHEREAS, the bids attached hereto as Exhibit A have been received; and

WHEREAS, it is appropriate for the City Council to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which has been determined to produce the lowest interest cost to the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The bid of LaSalle Financial Services, Inc., as attached hereto as part of Exhibit A (See City Clerk File #05-76), is determined to produce the lowest interest cost to the City, and the bid is hereby approved and accepted.

2. Checks received from the unsuccessful bidders shall be returned to each bidder's representative or by registered mail or overnight courier as set forth in the Official Notice of Sale as published.

3. The publication of the Official Notice of Sale and the circulation of the Preliminary Official Statement respecting the Bonds and the issuance of the Bonds in accordance with and as described in the Official Notice of Sale as published and the Preliminary Official Statement as circulated is hereby ratified, approved and confirmed.

4. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

5. The Bonds have not been designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to Section 265(b) of the Code.

6. Standard Federal-Corporate and Institutional Trust, a division of LaSalle Bank National Association, is hereby designated as transfer agent and paying agent for the Bonds.

7. The Finance Director is authorized and directed to execute and deliver such documents and certificates as shall be necessary or convenient to accomplish the sale and delivery of the Bonds as contemplated herein and otherwise to exercise all of the authority permitted under Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001.

8. All resolutions and parts of resolutions expressly inconsistent with the provisions of this resolution be and the same hereby are rescinded.

Adopted unanimously.

NOTE: During discussion, Bob Bendzinski of Bendzinski & Co. addressed City Council.

***R-13.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$209.48 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #05-77).

Adopted.

R-14. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been awarded a \$347,200.00 special federal appropriation through the U. S. Department of Housing and Urban Development's program known as Economic Development Initiative Special Project (Grant No. B-05-SP-MI-0127); and

WHEREAS, this special appropriation is granted in order to continue the efforts of "Revitalizing Port Huron" in the area designated and described within Olde Town and adjacent to the Community Renaissance Program area; and

WHEREAS, the special funding is to be utilized for the purpose of leveraging funds, promoting partnerships, the acquisition, demolition or renovation of housing structures, new construction of in-fill housing and promoting home ownership opportunities; and

WHEREAS, this grant award requires the execution of appropriate grant agreements, assistance award forms and reports prior to transfer of grant funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve a grant agreement with the U. S. Department of Housing and Urban Development in the amount of \$347,200.00 to be used to continue the efforts of "Revitalizing Port Huron" and authorize the appropriate City officials to execute and complete grant agreements and other documents as may be deemed necessary in order to secure the funds. (See City Clerk File #05-78)

Adopted unanimously.

***R-15.** WHEREAS, the City of Port Huron has been awarded a \$347,200.00 special federal appropriation through the U. S. Department of Housing and Urban Development's program known as Economic Development Initiative Special Project; and

WHEREAS, this special appropriation is granted in order to continue the City's efforts of "Revitalizing Port Huron" in the area designated and described within Olde Town and adjacent to the Community Renaissance Program area; and

WHEREAS, the City of Port Huron is a partner of the Port Huron Neighborhood Housing Corporation, a nonprofit organization that has been in operation since 1991, and the Port Huron Neighborhood Housing Corporation has renovated or constructed more than 70 homes throughout the City that are then sold at below-market value to first time home buyers, as well as participating as a partner in the Community Renaissance Program by assisting in the renovation and/or new construction of additional homes; and

WHEREAS, it is the desire of the City of Port Huron and the Port Huron Neighborhood Housing Corporation to continue with such efforts within the broad neighborhood area to compliment the success that is being achieved;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron schedules a public hearing for Monday, September 26, 2005, to hear comments regarding the allocation of grant funds from the U.S. Department of Housing and Urban Development, Economic Development Initiative Special Project, to the Port Huron Neighborhood Housing Corporation to continue the City's revitalizing efforts.

Adopted.

***R-16.** WHEREAS, the City Council of the City of Port Huron has created a Tax Increment Finance Authority consistent with the provisions of Act 450, Public Acts of 1980; and,

WHEREAS, in accordance with the provisions of Act 450, the Authority is under the supervision and control of a board consisting of the City Manager and seven (7) members appointed by the City Manager for four-year terms, subject to the confirmation and approval of the City Council;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's reappointment of the following individuals are hereby confirmed:

Donna Klune, term to expire September 14, 2009
Joseph A. Vito, term to expire September 14, 2009

Adopted.

***R-17.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of lawn mowing shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$1,591.00 for lawn mowing upon the lots and premises described in the attached special assessment report (see City Clerk File #05-79).

Adopted.

R-18. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the State of Michigan is in the process of studying options for dramatically changing the Blue Water Bridge Plaza; and

WHEREAS, this project could severely impact the City by rerouting Pine Grove Avenue and taking a large amount of private homes and businesses; and

WHEREAS, the National Environmental Policy Act requires certain procedures to be followed in federally funded highway and other projects to protect local areas from dramatic impact on residences, businesses, developmental interests, local traffic routes and other local interests; and

WHEREAS, William-Lynn-James, Inc., is a respected consulting firm with necessary expertise and experience dealing with federal government transportation and border security issues; and

WHEREAS, it is very important to protect the City's economic development interests, homesteads, commercial businesses and local traffic routes;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement between the City of Port Huron and William-Lynn-James, Inc., to provide consulting services in connection with the Blue Water Bridge Plaza project and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #05-80)

Adopted unanimously.

NOTE: This subject to be discussed in a future workshop.

ORDINANCES

O-1. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE XIII, VEHICLES FOR HIRE, DIVISION 2, TAXICABS, SUBDIVISION 5, FARES, FOR THE PURPOSE OF DEREGULATING THE FARES CHARGED FOR THE USE OF TAXICABS.

Motion adopted by the following vote and ordinance given its first and second reading:

Yes: Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.

No: Mayor Neal; Councilmember Haynes.

Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Cutcher gave details on Hobbyfest being held Saturday, September 17, from noon to 4 p.m. in Pine Grove Park.

2. Councilmember Fisher expressed his concerns for corner of Prospect Place and no sidewalk. Also, he announced that the 4th Annual Historic Home Tour this past weekend was a success.

3. Tom Hutka, City Manager, displayed the article written in the MML about Port Huron and its designation as an All-America City and the article in Heartland Real Estate Business on Port Huron's development citing events like the Hobbyfest and the Home Tour are the reason why we are recognized.

On motion (9:25 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 26, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs, Prax and Sample-Wynn.

The minutes of the regular meeting of September 12, 2005, were approved.

PRESENTATIONS

1. Winners of the 2005 Home Improvement Contest under the "Revitalizing Port Huron" program were presented their awards (see City Clerk File #05-81 for a copy of the winners).
2. Police Chief William Corbett, Port Huron Police Department, gave an update on the CAPTURE program.
3. Kim Harmer, Planning Director, gave an update on the blight enforcement and rental certification efforts (see City Clerk File #05-82 for a copy of the progress report).

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments regarding the allocation of grant funds from the U. S. Department of Housing and Urban Development, Economic Development Initiative Special Project, to the Port Huron Neighborhood Housing Corporation to continue the City's efforts under the "Revitalizing Port Huron" program. (See Resolution #6)

Mary Langolf, 830 - 4th Street, Marysville, board member of Port Huron Neighborhood Housing Corporation, appeared to be heard giving background on their organization, how they assist low and moderate income families and stating that 73 projects have been completed to date for first time home buyers.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1421 Wells Street, addressed the City Council in objection to the proposed agreement with Tetra Tech in Resolution No. 1 and stated he thought the City was putting the cart before the horse because the work was in the area of the Quay Street parking lot which is a proposition on the upcoming ballot proposal to sell. City Manager Tom Hutka responded that it was not the same property but is the property to the east of the bowling alley.
2. Lonnie Stevens, Executive Director, United Way, 1723 Military Street, addressed the City Council stating that human services have reached critical levels due to the fact that charitable dollars are going to help the hurricane victims and that we have high unemployment here and that is our crisis situation and encouraged people to donate locally and also encouraged people to conserve energy.

CONSENT AGENDA

Councilmember Jacobs offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

Upcoming events:

- Happy Apple Days, Oct. 8, downtown
- Lakeside Cemetery walk, Oct. 9
- Fire Prevention Week will be October 8 - 15
- Open House at the Port Huron Central Fire Station, October 15, noon - 3 p.m.
- Artists' Studio Tour, various locations, Oct. 1-2
- Museum Festival of International Cultures, Seaway Terminal, October 15

FROM THE CITY MANAGER

CM-1. Councilmember Prax offered and moved the adoption of the following City Manager's recommendation:

On August 25, 2005, the City of Port Huron received three (3) proposals for the purchase of the following equipment to be used by the Port Huron Police and Fire Departments:

- #1 - Personal Protective Equipment (Police)
- #2 - Scott SWAT-PAK, Self-Contained Breathing Apparatuses with accessories (Police)
- #3 - Scott AirPak 50, Self-Contained Breathing Apparatuses with accessories (Fire)

Company	Item #1	Item #2	Item #3	Total
Argus Supply Co.	\$ 8,559.90	\$ 53,983.70	\$105,873.65	\$168,417.25
Fisher Safety	8,103.90	57,314.06	152,039.85	217,457.81
Lab Safety Supply, Inc.	*	111,801.84	*	**

- * No response
- ** Not a complete proposal

It is recommended that the proposal from Argus Supply Co., 46400 Continental Drive, Chesterfield, Michigan 48047, in the amount of One Hundred Sixty-Eight Thousand Four Hundred Seventeen and 25/100 Dollars (\$168,417.25) be accepted as the best proposal with the funding for Items #1 and #2 to be from the 2004 Homeland Security Grant/Law Enforcement Terrorism Prevention Program and the funding for Item #3 to be from the U. S. Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for FY2005 Assistance to Firefighter Grant award and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On Friday, September 9, 2005, the City of Port Huron received the results of the 2005-06 salt bid from the State of Michigan MIDEAL Program:

Early Delivery of 3,500 tons

North American Salt Company - \$27.11 per ton

Combined with a bid of:

Backup Delivery of 1,500 tons

Detroit Salt Company, L.L.C. - \$25.41 per ton

It is recommended that the bid of North American Salt Company at \$27.11 per ton for early salt delivery and the bid from the Detroit Salt Company at \$25.41 per ton for backup salt delivery be accepted as the lowest cost responsive and responsible bid through the State of Michigan MIDEAL Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for design and construction of the sidewalk and seawall project on the Black River off West Quay Street; and

WHEREAS, Tetra Tech MPS is the appropriate engineering firm to provide these services because they assisted the City with the surveying, estimating, and easement acquisition work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional engineering services for Project No. G06-0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services during design and construction of the sidewalk and seawall project on the Black River off West Quay Street and authorizing the appropriate City officials to execute the agreement (see City Clerk File #05-83).

Adopted unanimously.

2-3. Councilmember Sample-Wynn offered and moved the adoption of the following resolutions:

R-2. WHEREAS, in June and August of 2005, the Broadband Investment and Consumer Choice Act of 2005 (Senate Bill 1504) and the Video Choice Act of 2005 (Senate Bill 1349 and House Resolution 3146) were introduced; and

WHEREAS, these bills would preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public right-of-ways; and

WHEREAS, these bills eliminate local government's authority to ensure head to head competition for all its citizens, leaving video providers free to cherry pick the most lucrative communities; and

WHEREAS, these bills would significantly limit the amount of fees local government can collect as well as local government's authority to enforce collection thereby directly jeopardizing funding of critical public services including police and fire; and

WHEREAS, Senate Bill 1504 would substitute a new compensation methodology on the parties to the City's existing franchise contract, depriving the City of the agreed-upon bargain by lowering the existing franchise fee and replacing it with a fee which must be justified as being "reasonable" in the eyes of the user, limited to management costs (which denies the rights of the property owner to obtain fair and reasonable compensation for the use of public property for private gain), and not in excess of 5%; and

WHEREAS, the amount of capacity which may be required by local governments to meet their public, educational and government access needs, part of the bargain contained within the City's negotiated franchise agreement, would be substantially reduced; and

WHEREAS, any build-out requirements for any video service provider would be eliminated, thereby allowing providers to discriminate based on the wealth of the local neighborhoods they choose to serve; and

WHEREAS, the City would be prohibited from imposing any fee for issuance of rights-of-way construction permits yet would require the City to act on requests for permits in a timely manner as determined by the FCC, thereby insinuating inappropriate federal government involvement in the basic day-to-day management of local rights-of-way; and

WHEREAS, municipalities and their utilities would be prohibited from providing communications services without giving a right of first refusal to private industry, and would then grant industry unfettered access to all municipal facilities and financing in the event private industry chooses to provide services; and

WHEREAS, the City would be deprived of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of the City's business; and

WHEREAS, the bills would eliminate the protection the City currently has against liability for damages and attorneys fees in lawsuits brought by communication service providers against local governments, a type of litigation that the bill would seem to invite service providers to bring;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby declares its opposition to Senate Bill 1504, Senate Bill 1349 and House Resolution 3146 and urges our representatives in Washington to oppose them; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby directs that a copy of this resolution be forwarded immediately to United States Senator Carl Levin, United States Senator Debbie Stabenow and Congresswoman Candice Miller.

R-3. WHEREAS, cities have a long and very successful history of supporting the introduction of cable services by the cable industry, a successful deployment made possible in large part by the current system of local cable franchising; and

WHEREAS, certain companies have been actively advocating across the country that local franchise agreements should be eliminated and replaced with a state-wide franchise agreement; and

WHEREAS, local government participation in the cable franchising process ensures that all residents irrespective of age, race, education, or income level, receive the same service; and

WHEREAS, revenue sharing has been significantly reduced over the last few years and franchise fee revenue assists the City in providing essential services; and

WHEREAS, franchise agreements assure that the public education channels are provided for the community; and

WHEREAS, a statewide franchise system would deny consumers local resolution of problems; and

WHEREAS, in addition to the franchising process, cities have an interest in making available telecommunications technology which is beneficial to all businesses, economic development, municipal service provision and all residents; and

WHEREAS, our city believes that internet services are an essential service that should be provided to all residents irrespective of age, race, education or income level; and

WHEREAS, this is a local control issue and our residents should be able to request any essential service from their local government; and

WHEREAS, inaccurate claims that these municipal broadband initiatives are anti-competitive have been made and a moratorium on wireless expansion in the State of Michigan has been proposed in order to stall or derail municipal broadband projects;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby affirms opposition to a statewide franchise agreement system and supports the current local cable franchise agreement system; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby affirms its support for municipal broadband initiatives creating broadband wireless service and opposes any effort to place a moratorium, or further limitations, on the expansion of municipal broadband in the State of Michigan; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby directs that a copy of this resolution is forwarded to Governor Jennifer Granholm, Senator Jud Gilbert, Representative John Espinoza, the House Energy and Technology Committee, the Senate Technology and Energy Committee and the Michigan Public Service Commission.

Motion to adopt Resolutions 2 and 3 adopted unanimously.

R-4. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, it is necessary for the Port Huron Police Department to contract for annual maintenance services of the recording equipment in the Records Division of the Police Department;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the one-year maintenance agreement with Van Belkum, 535 Cascade West Parkway, Grand Rapids, Michigan 49546-2105 in the amount of \$5,339.00 for the recording equipment in the Records Division of the Police Department and authorizing the appropriate City officials to execute any necessary documents.

Adopted unanimously.

R-5. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, it is necessary and desirable that all federal, state and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management during emergencies or disasters; and

WHEREAS, to assist in the coordination of the various agencies, the U. S. Department of Homeland Security has developed and administers a "National Incident Management System" (NIMS) which provides a consistent, nationwide approach so all facets of government work together efficiently and effectively to prevent, prepare for, respond to and recover from domestic incidents regardless of cause, size or complexity; and

WHEREAS, NIMS uses standardized procedures and terminology, organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management and designated incident facilities during emergencies or disasters; and

WHEREAS, NIMS' Incident Command System components are already an integral part of various City of Port Huron incident management activities, including current emergency management training programs; and

WHEREAS, the U. S. Department of Homeland Security desires all agencies to adopt the National Incident Management System as the standard by which emergencies or disasters are handled; and

WHEREAS, a benefit to agencies adopting NIMS is that it will improve the City's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety and streamline incident management processes;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron hereby adopts the National Incident Management System as the City's standard for coordination of incident management during emergencies or disasters.

Adopted unanimously.

R-6. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been awarded \$347,200.00 from a special federal appropriation of Community Development Block Grant funds from the U. S. Department of Housing and Urban Development's program known as the Economic Development Initiative Special Grant; and

WHEREAS, the City of Port Huron is a partner in the Port Huron Neighborhood Housing Corporation, a nonprofit organization that has been in operation since 1991; and

WHEREAS, the Port Huron Neighborhood Housing Corporation has renovated or constructed more than 70 homes throughout the City that are then sold at or below market value to first-time home buyers; offers a Home Buyers Seminar each month; participates as a partner in the Community Renaissance Program; and is a partner in the City's Affordable Housing Program and Urban Pioneer Program which provides down payment grants and housing opportunities; and

WHEREAS, it is the desire of the City of Port Huron and the Port Huron Neighborhood Housing Corporation to continue to leverage and match funds with its partners in order to compliment the success that is seen in the Community Renaissance Program and throughout the Olde Town Neighborhood Area; and

WHEREAS, it is the Port Huron Neighborhood Housing Corporation's desire to continue to undertake the tasks of renovating and constructing single- and two-family dwellings for the purpose of resale to first-time home buyers in the Olde Town area and to provide \$350,000.00 in matching funds through private resources to be combined with the special appropriation in order to leverage resources and continue the efforts to "Revitalize Port Huron";

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the subrecipient agreement with the Port Huron Neighborhood Housing Corporation regarding the administration and implementation of the special appropriations from the U. S. Department of Housing and Urban Development and authorizing the appropriate City officials to execute any necessary documents (see City Clerk File #05-84).

Adopted unanimously.

***R-7.** WHEREAS, ALD Thermal Treatment, Inc., 2656 - 24th Street, has applied for the transfer of an existing Industrial Facilities Exemption Certificate #95-296 (Petri, Inc., a/k/a Takata #2) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for October 10, 2005, in order to hear comments on the application of ALD Thermal Treatment, Inc., for the transfer of Industrial Facilities Exemption Certificate #95-296; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following legislative bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School District Board
St. Clair County Community College Board
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

R-8. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron's City Council approved the tentative boundaries and designation of a Neighborhood Enterprise Zone (NEZ) for consideration by the public and the State of Michigan Tax Commission on April 11, 2005; and

WHEREAS, the establishment of a NEZ would provide incentives for the development of new residential units such as loft developments along Port Huron's downtown main street area; and

WHEREAS, the City of Port Huron has notified the appropriate taxing jurisdictions of its intent to consider the formation of a NEZ in the area described as property along Huron Avenue and Military Street from Glenwood south to Griswold Street; and

WHEREAS, the City finds that the formation of a NEZ is consistent with the master plan and the City's neighborhood preservation goals and the community development goals established each year; and

WHEREAS, the City finds that the formation of a NEZ is also consistent with the Downtown Development Action Plan to encourage economic development and residential development in the City's downtown commercial area; and

WHEREAS, the City declares that it is committed to facilitating policies and programs that provide housing opportunities, maintenance and preservation of housing stock and development of new housing to all persons regardless of income level or economic limitations; and

WHEREAS, the City currently operates and maintains a Rental Housing Inspection and Certification Ordinance, along with the State of Michigan's Property Maintenance Code, and will require by issuance of the NEZ Certificate that properties certified must be inspected and in compliance with the Property Maintenance Code and applicable City codes prior to issuance of a Certificate or the transfer of said Certificate;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the proposed Neighborhood Enterprise Zone, in the area located along Huron Avenue and Military Street from Glenwood Avenue south to Griswold Street, will be consistent with the goals, objectives and policies set forth by the City of Port Huron in order to encourage additional housing opportunities.

Adopted unanimously.

ORDINANCES

O-1. Councilmember Prax moved that an ordinance introduced September 12, 2005, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1252

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE XIII, VEHICLES FOR HIRE, DIVISION 2, TAXICABS, SUBDIVISION 5, FARES, FOR THE PURPOSE OF DEREGULATING THE FARES CHARGED FOR THE USE OF TAXICABS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, Article XIII, Vehicles for Hire, Division 2, Taxicabs, Subdivision 5, Fares, be amended for the purpose of deregulating the fares charged for the use of taxicabs.

CHAPTER 12. BUSINESSES ARTICLE XIII. VEHICLES FOR HIRE DIVISION 2 Subdivision V. Fares

Sec. 12-701. Rates of fare.

No person owning, operating or controlling any motor vehicle used as a taxicab within the city shall hire or let such vehicle without first filing with the city clerk a schedule of rates and fees to be charged for transportation and/or other services offered. No revision of such rates and/or fees to be charged shall be made until thirty (30) days' notice of such revision has been filed with the city clerk.

Sec. 12-702. Rates' display; receipt.

There shall be affixed in each taxicab licensed under this article, for the convenience and information of passengers and in such manner as to be easily read by any person riding therein, a sign or placard, plainly legible, showing the rates of fare under which such taxicab is operated. The owner or driver in charge of such taxicab shall not demand, nor be entitled to receive any pay for the conveyance of any passengers unless such card bearing such rates of fares shall be conspicuously displayed as hereinbefore provided; nor shall such owner or driver charge or collect a rate of fare greater than that revealed on such placard or sign. If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab at the time of such payment, a receipt therefor in legible type or writing, containing the name of the taxicab company and the driver, the number of the taxicab, the total amount paid and the date of payment.

Sec. 12-703. Payment in advance.

Every taxicab driver shall have the right to demand payment of the legal fare in advance and may refuse employment until so prepaid.

Sec. 12-704. Driver shall not deceive.

It shall be unlawful for any person owning or driving any taxicab to deceive, misinform or mislead any passenger who may ride in such vehicle or who may desire to ride in such vehicle, as to his destination or the price to be charged for conveying such passengers or for other services offered. Any person owning or driving any taxicab who shall overcharge a passenger, or charge a passenger in excess of the rate of fare of fees as indicated on the taximeter, shall be deemed guilty of a violation of this article.

Sec. 12-705. Direct route.

Any taxicab driver employed to transport passengers to a definite point shall take the shortest and most direct route possible that will carry that passenger safely and expediently.

PAULINE M. REPP, MMC
City Clerk

ADOPTED: 09/26/05
PUBLISHED: 10/01/05
EFFECTIVE: 10/01/05

Motion adopted by the following vote:

Yes: Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
No: Mayor Neal; Councilmember Haynes.
Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Neal** asked what items other than the proposed changes to the zoning ordinance did Council want on the October 3, 2005, workshop. Mayor Pro-tem Cutcher responded that he would like Fire Chief Bob Eick to do an overview of the City's emergency plan.
2. **Mayor Pro-tem Cutcher** announced that last Tuesday the Port Huron Hospital Auxiliary dedicated a couple of bronze statues.
3. **Councilmember Haynes** announced the 3 p.m. open house in the Community Renaissance area at 1521 - 7th Street on Thursday, September 29. Councilmember Fisher added that this house was on the recent historic home tour and it is phenomenal.
4. **Councilmember Jacobs** questioned why the parking study presentation has not been on the agenda when it was requested at the special meeting held on September 6. Tom Hutka, City Manager, stated that it was a preliminary report and we pay extra for the number of presentations beyond the limit and perhaps Council would like to wait until the final report is ready. Bob Clegg, City Engineer, explained that the final report would include south of the Black River which hasn't been done yet because of the construction. Councilmember Prax stated that she did ask for it at the next meeting (September 12) and would like to see it presented to the public because of the ballot proposal to sell the Quay Street parking lot which goes to the voters in November. Tom Hutka, City Manager, stated he will put the presentation on the October 10 agenda.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron (joint meeting with the Port Huron Housing Commission), Michigan, held Wednesday, September 28, 2005, at 8:30 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax (left the meeting at 10:15 a.m.) and Sample-Wynn.

Absent: Councilmember Haynes.

Mayor Neal stated that he called this joint meeting with the Housing Commission so that a discussion could be held on the amendment to the law in 1996 which changed how housing commissions operate. The Housing Commissioners and their Executive Director Betty Ward were introduced.

Betty Ward explained that the amendment to the law in 1996, and subsequent court ruling, meant that housing commissions had autonomy now and that Housing Commission employees are not City of Port Huron employees. She stated that HUD is pushing for compliance with this law and that they should be allowed to operate independently. She talked about a resolution that is proposed by the City that would establish salary ranges, require financial reports, maintain property in the City's name and approve grants stating that the Housing Commission doesn't see its necessity as they have been operating independently and they would like to run their own business.

Tom Hutka, City Manager, indicated that the City has been working with Betty Ward and the Housing Commission trying to sort things out, based on the court ruling. Mr. Hutka stated some of the issues that need to be addressed such as Housing has employees in the same bargaining unit with other City employees, retirement benefits, insurance coverage, etc. He stated that the City has been handling payroll, insurance, etc., without any cost to the Housing Commission.

John Berry, Personnel Director, went over some of the concerns about the proposed pay ranges that the Housing Commission wants to establish stating they are not realistic for this market. Betty Ward stated they are just guidelines.

Discussion was held on the ramifications of being in a separate group for insurance and retirement. John Ogden explained the City's liability should anything happen with the Housing Commission.

Following extensive discussion, Tom Hutka, City Manager, asked amongst Council whether there was consensus to pass a resolution establishing pay ranges for Housing Commission employees (as allowed by the law) and received no affirmation to do so. Instead, Council indicated that they would like to see continuing talks between City administration and the Housing Commission so that the separation can take place as amicably and efficiently as possible, without harm to either party.

Betty Ward reiterated that they are asking for the opportunity to operate on their own feeling they have the expertise to do so.

Jane O'Sullivan, Chairperson of the Housing Commission, stated that they would like to meet again with City Council after the first of the year.

On motion (10:25 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 3, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Neal (8:10 a.m.).

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes (arrived 8:15 a.m.), Prax (arrived 9:10 a.m.) and Sample-Wynn (left at 9:10 a.m.)

Absent: Councilmember Jacobs.

I. Zoning code changes: Kim Harmer, Planning Director, indicated that most of the proposed changes were housekeeping items and that it is advisable to re-visit the zoning ordinance every two to five years.

Mayor Pro-tem Cutcher had several areas in the ordinance that he had comments and/or questions on as follows: Section 52-678(9), questioned the practicality of automobiles being left for repair for more than two days need be parked indoors or in the rear yard within a six-foot tall screening fence; Section 52-771(7), discussion on whether a requirement to pave driveways from sidewalk or ROW to street curb; Section 52-772(2)(q), does the College meet this parking requirement?; Section 52-71(d)(5), clarifying that a special use permit for an approved home occupation expires upon any change in ownership; Section 52-814(b)(2), clarification of wall signs painted on buildings, difference between public art and advertising; and Section 52-823(4), leaving it at 4 feet for collapsible awnings. Additionally, he complimented Kim Harmer on her professional blight report given at the last City Council meeting.

Kim Harmer also pointed out that there was a typographical error in Section 52-699(9) where it should read 1,100 instead of 1,200 and 1,101 instead of 1,201 and that in Section 52-820(b) language addressing "sandwich board-style signs" was added. She also mentioned that in the future for new construction there will be a 70-foot minimum frontage requirement (incorporating the requirement that there be a garage).

II. Emergency Plan: Bob Eick, Fire Chief and Emergency Management Director, distributed the Response Procedures under the City of Port Huron Emergency Action Guidelines, the criterion used in determining and ranking hazards and a copy of the Family Preparedness Guide that the City Emergency Management Division published and provided to its residents. Discussion centered around the warning system that we have in place, the EOC (Emergency Operations Center), how well we did during the blackout in 2003, and how our geographical location makes the types of things we need to be concerned about different than the southeast part of the country and necessity for a total evacuation plan is not there.

III. Pocket Park Name: Bob Clegg, City Engineer, indicated that the pocket park at Quay Street and Huron Avenue would be complete the end of October and that MDOT has indicated they would like to have a dedication ceremony and did the City want to name the park. Mayor Pro-tem Cutcher suggested the park be named "Heritage Park" and then anyone could purchase a bronze plaque to be installed in honor of a notable person or event. Conversation held that at one time it was referred to as "Wismer Park" in memory of John Wismer. Following discussion, it was decided that the administration should check and see if there was a prior commitment to name it "Wismer Park" and, if not, proceed with Heritage Park. Tom Hutka, City Manager, to research and bring item back to Council at next Monday's regular meeting (October 10, 2005).

On motion (9:40 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 10, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Dan Stewart, Griswold Street Baptist Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn. Absent: Councilmember Haynes.

The minutes of the regular meeting of September 26, 2005, and the special meetings of September 28 and October 3, 2005, were approved.

PRESENTATIONS

1. John Cruz, Chairperson, Sister City Committee, introduced Julio Gallardo and Julio Monroy, artists visiting from our sister city Chiquimula, Guatemala, who in turn presented the City with artwork as a gift.
2. John Ferda, River Park Neighborhood Association, gave a presentation on neighborhood traffic and upcoming construction projects. Janice Littlefield, 923 Michigan Street, added comments and distributed a compact disc with pictures to City Council.
3. Dennis Burns and John Foster of Carl Walker, parking consultants, presented the preliminary downtown parking study (see City Clerk File #05-85).

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of ALD Thermal Treatment, Inc., 2656 - 24th Street, for the transfer of an existing Industrial Facilities Exemption Certificate (#95-296) from Petri, Inc., (a/k/a Takata #2). (See Resolution #6)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Dick Reynolds, 3268 Krafft Road, Fort Gratiot, addressed the City Council expressing that he thinks Port Huron has the perfect opportunity to move forward and for a viable downtown you need development.
2. Alice O'Neill, 807 Prospect Place, addressed the City Council stating that the residents north of Pine Grove Park have concerns also – the bisecting street, lack of sidewalks as they relate to handicapped and strollers, the recessed stop sign, lack of crossings, deadman's curve, heavy commercial vehicles, parking in "no parking" zones.
3. Katie Byrne, 825 Prospect Place, addressed the City Council relative to traffic in her neighborhood and the need for designated areas for crossing citing high traffic during summer and rush hour. She offered to be part of a committee to study traffic problems in neighborhoods, not just her own.

4. Terry Nolan, owner of the Irish Rose, addressed the City Council stating she would gladly pay more to park in a structure saying that she has no problem with the store owners, property owners and employees paying toward such a structure.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
 No: None.
 Absent: Councilmember Haynes.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Leaf pickup begins the week of October 17 and ends December 2, plus the following week as needed. Brush and branch trimmings are currently being collected through November 18. For details on either program, you can refer to the City's newsletter, visit www.porthuron.org or contact Richfield Management at toll free 1-877-609-6753 or the Dept. of Public Works at 984-9730.

Upcoming events:

- Oct. 8-15: Fire Prevention Week
- Oct. 15: Open House at the Port Huron Central Fire Station
- Oct. 15: Museum's Festival of International Cultures, Seaway Terminal
- Oct. 21: Big Screen Movie "Haunted Mansion", Palmer Park
- Oct. 21: Port Huron Flags Hockey Opening Game
- Oct. 25: CAPTURE's Cops & Jocks Spaghetti Fundraiser Dinner, Fogcutter
- Oct. 29: Halloween Stroll, Sanborn Park, and Halloween Parade, downtown

COMMUNICATIONS & PETITIONS

C-1. Councilmember Prax moved to receive and file the following communication:

From Thomas Barrett, Chairman, Downtown Development Authority, expressing their support of the creation of a Neighborhood Enterprise Zone in downtown Port Huron stating the zone is consistent with their new mission statement, goals and objectives and will encourage either new downtown residential development and/or rehabilitation of vacant second and third story buildings.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
 No: None.
 Absent: Councilmember Haynes.

***C-2.** From Storm Bradt, 3410 - 10th Avenue, letter sent to Representative John Espinoza expressing his dissatisfaction with the handling of his 2004 claim against the contractor for the 10th Avenue project for cement residue damages to his car.

Received and filed.

UNFINISHED BUSINESS

1. **Councilmember Fisher** offered and moved that the following ordinance be given its third and final reading and enacted:

ORDINANCE NO. 1253

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of updating the chapter, as follows:

CHAPTER 52. ZONING ARTICLE I. IN GENERAL

Sec. 52-1. through 52-2.

No change

Sec. 52-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building, including but not limited to detached garages, carports and storage sheds.

Accessory use means a use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

Adult day care center means a facility, other than a private residence, operating as a business which provides care or supervision for one or more adults 18 years of age or older for periods of less than 24 hours a day, unattended by a relative or legal guardian, for more than four weeks during a calendar year. These centers, on February 1, 1999, do not need to be licensed by the state. However, all city codes and ordinances shall apply as to any commercial business.

Alley means a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to as "altered" or "reconstructed."

Apartment means a room or suite of rooms in a multiple-family residential building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit. The dwelling unit in a multiple-family dwelling is defined as follows:

(1) *One-bedroom unit* means a dwelling unit consisting of not more than two rooms, in addition to kitchen and necessary sanitary facilities.

(2) *Two-bedroom unit* means a dwelling unit consisting of not more than three rooms in addition to kitchen and necessary sanitary facilities.

Apartment house means a residential structure containing three or more attached apartments.

Architectural features means the features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, decorative ornaments and uncovered stairways, stair treads, railings or landings.

Automobile repair means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, painting, vehicle rustproofing and any related activities.

Automobile service station means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles and space for facilities for temporary storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

Automobile wash establishment means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Basement means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

Bed and breakfast facility means an owner-occupied single-family dwelling used for transient guests that provides a sleeping room and breakfast in return for payment. This definition shall also include a tourist home.

Bedroom means a room in a dwelling unit for or intended to be used for sleeping purposes by human beings with a minimum of 70 square feet in size and in conformance with the appropriate building code.

Billboard. See standard off- and on-premises signs in article VII of this chapter.

Block means a tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

Board of zoning appeals means the board of appeals for the city. The term "board of appeals" or "board" shall have the same meaning.

Boardinghouse means an establishment or building where meals, lodging or both are provided for compensation with the following stipulations:

(1) Rental shall be prearranged and without limitations or time periods involved.

(2) No cooking facilities shall be permitted in sleeping rooms.

(3) There shall not be more than ten sleeping rooms per establishment.*

(4) No more than one person shall occupy each sleeping room.

(5) Sufficient offstreet parking shall be provided pursuant to article VI of this chapter.

(6) There shall be provided one toilet and bathing facility per three sleeping rooms.

* In larger structures, located in A-1 districts, up to a maximum of ten sleeping rooms (bedrooms) may be used in accordance with all other city ordinances and applicable codes.

Boat hoist means an open structure for the purpose of seasonal, temporary storage of boats or watercraft. Hoist may include overhead cover, but may not include side covers or be enclosed. The hoist must not exceed one story and may not be permanent in nature. Boat hoists are allowed on the Black River, St. Clair River, Lake Huron and canals.

Boathouse means an enclosed, covered accessory structure that provides dockage and/or storage of boats or personal watercraft. A boathouse is only allowed on the Black River and St. Clair River. They are not allowed on Lake Huron or the canals.

Buffer strip means a greenbelt which also provides screening by means of continuous landscaping, solid masonry wall, screening fence, or other protective barrier of suitable material between conflicting districts or uses as required by ordinance. For example, a buffer is required between a commercial or industrial district or use and a residential district or use.

Buildable area means the space of a lot remaining after the minimum open space requirements of this chapter have been complied with.

Building means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Building, main, and building, principal, mean a building in which is conducted the principal use of the lot upon which it is situated and includes enclosed porches and covered porches as defined.

Building permit means the written authority issued by the chief inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with this chapter.

Building setback line means the line which pertains to and defines those minimum building setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this chapter.

Chief inspector means the chief building inspector/zoning administrator of the city or his authorized representative.

Clinic means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from more than one professional, such as a physician, dentist, or the like.

Commercial boat well means a boat well not utilized to store watercraft owned by the property owner for private use, rather seasonal boat storage provided for watercraft owned by individuals other than the property owner.

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage and basement sales conducted on residential premises for more than six calendar days during a given one-year period.

Commission means the city planning commission. The term "planning commission" means the same.

Condominium, residential, means individual ownership of a dwelling unit in a multiple-family dwelling.

Convalescent home and nursing home mean a home for the care of children, the aged or the infirm or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for license under applicable state laws.

Country club means an organization of persons, having for its chief purpose the enjoyment by its members of lawful participation in outdoor sports and as to which such country club has provided its members with suitable grounds and equipment for the enjoyment and participation in such sports.

Deck means an open, unenclosed structure located above existing grade level and elevated more than 30 inches high. Proper guardrails, steps and handrails are required pursuant to the building code.

Density means the number of dwelling units developed on an acre of land, excluding publicly dedicated streets, parks and utility easements, if the easement is not useable for recreation purposes.

District means a portion of the city within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this chapter.

Drive-in establishment means a business or restaurant so developed that its principal retail or service character is dependent on providing a parking space for motor vehicles so as to serve patrons while parked in the motor vehicle. It is intended that in most situations the engine of the vehicle would be turned off. A drive-in establishment ordinarily will not have indoor facilities to service the customer, but may as an accessory use. Such establishments could be but are not limited to drive-in restaurants and movie theaters.

Drive-thru establishment and an establishment with a drive-up window mean a business, bank, or restaurant with a drive-thru facility or drive-up window used as an accessory use for the business. The primary function of such business is to serve the patrons while inside the principal building. The drive-thru facility or drive-up window is used as a convenience for customers, and in most instances the motor of the vehicle is left on while the customer is being served.

Drive-thru facility and drive-up window mean a station or window where customers can quickly order and pickup goods without leaving their vehicle. The vehicle is meant to be stopped for short periods of time with the motor running.

Dwelling, multiple, means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including manufactured home parks. A multiple dwelling of four or more stories in height shall be considered as a high-rise multiple dwelling.

Dwelling, one-family, means a detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only. Also known as a single-family dwelling. The dwelling unit shall be designed for residential use, complying with the following standards:

(1) It complies with the minimum square footage requirements for the district in which it is located.

(2) It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the single state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the single state construction code, such federal or state standard or regulation shall apply.

(3) It is firmly attached to a permanent foundation constructed on site in accordance with the single state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the applicable building code for single-family dwellings. If the dwelling is a manufactured home, as defined in this section, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home

commission and shall have a perimeter wall as required in this subsection.

(4) If a dwelling is a manufactured home, as defined in this section, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.

(6) The dwelling contains a storage capability area in a basement located under the dwelling or in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 15 percent of the square footage of the dwelling or 200 square feet, whichever shall be less.

(7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with windowsills and roof drainage systems concentrating roof drainage along the side of the dwelling; with not less than two exterior doors, with one being in the front of the dwelling and the other being either in the rear or side of the dwelling; contains permanently attached steps connected to the exterior door areas or to porches connected to such door areas, where a difference in elevation requires the steps. The compatibility of design and appearance shall be determined in the first instance by the building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the board of zoning appeals within a period of 15 days from the receipt of notice of the building inspector's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of the term "dwelling," as well as the character of residential development outside of manufactured home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of such area; or, where the area is not so developed, by the character of residential development outside of manufactured home parks throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.

(8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this chapter.

(9) The dwelling complies with all pertinent building and fire codes. For a manufactured home, all construction and all plumbing, electrical apparatus and installation with and connected to the manufactured home shall be of a similar type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(10) The longest side of the dwelling, being the natural front, shall be as closely parallel as possible to the street.

The standards of subsections (1) through (10) of this definition shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law or otherwise specifically required in city ordinances pertaining to such parks.

Dwelling, row, terrace, and townhouse, means a row of three or more attached dwelling units, not more than 2-1/2 stories in height, in which each dwelling has its own front entrance and rear entrance.

Dwelling, two-family, means a dwelling occupied by two families, each provided with separate facilities for living accommodations. Also known as a duplex dwelling.

Dwelling unit means a house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered a dwelling. For mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the sections of this chapter relative to dwellings.

Dwelling unit size or area means the sum of the horizontal areas of the several floors of the dwelling measured from the interior face of the exterior walls. This area shall not include carports, open breezeways or porches, unfinished attics, basements, attached or detached garages, or accessory buildings.

Efficiency unit means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than 450 square feet of floor area.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration, or maintenance and operation by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment; and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities or city departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of such essential service equipment.

Family means one or two persons or parents, with such persons' or parents' direct lineal descendants and adopted or foster children, and including the domestic employees thereof, together with not more than three persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for purposes of this chapter.

Fence means any protective barrier or wall constructed of stone, wood, wire, concrete, vinyl or other building material. A fence also includes any landscape material such as shrubs placed as a hedge which at maturity provide a physical or visual barrier or obstacle exceeding three feet in height.

Floor area, gross, means the sum of the gross horizontal areas of the several floors of the principal building, including enclosed porches, measured from the exterior faces of the exterior walls. Any space devoted to offstreet parking or loading, basements, breezeways, unfinished attics, and open porches shall not be included.

Floor area, useable, means that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. For a half story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more.

Garage, community, means a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two or more owners or occupants in the vicinity.

Garage, private, means a space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot or his family or domestic employees.

Garage, public, means a space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this chapter.

Garage sale, yard sale, porch sale and basement sale mean a sale conducted on residential property for less than six calendar days during a given one-year period.

Grade, building, means the average elevation of the ground adjacent to the walls of a building.

Greenbelt means a strip of land which is planted with trees or shrubs acceptable in species and caliper to the planning commission.

Height, building, means the vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall.

Home occupation means an activity carried out for gainful purposes by a resident of the dwelling and conducted as a customarily incidental use to the dwelling unit and further defined in section 52-695.

Hospital means a building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the state health department.

Hotel means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.

Junk means any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap materials that are damaged, are deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard means automobile wrecking yards, salvage areas or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

Kennel means any lot or premises on which three or more dogs, four or more months old, are kept either permanently or temporarily boarded.

Lot means a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of such contiguous lots considered as a single lot for the purpose of this chapter as he so elects, and in

such case the outside perimeter of such group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot."

Lot area means the total horizontal area within the lot lines, as defined in this section, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street and not the centerline of such street.

Lot, corner, means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. For a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the mean horizontal distance from the center of the front street line to the center of the rear lot line.

Lot, double-frontage, (also known as a through lot) means a lot, other than a corner lot, having frontage on two streets. For a row of double-frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit all buildings shall be addressed off of one street and the fronts of all buildings shall face that street. Each lot will have two front yards and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences, or accessory buildings, etc. Waterfront lots are also considered double-frontage lots. Setback requirements pursuant to section 52-621, footnote b., will apply to all buildings, accessory structures and storage of vehicles, campers and recreational vehicles.

Lot, interior, means a lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the boundary lines of a lot and is further defined as follows:

(1) *Front lot line*, for an interior lot abutting on one public or private street, means the line separating the lot from such street right-of-way. For a corner or double-frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

(2) *Rear lot line* means that lot line which is opposite and most distant from the front lot line of the lot. For an irregular lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. When none of these definitions are applicable, the planning commission shall designate the rear lot line.

(3) *Side lot line* means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines. A lot must abut a public right-of-way and must be the minimum width as required in Division 16, Schedule of Regulations, for the zoning district in which the property is located.

Major thoroughfare means a main traffic artery designated on the city's land use plan as a major thoroughfare or a collector street.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under this chapter. For the purpose of this chapter, a mobile home shall be considered a manufactured home. A manufactured home does not include a recreational vehicle or travel trailer.

Manufactured home park means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary travel trailer park.

Manufactured home site means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

Marina means a facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing, such as refueling, of recreational watercraft.

Motel means a series of attached, semidetached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the planning commission, with the exception of units for use of the manager and/or caretaker.

Motor home means a motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to manufactured homes.

Multi-family residential development means an apartment housing complex within a single building that contains and is limited to rental or owner-occupied dwelling units. There shall be no retail or commercial use of the building. Its intention and design is for residential living only.

Nonconforming use or building means as follows:

(1) *Nonconforming building* means a building or portion thereof lawfully existing at the original effective date of the ordinance from which this chapter is derived or amendments thereto and which does not conform to the sections (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located.

(2) *Nonconforming use* means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived or amendments thereto and that does not conform to the use regulations of the zoning district in which it is located.

Nursery, plant materials, means a space, building or structure or combination thereof for the storage of live trees, shrubs, or plants offered for wholesale or retail sale, including products used for gardening or landscaping. The definition of the term "nursery" within

the meaning of the chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Office means as follows:

(1) *Business office* means an establishment where administrative or clerical duties take place for a commercial entity.

(2) *Professional office* means a place of business of an individual whose occupation requires considerable college education or specialized study in order to be qualified for his profession. A license from the state is necessary in order to operate such office. For purposes of this chapter, the following shall be considered a professional office: office of a medical doctor or dentist, chiropractor, attorney, architect, engineer, insurance agent, realtor, etc. The following shall not be considered a professional office: beauty salons or barber shops, massage establishments, veterinarian offices, psychic reading rooms, among others. When located in a residentially zoned district, a professional office shall be restricted from any retail sales of merchandise other than that of professional services.

Offstreet parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Open air business uses include the following business uses:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

(2) Retail sale of fruit and vegetables.

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

(4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.

(5) Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.

Open space means any area, open to the sky, on a lot not covered by a principal or accessory building.

Open storage means the outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parking space means an area of not less than nine feet wide by 20 feet long, for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Patio means an open unenclosed structure located at/on existing grade level and not elevated more than eight inches.

Porch, covered, means an open entrance with a covered roof and that is attached to the main building. If the roof area of the covered porch extends more than four feet from the main structure, such covered porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, open, means an uncovered entrance to a building or structure which projects out from the main wall of such building.

Public utility means any person, firm, corporation, city department or board duly authorized to furnish and furnishing to the public, under city or state regulation, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal services.

Restaurant, carryout, means an establishment where food is prepared and served to a customer solely for the consumption off the premises.

Restaurant, drive-in, means an establishment serving food and/or drink so developed that its retail or service character is dependent on providing spaces for motor vehicles so as to serve patrons food while parked in the motor vehicle. This type of restaurant may have seating facilities for dining, as an ancillary use.

Restaurant, sit-down, means an establishment where food is prepared and served for consumption within the principal building, with or without carryout facilities. A drive-up window may be an accessory service facility for customers.

Room means, in a multiple-family residential district, a living room, equal to at least 220 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Roominghouse means any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented as rooms shall not exceed three, unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

Setback means the minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

Setback, average, means the average line of setback allowed when placing a straight line drawn from the furthest projected corner of the main building on either side of the questioned lot.

Sleeping or living quarters of a night watchman, security guard, or caretaker may consist of a room containing sleeping and/or cooking facilities with a separate room for sanitary facilities (limit one room for each use). These quarters are intended for the use of security personnel who guard the premises or property upon which such quarters are located. Such quarters shall be subject to all local building codes for residential occupancy. One such quarters per commercial or industrial establishment is allowed. These quarters are not meant to be used as a rental unit to lease to someone not intended to guard the premises. A separate building may be constructed for these purposes. Any sleeping quarters shall not exceed 500 square feet in total size.

Sleeping room. See *Bedroom*.

State-licensed care facilities means:

(1) *Foster care homes*.

a. *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults 18 years of age or older to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

b. *Adult foster care large group home* means a facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

c. *Adult foster care small group home* means a facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

d. *Child foster family group home* means a private home in which more than four but fewer than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days

a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

e. *Child foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

f. *Foster care* means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(2) *Child day care facilities*.

a. *Child care center and day care center* mean a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. The terms "child care center" and "day care center" include a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period or not greater than eight hours per day for a period of not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.

b. *Family day care home* means a private home in which six or fewer minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises. Care is limited to temporary daytime hours typically provided during normal daytime working hours.

c. *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises.

d. *Private home or residence*, as it applies to foster care and day care homes, means a single-family dwelling or as a unit of a multiple-dwelling facility so long as the occupant owns, rents or leases the property and has control over the contents of the dwelling. It is a private residence in which the licensee or registrant permanently resides as a member of the household.

Storage trailer means a semitruck trailer or straight truck box with axles and wheels detached from the body. Such trailer box shall be used for storage of goods at a commercial storage facility. The rules and regulations of accessory buildings shall apply to the location of storage trailers.

Story means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

(1) A mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 14 feet or more.

(2) For the purpose of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured at the finished grade, or if it is used for business purposes.

Story, half, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of the full story.

Street means a public thoroughfare which affords traffic circulation and a principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in width or number of exits.

Structure means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Swimming pool means any structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than 24 inches.

Temporary building and *temporary use* mean a structure or use permitted by the board of zoning appeals to exist during periods of construction of the main use or for special events, not to exceed one year.

Tent means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and not including those types of tents used solely for children's recreational purposes.

Terrace means an open, unenclosed structure located above the existing grade level, but not elevated more than 30 inches high. It does not require guardrails.

Tourist home. See *Bed and breakfast*.

Townhouse means one of a row of houses joined by common side walls.

Travel trailer means a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight feet in width or 32 feet in length. This term also includes folding campers and truck-mounted campers, but not manufactured homes.

Use means the purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Variance means a modification of the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance. A variance granted by the board of zoning appeals shall be valid for six months.

Yacht club means an organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, and a majority of whose members are the owners and operators of boats and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized and operated on a nonprofit basis.

Yard means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. This definition shall not

include eaves, provided that an eight-foot height clearance is provided above the adjacent ground level.

Yard, front, means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. For parking purposes in an A-1 or A-2 district, the front yard shall be considered to be the minimum setback of the district. Parking is permitted behind the minimum setback.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, side, means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Sec. 52-4. through 52-6-40.

No change.

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 1. GENERALLY**

Sec. 52-41. Chief building inspector.

(a) This chapter shall be administered and enforced by the chief inspector or any other employees, inspectors, and officials as the chief inspector may delegate to enforce this chapter.

(b) The powers and duties of the chief inspector shall include the following:

(1) Issue all permits and certificates required by this chapter.

(2) Cause any building, structure, land, place or premises to be inspected and examined and order in writing the remedying of any condition found to exist therein in violation of any section of this chapter.

(3) Carry out and enforce any decisions and determinations of the board of zoning appeals.

(c) For the purpose of this chapter, the chief inspector, or designee, shall carry out enforcement provisions and shall issue municipal civil infraction citations.

Sec. 52-42. through 52-46.

No change.

Sec. 52-47. Violations and correction orders.

If any violation of this chapter occurs, with the exception of a violation of section 52-621, footnote a., a zoning violation ticket will be issued. The chief inspector shall, after inspection, order in writing the correction of such conditions as are found to constitute a violation. If, within 10 days or such longer time as the chief inspector may in writing authorize, any such conditions have not been corrected, it shall be the duty of the chief inspector to institute appropriate action.

Sec. 52-48. through 52-70.

No change.

DIVISION 2. SPECIAL APPROVAL USE PERMITS

Sec. 52-71. Required; issuance.

(a) Before the issuance of a permit for the establishment, erection, reconstruction, structural alteration, enlargement, addition to or moving of any use which, as provided by the district regulations and other regulations in this chapter, shall be permitted in a certain district as a permitted use after special approval, such use shall be

approved by the city council after a public hearing and recommendation by the planning commission. Site plan review shall be required for all such special approval uses in accordance with section 52-697.

(b) Action of the planning commission and city council on any such matter shall be taken only after an application therefor in writing shall be filed with the chief inspector and shall be governed by the required procedure for an appeal pursuant to Public Act No. 207 of 1921 (MCL 125.581 et seq.), including holding a hearing.

(c) The issuance of any permit shall not be approved unless the city council shall find, in each case, that:

(1) All requirements set forth in this chapter will be complied with.

(2) The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area.

(3) The proposed use will not be injurious to the surrounding neighborhood.

(4) The proposed use will not be contrary to the spirit and purpose of this chapter. The planning commission may recommend such conditions as it may deem reasonably necessary to promote the spirit and intent of this chapter.

(5) All proposed structures, equipment or material shall be readily accessible for fire and police protection.

(6) The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.

(7) The proposed use shall provide sufficient space for the offstreet parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this chapter for its particular district or use.

(8) Any proposed building shall not be out of harmony with the predominant type of building in the particular district by reason of its size, character, location, or intended use.

(d) The issuance and validity of any special use permit is contingent upon the conditions/uses existing at the time of issuance. The permit goes with the building and specific use of the building as authorized on the permit. Transfer of property does not affect the use permit. When property, for which a special permit has been designated, has a change in ownership or use, another use may occupy such property provided the proposed use and parking requirements are similar to the former use for which the special permit was granted. A use certificate shall be issued from the planning department prior to the new use occupying such property. Change in use to a nonsimilar activity will result in the use permit becoming null and void. A new special permit (special approval) shall be required from the planning commission and city council if the following items prevail:

(1) The former use has ceased for a period exceeding six months.

(2) New additions or new structures are required.

(3) The new use is a different character as compared to existing use. The new use must be a "use allowed after special approval" in such zoning district.

(4) More parking spaces are required than were necessary for the previous use.

(5) Home occupations and state licensed care facilities in the home such as family or group day care, expire upon change of ownership and are not transferable to a new address or new property owner.

(e) A site plan shall be submitted with a letter of request for a special permit. The site plan shall show the location of all structures and parking on the property for the proposed use. Follow the requirements necessary for submitting a site plan as required in section 52-697(d) through (h).

Sec. 52-72. through 52-95.

No change.

DIVISION 3. BOARD OF ZONING APPEALS

Sec. 52-96. through 52-102.

No change.

Sec. 52-103. Action.

The board of zoning appeals shall decide on any matter within 30 days after the date of the hearing thereon. A decision in favor of the applicant shall be approval or conditional approval of the matter applied for and shall be an order to the chief inspector to carry out such action, subject to any such conditions. The decision of the board shall not become final until the expiration of five days from the date of entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. All variances granted through the board of zoning appeals shall be valid for six months from the date of final approval and may be transferred with the ownership of the property. Validation requires the action taken, permit obtained and/or other process underway.

Sec. 52-104. Limitation of powers.

The board of zoning appeals, in exercising its powers and authority, as provided by law and by this chapter, shall make decisions pertaining to specific applications only, except in exercising its power of interpretation, and shall not have the power or authority to change any boundary line of any district or to change any rule, regulation, provision or restriction in this chapter. In exercising its power of interpretation of any word, term, rule, regulation, provision or restriction and of determination of the location of the boundary of any district, the board may act upon application, upon written request by the city council or the planning commission. The board of zoning appeals shall be prohibited from granting use variances. They may grant dimensional variances including, but not limited to, setbacks, height, and lot coverage.

Sec. 52-105. through 52-190.

No change.

DIVISION 2.

R SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 52-191. Statement of purpose.

No change.

Sec. 52-192. Principal permitted uses.

In the R district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) Single-family detached dwellings.

(2) Churches and other facilities normally incidental thereto, provided ingress and egress from the site is onto a major thoroughfare. The minimum site size shall be two acres, and no building shall be located less than 20 feet from any other lot in any residential district. Off-street parking shall be provided according to article VI.

(3) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities, provided that any building shall be located not less than 40 feet from any other lot in any residential district.

(4) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit, provided that such buildings shall be located not less than 20 feet from any other lot in any residential district.

(5) Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than 20 feet from any other lot in a residential district.

(6) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)–(6) of this section.

(7) Offstreet parking for the principal permitted uses in accordance with the requirements of article VI of this chapter. Parking must be on the same property as the main structure.

(8) Building additions to existing hospitals, sanitariums, nursing or rest homes. Any such building additions shall be distant at least 100 feet if for hospitals or sanitariums and 50 feet if to nursing or rest homes from any other lot in any residential district not in a similar use.

(9) Any home licensed by the state for the care of mentally ill or mentally retarded shall be allowed to board a maximum of four individuals for family care. Signage is not allowed.

(10) Adult foster care family home, state licensed for six or fewer adults. Signage is not allowed.

(11) State-licensed child foster family homes or child foster family group homes for fewer than seven children. Signage is not allowed.

Sec. 52-193. Permitted uses after special approval.

The following uses shall be permitted in the R district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission. Concurrent with special use approval, site plan review, in accordance with section 52-697, is required:

(1) Private parks, country clubs, golf courses, and golf driving ranges, when located on a parcel of five acres or more in area. Any structure on such parcel shall be located at least 200 feet from a lot line of any adjacent residential district.

(2) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.

(3) Family day care home, state licensed for six or fewer children, subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site survey shall be submitted showing the location of the dwelling, play area and parking.

d. No signage shall be allowed.

(4) Cemeteries adjacent to or an extension to existing cemeteries, subject to the following conditions:

a. The site shall be so located as to have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto such major thoroughfare.

b. Any structure located on the site shall be at least 100 feet from any lot line.

(5) Home occupations as defined in section 52-695.

(6) Temporary buildings for uses incidental to construction work for a period not to exceed one year.

(7) Offstreet parking for the special-approval use, in accordance with the requirements of article VI of this chapter. Parking must be on the same property as the main structure.

a. Such parking lot shall be used only for the parking of vehicles with no repair work or servicing of any kind.

b. Adequate lighting shall be provided and so arranged or reflected away from residences in the area as to cause no annoying glare to such residential property.

c. No advertising signs shall be erected upon such lot, except not more than one sign at each entrance to indicate the operation and purpose of the lot. Such signs shall not exceed six square feet in area and shall not extend four feet in overall height above the ground and shall not project beyond the portion of the property which may be lawfully used for such parking lot.

d. A solid masonry wall or other barrier of material approved by the planning commission, four feet in height, shall be constructed and maintained along those property lines separating the parking lot from adjoining residentially zoned property, except that the height limit may be reduced to three feet where the adjoining property line is a public street.

e. Such parking lot shall comply with all applicable requirements for parking lot layout, construction and maintenance as set forth in section 52-773.

f. Setbacks for parking lots shall conform to those setbacks for buildings in the front and side yards. Rear yard setbacks for parking lots shall be five feet from the property line.

Sec. 52-194. through 52-220.

No change.

DIVISION 3.

R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 52-221. through 52-222.

No change.

Sec. 52-223. Permitted uses after special approval.

The following uses shall be permitted in the R-1 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission. Concurrent with special use approval, site plan review, in accordance with section 52-697, is required:

(1) All permitted uses after special approval in the R district, subject to the terms and conditions therein.

(2) Professional or business office approval shall be conditioned upon the meeting of the building height limit, side yard width, rear yard depth, front yard depth and plat coverage required in the district in which the site is located and conditioned further that the automobile parking spaces shall be in accordance with section 52-772. If there is a question as to whether or not a use is indeed an office, the planning commission shall decide first if an occupation is suitable as an office per the definition before the special permit is granted.

(3) A temporary building for commerce or industry for a period of not more than one year, when incidental to the erection or servicing of structures or uses permitted in such districts.

(4) Governmental uses when found to be necessary for the public health, safety, convenience or welfare.

(5) Family day care home, state licensed for six or fewer children, subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet, shall be in the rear yard and shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site survey shall be submitted showing the location of the dwelling, play area, and parking.

d. No signage is allowed.

(6) Commercial boat wells, provided that the number of commercial boat wells does not exceed one well for each 25 feet of lot water frontage and that one offstreet parking space in addition to private residence is provided per boat well. No private water, sanitary or similar services may be provided. Appropriate permits, as necessary, must be obtained from the U.S. Army Corps of Engineers and/or the department of environmental quality as required prior to issuance of special approval use permit.

(7) Bed and breakfast facilities as provided in section 52-696.

(8) Parking lots for business or multi-family uses, subject to the following conditions:

a. No commercially zoned vacant land is available in the vicinity of the business use.

b. Such parking lot shall be used only for the parking of vehicles with no repair work or servicing of any kind.

c. Adequate lighting shall be provided and so arranged or reflected away from residences in the area as to cause no annoying glare to such residential property.

d. There is, or will be, a reasonable need for such parking lot to prevent congestion, traffic hazard, and undesirable use of contiguous residentially zoned streets for parking purposes.

e. No advertising signs shall be erected upon such lot, except not more than one sign at each entrance to indicate the operation and purpose of the lot. Such signs shall not exceed six square feet in area and shall not extend four feet in overall height above the ground and shall not project beyond the portion of the property which may be lawfully used for such parking lot.

f. A solid masonry wall or other barrier of material approved by the planning commission, four feet in height, shall be constructed and maintained along those property lines separating the parking lot from adjoining residentially zoned property, except that the height limit may be reduced to three feet where the adjoining property line is a public street.

g. Such parking lot shall comply with all applicable requirements for parking lot layout, construction and maintenance as set forth in section 52-773.

h. Setbacks for parking lots shall conform to those setbacks for buildings in the front and side yards. Rear yard setbacks for parking lots shall be five feet from the property line.

i. Said parking lot may be on property separate from the building it is intended to serve.

Sec. 52-224. through 52-250.

No change.

**DIVISION 4. A-1 MEDIUM-DENSITY
MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

Sec. 52-251. Statement of purpose.

No change.

Sec. 52-252. Principal permitted uses.

In the A-1 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) All principal permitted uses allowed in the R-1 districts, subject to the terms and conditions therein.

(2) Single- and two-family dwellings. A single-family home must be constructed on a lot that has a minimum of 7,000 square feet. A two-family dwelling must be constructed on a lot that has a minimum of 10,000 square feet. Multiple single-family detached condominiums are allowed with three or more buildings on one site. The total site size shall be 5,000 square feet per building. Duplex condominiums are allowed with two or more buildings on one site. The total site size shall be 7,000 square feet per duplex building.

(3) Multiple-family dwellings, including apartments, townhouses, row houses and dwelling groups, provided all such dwellings shall have at least one property line abutting a major thoroughfare. All ingress and egress shall be directly onto such major thoroughfare.

(4) Churches and other facilities normally incidental thereto, provided ingress and egress from such site is onto a major thoroughfare. The minimum site size shall be two acres, and no building shall be located less than 20 feet from any other lot in any residential district.

(5) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities, provided that any building shall be located not less than 40 feet from any other lot in any residential district.

(6) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit, provided that such buildings shall be located not less than 20 feet from any other lot in a residential district.

(7) Municipal, state or federal administrative or service buildings, provided that such buildings shall be located not less than 20 feet from any other lot in a residential district.

(8) Private schools and educational institutions.

(9) Convalescent and/or nursing homes or group living quarters for the mentally retarded or mentally ill, not to exceed a height of 2 1/2 stories, when the following conditions are met:

a. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the offstreet parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto such major thoroughfare.

b. No building shall be closer than 25 feet from any property line.

c. Group living quarters for the mentally ill and the mentally retarded are subject to the regulations and restrictions of the state department of mental health.

(10) Boardinghouse (roominghouse) not to exceed a height of three stories.

(11) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)-(10) of this section.

(12) Offstreet parking in accordance with the requirements of article VI of this chapter.

(13) State-licensed adult foster care homes, including family homes, small group homes, and large group homes. Foster care homes must provide offstreet parking in accordance with the requirements in article VI of this chapter.

(14) State-licensed child foster family homes or child foster family group homes for fewer than seven children.

Sec. 52-253. Permitted uses after special approval.

The following uses shall be permitted in the A-1 district, subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) Uses which are allowed after special approval in the R and R-1 districts except public parks and governmental buildings allowed as a principal permitted use in the A-1 district.

(2) Manufactured home parks, subject to the requirements as established and regulated by Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

(3) Professional and business office approval shall be conditioned upon the meeting of the building height limit, side yard width, rear yard depth, front yard depth and plat coverage required in the district in which the site is located and conditioned further that the automobile parking spaces required shall be in accordance with section 52-772.

(4) A temporary building for commerce or industry for a period of not more than one year, when incidental to the erection or servicing of structures or uses permitted in such districts.

(5) Bed and breakfast facilities or tourist homes as defined in section 52-696.

(6) Public garage when required for offstreet parking space for any use not more than 300 feet distant therefrom.

(7) Adult day care center with offstreet parking in accordance with the requirements of article VI of this chapter.

(8) State licensed family day care home (six or fewer children), group day care home (up to a maximum of twelve children), or child day care center (with a minimum site size of 20,000 square feet) subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet, shall be in the rear yard, and shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted showing the location of buildings, play area, and parking provided.

d. No signage is allowed when the day care is in a private home.

(9) Home occupations as defined in section 52-695.

Sec. 52-254. Screening requirement.

No change.

Sec. 52-255. Site plan review.

For all uses permitted in an A-1 district, except single- and two-family dwellings which are constructed as one building on one lot, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the planning commission, in accordance with section 52-697. In addition to the criteria set forth in section 52-697(d), the planning commission shall not recommend approval of any multiple-family dwelling site plan which does not meet the following criteria:

(1) All site plans shall show two means of ingress and egress to the project to permit adequate circulation for safety equipment, except that for projects under ten acres one boulevard entranceway may be sufficient.

(2) In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive.

(3) All townhouse units must include an individual outdoor paved patio area not less than 100 square feet in area.

(4) There shall be no more than seven townhouses in any one attached row.

(5) An apartment house shall not exceed 200 feet in length.

Sec. 52-256. through 52-280.

No change.

**DIVISION 5. A-2 HIGH-RISE
MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

Sec. 52-281. Statement of purpose.

No change.

Sec. 52-282. Principal permitted uses.

In the A-2 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) All principal permitted uses in the A-1 district, except single-family dwellings. Multiple single-family detached condominiums are allowed with three or more buildings on one site. The total site size shall be 5,000 square feet per building. Duplex condominiums are allowed with two or more buildings on one site. The total site size shall be 7,000 square feet per duplex building.

(2) High-rise multiple-family residential structures subject to the following conditions:

a. All dwelling units above the first story shall be served by elevators.

b. The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from such thoroughfare.

c. The entire area of the site shall be designed to serve the residents of the site, and any accessory buildings, uses, or services shall be developed primarily for the use of residents of the site. Uses considered as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

d. All dwelling units shall have at least one living room and one bedroom, except that not more than five percent of the units may be of an efficiency type. Where a project is designed and intended exclusively for senior citizen use, this requirement may be waived by the planning commission.

(3) Foster family homes, foster family group homes and adult foster care family homes.

(4) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)--(3) of this section.

(5) Offstreet parking in accordance with the requirements of article VI of this chapter.

Sec. 52-283. Permitted uses after special approval.

The following uses may be permitted in the A-2 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) Uses which are allowed after special approval in the A-1 district including the following: Retail and service uses such as restaurants, drugstores, banks, professional and business offices, personal services, bed and breakfast facilities, home occupations, and other similar uses, and that such uses are in harmony with the character and the quality of the multiple-family development.

(2) State licensed family day care home (six or fewer children), group day care home (up to a maximum of twelve children), or child day care center (with a minimum site size of 20,000 square feet), subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet, shall be in the rear yard and shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Offstreet parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted showing the location of buildings, play area, and parking provided.

d. No signage is allowed when the day care is in a private home.

Sec. 52-284. Screening requirement.

No change.

Sec. 52-285. Site plan review.

For all uses permitted in an A-2 district, except two-family dwellings which are constructed as one building on one lot, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the planning commission, in accordance with section 52-697.

Sec. 52-286 through 52-345.

No change.

DIVISION 7. B NEIGHBORHOOD BUSINESS DISTRICT**Sec. 52-346. Statement of purpose.**

No change.

Sec. 52-347. Principal permitted uses.

In the B district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products and baked goods.

(2) Drugstores.

(3) Confectioneries, delicatessens and restaurants. Establishments with a character of a drive-in or openfront store are prohibited.

(4) Dress, tailor, pressing and dry cleaning shops employing not more than two assistants, provided the cleaning fluid used has a base which is of a nonexplosive and nonflammable materials.

(5) Hand laundry.

(6) Wearing apparel shop.

(7) Hardware, paint and wallpaper, furniture and household appliance stores.

(8) Banks.

(9) Variety and dry goods stores.

(10) Flower shop.

(11) Gift shop.

(12) Shoe repair shop.

(13) Watch, television and radio repair shops.

(14) Barbershops and beauty shops.

(15) Business and professional offices.

(16) Accessory buildings and uses customarily incidental to the permitted principal uses in subsections (1)--(15) of this section.

(17) Offstreet parking in accordance with the requirements of article VI of this chapter.

(18) State licensed child day care centers subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted.

d. The minimum site size shall be 20,000 square feet.

Sec. 52-348. through 52-380.

No change.

DIVISION 8. C-1 GENERAL BUSINESS DISTRICT**Sec. 52-381. Statement of purpose.**

No change.

Sec. 52-382. Principal permitted uses.

In the C-1 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) All principal permitted uses in the B district.

(2) Any retail business whose principal activity is the sale or rental of merchandise must be within a completely enclosed building.

(3) Business service establishments performing services on the premises such as office machine and typewriter repair, printing, blueprinting.

(4) Any service establishment of an office, showroom, or workshop nature within a completely enclosed building such as that of a taxidermist; decorator; upholsterer; caterer; exterminator; building contractor, including electrical, glazing, heating, painting, paperhanging, plumbing, roofing, ventilating, and plastering; small engine repair; and similar establishments that require a retail adjunct. No outside storage yards or displays shall be permitted.

(5) Photographic film developing and processing.

(6) Physical culture establishments, including gymnasiums and reducing salons, health and fitness clubs, tattoo parlors, and massage establishments, as defined in section 12-286.

(7) Bowling alleys, skating rinks, sports arenas, arcades, pool halls, enclosed tennis, swimming or golf facilities, and other indoor recreational facilities, when conducted within a completely enclosed building and when located at least 150 feet from any property zoned in a residential classification.

(8) Hotels and motels.

(9) Eating and drinking establishments, provided that all food or beverages are consumed within a completely enclosed building. Outdoor seating may be allowed after special approval from the planning commission and city council.

(10) Assembly halls, private clubs and lodges, private or public museums, and 501c3 non-profit organizations.

(11) Funeral parlors or mortuaries.

(12) Television and radio studios and towers subject to the requirements of section 52-689.

(13) Other uses similar to subsections (1)--(12) of this section, subject to the following restrictions:

a. All goods produced on the premises shall be sold at retail on the premises where produced.

b. All business or servicing, except for offstreet parking and loading, shall be conducted within a completely enclosed building.

(14) Bus passenger stations.

(15) Offstreet parking in accordance with the requirements of article VI of this chapter.

(16) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)--(15) of this section, including sleeping or living quarters of security, watchman, or caretaker.

(17) Nursery schools, day nurseries and child day care centers, not including dormitories, which are state licensed, subject to the following conditions:

a. For each child cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play area shall have a total minimum area of at least 1,200 square feet and shall be in the rear yard. Such play area shall be enclosed with a minimum of a six-foot high solid screen-type fence.

b. Parking shall be provided in accordance with the requirements of article VI of this chapter.

c. A site plan shall be submitted.

d. The minimum site size shall be 20,000 square feet.

(18) Adult day care center subject to offstreet parking in accordance with the requirements of article VI of this chapter.

(19) Any of the permitted uses in this section with a drive-thru facility or drive-up window used as an accessory use for the business. When such drive-thru business is located adjacent to a residential district and not separated by a street or alley, there shall be a five-foot buffer with landscaping and a four-foot-high screening fence or masonry wall located at the property line between the drive-thru business and the residentially zoned property.

(20) Churches and other facilities normally incidental thereto, provided ingress and egress from such site is onto a major thoroughfare. The minimum site size shall be two acres. Off-street parking shall be included in accordance with the requirements of article VI of this chapter.

(21) Pet grooming facilities are allowed provided the animals are not kept overnight.

Sec. 52-383. through 52-410.

No change.

DIVISION 9. CBD CENTRAL BUSINESS DISTRICT

Sec. 52-411. through 52-412.

No change.

Sec. 52-413. Permitted uses after special approval.

The following uses may be permitted in the CBD district subject to site plan approval and the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) Waterfront uses customarily incidental to recreational boating facilities, including sales, service and mooring facilities, as specified in division 10 of this article.

(2) Permanent open air uses such as fruit and vegetable markets, provided that such uses do not conflict with surrounding uses, do not create traffic congestion, and are in accordance with the intent of the CBD district.

(3) High-rise apartment buildings per the requirements of section 52-282(2)--(5), and section 52-621 requirements for construction in an A-2 district.

Sec. 52-414. Site plan review.

For all uses permitted in the CBD district wherein a new building, change in the footprint of the building (new addition), or parking requirement change is necessary, and for all permitted uses after special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the planning commission in accordance with section 52-697.

Sec. 52-415. through 52-475.

No change.

DIVISION 11. M-1 LIGHT INDUSTRIAL DISTRICT

Sec. 52-476. Statement of purpose.

No change.

Sec. 52-477. Principal permitted uses.

Principal permitted uses in the M-1 district are any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or

equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by a fence and/or landscaping six feet in height so as to screen such storage area from the public streets and adjoining properties:

(1) Wholesale and warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district; truck terminals.

(2) Industrial establishments as follows:

a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products excluding butchering or animal slaughtering, candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.

b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fibre, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal excluding large stampings such as automobile fenders or bodies, shell, textiles, wax, wire, wood excluding saw and planing mills, and yarns.

c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton and cardboard products.

d. Laboratories: research or testing.

e. Central dry cleaning plants and laundries.

(3) Public utility uses. Electric transformer stations and substations; electric transmission towers, municipal buildings and uses; gas regulators and municipal utility pumping stations.

(4) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)--(3) of this section, including sleeping or living quarters of security, watchman or caretaker.

(5) Offstreet parking in accordance with article VI of this chapter.

(6) Within the boundaries of the following described industrial parks, the following uses are permitted:

Industrial Park #1: That area of land in the city described as lying south of the G.T.W. & C & O railroad right-of-way; west of 16th Street; north of Dove Street; and east of 24th Street. Also property lying south of Dove Street; west of the west line of outlot B, Assessor's Military Street Plat No. 3; north of Cleveland Avenue; and east of 24th Street.

Industrial Park #2: Land in the city lying within the following boundaries: beginning at the centerline of 26th Street and the south right-of-way line of Dove Street; thence south along such 26th Street centerline to the centerline of Cleveland Avenue; thence westerly to the west right-of-way line of 28th Street; thence south to the northeast corner of lot 3, Assessor's Vanness & Moak Street Plat No. 1; thence westerly 317.83 feet; thence northerly 20 feet; thence westerly 296.84 feet; thence southerly 20 feet; thence westerly to the east right-of-way line of 32nd Street (city limits); thence northerly to the south right-of-way line of Dove Street (city limits); thence easterly following the city limits; thence following the city limits line northerly; thence easterly to the east right-of-way line of 24th Street; thence southerly along 24th Street to the south right-of-way line of Dove Street; thence westerly to the centerline of 26th Street or point of beginning of this description.

- a. No uses in section 52-478 are permitted.
- b. Permitted uses shall include all principal permitted uses in this M-1 district except the uses in subsections (1) and (2)e. of this section.
- c. All uses are subject to the following:
 1. Such property may be used for industrial purposes, as stated above, but such property shall not be used for the following purposes: acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; distillation of bones, coal, tar, petroleum, refuse, grain, wood; drilling for or removal of oil, gas, or other hydrocarbon substance; explosives manufacture or storage; fat rendering; fertilizer manufacture; garbage, offal or dead animal or fish reduction or dumping; glue manufacture; hog farm; junkyard; smelting of ores; stockyard or slaughter of animals except poultry or rabbits; tannery; or any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise or which may impose a hazard to health or property.
 2. No buildings erected on the above-described property shall be nearer than 50 feet to the line of 16th and 20th Streets, nor nearer than 50 feet to the line of Dove Street, nor nearer than 50 feet to the line of any existing or proposed street, nor shall any building be erected nearer than 30 feet to the side lines of such property.
 3. No main or accessory building shall be situated less than 50 feet from any residential property line.
 4. No building shall exceed a height of three stories or 50 feet, whichever is greater.
 5. No parking access and/or service area may be located less than 25 feet from any residential property line.
 6. Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park and shall be in accordance with article VI of this chapter.
 7. No loading docks may be located on any street frontage.
 8. All lot areas not used for buildings or parking, loading and storage areas shall be landscaped. It shall be done attractively with lawns, trees, shrubs, etc., and shall be properly maintained thereafter in a well-kept condition.
 9. A wall or barrier of suitable material not less than six feet high shall be constructed along those property lines which abut a residential district.
 10. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 11. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.
 12. The outdoor storage of equipment, raw materials, semi-finished or finished products may be permitted only when such outdoor storage is necessary and incidental to the operations being carried on in the buildings located upon the site. All storage shall be contained to a height and size so as to be shielded by fence or landscaping so as to screen such storage area from the public streets and adjoining properties, or within an enclosed, permanently constructed building of like materials and style of existing building. The planning director and chief inspector will determine if the fencing or landscaping is adequate. No temporary buildings (tarps, tents, huts, etc.) shall be used for storage, nor shall storage be in an unenclosed permanently constructed building.

Sec. 52-478. Permitted uses after special approval.

The following uses may be permitted in the M-1 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

- (1) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of drive-in or openfront store are prohibited.
- (2) Barbershops and beauty shops.
- (3) Truck tractor and trailer sales, rental and repair.
- (4) New automobile rental and leasing agency.
- (5) Motels.
- (6) Automobile gasoline and service stations, and automobile repair facilities, in accordance with section 52-678.
- (7) Drive-in theaters, provided that:
 - a. Any such site is adjacent to a major thoroughfare;
 - b. There shall be no vehicular access to any residential street;
 - c. Suitable screening shall be provided to ensure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property;
 - d. The picture is not visible from a major thoroughfare; and
 - e. Any such drive-in theater site shall be located no closer than 500 feet to any residentially zoned or developed property.
- (8) Dog kennels.
- (9) Recreational vehicle storage yards.

Sec. 52-479. Compliance with other governmental regulations.

No change.

Sec. 52-480. Site plan review.

For all uses permitted in an M-1 district wherein a major addition to the building requiring parking lot changes are required or a new building is constructed, and for all permitted uses allowed after special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the planning commission in accordance with section 52-697.

Sec. 52-481. through 52-505.

No change.

DIVISION 12. M-2 GENERAL INDUSTRIAL DISTRICT

Sec. 52-506. Statement of purpose.

No change.

Sec. 52-507. Principal permitted uses.

In the M-2 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

- (1) All principal permitted uses in the M-1 district.
- (2) Industrial establishments as follows:
 - a. The assembly and/or manufacture of automobiles; automobile bodies, parts and accessories; cigars and cigarettes; electrical fixtures, batteries and other electrical apparatus and hardware.
 - b. Processing, refining or storage of food and foodstuffs.
 - c. Breweries, bumpshops, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops and welding shops.
 - d. Automobile bumpshops, tire vulcanizing and recapping shops. Automobile gasoline and service stations, and automobile repair facilities, in accordance with section 52-678.

e. Accessory buildings and uses customarily incidental to the permitted principal uses in subsections (1) and (2)a.--d. of this section, including living quarters of a watchman or caretaker.

f. Any other uses similar to any of the principal permitted uses in subsections (1) and (2)a.--e. of this section.

g. Heating and electric power generating plants and all accessory uses; coal, coke and fuel yards subject to section 52-508(2); water supply and sewage disposal plants also subject to section 52-508(2).

Sec. 52-508. Permitted uses after special approval.

The following uses may be permitted in the M-2 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) All permitted uses after special approval in the M-1 district subject to the terms and conditions imposed therein, except for automobile gasoline and service stations, and automobile repair facilities.

(2) Open storage yards of construction contractor's equipment and supplies, building materials, sand, gravel or lumber in accordance with the following:

a. Such uses shall be located at least 200 feet from any residential district.

b. If it is deemed essential by the planning commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of dimensions and materials specified by the planning commission shall be required around the stored material.

c. No required yard spaces shall be used for the storage of equipment or material.

(3) Junkyards.

(4) Mining, excavating or other removal of sand, earth, minerals or other material naturally found in the earth.

(5) Water and gas tanks and holders.

Sec. 52-509. Compliance with other governmental regulations.

No change.

Sec. 52-510. Site plan review.

For all uses permitted in an M-2 district wherein a major addition to the building requiring parking lot changes are required or a new building is constructed, and for all permitted uses allowed after special approval, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the planning commission in accordance with section 52-697.

Sec. 52-511. through 52-540.

No change.

DIVISION 13. I INSTITUTIONAL DISTRICT

Sec. 52-541. through 52-543.

No change.

Sec. 52-544. Action of planning commission.

(a) The planning commission shall approve the master plan when it finds, after receiving a report from the director of planning and after holding a public hearing thereon, that the development shown on the master plan is in compliance with the requirements of the I district and other applicable sections of this chapter and that such development:

(1) Will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;

(2) Will not unreasonably impair an adequate supply of light and air to adjacent property;

(3) Will not unreasonably increase congestion in streets; and

(4) Will not increase public danger from fire or otherwise unreasonably affect public safety.

(b) The action of the commission shall be based upon finding of fact which shall be reduced to writing and preserved among its records. The commission shall submit to the council a copy of its finding and a copy of the master plan, together with its recommendation relative to the ordinance to include the property in the I district. The city council shall then, if it agrees, proceed in the same manner as it would regarding requests for the zoning of property.

Sec. 52-545. through 52-575.

No change.

DIVISION 14. HISTORIC DISTRICTS

Sec. 52-576. Purpose.

No change.

Sec. 52-577. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means work that changes the detail of a resource but does not change its basic size or shape.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Commission means the historic district commission.

Committee means the historic district study committee appointed by the city council.

Demolition means the razing or destruction, whether entirely or in part, of a resource and includes but is not limited to demolition by neglect.

Demolition by neglect means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

Historic district means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archeology, engineering or culture, as approved by the city council. A historic landmark as defined in this section shall be considered a historic district for purposes of this division and state law.

Historic landmark means a historic landmark (resource) as designated by the federal or state government and the local historic district commission and is, therefore, deemed to be its own historic district. A historic district which contains only one resource (landmark) is subject to the requirements and restrictions of this division.

Historic preservation means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archeology, engineering or culture.

Historic resource means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archeology, engineering or culture of the city.

Notice to proceed means the written permission issued by the historic district commission for work to be performed within a historic district which is otherwise inappropriate when the commission has found the proposed work to be necessary, pursuant to a finding under section 52-581.

Open space means undeveloped land, a naturally landscaped area, or a formal or manmade landscape area that provides a connective link or a buffer between resources.

Ordinary maintenance means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this division.

Proposed historic district means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

Repair means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this division.

Resource means one or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features or open spaces located within an historic district.

Work means construction, addition, alteration, repair, moving, excavation or demolition.

Sec. 52-578. through 52-620.

No change.

DIVISION 16. SCHEDULE OF REGULATIONS

Sec. 52-621. Schedule.

The schedule of regulations for zoning districts shall be as follows:

Zoning District	Minimum Lot Width (in feet)****	Minimum Lot Area (in sq. ft.)	Maximum Lot Coverage (percent)	Maximum Height of Building		Minimum Yard Requirements in Feet (Unobstructed) Sides Least Total of:				Minimum Floor Area per Dwelling Unit (in sq. ft.) e
				In Stories	In Feet	Front a, b, c, d	One	Two	Rear	
R	70 v	7,000 v	35	2 1/2*	40	25 t	10% of lot width f, s	20% of lot width f, s	25	1,000 - single
R-1	70 100 g, v, w	7,000 10,000 g, v, w	35	2 1/2	40	25 t	10% of lot width f, s	20% of lot width f, s	25	800 - duplex
A-1	100 u	u, h	35	3	40	25	10 i, j	20 i, j	30	k
A-2	100	h, l	35	--	--	25 m	10 i, j, m	20 i, j, m	30 m	k
CCD	50*	--	--	See division 6 of this article	--	--	--	--	--	--
B	50*	--	--	2 1/2	35	--	n, o	--	o, p	--
C-1	50*	--	--	3	45	--	n, o	--	o, p	q
CBD	50*	--	--	7 r	80 r	--	n, o	--	o, p	q
MD	50*	--	--	2	30	--	n, o	--	o	--
M-1	100	15,000	50	3	50	50	30	60	30	--
M-2	100	15,000	50	3	50	50	30	60	30	--
I	50**	5,000**	50	7	80	25***	10	20	25	--

* On street side.

** Subject to approval of master plan for area, approved by the planning commission and city council.

*** See section 52-547(a), yards.

**** At the street property line and the entire length of the property.

Footnotes to schedule of regulations:

a. In all residential and industrial districts, the required front yard shall not be used for offstreet parking, loading, unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. In a residential district, cars are allowed to park in a permitted paved driveway in front of a garage door within the

required setback for the front yard or street side yard, provided the cars do not overhang into the right-of-way.

b. Where lots are on rivers, the lake or canals, the property shall be treated as a through or double-frontage lot and have required front yards on both street and water frontages. Parcels having frontage on the waterfront shall have the yard maintained on the

water side as an open, unobstructed yard except that a boat hoist or boathouse shall be permitted per sections 52-3 and 52-676.

The building setback, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing adjacent structures. In establishing the average setback based on existing buildings, a straight line shall be drawn between the adjacent buildings from the two corners that are nearest the water and closest to the proposed construction. Any new construction, structure, or part thereof shall be built behind this imaginary line. If either adjacent lot is unimproved, the building on the next improved lot having water frontage shall be used.

New construction, including any dwelling, structure, or part thereof, shall include any enclosed, screened or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace or deck with or without railings that exceeds a height of 18 inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding 18 inches above the average grade must also be behind this setback line.

Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers or boats or anything attached below the ground that will exceed 18 inches in height above the average grade shall not be located between the setback line and the waterfront. Trees may be planted and maintained in this area, provided all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the grade surface. Temporary snow fences may be allowed from December 1 to April 1. Swing sets are excluded.

Before any building permits will be issued, a complete site plan shall be submitted with a survey showing the location of the new construction and the location of any adjacent dwellings. Any deviation from the setback requirements must obtain a variance from the board of zoning appeals.

c. No front yard shall be required as set forth in the district in which it is located for any boathouse constructed over the water of either the St. Clair River or Black River or boat hoist on Lake Huron or the canals, provided that such boathouse or boat hoist is set back from the harbor line as established by the U.S. Army Corps of Engineers and set back a minimum of three feet from the side lot line and provided, further, that the boathouse shall be not more than 23 feet in height above the water line, as defined in International Great Lakes Datum (elevation--L 576.8 ft.), or exceed 800 square feet in area.

d. For double frontage lots where a building fronts on two streets, the lot will have two front yards and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences or accessory buildings, etc.

e. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, garages or accessory buildings.

f. In R, R-1, A-1 and A-2 districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than 50 percent of the required front yard for homes which front upon such side street.

g. For single-family dwellings, the minimum lot width shall be 70 feet and the minimum lot area shall be 7,000 square feet. For two-family dwellings, the minimum lot width shall be 100 feet and the minimum lot area shall be 10,000 square feet.

h. For single-family detached condominiums with more three or more buildings on the site, the total site size shall be 5,000 square feet per building. For duplex condominiums with two or more buildings on one site, the total site size shall be 7,000 square feet per duplex building. Minimum land area required for each dwelling unit, with three or more units in a structure, in the A-1 district shall be:

Land Area in Square Feet

Dwelling Unit Size	Apartments and/or Townhouses
Efficiency or one-bedroom unit	3,500
Two-bedroom unit	4,000
Three-bedroom unit	4,500
Four or more bedroom unit	5,000

i. For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension along the side of the building facing that side yard. Where a lot adjoins land zoned for R or R-1 purposes, all buildings four or more stories in height must be set back a minimum of 50 feet from the lot line adjoining the residential zoning.

j. Where two or more multiple, row or terrace dwelling structures are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof by which each multiple, row or terrace dwelling structure, having common yards, exceeds 40 feet in length on that side of the dwelling structure facing the common yard; or this yard space shall be increased by two feet for each ten feet or part thereof by which each multiple dwelling structure, housing common yards, exceeds 40 feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

k. Required minimum floor area for each dwelling unit shall be:

Dwelling Unit Size	Floor Area in Square Feet
Efficiency unit	450
One-bedroom unit	600
Two-bedroom unit	800
Three-bedroom unit	1,000
Four or more bedroom unit	1,200

1. Minimum land area required for each dwelling unit in the A-2 district shall be the same as required in the A-1 district for a building less than four stories in height. Where building height is four stories or greater, minimum land area per dwelling unit shall be based upon dwelling unit size and building height as follows:

LAND AREA IN SQUARE FEET PER UNIT

Building Height (in stories)	Efficiency Unit	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
4	320	640	960	1,280	1,600
5	300	600	900	1,200	1,500
6	280	560	840	1,120	1,400
7	260	520	780	1,040	1,300
8	240	480	720	960	1,200
9	220	440	660	880	1,100
10 and over	200	400	600	800	1,000

m. Where allowed in the CBD district, all or some of the minimum yard requirements for high-rise residences may be waived by the city council, after recommendation from the planning commission.

n. Where any B, C-1, CBD, or MD district borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of five feet from the side street right-of-way line for all commercial buildings and parking and loading areas.

o. Where a B, C-1, CBD, or MD district borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of ten feet from that property line bordering the residentially zoned district.

p. Loading space shall be provided for the rear yard in the ratio of at least ten square feet per front foot of building. Where an alley or street exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of such alley or street. The board of zoning appeals may waive this requirement when this subsection causes undue hardship.

q. Where hotels or motels are permitted in a C-1 or CBD district, a minimum of 250 square feet of floor area shall be provided within each unit.

r. Modifications allowing greater height may be permitted by the board of zoning appeals after public hearing.

s. Any lot 50 feet wide or wider shall have a side yard requirement of ten percent of the lot width on each side up to a maximum of ten feet on each side. Total of the two must equal 20 percent of the lot width up to a maximum of 20 feet. The minimum interior side yard setback shall be five feet for all lots under 50 feet wide.

t. New dwellings and additions may be built in line with the average front yard setbacks of adjacent dwellings.

u. For one single-family dwelling per lot, the lot size may be reduced to 70 feet wide and 7,000 square feet in total area. For one duplex per lot, the lot size is 100 feet wide and 10,000 square feet in total area.

v. All new single-family dwellings must be constructed on a lot with a minimum width of 70 feet and a minimum of 7,000 square feet in area. An existing lot which is a minimum of 50 feet but less than 70 feet wide with is a minimum of 5,000 square feet in area and is occupied with a single-family home as of the effective date of this ordinance, is a conforming lot. Alterations may be made to said structure provided all other zoning requirements are met in regard to setbacks, lot coverage, etc. Certain platted lots with a minimum width of 50 feet but less than 70 feet are buildable for a single-family dwelling. Refer to Section 52-735, Non-Conforming Lots of Record for more information on lots.

w. All new two-family dwellings must be constructed on a lot with a minimum width of 100 feet and a minimum of 10,000 square feet in area. An existing lot which is a minimum of 50 feet but less than 100 feet wide, is a minimum of 7,000 square feet in area and is occupied with a two-family dwelling as of the effective date of this ordinance, is a conforming lot. Alterations may be made to said structure provided all other zoning restrictions are met in regard to setbacks, lot coverage, etc.

Secs. 52-622. through 52-660.
No change.

**ARTICLE IV.
GENERAL AND SUPPLEMENTARY REGULATIONS**

Sec. 52-661. through 52-666.
No change.

Sec. 52-667. Permitted height.
No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the zoning district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, flagpoles or similar structures may be erected above the height limits prescribed. In districts other than the R, R-1, and A-1 districts, said structures may not exceed by more than 20 feet the height limits of the zoning district in which it is located. In the R, R-1, and A-1 districts, the height of said structures shall be limited to the height of the zoning district in which it is located whether attached to the roof or ground. Chimneys may exceed the height limits of the R, R-1, or A-1 district by a measurement deemed necessary city code for proper ventilation. In any district, said structure may not have a total area greater than 25 percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

Sec. 52-668. Mechanical equipment location and screening.
All mechanical equipment shall be located in accordance with zoning requirements and appropriate mechanical codes. In residential districts, air conditioners and similar mechanical equipment must be located in the backyard or in a side yard, set back three feet from the side yard property line. On corner lots, in the street side yard, the system must be located within three feet from the side of the home. In no case shall the equipment be located within the public right-of-

way in any district. All mechanical equipment must be adequately screened from public view in all districts except the M-1 and M-2 districts, unless the M-1 or M-2 district is adjacent to a residential district. All rooftop mechanical equipment shall be adequately screened from public view, including view from higher structures.

Sec. 52-669. through 52-671.

No change.

Sec. 52-672. Street access.

Any lot or parcel of land must have at least one property line abutting a public, active, street right-of-way. (A right-of-way that was platted but is not used for street traffic is not considered an active right-of-way for purposes of this section.) The width of said lot abutting said right-of-way must be the minimum as required in Division 16, Schedule of Regulations for the district in which the property is located. No lot split shall be approved which would create a landlocked parcel. No building permit shall be issued for any construction located on any lot or parcel of land in the city that does not abut on a public street or highway, provided that this chapter shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of the ordinance from which this chapter is derived upon a lot or parcel of land that does not so abut such a street or highway. New construction within A-1, A-2, CBD, C-1, M-1 and M-2 zoning districts requires site plans for the installation of a minimum five-foot-wide concrete sidewalk.

Sec. 52-673. through 52-675.

No change.

Sec. 52-676. Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following:

(1) When the accessory building is structurally altered and attached to a main building, it shall be subject to and must conform to all sections of this chapter applicable to main or principal buildings.

(2) Accessory buildings shall only be erected in a side yard or rear yard and shall not be closer than three feet to any side lot line or rear lot line. This may be waived for double-frontage lots as provided in subsection (6) of this section.

(3) An accessory building shall not exceed one story or 15 feet in height, and in no instance shall the accessory building exceed the ground floor area of the main building.

(4) No detached accessory building shall be located closer than ten feet to any dwelling on the same lot on which the accessory building is to be constructed.

(5) When any accessory building is located on a corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front of the residence located on the lot to the rear of such corner lot.

(6) For double-frontage lots, accessory buildings shall observe front yard requirements on both street frontages or be built in-line with existing adjacent structures. An accessory building can be located between the main structure and the street, provided it meets front yard setback requirements.

(7) When an accessory building is a boathouse, covered boat well, or substantially over the water, it shall only be allowed along the Black River or St. Clair River, and it shall conform to the following:

a. No more than 30 percent of the building area may have flooring, be it earth, concrete, wood or any flooring material other than water.

b. The building shall not exceed the floor area of the main building.

c. All boathouses which exceed 14 feet in height or with wells to accommodate more than two boats shall be subject to the prior approval of the board of zoning appeals. A commercial use of a boathouse is not permitted unless it is located within a commercial district pursuant to this chapter.

d. A second floor shall not be permitted in a boathouse nor shall a boathouse have sanitary facilities unless self-contained or connected to a sanitary sewer system.

e. A building permit for a boathouse shall not be issued unless and until the applicant has:

1. Complied with all the sections of this chapter, the city building code, and the inland lakes and streams act of 1972; and

2. Secured the written approval from the U.S. Army Corps of Engineers and the state department of natural resources when such permits are required within the jurisdiction of these two agencies.

3. The facility shall be in compliance with the rules and regulations of and approved by the county health department.

f. When an accessory structure is to serve both over the water boat storage and automobile storage (garage), the two areas shall be clearly defined. Each area shall be constructed as a separate building and shall meet the requirements for such building.

g. A garage, boathouse, storage, or any other accessory building shall not be erected upon a lot in any residential district without a residential structure existing on the same lot. If an accessory building is to be constructed on a vacant lot adjacent to a residence, the lots shall be combined and all requirements for an accessory building shall be met before a building permit shall be issued. A fence may be constructed per zoning requirements on a vacant lot without a main structure.

h. In all residential districts, an accessory building shall be owned by the property owner who owns the property and the dwelling upon which the accessory building is located. The accessory building can only be leased to a tenant of said residence for storage purposes. The accessory building shall not be divided up into condominium units and sold or leased to other individuals. No commercial activities shall occur within said accessory building such as warehousing for a fee.

Sec. 52-677. Parking and storage of campers, travel trailers, and boats.

No change.

Sec. 52-678. Automobile gasoline and automobile service stations, public garages, and automobile repair facilities.

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations and repair facilities; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned gasoline stations which are a nuisance as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided for automobile service stations and automobile repair facilities located in any zoning district. All automobile gasoline, automobile service stations and repair facilities erected after the effective date of the ordinance from which this chapter is derived shall comply with all requirements of this section. No automobile gasoline, or service station, or repair facility existing on the effective date of the ordinance from which this chapter is derived shall be structurally altered so as to provide a lesser

degree of conformity with this section than existed on the effective date of the ordinance from which this chapter is derived:

(1) An automobile gasoline or service station or repair facility shall be located on a lot having a frontage along the principal street of not less than 150 feet and having a minimum area of not less than 15,000 square feet.

(2) An automobile gasoline or service station or repair facility building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line.

(3) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.

(4) An automobile gasoline station located on a lot having an area of 15,000 square feet shall include not more than eight gasoline pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.

(5) Where an automobile gasoline, service station, or auto repair facility adjoins property located in any residential district, a masonry wall five feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.

(6) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

(7) When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of 180 consecutive days, the owner of the premises shall be served written notice by the chief inspector of the requirement, within 60 days of the date of such notice, to either:

- a. Resume operation of the premises on a continuing basis as a lawful automobile service station or filling station;
- b. Lawfully convert such structure to another permitted use in that district; or
- c. Demolish such structure and completely remove the debris from the premises.

All new automobile service stations or filling stations constructed after the effective date of the ordinance from which this chapter is derived shall be required to post a bond with the city in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one of the three alternatives in this subsection shall empower the city to utilize such bond for the demolition and clearance of the premises in question.

(8) Abandoned automobile service or filling stations may be converted to a principal permitted use in the district in which such station is located, provided the following conditions are met:

- a. The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.
- b. All gasoline pumps and signs shall be removed, and underground gasoline storage tanks shall be abandoned in conformance with prescribed city and state fire safety provisions.
- c. All buildings shall meet all applicable requirements of the city building code for safety and structural condition.
- d. There shall be adequate offstreet parking provided in accordance with article VI of this chapter.
- e. No outside storage areas shall be permitted.
- f. The use shall meet all area, height, bulk and placement requirements of the district in which such use is located in accordance with section 52-621.

g. The use shall comply with all other requirements of the applicable district unless otherwise provided in this chapter.

(9) Automobiles left for repair for more than two days shall be parked indoors or in the rear yard within a six foot tall screening fence. In industrial districts, parking of any automobiles to be repaired, including short term repairs, may not be parked in the required front yard or side yard setback. In any district, entire vehicles or chassis used for parts must also be stored indoors or in the rear yard out of public view within a six foot high screening fence; there may be no more than five such vehicles or chassis on the premises at any given time.

Sec. 52-679. through 52-688.

No change.

Sec. 52-689. Wireless communication facilities.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Attached wireless communication facilities means wireless communication facilities (antennas and panels) that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Collocation means the location by two or more wireless communication providers or wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Wireless communication facilities means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include but shall not be limited to radio towers, television towers, telephone devices and exchanges, antennas, microwave relay towers, telephone transmission equipment, building and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, shortwave facilities, ham and amateur radio facilities, satellite dishes and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless communication support structures means structures erected or modified to support wireless communication antennas. Support structures within this definition include but shall not be limited to monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

(b) *Permitted in certain districts and locations.* Wireless communication facilities shall be permitted in any industrial zoned district, subject to compliance with applicable federal law, state law and city ordinances. Wireless communication facilities may be permitted on the following sites in all districts:

- (1) City-owned sites.
- (2) Other governmentally owned sites as necessary by city or county or state to ensure emergency communications, homeland security or disaster warning system.

(c) *Site plan approval.* All wireless communication facilities are subject to site plan approval by the planning commission and the approval of all other standards contained in this section.

(d) *General requirements.* General requirements are as follows:

(1) A building permit shall be required for the erection, construction or alteration of any wireless communication facility and approved by the chief inspector as to compliance with the requirements of the zoning district wherein such wireless communication facility is to be located.

(2) The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to a maximum height of 12 feet, unless architectural features acceptable to the planning commission justify increased height.

(3) The minimum setback of a new or materially modified support structure from all abutting streets or adjacent property shall be a distance equal to the height of such structure, unless the applicant can certify that the tower is engineered to fall within the parcel if structural failure occurs.

(4) There shall be an unobstructed access to the support structure and switching equipment, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

(5) The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.

(6) Wireless communication facilities in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half-mile radius of a helipad.

(7) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or in an accessory building. If proposed as an accessory building, it shall be compatible with the existing building and shall conform with all district requirements for principal buildings, including yard setbacks.

(8) Where the property containing a wireless communication facility adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten feet from any structure.

Sec. 52-690. Open air business uses.

Open air business uses, where permitted, in a C-1, M-1 or M-2 district, shall be subject to the following:

(1) The minimum area of the site shall be 10,000 square feet in a C-1 district and 15,000 square feet in an M-1 and M-2 district.

(2) The minimum street frontage shall be 100 feet.

(3) There shall be provided around all sides of the site, except at entrances, exits and along sides of premises enclosed by buildings, a fence or wall five feet in height in order to intercept windblown trash and other debris.

(4) Offstreet parking areas and aisles, as required under article VI of this chapter, shall be paved in accordance with the requirements of section 52-773.

(5) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.

(6) Before approval is given for any use, a site plan shall be first submitted to the planning commission for review as to the suitability of location of entrances and exits to the site, parking area, fencing, lighting and other design features.

(7) All open air business uses shall comply with all city and county health regulations regarding sanitation and general health conditions.

Sec. 52-691. Historical designation.

The planning commission and city council may designate certain properties or structures as historical structures or properties. The occupation of these structures or properties for uses other than those permitted in the zoning district in which it lies may be permitted after recommendation by the historic district commission, a public hearing by the planning commission and approval of the city council.

Sec. 52-692. Greenbelts.

No change.

Sec. 52-693. Fences, walls and other protective barriers.

All fences, walls and other protective barriers, referred to in this section as "fences," of any nature, description, located in the city shall conform to the following:

(1) The erection, construction, or alteration of any fence shall be approved by the chief inspector in compliance with this chapter.

(2) Fences, unless specifically provided otherwise, shall conform to the following:

a. In all districts, a permitted fence shall not exceed six feet in height above the preexisting grade of the surrounding land. A variance from the board of zoning appeals may be granted for a greater height.

b. In other than the M-1 and M-2 districts, barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on the top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary by the planning commission in the interests of public safety, or protection of private property.

(3) Setbacks for fences shall be as follows:

a. In all residential districts, fences are not allowed in the required front yard setback or street side yard setback, unless otherwise noted. In the R, R-1, A-1, and A-2 districts, in the required front yards setback (not on the waterfront) and street side yards setback, ornamental fences and walls for decorative or landscaping purposes, not exceeding 36 inches in height as measured from the established sidewalk or top of curb grade, may be located on the property line provided it does not obstruct the view of traffic (see section 52-673). Such ornamental fences or walls allowed in the front yard shall include white picket (wood or vinyl) or wrought iron fences, and stone or brick walls. Front yard fences not considered to be ornamental are chainlink, wire, stockade, or plain concrete block. It shall be the discretion of the planning department to determine if such fence is ornamental. In order to obtain a building permit, a site plan with the location of such ornamental fence shown on the property and an elevation drawing or picture of the type of fence to be erected shall be submitted. Fences in the rear or side yard, not abutting a street, may be placed at the property line. Fences in the front yards on the waterfront (lakes, rivers, or canals) shall follow the regulations as indicated in section 52-621 of this chapter.

b. In M-1, M-2, and I districts, setbacks for fences must conform to building setbacks in the front yard and street side yard. Fences in the rear yard or side yard may be placed at the property line.

c. In the C-1, CBD, B, MD, and CCD districts, fences may be erected at the property line in all yards. When adjacent to a residential district, the setbacks for fences in the front yard or street side yard shall be as required for the setback of the building.

(4) No screening fence shall be erected, established or maintained on any lot which will obstruct the view of a driver of a vehicle approaching the street or sidewalk, with the exception that shade trees shall be permitted where all branches are not less than eight feet above the road level. (See section 52-673.)

Sec. 52-694. through 52-694.

No change.

Sec. 52-695. Home occupations.

(a) A home occupation is an activity carried out for gainful purposes by a resident of the dwelling and conducted as a customarily incidental use to the dwelling unit.

(b) For this chapter, there shall be two distinct types of home occupation: passive and active home occupations.

(1) *Passive home occupations.* Passive home occupations shall not require any client or customer traffic to visit the home. This type of home occupation shall be allowed in any residential district without special approval. Examples of a passive home occupation would be an office of a salesperson who makes telephone calls to clients or goes out to visit the client.

(2) *Active home occupations.* Active home occupations generate customer traffic to the home, and active use shall require a special approval use permit from the planning commission and city council. Examples of an active home occupation would be an office of a tax preparer who receives clients to the home.

Certain active home occupations do not require a special permit from the planning commission as the state guarantees them by right to be allowed in a residential district. These home occupations allowed by state law are those occupations in "instruction of the crafts or fine arts." For example a tutor in mathematics, a music instructor, or a piano teacher is allowed as a home occupation and can receive clients at the home without a special permit. Such instructional occupation shall still be governed by the conditions and criteria for a home occupation as it is listed in this section and is limited to the hours of operation, number of students, etc.

(c) Within a community, certain limited home occupation uses can be useful to both the general community as well as the resident proprietor. There is a need for some citizens to use their place of residence for limited nonresidential activities; however, the need to protect the integrity of a residential area is of primary concern. It is the intent of this chapter to:

(1) Allow freedom of the individual property owner, yet not infringe upon the security of the community's interest or restrict the greater good of the public.

(2) Ensure compatibility of such home occupation with other permitted uses of a residential district.

(3) Retain the residential character of the neighborhood involved.

(4) Defend the privacy of surrounding residents and not create an inappropriate atmosphere for family life.

(5) Protect the health, safety, morals, and welfare of the adjacent residents.

(6) Guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas.

(d) All home occupations, both passive and active, must meet the following conditions and criteria:

(1) Only members of the immediate family on the premises may be employed by such occupation.

(2) Such use shall be clearly incidental and secondary to the dwelling for dwelling purposes. The primary function of the premises shall be that of the residence of the family, and the

occupation shall not exceed ten percent of any one floor of the principal building.

(3) No more than one home occupation shall be permitted within any single dwelling unit.

(4) All activity shall be operated in its entirety within the preexisting dwelling and not within any garage or accessory building located upon the premises, except for incidental storage which may be allowed within a residential-type garage upon the premises. The warehousing of retail or wholesale merchandise is prohibited. There shall be no outside storage or processing.

(5) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site.

(6) No activity is allowed which would constitute a nuisance to surrounding property or which would endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, smoke, fumes, dust, heat, vibrations, unsanitary or unsightly conditions, fire hazards, electrical disturbances, night lighting, glare, and the like which is noticeable at or beyond the property line or beyond the walls of the dwelling unit if the unit is part of a multifamily structure.

(7) Such home occupation shall be in compliance with all city, county, and state codes, laws, and regulations.

(8) Such use shall not require internal or external alterations or construction other than that which may be required to meet city, county or state safety or construction code standards as authorized by the city.

(9) There shall be no signage, advertising, or product displayed which is visible from the street or adjacent property.

(10) No external evidence of such home occupation shall be allowed indicating from the exterior that it is being used for anything but a dwelling.

(11) No sale or rental of goods shall be allowed on the premises. Any goods produced on the premises must be sold off the premises. Samples, not produced on the premises, may be displayed but not sold on the premises. No food or beverages shall be sold on the premises.

(12) Customers for the active home occupation shall be accommodated on an appointment basis. Walk-in business, where the premises are generally open to customers without an appointment, shall not be allowed. Business shall be conducted from 8:00 a.m. to 8:00 p.m. There shall be a limit of six customers per day, and the business shall not service more than one client or customer at a time on the premises.

(13) Traffic and parking shall be in accordance with the following:

a. Adequate offstreet parking shall be provided on site for residents and customers.

b. Paving of any yard area other than normal driveway areas to accommodate parking for home occupations is prohibited.

c. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that normally generated by homes in the residential neighborhood.

d. Only deliveries normally and reasonably occurring for a residence shall be made to the home. Delivery vehicles shall not restrict traffic circulation.

(14) When applying for a special permit for a home occupation, there shall be no violation against a property or dwelling before such residence may be issued a special permit for such home occupation.

(15) Activities specifically prohibited include small engine repair, repair or service of motor vehicles and other large equipment, and service or manufacturing processes which would normally

require industrial zoning. The use of equipment or machinery industrial in nature is prohibited. Only mechanical equipment ordinarily used for residential, domestic, or household purposes or as deemed similar to power and type is allowed.

(16) A personal service business requiring physical contact with the client or a service which is directly performed on or to the client's body is not considered a home occupation by this chapter.

(17) Any advertising of the home occupation may include the telephone number, but shall not carry the residential address of such occupation in order to prevent walk-in customers without appointment.

(18) Home occupations which have been granted a special permit are not transferrable to the following:

- a. Subsequent occupants of the residence.
- b. A different residence if the occupant relocates.

(19) Such other reasonable conditions and limitations may be imposed by the planning commission to protect nearby residential premises and persons.

(20) No home occupation shall involve the care or treatment of animals or pets.

(21) The office of a doctor, such as a medical office or clinic, chiropractic office, or a veterinarian's office or clinic, shall not be considered as a home occupation.

(22) Any home occupation which consists of an occupation which must be state or federally licensed must first obtain such license before the home occupation permit can be granted.

(23) Following is a list of examples of home occupations, which is not intended to limit the kinds of home occupations that can comply with the conditions of this section:

- a. Seamstress.
- b. Handicrafts.
- c. Typing, secretarial services.
- d. Bookkeeping, accounting services.
- e. Tutoring, limited to one student at a time (does not require a special permit).
- f. Home office of a sales representative.

(24) Following is a list of examples of what is not considered a home occupation by this chapter due to the fact that, by the nature of the investment or operation, it has a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impairs the use and value of a residentially zoned area for residence purposes and is more suited to professional or business districts. This list is not intended to limit the kinds of uses which are deemed not to comply with the conditions of this section:

- a. Any office of a doctor or a medical or veterinarian office or clinic.
- b. Dog grooming.
- c. Kennels.
- d. Restaurants.
- e. Bed and breakfasts or tourist homes.
- f. Psychic reading.
- g. Tearooms.
- h. Child or adult day care.
- i. Repair, painting, or sale of motorized vehicles.
- j. Welding or machine shops.
- k. Catering.
- l. Personal service business requiring bodily contact with the client such as the business of a barber or beautician, tattoo artist, nail technician, or massage therapist, etc.

Sec. 52-696. Bed and breakfast facilities.

Bed and breakfast facilities, where permitted in certain districts after special approval, shall be subject to the following:

(1) The principal use of the dwelling is single-family residential and is owner-occupied at all times.

(2) The rooms utilized are a part of the principal residential use and not specifically constructed for rental purposes. Additions to the home to allow expansion of the bed and breakfast use are not permitted.

(3) The bed and breakfast facility does not require any internal or external alterations of construction features, equipment or outdoor storage not customary in residential areas and does not change the character of the dwelling.

(4) No more than five rooms shall be rented for bed and breakfast purposes.

(5) Meals shall only be served to those renting rooms.

(6) No transient occupant shall reside on premises for more than seven consecutive days and not more than 30 total days in one year.

(7) All such facilities shall comply with all applicable city, county, and state building, plumbing, electrical, mechanical, fire, health, and barrier free codes.

(8) Signage shall conform to section 52-829. An elevation drawing of the proposed sign shall be provided when applying for a special permit, and a building permit shall be obtained before the sign is erected. All signage shall require approval from the historic district commission.

(9) Sufficient offstreet parking shall be provided pursuant to article VI of this chapter as it pertains to single-family dwellings and bed and breakfast facilities. Parking lots shall be paved, and stacking cars one behind the other for bed and breakfast patrons shall not be permitted. No parking areas shall be located in any required front yard or street side yard. Parking areas shall be adequately screened, as required, from other adjacent residential lots.

(10) When applying for special approval, a site plan shall be provided indicating the location of the dwelling, the lot dimensions, location of proposed parking areas, signage, landscaping, etc.

(11) Homes utilized as bed and breakfast facilities must display unique historical architectural characteristics and will require a letter of recommendation from the historic district commission as a historical structure before approval is issued by planning commission and city council.

(12) Any changes to the facade of the structure will require approval from the historic district commission.

(13) The site utilized must be a conforming residential lot regarding size.

Sec. 52-697. through 52-698.

No change.

Sec. 52-699. New construction design guidelines for residential dwellings.

New construction of single-family and two-family residential dwellings shall be compatible in design and appearance to dwellings in the neighborhood it is located. The zoning administrator shall determine whether this standard is met by reviewing the following criteria:

(1) New construction of residential dwellings shall be compatible with the scale, height, period style, and architectural design of existing homes within the block surrounding the lot.

(2) The front entrance of the home shall face the front street side of the lot. New homes shall not be established/constructed on the lot sideways. On corner lots, the main entrance may face either of the streets if in accordance with other applicable codes and ordinances.

(3) Setbacks are to be in accordance with this chapter; exceptions may be made to allow for setback to reflect the average established setback line of existing, adjacent buildings only if it can be shown that the required setback would dramatically alter the line of site, privacy and aesthetics of the neighboring area.

(4) Not more than 50 percent of the inside length of an attached garage may protrude out past the front facade wall of the home. Garage width may not exceed more than 60 percent of the home's front facade width.

(5) Garage walls are to be no more than ten feet high excluding the portion of the wall within a gable end. The roof height may not extend more than three feet above the roof peak of the dwelling. Exception is noted for those structures that are attached garages with a portion of the principle structure's living space constructed above the garage.

(6) When alleys are existing for access, the development of garages and parking pads to be adjacent to the alley rather than the street frontage is preferred.

(7) The original scale, proportions, lines and exterior construction materials of the surrounding environment shall be respected, compatible and enhanced.

(8) Front entrances and porches must include design elements that are similar in scale, height and design to those on original existing structures in the neighborhood.

(9) New residential construction requires the construction of a garage structure. Dwellings of less than 1,100 square feet require a minimum one car structure; dwellings of 1,101 square feet or more require a minimum of a two car structure. Structure may be attached or unattached and must meet the appropriate setbacks and all other regulations.

Sec. 52-700. Landscape standards for nonresidential projects.

No change.

Sec. 52-701. Private television or communication antennas, tower antennas, or satellite dish antennas located on residential properties.

(1) A building permit and/or electrical permit shall be required for all residential antennas except satellite dish antennas less than three feet in diameter which are intended for receipt of television or communication signals.

(2) All antennas and satellite dishes are only allowed in the side or rear yard. They may not be placed on an easement. The minimum setback requirement from the side and rear property line is three feet except that tower antennas must be set back a minimum distance from the property line equal to the height of said antenna, unless the applicant can certify that the tower is engineered to fall or "break" within the parcel if structural failure occurs. This setback shall also pertain to any guy wires to secure the antenna or any stabilization device the antenna may require. Guy wires shall be firmly secured to the ground only or the roof of the house if said antenna is roof mounted.

(3) Satellite dish antennas may be ground, roof, or wall mounted to the main or accessory building on the property but only along the side or rear yard. When attached to a building, the dish must be secured according to the requirements of the City Building Code. Residential satellite dishes may not exceed three feet in diameter. The outer edge of a satellite dish shall be at the setback line, not the pole upon which it is mounted.

(4) In the R, R-1 and A-1 districts, the height of a tower or dish antenna is limited to the height restriction of the district in which it is located. In all other districts, the height may not exceed more than 20' above the height restriction of that district.

(5) Any wiring or cable connections between the antenna or dish and the dwelling shall be installed in a manner approved by the city electrical inspector.

Secs. 52-702--52-730. Reserved.

ARTICLE V. NONCONFORMING USES AND BUILDINGS

Sec. 52-731. through 52-734.

No change.

Sec. 52-735. Nonconforming lots of record.

(a) In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other sections of this chapter, a new single-family dwelling and customary accessory building may be erected on any single platted lot in a recorded subdivision, provided the lot was platted at a minimum of 50 feet in width and 5,000 square feet in area. A lot platted with a minimum width of 50 feet but less than 70 feet and is a minimum of 5,000 square feet in area shall be considered a conforming lot for the purposes of building a single-family dwelling. However, two or more single platted lots in a recorded subdivision with a continuous frontage under single-ownership may not be divided unless a minimum width of 70 feet and a minimum area of 7,000 square feet is provided. In conclusion, if two platted 50 feet lots are adjacent and under the same ownership, even if they are described and taxed separately, they are considered to be an undivided parcel and a house cannot be built on each 50 foot lot without obtaining a variance.

(b) Portions of lots or combinations of lots which create a parcel with a width less than 70 feet but a minimum of 50 feet and are a minimum of 5,000 square feet in area may obtain a variance from the Board of Zoning Appeals in order to build a single-family dwelling, provided all other zoning requirements are met.

(c) A vacant lot which is 45 to 49 feet in width and is a minimum of 100 feet in depth may be buildable for a single-family dwelling if a variance is obtained from the Board of Zoning Appeals and if all other zoning requirements are met.

(d) A vacant lot less than 45 feet wide, though platted or recorded as such, is not buildable for residential purposes, and a variance may not be obtained to construct a residence.

(e) In any instance, on a lot of any width, the yard setbacks for the structures, lot coverage, and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located.

Sec. 52-736. Repairs and maintenance.

No change.

Sec. 52-737. Reconstruction of damaged nonconforming buildings and structures.

Nothing in this chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of the ordinance from which this chapter is derived, wherein the expense of such reconstruction does not exceed 50 percent of the state equalized valuation of the entire building or structure at the time such damage occurred, provided that such restoration and resumption shall take place within six months of the time of such damage and that it be completed within one year from time of such damage and provided, further, that such use be identical with the nonconforming use permitted and in effect directly preceding such damage. Single-family dwellings may be reconstructed if they are in the proper zoning district and if they are rebuilt within the same footprint and

dimensions of the original dwelling and will remain as a single-family home. Appropriate permits and approvals must be obtained prior to reconstruction. All other nonconforming buildings or structures must conform to the appropriate zoning regulations prior to obtaining a permit for reconstruction. Where pending insurance claims require an extension of time, the chief inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

Sec. 52-738. through 52-770.

No change.

ARTICLE VI. OFFSTREET PARKING AND LOADING REQUIREMENTS

Sec. 52-771. Required offstreet parking generally.

(a) Offstreet parking in conjunction with all land and building uses shall be provided as follows:

(1) For the purpose of this article, 300 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle, except that the standard shall be 325 square feet where parking is perpendicular to the access aisle and except that 180 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

(2) When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

(3) The minimum number of offstreet parking spaces shall be determined in accordance with the table in section 52-772. For uses not specifically mentioned therein, offstreet parking requirements shall be interpreted by the board of zoning appeals from requirements for similar uses.

(4) Any area once designated as required offstreet parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Offstreet parking existing at the effective date of the ordinance from which this chapter is derived in connection with the operation of an existing building or use shall not be reduced to an amount less than would be required for such building or use.

(5) Offstreet parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.

(6) Required offstreet parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All offstreet parking, whether public or private, for nonresidential uses shall be on the same lot of the building it is intended to serve, except in the central

business district (CBD district) as defined: beginning in the centerline of the street at the intersection of Glenwood Avenue and Erie Street; thence proceeding south along the centerline of Erie Street, across the Black River; thence south along the centerline of Seventh Street to the intersection of Seventh Street and Court Street; thence east along the centerline of Court Street extended to the west bank of the St. Clair River; thence north along the west bank of the St. Clair River to the extended centerline of Glenwood Avenue; thence west along such extended centerline to the point of beginning of this description. There are no offstreet parking requirements within the above-described central business district, except for residential use. Also, any new buildings for any use shall require parking on site per the parking requirements of article VI.

(7) Residential offstreet parking space shall consist of a parking strip, garage, or a combination thereof and shall be located on the premises it is intended to serve. The parking area shall not be in the required setback for the front yard or street side yard, except cars are allowed to park in a permitted paved driveway in front of a garage door within the required setback for the front yard or street side yard, provided the cars do not overhang into the right-of-way. Residential driveways can be paved to the interior side property line, provided the driveway is not leading to a parking lot. For any new construction, all access drives and parking areas shall be paved with concrete or bituminous concrete surfacing. A curb cut shall be required.

(8) Nothing in this article shall be construed to prevent the collective provision of offstreet parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table in section 52-772.

(9) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for offstreet parking facilities under this article.

(b) The city council may, upon recommendation of the planning commission, vary or modify the parking space requirements set forth in this chapter as follows: If existing offstreet parking facilities have unused parking capacity and where such facilities are open to the use of the public free of charge or at reasonable rates, the city council may reduce the parking space requirement for any use within 300 feet from such facility, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of excess capacity.

Sec. 52-772. Table of offstreet parking requirements.

The amount of required offstreet parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified in section 52-771 shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section:

Use	Number of Minimum Parking Spaces Per Unit of Measure
(1) <i>Residential:</i>	
a. Residential, one-family and two-family	Two for each dwelling unit
b. Residential, multiple-family	Two for each dwelling unit
c. Residential, multiple-family, low-rent family public housing	One for each dwelling unit
d. Residential, multiple-family, private senior citizen housing	One for each one dwelling unit, and one for each employee. Should units revert to general high-rise occupancy, 1 ½ spaces per unit shall be provided
e. Residential, multiple-family, senior citizens low-rent public housing	One for each two dwelling units

Use	Number of Minimum Parking Spaces Per Unit of Measure
f. High-rise multiple-family	1-1/2 for each dwelling unit
g. Trailer parks and manufactured home courts	See state rules
h. Boardinghouses and roominghouses	One for each sleeping room
i. Family day care home	Two per dwelling unit, plus one for each nonresident employee. In addition, a designated dropoff area is required not in the public right-of-way
j. Group day care home	Two per dwelling unit, plus for each nonresident employee. In addition, one space per four children licensed
k. Adult foster care homes (family home, small group home, or large group home)	Two per dwelling unit, plus one for each nonresident employee. In addition, one space per each six adults licensed
l. CBD residential units	One per dwelling unit
m. Bed and breakfast facilities	One for each room rented and two for the residents of the dwelling
(2) <i>Institutional:</i>	
a. Churches, temples or synagogues	One for each three seats, based on maximum seating capacity in the main unit of worship
b. Hospitals	One per 600 square feet of gross floor area
c. Sanitariums, convents, homes for the aged, convalescent homes, children's homes	One per 600 square feet of gross floor area
d. Elementary and junior high schools	One for each one teacher and administrator, in addition to the requirements of the auditorium
e. Senior high schools	One for each one teacher and administrator and one for each ten students, in addition to the requirements for the auditorium
f. Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local county, or state fire, building, or health codes
g. Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One for each two-member families or individuals
h. Marinas, public or private	One for each one boat slip
i. Golf courses open to the general public, except miniature or par "3" courses	Six for each one golf hole and one for each one employee
j. Fraternities	1-1/2 for every two persons based upon the capacity of the house
k. Sororities	One for every two persons based upon the capacity of the house
l. Stadium, sports arena, or similar place of outdoor assembly	One for each three seats or six feet of bench
m. Theaters and auditoriums (indoor)	One for each four seats plus one for each two employees
n. Libraries, museums and noncommercial art galleries	One for each 400 square feet of gross floor area
o. Nursery schools, day nurseries and child day care centers	One per caregiver, teacher, or employee and one per 600 square feet of gross floor area
p. Adult day care centers	One per employee plus one space per 600 square feet of gross floor area
q. Colleges	One for each teacher and administrator and one for every three students based on classroom occupancy for each building, in addition to the requirements for any auditoriums or stadiums
(3) <i>Business and commercial:</i>	
a. Automobile service/repair facility; gasoline stations with or without convenience store	Two for each repair station, lubrication stall, rack or pit and one for each employee. Two stacking spaces per gas pump. Convenience store add one space per 200 square feet of retail space plus one per employee.
b. Autowash	One for each one employee
c. Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber chairs and 1 ½ spaces for each additional chair
d. Bowling alleys	Five for each one bowling lane
e. Dancehalls, pool or billiard parlors, roller or ice skating rinks, exhibition halls and assembly halls without fixed seats	One for each three seats or one for each 100 square feet of gross floor area
f. Drive-in establishments	One for each 40 feet of gross floor area, with a minimum of 25 parking spaces
g. Restaurants, establishments for sale and consumption on the premises of beverages, food or refreshments	One for each 100 square feet of gross floor area
h. Furniture and appliances; household equipment; repair shops; showroom of a plumber, decorator, electrician or similar trade; shoe repair; and other similar uses	One for each 800 square feet of floor area, exclusive of the floor area occupied in processing or manufacturing, for which requirements see industrial establishments in subsection (5) of this table
i. Laundromats and coin-operated dry cleaners	One for each two washing machines

Use	Number of Minimum Parking Spaces Per Unit of Measure
j. Miniature golf courses	Three for each one hole plus one for each one employee
k. Mortuary establishments	One for each 100 square feet of gross floor area
l. Motel, hotel, bed and breakfast facility, tourist home or other commercial lodging establishment	One for each one occupancy unit or leasable room, plus one for each one employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load
m. Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	One for each 400 square feet of gross floor area of salesroom
n. Open air business	One for each 600 square feet of lot area
o. Restaurant, carryout, limited or no dine-in service	One for each 200 square feet of gross floor area plus five stacking spaces per drive-up window
p. Retail stores, except as otherwise specified	One for each 200 square feet of gross floor area
q. Shopping center or clustered commercial	Four square feet of parking and circulation space for every one square foot of usable floor area within the shopping center
(4) Offices:	
a. Banks, savings and loan offices, drive-in banks	One for each 200 square feet of gross floor area; four for each teller station within the bank
b. Business offices or professional offices except as indicated in subsection (4)c. of this table	One for each 400 square feet of gross floor area
c. Medical or dental clinics, professional offices of doctors, dentists or similar professions	One for each 200 square feet of gross floor area
(5) Industrial:	
a. Industrial or research establishments	One for every employee in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction
b. Wholesale or warehouse establishments	One for every employee in the largest working shift or one for every 2,000 square feet of gross floor area, whichever is greater

Sec. 52-773. Offstreet parking lot layout, construction and maintenance.

Wherever a new parking lot is constructed or an existing parking lot is expanded as required offstreet parking, such parking lot shall be laid out, constructed, and maintained in accordance with the following requirements:

(1) The building of a parking lot is subject to the requirements for a building permit. The chief inspector shall review the application on the basis of the requirements set forth in subsections (2)--(10) of this section, and such application may be referred to the traffic study committee for review as to the effects of traffic generation and circulation.

(2) Each parking space shall constitute a net land area of at least 180 square feet. The total parking lot space, including access lanes, shall constitute at least 300 square feet of land area per parking space.

(3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

(4) Parking lots in residential and industrial districts are not allowed in the front yards. In the street side yard, all setbacks, as for buildings, shall apply. Side and rear yard setbacks for parking lots and their access drives in residential districts shall be five feet from the property lines. In a residential district, cars are allowed to park in a permitted paved driveway in front of a garage door within the front yard setback, provided the cars do not overhang into the right-of-way.

(5) The required setback of parking spaces where the parking lot abuts a residential district or residentially occupied property shall be as follows:

- a. Side lot lines: five feet from such side lot line.
- b. Contiguous common frontage in the same block: five feet from the street lot line.
- c. Rear lot line: five feet.

(6) There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the lot line.

(7) The parking lot shall be drained to eliminate surface water.

(8) The surface of the parking lot, including drives and aisles, excepting the buffer strips, shall be constructed of a concrete or bituminous concrete surfacing. An existing gravel parking lot can remain as is, unless the building or a unit in a building the lot is intended to serve goes vacant for six months. Before occupancy of the building or unit, the gravel parking lot shall be paved, striped, and drained, and shall have enough parking and handicapped spaces to accommodate the new use of the building or unit to be occupied. If additional parking spaces need to be added to an existing gravel lot, the entire lot shall be paved and constructed according to building and zoning codes. The above shall apply to both residential and nonresidential properties.

(9) Outdoor lighting shall be in accordance with the following:

a. Parking areas and other common or public areas and facilities that are lighted to ensure the safety of persons and the security of property shall have outdoor lighting levels as follows (values are provided in minimum average horizontal footcandles maintained at grade):

1. Parking areas: 1.0.
2. Buildings:
 - i. Entrance and exit areas: 5.0.
 - ii. General grounds: 0.5.

b. Lighting shall be designed and located such that the maximum illumination at the property line shall not exceed a maximum average horizontal footcandle of 0.3 for non-cutoff lights and 1.5 for cutoff lights.

c. Lighting sources shall be shielded or arranged as to not produce glare within any public right-of-way or constitute a nuisance to the occupants of adjacent properties. This can be done through the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries and mounting at appropriate heights.

d. With the exception of lighting along public rights-of-way, lighting is to be designed, located and mounted at heights no greater than:

1. Ten feet above grade for non-cutoff lights.

2. Twenty feet above grade for cutoff lights. Only under extreme circumstances shall a light be permitted higher.

(10) Parking structures may be built to satisfy offstreet parking requirements, when located in a commercial or industrial district, subject to the area, height, bulk and placement regulations of such district in which located.

(11) Every parcel of land used as an automobile or trailer sales area or as an automobile service station shall be subject to the requirements of subsections (1) through (10) of this section.

(12) A four-foot high screening fence, solid masonry wall, or continuous landscaping shall be constructed and maintained along those property lines separating a parking lot from adjoining residential properties.

(13) Plans for the layout of offstreet parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (feet)
0° (parallel parking)	20	8	23	20	28
30° to 53°	20	9	20	33	53
54° to 74°	20	9	21	39	60
75° to 90°	25	9	19	44	63

Sec. 52-774. through 52-775.

No change.

Sec. 52-776. Parking of commercial vehicles on residentially zoned property.

(a) Commercial vehicles or equipment, for the purposes of this section, shall mean any vehicle used for commercial purposes, whether licensed commercially or not. It shall also include any vehicles advertising the name of a business.

(b) Parking of commercial vehicles or equipment on residentially zoned property is prohibited except under the following conditions:

(1) Commercial vehicle temporary parking is allowed while servicing a residence such as for purposes of delivering merchandise, lawn maintenance, construction, etc.

(2) Commercial vehicles such as panel trucks, vans, or pickup trucks may be parked on the premises if currently licensed and in the name of a member of the immediate family of the property owner, tenant or lessee or their employer. Such vehicle parking is limited to one per property.

(3) Semitruck tractors or trailers are not allowed to be parked on residentially zoned property.

Secs. 52-777--52-810. Reserved.

ARTICLE VII. SIGNS

Sec. 52-811. Intent.

No change.

Sec. 52-812. Permit.

(a) *Required.* A building permit shall be required for the erection, construction, or alteration of any sign, except as provided in this article, and all such signs shall be approved by the building inspector as to compliance with the requirements of the zoning district wherein such sign is to be located with the requirements of this article and with all applicable city sign regulations as set forth in the local building code as adopted by the city. All illuminated signs are subject in addition to the provisions of the local electrical code as adopted by the city and any permit fees required thereunder.

(b) *Application contents, requisites.* A building permit can be obtained at the city inspection department and shall be completed by the applicant with the following information:

(1) Name and address of the applicant.

(2) Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.

(3) Position of the sign in relation to nearby buildings or structures and to property lines.

(4) One blueprint or ink drawing of the plans and specifications for methods of construction or attachment to the building or on the ground.

(5) A copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in any amount required by this article and all the laws and ordinances of the city as required by the building inspector.

(6) Names of persons erecting the structures.

(7) Written consent of the owner of the building or structure to which or on which the sign is to be erected.

(8) Any electrical permit required and issued for the sign.

(9) Such other information as the building inspector or zoning administrator may require in order to show full compliance with this chapter.

(c) *Issuance.* If, upon examination of the submitted plans and other data, it appears that the proposed sign is in compliance with all the requirements of this chapter, the building inspector shall issue a building permit. If the work authorized under a building permit has not been completed within six months after the date of issuance, the permit will be null and void.

(d) *Revocation.* All rights and privileges acquired under this article are mere licenses revocable at any time, and all such permits shall contain this provision.

(e) *Unsafe, unlawful signs; inspection division authority.* If the building inspector finds that any sign is unsafe or is a menace to the public or has been constructed or erected or is being maintained in violation of this article or contains any offensive, obscene, indecent, or immoral matter, determined as such by the city, she/ he shall give written notice to the owner of said sign. If the owner fails to remove or alter the structure so as to comply with this article within ten days after such notice, the sign shall be removed or altered by the inspection division at the expense of the owner. The inspection division may cause any sign, which is an immediate peril to persons or property, to be removed immediately and without notice.

Sec. 52-813. Exemptions from permit.

No change.

Sec. 52-814. Definitions.

(a) *General definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sign means any advertising display, including its supporting structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, poster, pictorial picture, stroke, stripe, line, trademark, reading matter of illuminating device, constructed, attached, erected, fastened, painted, or manufactured in any manner whatsoever so that the sign is or may be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and displayed in any manner whatsoever out-of-doors for recognized advertising purposes.

(b) *Types of signs.* The following words, terms and phrases regarding types of signs, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory sign and *on-premises sign* mean a sign which advertises goods, services, facilities, events or attractions pertaining to the principal use of the premises where located. Accessory signs include wall signs, awnings, illuminated signs, projecting signs, roof signs, marquee signs, ground signs and directional signs.

Awning means a roof-like structure, often made of canvas or plastic, that serves as a shelter, decoration, or advertisement, as over a storefront, window, door, or deck, which projects beyond the face of the building. An awning by itself is not a sign. An awning with lettering, a logo, or some form of advertising display is considered to be a sign.

Festoon sign means a sign where incandescent lightbulbs, banners or pennants or other such features are hung or strung overhead and are not an integral physical part of the building or structure they are intended to serve. Any electrical device shall be installed pursuant to the city electrical code. Festoon signs shall be considered a temporary sign.

Flashing sign, animated sign and *moving sign* mean a sign that intermittently reflects lights from either an artificial source or from the sun or a sign which has movement of any illumination such as intermittent, flashing, oscillating or varying intensity or a sign that has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.

Ground sign means a sign not attached to any building and supported by uprights or braces or some object on the ground. A pole sign is a ground sign. A billboard is not considered a ground sign under this article.

Illuminated sign means any sign which has characters, letters, figures, designs, or outlines illuminated by an electric light or luminous tubes as a part of the sign proper.

Illuminated trim means luminous tubes outlining windows, doors, or portions of buildings not part of a sign.

Marquee sign means a sign on a marquee which is a roof-like structure, often meant to bear a signboard, projecting over an entrance, such as to a theater.

Nameplate means an accessory sign stating the name or street number of a person, firm, building or institution of a certain permitted use.

Nonaccessory sign, off-premises sign and *billboard* mean a sign which advertises goods, services, facilities, events or attractions not on the premises where located and does not pertain to the principal use of the premises.

Outdoor advertising sign means any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material or any kind, placed for outdoor advertising purposes on the ground or on any tree,

wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in this definition shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded from this definition:

(1) Signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants or premises, or other identification of premises not having commercial connotations.

(2) Flags and insignia of any government except when displayed in connection with commercial promotion.

(3) Legal notices, identification, informational or directional signs erected or required by governmental bodies.

(4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

(5) Signs directing or guiding traffic and parking on private property, but bearing no advertising matter.

Political sign means a sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable sign means any sign which is not permanently affixed to a building, structure or the ground or which is attached to a mobile vehicle. The following are also considered as portable signs:

(1) *Freestanding sign* means a sign other than a ground sign which is not attached to a building and is capable of being moved from one location to another on the site on which it is located. Sandwich boards are considered freestanding signs.

(2) *Inflatable sign* means a sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Projecting sign means any sign which is attached to a building and extends beyond the line of the building or beyond the surface of that portion of the building to which it is attached more than 24 inches.

Real estate development sign means a sign placed on the premises of a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.

Real estate sign means a sign placed upon a property advertising that particular property for sale, rent or lease.

Roof sign means a sign erected, constructed and maintained above the roof of any building.

Special event sign means a sign made of wood, plastic, cardboard or paper, which is used to advertise a special event such as Feast of the St. Clair, Pow-Wow, art fairs, garage sales, etc. See section 52-813 for restrictions on special event signs.

Subdivision sign means a sign which displays the name of the subdivision or multi-housing development. A permanent subdivision sign is a decorative ground sign which is affixed on the premises as a landmark to indicate the name of the subdivision or housing complex. A temporary subdivision sign is a ground sign located on the premises during the construction, development, or leasing stages, displayed as a short-term sign for advertisement purposes.

Swinging sign means a sign installed on an arm, mast, spar or building overhang that is not rigidly attached to such arm, mast, spar or building overhang.

Temporary sign means a sign with or without letters and numerals, such as window signs in business and industrial districts, of lightweight cardboard, cloth, plastic or paper materials and intended to be displayed for special events, sales and notices. Temporary signs shall not be permanently fastened to any structure, including posts with permanent footings, and shall not be intended to have a useful life of more than 30 days. A permit is required for the

erection of a temporary sign if the sign is in excess of 24 square feet in area and/or located outside of the building.

Wall sign means a sign which is affixed to an exterior wall of any building, when such sign shall project not more than 24 inches from the building wall or parts thereof. A picture or mural painted on the side of a building, with or without lettering, advertising a business or denoting the nature of the business on said premises, is also considered a wall sign for the purpose of this article.

(c) *Sign terms.* The following words, terms and phrases, when used in this article to describe signs, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Display surface means the surface made available by the structure, either for the direct mounting of letters and decoration or for the mounting of facing material intended to carry the entire advertising message.

Facing means the surface of the sign upon, against or through which the message of the sign is exhibited.

Letters and decorations means the letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the message of the sign.

Location means a lot, premises, building, wall or any place whatsoever upon which a sign is erected, constructed and maintained.

Signs, number and surface area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area.

For a pole sign or an off-premises sign (billboard), the entire surface area of the face of the sign shall be included in the computation of the size of the sign, regardless of the area of the advertising display.

Where a sign has two or more faces, the areas of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are three feet or less from one another, the area of the sign shall be taken at the area of one face if the two faces are of equal area or at the area of the larger face if the two faces are of unequal area. For a circle or sphere, the total area of the circle or sphere is divided by two for the purposes of determining the maximum permitted sign area.

Structural trim means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

Structure means the supports, uprights, bracings and framework of the sign or outdoor display.

Sec. 52-815. General provisions applicable to signs in any district.

The following shall apply to all signs erected or located in any use district:

(1) Unless otherwise specifically provided in this chapter, no sign, except those placed and maintained by the city, county or state, shall be erected or placed in the public right-of-way nor be allowed to project into the public right-of-way. Signs erected on a building may not project more than two feet into the right-of-way

Sec. 52-816. through 52-818.

No change.

Sec. 52-819. Portable signs (freestanding signs).

(a) Portable signs shall be allowed only in nonresidential districts, except on church or school properties.

(b) The property owner and/or occupant and the sign lessor must obtain a building permit before the date of sign placement for approval. This must state the date of placement and removal and shall be accompanied by a plot plan showing the property and placement of the sign in relation to streets, drives, walks, buildings, etc. Setbacks shall be the same as that for ground signs pursuant to district requirements.

(c) The portable sign may be used for a period not exceeding 30 consecutive days.

(d) Placement of a portable sign must be on private property, shall not be in the right-of-way, and shall not interfere with any vision clearance, traffic flow, sidewalk, and such. Signs shall not obstruct parking spaces of automobile or pedestrian travel lanes in parking lots.

(e) No flashing lights, oscillating lights, flashing arrows or other intermittent operation will be allowed within 100 feet of an intersection. Lighting shall not be confused with traffic control devices and shall not cause distraction to vehicle drivers at any location.

(f) The portable sign may only identify the business conducted on the property plus one of the following:

- (1) A product sold by the business.
- (2) A service business.
- (3) A product made by the business.
- (4) Advertising a special event.

(g) The portable sign must be removed on the date stated and cannot be stored on the property unless covered in the rear yard or in a building.

(h) The electrical hookup must be in conformity with the current electrical code as adopted by the city and approved by the electrical inspector.

(i) All portable signs shall be anchored or weighted to prevent overturning.

(j) The portable sign shall not exceed 60 square feet or six feet in height.

(k) Permits for a portable sign will be issued only three times per year per property (as defined by assessor's office records of ownership), including shopping malls and multi-tenant establishments. For a building with multiple tenants there shall only be one portable sign per property at any given time.

(l) Inflatable signs are considered portable signs. They must be securely fastened down to prevent them from blowing away. Permits are not required for inflatable signs during the week of the Port Huron to Mackinac Sailboat Race. These signs need not meet height or size requirements and may extend over a roofline by more than three feet. Such signs may be located solely on or overhang onto the private property for which the sign serves.

Sec. 52-820. Temporary business signs.

(a) Signs such as any paper, cardboard, or plastic signs used for window display such as sale signs; help wanted signs; festoon signs such as banners, flags, etc., shall all be considered temporary signs. See the definition of temporary signs in section 52-814.

(b) Permits shall not be necessary for any temporary signs of less than 24 square feet and displayed in the window from inside the building. Any temporary sign over 24 square feet in area and/or located outside of the building shall be considered a portable sign and shall follow the rules of section 52-819. Sandwich board-style signs less than 18 inches wide and 36 inches in height may be used on private property during daylight hours, but must be removed at the end of the business day and stored within the building. No more than one sign per property address is allowed.

(c) Temporary signs shall be securely but not permanently attached to the building of which it serves.

(d) Temporary signs shall only be allowed in nonresidential districts.

(e) No temporary sign shall be erected so as to extend over or into any public right-of-way, street, alley, sidewalk, or other public thoroughfare. No temporary sign shall be erected so as to project over any wall opening or so as to prevent free ingress or egress from any door, window or fire escape. Such sign shall not endanger persons or property or obstruct the view of traffic or traffic signals.

(f) Temporary signs shall not be erected for a period of more than 30 consecutive days.

(g) Any temporary sign that is illuminated or electric shall be installed pursuant to the current local electrical code as adopted by the city, and the necessary electrical permits shall be obtained.

(h) Temporary business signs shall only advertise goods, services, facilities, events or attractions pertaining to the principal use of the premises where located.

(i) Temporary signs shall only be allowed on the building or in the window and may not be attached to any accessory building, pole, fence, stanchion, or freestanding frame placed on the premises.

Sec. 52-821. through 52-822.

No change.

Sec. 52-823. Awnings.

The following shall apply to all awnings:

(1) Awnings which display advertisement shall be allowed in any nonresidential district. They shall be considered a type of accessory sign when there is an advertising display on the awning. Such display may consist of lettering, a logo, picture, etc.

(2) Sign permits are required for any awning with an advertising display.

(3) The awning must be securely attached to the face of a building, and it must be entirely supported by the building.

(4) Collapsible awnings erected on the face of a building, which are located near or on the street right-of-way line, may project not more than four feet into the public right-of-way and must be a minimum of 8.5 feet above grade level at the lowest point. Noncollapsible awnings must not project more than two feet into the right-of-way.

(5) When an awning is used for signage or advertising purposes, the entire awning shall be considered a sign and shall be in conformance to all signage regulations regarding size, etc.

(6) No awning shall overhang onto adjacent private property.

(7) Any awning which is illuminated shall require an electrical permit and shall be installed pursuant to the city electrical code.

Sec. 52-824. through 52-827.

No change.

Sec. 52-828. Off-premises signs, nonaccessory signs, billboards.

Types of off-premises signs (billboards) allowed and standards for such signs shall be as follows:

(1) A billboard structure may be single or double faced, but any double-faced billboard structure shall have advertising surfaces of equal size and shape. For the purpose of this article, the following types of billboards shall be considered double-faced billboards:

a. A billboard structure where the signs are placed back to back as long as the backs of the signs are not separated by more than 36 inches.

b. A billboard structure when constructed in the form of a "V" when viewed from above, provided the internal angle of the apex is not greater than 45 degrees and the billboard's structure is not separated by more than 36 inches at the apex of the "V."

(2) Each face of a single- or double-faced off-premises (billboard) sign structure shall be allowed an advertising display area of not more than 300 square feet.

(3) No off-premises sign shall be constructed unless it is 500 feet from the nearest existing off-premises sign on the same side of the road.

(4) No off-premises sign shall be constructed unless it is more than 150 feet from residentially zoned property.

(5) All off-premises signs shall be erected on structural steel frames anchored to the ground by concrete piers. The framework shall be designed to resist wind pressure over the panel area of 80 pounds per square foot. Panels should be metal. Trim or border around the panels may be constructed of wood.

(6) No sign shall exceed the maximum height limitations of the district in which it is located. Where it can be shown that topography of the adjacent building would hamper visibility of a sign, the board of zoning appeals can rule on a height variation.

(7) If illuminated, off-premises signs shall be bottom-lit, and such lighting shall be designed to illuminate the sign face only. Hours of illumination shall be limited to dusk to dawn.

(8) At no time can the number of permitted off-premises sign faces in the city exceed 64. The location of any signs to be relocated shall be approved by the planning department prior to construction. If at any time a sign becomes damaged, including the support post, it may not be replaced. Upon removal of a sign, the number of remaining signs shall serve as the total number allowed.

(9) When replacing a permitted off-premises sign with a new sign, the square footage of the new sign face must be 300 square feet or less, regardless of the size of the former sign.

Sec. 52-829. Signs allowed in residential districts.

The following signs are permitted in R, R-1, A-1, and A-2 residential districts:

(1) For each dwelling unit, one nameplate sign displaying the street name and number and name of the occupant, not exceeding one square foot in area. No building permit is required for any such signs.

(2) For permitted principal uses other than dwellings and for permitted uses after special approval, except state licensed care facilities in a residential dwelling, one bulletin or announcement board not exceeding 12 square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half the required front yard setback nor nearer the side lot line than the required side yard setback.

(3) In the multiple-family districts, one ground or wall sign indicating the name of the multiple-housing development in addition to individual dwelling nameplates. Such signs indicating the name of the multiple-housing development shall not exceed 48 square feet in area. See permanent subdivision signs in subsection (6) of this section.

(4) Signs shall be illuminated only by continuous indirect white light and shall not contain any visible moving parts.

(5) Signs advertising real estate for sale, rent or lease when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or the offering for sale, rent or lease of real estate and provided such signs shall not exceed six square feet in area. Not more than one such sign per building or parcel of land shall be permitted on each street upon which the building or parcel of land fronts. No building permit shall be required for such signs. Real estate signs shall not be located in the public right-of-way.

(6) Permanent subdivision signs which indicate the name of the subdivision or multiple-housing development are allowed on private property, not in the public right-of-way. Signs on private property shall obtain a building permit after receiving a special permit from

the planning commission. A scaled drawing shall be submitted showing the elevation of the sign indicating the size, layout, color and materials to be used. A site plan shall also be included indicating the location of the sign in relationship to property lines, streets, sidewalks, and utilities. Such signs shall follow the requirements of ground signs and shall be limited to one per entrance to the development. The sign shall not exceed 48 square feet in area or six feet in height. This includes any pillars, posts, or other supporting devices. These signs shall not interfere with visibility in regard to pedestrian or vehicular traffic, and final location shall be at the discretion of the permitting agent if the following rules would cause interference at the particular site: At the intersection with a major thoroughfare, placed at the entry drive of the development, the sign shall be set back a minimum of 30 feet from the curb of the major street and ten feet from the sidewalk. Subdivision or multifamily

housing development signs may be located in the required front yard setback provided they meet the above criteria. Permanent signs of this nature shall not indicate properties for sale. See temporary subdivision signs in subsection (7) of this section.

(7) Temporary subdivision signs not exceeding 100 square feet in area may be permitted subject to their approval by the planning commission for a 12-month period, subject to renewal, provided such signs conform to the conditions established by the planning commission to secure harmony with this chapter and there are buildings or home sales continuing in the subdivision being advertised. These temporary signs shall be located only on private property.

Sec. 52-830. through 52-833.
No change.

Sec. 52-834. Schedule of sign regulations by zoning district.

The schedule of sign regulations by zoning district shall be as follows:

Zoning District	Type of Sign Allowed	Maximum Size of Sign	Number of Signs	Location of Sign
R, R-1, A-1, A-2 residential districts:				
In general	Subdivision or housing development signage	48 square feet, maximum six feet high	One per entryway into subdivision	Not in right-of-way (see applicable sections of this chapter)
Dwellings	Wall nameplate	One square foot	One	Attached to building
Permitted uses other than dwellings and uses permitted after special approval	Wall nameplate or bulletin or announcement board	12 square feet	One	Attached to building or if in yard: half the required front yard setback, the required side yard setback
B or C-1 commercial district, CCD community college district and MD marina district	Accessory	Wall and ground signs at 200 square feet (see applicable sections of this chapter for size requirements for portable, temporary, and swinging signs)	One wall sign per face of building; one ground sign per street frontage	Wall, ground, roof, no setbacks (see applicable sections of this chapter for variations and restrictions of each)
	Off-premise signs	300 square feet limited to height of district	Shall not exceed 64 total signs throughout the city	Building setback required. Signs must be a minimum of 150 feet from any residential district.
CBD central business district	Accessory	200 square feet	One per face of building	Signs attached to building. Pole ground signs not allowed
M-1 or M-2 industrial district	Accessory	100 square feet	One wall sign per face of building; one ground sign per street frontage	Wall signs. Ground signs at half the required front yard setback required in side yard
	Off-premises (billboards)	300 square feet maximum, 50 feet high	Shall not exceed 64 total signs throughout city	Building setback required. Signs must be a minimum of 150 feet from any residential district

PAULINE M. REPP, MMC
CITY CLERK

ADOPTED: 10/10/05
PUBLISHED: 10/15/05
EFFECTIVE: 10/15/05

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher,
Jacobs, Prax and Sample-Wynn.
No: None.
Absent: Councilmember Haynes.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On September 29, 2005, the City of Port Huron received one (1) bid for a SWAT van for the Police Department:

Galeana's Van Dyke Dodge	\$57,544.00
--------------------------	-------------

It is recommended that the bid of Galeana's Van Dyke Dodge, 28400 Van Dyke, Warren, Michigan 48093, in the amount of Fifty Seven Thousand Five Hundred Forty Four and 00/100 Dollars (\$57,544.00) be accepted as the lowest responsive and responsible bid with funds from the 2003 State Homeland Security Grant Program Part II Critical Infrastructure Grant, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher,
Jacobs, Prax and Sample-Wynn.
No: None.
Absent: Councilmember Haynes.

RESOLUTIONS

R-1. Councilmember Prax offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher,
Jacobs, Prax and Sample-Wynn.
No: None.
Absent: Councilmember Haynes.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of lawn mowing shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$845.00 for lawn mowing upon the lots and premises described in the attached special assessment report (see City Clerk file #05-86).

Adopted.

***R-3.** WHEREAS, pursuant to the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan 1996, as amended, Acheson Ventures, L.L.C., submitted a Brownfield Redevelopment Plan (subsequently known as the Desmond Landing Brownfield Redevelopment Plan) for all property then owned by Acheson Ventures within the area bounded by the Black River, the St. Clair River, the Seaway Terminal and Military Street, which was approved by the City Council on August 12, 2002; and

WHEREAS, an amendment to the plan has been requested by Acheson Ventures to include all properties within the Desmond Landing area bounded by the Black River, the St. Clair River, the Seaway Terminal and Military Street, whether owned by Acheson Ventures or some other party, as well as identifying additional eligible activities; and

WHEREAS, the Desmond Landing Brownfield Redevelopment Plan Amendment was approved by the City of Port Huron Brownfield Redevelopment Authority at their meeting of September 8, 2005, and recommended it be presented to the City Council for approval;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing for November 28, 2005, to hear comments on the amendment to the Desmond Landing Brownfield Redevelopment Plan in the area bound by the Black River, the St. Clair River, the Seaway Terminal and Military Street; and

BE IT FURTHER RESOLVED that the City Clerk shall publish notice of said public hearing in the Times Herald with the first notice being no more than 40 days and no less than 20 days before the public hearing, as required by the Act;

BE IT FURTHER RESOLVED that the City Clerk shall notify all affected taxing jurisdictions of said public hearing and the proposed amendment's fiscal and economic implication at least 20 days prior.

Adopted.

R-4. Councilmember Prax offered and moved the adoption of the following resolution:

WHEREAS, the City must provide fire protection to properties in the City; and

WHEREAS, a fire hydrant located in the public right of way near Acheson Colloids Company has been struck several times by delivery trucks; and

WHEREAS, the City desires to have a Release and Grant of Easement for Utility Purposes to relocate a fire hydrant onto private property to prevent the recurrence of this damage;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the release and granting of an easement for utility purposes and construction with Acheson Colloids Company and directs the proper City officials to execute the agreement (see City Clerk File #05-87).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
- No: None.
- Absent: Councilmember Haynes.

R-5. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron in conjunction with the Downtown Development Authority has proposed the placement of Oak Street wayfarer signs inside the Michigan Department of Transportation (MDOT) right-of-way at six (6) locations on Oak Street; and

WHEREAS, a permit application is to be submitted to MDOT for approval of these locations; and

WHEREAS, MDOT requires that the City Council is in agreement with the placement of the signs and agrees to pay the cost of installation, maintenance and permit obligations resulting from the placement of such signs;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby supports and approves the installation of the wayfarer signs inside the MDOT right-of-way at six (6) locations on Oak Street and agrees to pay the associated costs; and

BE IT FURTHER RESOLVED that the Street Administrator is authorized to execute the necessary MDOT permit application.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
- No: None.
- Absent: Councilmember Haynes.

***R-6.** WHEREAS, ALD Thermal Treatment, Inc., 2656 - 24th Street, has applied for the transfer of existing Industrial Facilities Exemption Certificate #95-296 (Petri, Inc., a/k/a Takata #2) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on October 10, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and legislative body of each unit which levies taxes was notified on the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the ALD Thermal Treatment, Inc., application for transfer of the Industrial Facilities Exemption Certificate #95-296 and hereby authorizes the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the City of Port Huron does find that the transferring of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the above facilities are located.

Adopted.

***R-7.** WHEREAS, SportRack Automotive, a subsidiary of Advanced Accessory Systems, LLC, 1721 Dove Street, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, October 24, 2005, in order to hear comments on the application of SportRack Automotive for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

- City Assessor - Port Huron
- County Board of Commissioners - St. Clair County
- Port Huron Area School Board
- St. Clair County Community College
- St. Clair County Regional Educational Service Agency
- Downtown Development Authority

Adopted.

R-8. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, in accordance with the Code of Federal Regulations (CFR) 24, Part 92, public disclosure of a conflict of interest must be made regarding participation of City employees/officials in federally funded housing rehabilitation programs; and

WHEREAS, in accordance with the Charter of the City of Port Huron, Section 5a, Restrictions on Powers of City Council, Councilmembers shall declare any conflict of interest; and

WHEREAS, Kimberly A. Prax, Councilmember, City of Port Huron, has applied for participation in the Urban Pioneer Program, which offers down payment assistance in the amount of \$3,500 to qualified applicants to purchase a home in the City of Port Huron; and

WHEREAS, Ms. Prax meets the program criteria established for all participants;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby acknowledges receipt of the public disclosure of notification that a City Councilmember, meeting the criteria established for all participants, has applied for participation in the Urban Pioneer Program.

Motion rejected by the following vote:

No: Councilmember Fisher.
 Yes: Mayor Neal; Councilmembers Cutcher, Jacobs and Sample-Wynn
 Abstain: Councilmember Prax.
 Absent: Councilmember Haynes.

NOTE: Section 5a of the City Charter relative to declaring any conflict of interest requires a 2/3 affirmative vote for acceptance.

MOTIONS & MISCELLANEOUS BUSINESS

1. Discussion held on the naming of the pocket park at the corner of Huron Avenue and Quay Street near the Military Street Bridge. Mayor Pro-tem Cutcher suggested Heritage Park and Councilmember Sample-Wynn relayed the suggestion made by someone that it be called Peoples Park. Mayor Neal requested citizen input so that a decision can be made in the next couple of weeks.

2. **Mayor Pro-tem Cutcher** announced the recent ribbon cutting at Special Accents, 201 Huron Avenue, on October 5, 2005.

3. **Councilmember Sample-Wynn** acknowledged that October is Breast Cancer Awareness Month and urged women to get mammograms.

4. **Councilmember Prax** announced her resignation from City Council, effective immediately.

On motion (9:30 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
 City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 24, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Reverend Curtis Cannon, All Nation Church of God, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.

Vacancy: One

The minutes of the regular meeting of October 10, 2005, were approved.

PRESENTATIONS

1. Proclamation designating the week of November 13 - 19, 2005, as "Homeless Awareness Week" was presented to Jenny Schultz, Executive Director of Safe Horizons, and Steve Lindsay, Pathway Shelter Manager.
2. Proclamation designating November 11, 2005, as "Tiny Renaker Day" was presented to Albert "Tiny" Renaker.
3. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.
4. Councilmember Jim Fisher presented a report of the City Council's trip to the City of Holland, Michigan.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of SportRack Automotive, a subsidiary of Advanced Accessory Systems, LLC, 1721 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #4)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Anthony America, Port Huron, addressed the City Council in objection to prayers in City Hall and requesting that Council adopt an ordinance mandating that the public know the name of anyone who dies from AIDS so that those who have had contact with them can be tested.
2. Fred Elliott, 1016 - 7th Street, #309, addressed the City Council naming his recommendations for upcoming City Council election and thanked Mayor Pro-tem Cutcher for his work on seeing that Port Huron was designated "Maritime Capital of the Great Lakes."

3. Kim Prax, Port Huron, addressed the City Council sharing her reasons for resigning from City Council at the last meeting stating that she needed the okay to apply for the grant for a home she was buying for her and her children and it couldn't wait until she was no longer on Council. She thanked the community for electing her to serve and stated she appreciated all that City Council has done. Additionally, she thanked City staff for their work and gave individual comments to City Council members.
4. Scott Ackerman, Stone Street, addressed the City Council asking about the policy for City Councilmembers accepting gifts.
5. Tiny Renaker, Port Huron, addressed the City Council commending the City Council and administration on the sewer separation project and talked about his past service on the housing commission.

CONSENT AGENDA

Councilmember Sample-Wynn offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.
- No: None.
- Absent: None.
- Vacancy: One.

AT THIS POINT, Mayor Neal announced the following, as well as relevant items adopted under the consent agenda:

- Leaf pickup began the week of October 17 and ends December 9. Brush and branch trimmings are currently being collected through November 18. For details on either program, you can refer to the City's newsletter, visit www.porthuron.org or contact Richfield Management at toll free 1-877-609-6753 or the Dept. of Public Works at 984-9730.
- Oct. 25: CAPTURE's Cops & Jocks Spaghetti Fundraiser Dinner, Fogcutter
- Oct. 29: Halloween Stroll, Sanborn Park, and Halloween Parade, downtown

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

Plante and Moran, Certified Public Accountants, are nearing completion of the City's annual audit for the 2004-2005 fiscal year. Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2004-2005 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following funds:

	As currently Adopted	Per Proposed Amendment	Increase (Decrease)
GENERAL FUND:			
Means of financing:			
Property taxes	\$ 7,720,000	\$ 7,775,000	\$ 55,000
Income tax	5,875,000	5,955,000	80,000
Business licenses and permits	290,600	290,600	
Nonbusiness licenses and permits	269,400	299,400	30,000
Grants	450,000	500,000	50,000
State shared revenues	4,222,500	4,222,500	
Charges for services	520,000	520,000	
Fines and forfeits	215,000	215,000	
Investment income	210,000	325,000	115,000
Rents	180,000	180,000	
Sale of fixed assets	3,000	3,000	
Charges to other funds	1,487,565	1,487,565	
Total	<u>\$ 21,443,065</u>	<u>\$ 21,773,065</u>	<u>\$ 330,000</u>
Estimated requirements:			
General government	\$ 3,347,931	\$ 3,347,931	\$
Public safety	12,870,525	12,770,525	(100,000)
Public works	1,619,435	1,586,435	(33,000)
Senior citizens	17,988	17,988	
Recreation, parks and culture	2,751,058	2,751,058	
Other functions	687,514	580,514	(107,000)
Public improvements	145,314	115,314	(30,000)
Transfer to other funds	3,300	603,300	600,000
Total	<u>\$ 21,443,065</u>	<u>\$ 21,773,065</u>	<u>\$ 330,000</u>
LAND PURCHASE FUND:			
Means of financing:			
Fund balance	\$ 905,000	\$ 905,000	\$
Investment income	75,000	75,000	
Rents	210,000	210,000	
Other income	50,000	50,000	
Transfer from General Fund		600,000	600,000
Transfer from tax increment funds	1,055,233	1,055,233	
	<u>\$ 2,295,233</u>	<u>\$ 2,895,233</u>	<u>\$ 600,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 2,166,500	\$ 2,166,500	\$
Capital outlay:			
Land acquisition, building construction and redevelopment	128,733	78,733	(50,000)
Capital projects, maintenance and repair		600,000	600,000
Transfer to Motor Vehicle Fund		50,000	50,000
	<u>\$ 2,295,233</u>	<u>\$ 2,895,233</u>	<u>\$ 600,000</u>
MOTOR VEHICLE FUND:			
Means of financing:			
Fund balance	\$ 620,000	\$ 620,000	
Charges for services	1,985,901	1,985,901	
Transfer from Land Purchase Fund		50,000	50,000
	<u>\$ 2,605,901</u>	<u>\$ 2,655,901</u>	<u>\$ 50,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 1,908,966	\$ 1,908,966	\$
Capital outlay:			
Ordinary replacement of capital items	396,935	396,935	
Roof replacement		50,000	50,000
Standard fire pumper truck	300,000	300,000	
	<u>\$ 2,605,901</u>	<u>\$ 2,655,901</u>	<u>\$ 50,000</u>

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.
No: None.
Absent: None.
Vacancy: One.

CM-2. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On October 4, 2005, the City of Port Huron received three (3) bids for an air/vacuum street sweeper for the Streets Division:

Bell Equipment Company	\$141,200.00
W. F. Miller Company	\$148,426.00
AIS Equipment Corporation	\$170,760.00

It is recommended that the bid of Bell Equipment Company, 78 Northpoint Drive, Lake Orion, MI 48359, in the amount of One Hundred Forty-One Thousand Two Hundred and 00/100 Dollars (\$141,200.00.) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.
- No: None.
- Absent: None.
- Vacancy: One.

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted.

R-2 (a-d). Councilmember Sample-Wynn offered and moved the adoption of the following resolutions:

R-2(a). WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintenance for the streetscape project described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

WHEREAS, the City Council determines that the cost of maintaining such project should be paid by special assessment levied against the lots and parcels of land benefitted by such improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager shall make an investigation of the cost of maintaining the project and prepare a report which shall include a budget for maintaining the project for the balance of the 2005-2006 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

R-2 (b). WHEREAS, in accordance with the City Council resolution dated October 24, 2005, the following is a report of the City Manager regarding the proposed special assessment of the cost of maintaining certain public improvements:

1. The maintenance for the streetscape improvements for which all of the maintenance costs are to be specially assessed are described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

2. The estimated cost of maintaining streetscape improvements for the balance of the 2005-2006 fiscal year is \$20,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street (See Appendix A - See City Clerk File #05-88).

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street (See Appendix A).

3. The cost of maintaining said public improvements for the balance of the 2005-2006 fiscal year is estimated to be \$20,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

R-2(c). WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

2. The cost of operating improvements for the balance of the 2005-2006 fiscal year is estimated to be \$20,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

R-2 (d). WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on November 14, 2005, for the purpose of hearing all persons interested in the operation of said streetscape improvements and said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearing once in the Port Huron Times Herald, a newspaper of general circulation in the City of Port Huron, not less than ten (10) full days prior the date of the said hearing and shall further cause notice of the meeting to be sent by first class mail to each owner of or person in interest in property subject to assessment as indicated by the records in the City Assessor's office as shown on the current assessment rolls of the City, at least ten (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said current assessment rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING

City of Port Huron
County of St. Clair, Michigan

TAKE NOTICE that the City Council of the City of Port Huron, St. Clair County, Michigan, has determined it to be necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron as follows:

The City Council has determined that all the costs of the above described public improvements shall be assessed against each of the following lots and parcels of land:

Along Military Street from the south side of Black River to the north side of Court Street.

Take Further Notice that the City Council has caused a report concerning said public improvements to be prepared, which report includes estimates of cost of such public improvements for the balance of the 2005-2006 fiscal year, a descriptions of the assessment districts and other pertinent information and has caused a special assessment roll to be prepared and this report and special assessment roll are on file in the office of the City Clerk and are available for public examination.

Take Further Notice that the City Council will meet on November 14, 2005, at 7:30 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on November 14, 2005, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Pauline M. Repp, CMC
City Clerk

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

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.

No: None.

Absent: None.

Vacancy: One.

***R-3.** WHEREAS, it is stated in the City Ordinance Code, Section 46-6, Traffic Study Committee, Chapter 46, Traffic and Vehicles:

"The police chief, the assistant city attorney, one member of the traffic division of the police department, and two residents of this city, who shall be appointed by the mayor for a term of two years from the date of their appointments or until their successors are appointed or qualified, shall be and constitute the traffic study committee;"

NOW, THEREFORE, BE IT RESOLVED that the Mayor's reappointment of Robert Beedon, as a member of the Traffic Study Committee for a term to expire November 1, 2007, is hereby approved and confirmed.

Adopted.

***R-4.** WHEREAS, SportRack Automotive, a subsidiary of Advanced Accessory systems, LLC, 1721 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, the Port Huron City Council held a public hearing on October 24, 2005, to hear comments on the application; and

WHEREAS, the City Assessor and Legislative Body of each unit which levies taxes was notified of the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the SportRack Automotive application for an Industrial Facilities Exemption Certificate for six (6) years on personal property and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificate will be issued for the following dates:

All personal property: 12/31/05 to 12/31/11 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the 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 Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as SportRack Automotive is located.

Adopted.

R-5. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has entered into a lease agreement with ALD Thermal Treatment, Inc., 2656 - 24th Street, for an Industrial Park building formerly known as Takata # 2, providing needed employment in the City; and

WHEREAS, it is in the best interest of our citizens to encourage and increase the available employment and the industrial tax base in the City; and

WHEREAS, ALD Thermal Treatment, Inc., is requesting a waiver of liens against personal property by the City in order to secure financing of necessary equipment; and

WHEREAS, obligations of ALD Thermal Treatment, Inc., under the agreement between the City and ALD Thermal Treatment, Inc., are guaranteed by their parent company;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Landlord Waiver agreement with ALD Thermal Treatment, Inc., LaSalle Bank Midwest Bank National Association and LaSalle National Leasing Corporation so and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #05-89)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.
- No: None.
- Absent: None.
- Vacancy: One.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn encouraged everyone to vote on November 8, 2005.

On motion (8:37 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 14, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Pastor Dwight Weber, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn. (Vacancy - one)

The minutes of the regular meeting of October 24, 2005, were approved.

FROM THE BOARDS AND COMMISSIONS

BC-1. Councilmember Sample-Wynn offered and moved to receive and file the following report:

We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, November 9, 2005, meet in the County Clerk's Office, 201 McMorran Blvd., Port Huron, and did publicly canvass the results of the City of Port Huron Odd-Year General Election held on Tuesday, November 8, 2005. The results of the canvass of said election are as follows:

TOTAL VOTES CAST: 3,543

Alan D. Cutcher	2,480
B. Mark Neal	2,357
David Haynes	2,355
Sally A. Jacobs	2,311
Tim McCulloch	2,157
James M. Fisher	2,082
Laurie Sample-Wynn	1,873
Cliff Schrader	1,650
Perry Melton	1,557

Candidates Cutcher, Neal, Haynes, Jacobs, McCulloch, Fisher and Sample-Wynn having received the highest number of votes cast are hereby declared elected to the Port Huron City Council.

PROPOSITION NO. 1

“Shall the City of Port Huron be authorized to lease City property at the south end of the Water Reclamation Facility to the National Oceanic and Atmospheric Administration (NOAA) to construct a building and piping that would measure water flow/depth levels used for navigational purposes, measuring of atmospheric conditions and other water resource management activities?”

Yes	2,994
No	481

Proposal No. 1 declared passed.

PROPOSITION NO. 2

“Shall the City of Port Huron be authorized until December 31, 2008, to sell, long-term lease or option to sell the property known as the West Quay Street parking lot to the Terra Land Group or another suitable developer for the purpose of development, keeping City ownership of the seawall and walkway along the Black River for use and access by the public?”

Yes	1,805
No	1,682

Proposal No. 2 declared passed.

PROPOSITION NO. 3

"Shall the City of Port Huron be authorized to sell or long-term lease the property known as the Water Street Marina to the James C. Acheson Foundation for the purpose of redevelopment of the property for marina and other development?"

Yes	3,039
No	457

Proposal No. 3 declared passed.

ST. CLAIR COUNTY CANVASS BOARD: Mary J. Sams; Delphine Kolodziejski; William D. Emery; Loretta Johnson

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.
No: None.
Vacancy: One

AT THIS POINT, Mayor Neal thanked the community for the opportunity given him to serve as Mayor for the past four years.

RESOLUTIONS

1. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

BE IT RESOLVED that this meeting is hereby adjourned.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Haynes, Jacobs and Sample-Wynn.
No: None.
Vacancy: One.

A subsequent meeting of the City Council was convened immediately by temporary chairperson City Clerk Pauline M. Repp for the installation of the newly elected City Council, followed by the conduct of regular business.

AT THIS POINT, the Oath of Office was administered to the newly elected City Councilmembers by Pauline M. Repp, City Clerk.

ROLL CALL OF NEWLY ELECTED COUNCIL:

Present: Councilmembers Cutcher, Fisher, Haynes, Jacobs, McCulloch, Neal and Sample-Wynn.

Councilmember Neal nominated Councilmember Cutcher for election to the Office of Mayor for the City of Port Huron. Nominations were closed and Councilmember Cutcher was unanimously elected to the Office of Mayor.

AT THIS POINT, the Oath of Office was administered to the newly elected Mayor by the City Clerk and Mayor Cutcher was seated as presiding officer.

Councilmember Jacobs nominated Councilmember Neal for election to the Office of Mayor Pro-tem for the City of Port Huron. Nominations were closed and Councilmember Neal was unanimously elected to the Office of Mayor Pro-tem.

AT THIS POINT, the Oath of Office was administered to the newly elected Mayor Pro-tem Neal by the City Clerk.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Military Street Streetscape project (from the south side of Black River to the north side of Court Street) and for the purpose of reviewing said special assessment roll. (See Resolution #2)

John Ogden, Director of Finance, explained the project and the special assessment roll.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. John Cruz, Chairman, Sister City Commission, read a letter from the Mayor of Chiquimula congratulating Alan Cutcher on his election.

2. Michelle Miller, 1314 - 21st Street, addressed the City Council in opposition to the closing of the alley abutting her property (see Resolution #9) stating it would cause them a hardship.

3. Fred Pemberton, 1303 Union Street, addressed the City Council in support of closing the alley abutting his property (see Resolution #9) stating there was street access for the residents and feels it is a good time to have it vacated.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Cutcher announced the following, as well as relevant items adopted under the consent agenda:

- Large brush/branch/tree trimming pickup at the curb program ends Friday, November 18. Yard waste in containers will be picked up through Tuesday, November 29. The leaf pickup program is ongoing and will end December 9. For details on these programs, refer to the City's newsletter, visit www.porthuron.org or contact Richfield Management at toll free 1-877-609-6753 or the Dept. of Public Works at 984-9730.

- Santa Parade will be held in downtown Port Huron on November 25 at 6:00 p.m. Contact MainStreet Port Huron at 985-8843 for more details.

- City offices will be closed for the following upcoming holidays: November 24-25 (Thanksgiving), December 23 and 26 (Christmas) and January 2 (New Year's).

- First Night Port Huron 2006 will be held December 31, 2005. For more information, visit the City's website.

- The City, in cooperation with MainStreet Port Huron, will offer two-hour free parking on Huron Avenue between McMorran Boulevard and Glenwood Avenue and at the short term meters in the Majestic, East Quay and West Quay lots. Free meters will be covered with a festive holiday wrapping from Thanksgiving through New Year's. Also, parking tokens will offered at a 2-for-1 rate during the time period of November 15 through December 31, 2005. For more details on the free parking or the tokens, contact MainStreet Port Huron at 985-8843.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Fisher moved to receive and file the following communication and approve the request:

From Laurie Sample-Wynn, President, First Night Port Huron, requesting to waive the fees for using the lobby and City Council room for their annual event on Saturday, December 31, 2005.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Neal.

No: None.

Absent: None.

Abstain: Councilmember Sample-Wynn.

FROM THE CITY MANAGER

CM-1. Councilmember Neal offered and moved to receive and file the following City Manager's report:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the three month period ending September 30, 2005. (See City Clerk File # 05-90).

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

R-2. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the balance of the 2005-2006 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$20,000.00, all of which shall be specially assessed and none to be paid as a general expense of the City.

3. The City Council hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessment shall be levied.

4. Said revised special assessment roll as prepared by the City Assessor in the amount of \$20,000.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0002 (See City Clerk File #05-91).

5. Payments on said special assessment roll shall be due and payable on or before December 1, 2005.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Adopted unanimously.

R-3. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Housing Commission has requested that the Port Huron Police Department provide additional police services beyond what is normally provided; and

WHEREAS, the additional police services will include the policing of specific Housing Commission locations, providing police reports to the Housing Commission, manning a mini station provided by the Housing Commission to provide a visible police presence, and attending after hour informational meetings to keep the Commission and residents current on neighborhood events/concerns; and

WHEREAS, the Port Huron Housing Commission has agreed to pay the Port Huron Police Department Thirty Five Thousand and 00/100 Dollars (\$35,000.00) in a one time payment for these police services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the terms of the Law Enforcement Grant Contract with the Port Huron Housing Commission for additional police services to be provided by the Port Huron Police Department and authorizes the appropriate City officials to execute the necessary documents (see City Clerk File #05-92).

Adopted unanimously.

*R-4. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-5; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$155.60 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #05-93).

Adopted.

*R-5. WHEREAS, on February 9, 2004 the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Boards and Commissions, Article IV, Division 8, Section 2-567:

“Sec. 2-567. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk’s Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years.....”

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the appointment of Louise Bauman to fill a vacancy of a term to expire on April 12, 2008 on the Sister City Commission.

Adopted.

***R-6.** WHEREAS, it is anticipated that there will be no need to hold the second meeting in the month of December;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

a) Suspends its rules and procedures for the regular meeting of December 26, 2005; and

b) Instructs the City Manager to not prepare an agenda for this regular meeting; and

c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meeting of December 26, 2005, will not be held.

Adopted

***R-7.** WHEREAS, in accordance with the Code of Federal Regulations 570.611, public disclosure of a conflict of interest must be made regarding participation of City employees/officials in federally funded housing rehabilitation programs; and

WHEREAS, the following individuals have applied for participation in the Community Development Property Improvement Program:

Matthew Fowler - Utilities Division, Equipment Operator
Linda Brennan - Income Tax Division, Clerk
Janice Littlefield - Planning Commissioner

WHEREAS, the Property Improvement Program offers low to moderate income homeowners a grant to make necessary repairs and improvements to their homes, with the maximum grant allowed not to exceed \$10,000, and the homeowner must be eligible for a low-interest loan from the Michigan State Housing Development Authority (MSHDA) for at least 25% of the total project cost; and

WHEREAS, Matthew Fowler, Linda Brennan and Janice Littlefield meet the program criteria established for all participants;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby acknowledges receipt of the public disclosure of notification that the City employees/officials listed above have applied for participation in the Property Improvement Program and have met all program criteria established for all participants.

Adopted.

***R-8.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$3,235.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #05-94).

Adopted.

R-9. Councilmember Sample-Wynn offered and moved the adoption of the following resolution with scheduling of a public hearing:

WHEREAS, the City of Port Huron owns the following described property:

that portion of Alley #113 adjacent to Lots 1 and 2, and Lots 13 and 14, and the westerly 10 feet of Lot 3, and the easterly 10 feet of Lot 12, Block 21, N.P. White's Subdivision of Section 9-6-17, and located in the block bound by Union and Chestnut Streets, and 21st and 20th Streets, City of Port Huron; and

WHEREAS, on November 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed vacation; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (6 ayes; 3 nays; 0 absent; 0 abstain) of the vacation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for December 12, 2005, to hear comments on the above request, or in the case of a negative vote hereby denies the request for vacation of that portion of Alley #113 adjacent to Lots 1 and 2, and Lots 13 and 14, and the westerly 10 feet of Lot 3, and the easterly 10 feet of Lot 12, Block 21, N.P. White's Subdivision of Section 9-6-17, and located in the block bound by Union and Chestnut Streets, and 21st and 20th Streets, City of Port Huron, with the reservation of a full-width public utility easement.

Adopted unanimously.

R-10. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has been working with many community organizations in an effort to improve the appearance of our community and to instill pride; and

WHEREAS, there has been a request from Acheson Ventures to have the City of Port Huron assist in supplying the necessary electrical service in Lincoln Park to display holiday lighting and other decorative items; and

WHEREAS, it is estimated that the purchase of the necessary materials for this improvement will cost Six Thousand Five Hundred Ten Dollars and 00/100 (\$6,510.00);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the inclusion of the electrical service upgrade project in Lincoln Park in the Capital Improvement Program for fiscal year 2005-06.

Adopted unanimously.

R-11. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, a member of City Council is a designated representative for the City of Port Huron on the Economic Development Alliance (EDA) Board;

NOW, THEREFORE, BE IT RESOLVED that Mayor Pro-tem Neal is hereby appointed as the Council's representative on the EDA Board.

Adopted unanimously.

R-12. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Article IV, Division 2, Sections 2-432 and 2-433:

"Sec. 2-432. Composition, appointment of members. The Planning Commission shall consist of nine members, one of whom shall be a member of and selected by the City Council, eight of whom shall be appointed by the mayor subject to council approval, one of these being the city manager or his designee. Each member of the planning commission shall represent, insofar as is possible, different professions or occupations."

"Sec. 2-433. Terms and removal of members. The term of the City Councilmember's membership on the Planning Commission shall correspond to his official tenure. The term of each other member of the Planning Commission shall be three years or until his successor takes office."

NOW, THEREFORE, BE IT RESOLVED that Councilmember Jacobs be appointed as the Council's designated representative on the City Planning Commission.

Adopted unanimously.

R-13. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the Economic Opportunity Committee (EOC), under federal law is required to have board members that represent a mix of public and private; and

WHEREAS, a member of City Council does sit on the board of the Economic Opportunity Committee (EOC);

NOW, THEREFORE, BE IT RESOLVED that Mayor Cutcher is hereby appointed to be the City Council of the City of Port Huron's representative on the Economic Opportunity Committee.

Adopted unanimously.

R-14. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, Southeast Michigan Council of Governments (SEMCOG) is a regional planning partnership of governmental units serving 4.8 million people in the seven-county region of Southeast Michigan; and

WHEREAS, the City of Port Huron is a participating member of SEMCOG; and

WHEREAS, SEMCOG requests that a member of the City Council be designated as a delegate and one as an alternate;

NOW, THEREFORE, BE IT RESOLVED that Councilmember McCulloch be the designated delegate and Councilmember Sample-Wynn the designated alternate to SEMCOG.

Adopted unanimously.

***R-15.** WHEREAS, the Port Huron Flags Booster Club has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as non-profit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the Port Huron Flags Booster Club as a non-profit organization in the City of Port Huron.

Adopted.

On motion (8:20 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 28, 2005, at 7:30 p.m. in the Public Meeting Room, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

The invocation was given by Reverend Bill Terry, St. John's United Church of Christ, followed by the Pledge of Allegiance.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch, Neal and Sample-Wynn.

The minutes of the regular meeting of November 14, 2005, were approved.

PRESENTATIONS

1. Stephen Williams, Chairperson, Sesquicentennial Committee, gave an update on the 2007 celebration.
2. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.
3. Stephen Williams, Director, Port Huron Museum, gave an update on upcoming events to be held at the Museum, including the dinosaur exhibit, as well as gave an overview of the restoration of the Fort Gratiot Lighthouse and the hospital building situated in Lighthouse Park.
4. Kim Harmer, Planning Director, gave a Revitalizing Port Huron update.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the proposed amendment to the Desmond Landing Brownfield Redevelopment Plan to include all properties within the Desmond Landing area bound by the Black River, the St. Clair River, the Seaway Terminal and Military Street, whether owned by Acheson Ventures, or some other party, as well as identifying additional eligible activities.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed the City Council relative to the budget amendments adopted on October 24, 2005, and the amendment that would create funding for the dehumidification project at McMorran stating he thinks it shouldn't be addressed until the committee has made decision on what happens with McMorran when the Authority expires next year. He also stated that new glass is needed in the Junior Arena and there is a need for an additional defibrillator on the premises.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Cutcher announced the following, as well as relevant items adopted under the consent agenda:

- Leaf pickup is ongoing and will end December 9. For further details, refer to the City's newsletter or website, or contact Richfield Management at toll free 1-877-609-6753 or the Dept. of Public Works at 984-9730.
- City offices will be closed for the following upcoming holidays: November 24-25 (Thanksgiving), December 23 and 26 (Christmas) and January 2 (New Year's).
- First Night Port Huron 2006 will be held December 31, 2005. For more information, visit the City's website.
- The City, in cooperation with MainStreet Port Huron, will offer two-hour free parking on Huron Avenue between McMorran Boulevard and Glenwood Avenue and at the short term meters in the Majestic, East Quay and West Quay lots. Free meters will be covered with a festive holiday wrapping from Thanksgiving through New Year's. Also, parking tokens will offered at a 2-for-1 rate during the time period of November 15 through December 31, 2005. For more details on the free parking or the tokens, contact MainStreet Port Huron at 985-8843.
- Effective December 1, 2005, parking on City streets is prohibited between the hours of 2:30 a.m. and 6:00 a.m. each day continuing during the months of December, January, February and March.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On November 9, 2005, the City of Port Huron Utilities Division received a single-source quote from the supplier for the existing magnetic flow meter. The quote is for a new meter to replace the failed magnetic flow meter at the Hancock Street Pump Station:

Midwest Municipal Instrumentation, Inc. \$7,830.00

It is recommended that the quote of Midwest Municipal Instrumentation, Inc., 4391 Bonnymede Court, Jackson, Michigan 49201, in the amount of Seven Thousand Eight Hundred Thirty and 00/100 Dollars (\$7,830.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-2. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On November 9, 2005, the City of Port Huron Utilities Division solicited three quotes for a submersible pump for the Hancock Street Pump Station:

Detroit Pump & Manufacturing Company \$10,394.68
 Pump Plus Inc. *
 Kennedy Industries, Inc. *

* Did not meet specification

It is recommended that the quote of Detroit Pump & Manufacturing Company, 18943 John R, Detroit, Michigan 48203, in the amount of Ten Thousand Three Hundred Ninety-Four and 68/100 Dollars (\$10,394.68) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

***R-1.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists terms that are vacant;

NOW, THEREFORE, BE IT RESOLVED that David Bennis is hereby appointed to the Beautification Commission for the balance of a three-year term to expire on January 30, 2008.

Adopted.

R-2. NOTE: This item was removed from the agenda by Administration (extension of Cintas contract).

***R-3.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager shall appoint seven members from the City of Port Huron subject to approval by the City Council, two members from the Port Huron Area School District, one member from St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners; and

WHEREAS, due to the election of member Tim McCulloch to the City Council, a vacancy now exists on the Authority;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's appointment of Vickie Ledsworth to the Local Development Finance Authority to fill the term to expire June 11, 2009, is hereby confirmed.

Adopted.

***R-4.** WHEREAS, the City Council of the City of Port Huron has created a Tax Increment Finance Authority consistent with the provisions of Act 450, Public Acts of 1980; and,

WHEREAS, in accordance with the provisions of Act 450, the Authority is under the supervision and control of a board consisting of the City Manager and six (6) members appointed by the City Manager for four-year terms, subject to the confirmation and approval of the City Council; and

WHEREAS, due to the election of member Tim McCulloch to the City Council, a vacancy now exists on the Authority;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's appointment of Vickie Ledworth to the Tax Increment Finance Authority to fill the term to expire on September 14, 2007, is hereby confirmed.

Adopted.

***R-5.** WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City for the next fiscal year beginning April 1, 2006; and

WHEREAS, a preliminary Annual Action Plan for the expenditure of Community Development Block Grant (CDBG) funds and HOME funds is established after receiving comments at that public hearing; and

WHEREAS, a second public hearing is required to receive comments on the proposed Annual Action Plan; and

WHEREAS, the purpose of the Annual Action Plan is to develop and continue programs that will help eliminate slums or blighting influences and to benefit very low to moderate income individuals, particularly in the areas of neighborhood preservation and improved housing conditions;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for Monday, December 12, 2005, to hear views of citizens on the general needs in the community development, housing and special services, utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2006;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 13, 2006, to hear comments on the proposed 2006 Annual Action Plan.

Adopted.

R-6. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, on August 12, 2002, pursuant to the recommendation of the City's Brownfield Redevelopment Authority (the "Authority"), the City Council approved the Brownfield Redevelopment Plan submitted by Acheson Ventures, for activities to occur within the Desmond Landing area.

WHEREAS, the Authority, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has now recommended for approval by the City Council the Desmond Landing Brownfield Redevelopment Plan Amendment (the "Amendment") submitted to it by Acheson Ventures, L.L.C., pursuant to and in accordance with Section 13 of the Act.

WHEREAS, the Authority has, at least twenty (20) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Amendment (the "Taxing Jurisdictions") about the fiscal and economic implications of the Amendment, and the City Council has provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Amendment and in accordance with Sections 13(10) and 14(1) of the Act.

WHEREAS, the City Council has made the following determinations and findings:

1. The Amendment constitutes a public purpose under the Act;

2. The Amendment meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;

3. The proposed method of financing the costs of the eligible activities, as described in the Amendment, is feasible and the Authority has the ability to arrange the financing;

4. The costs of the eligible activities proposed in the Amendment are reasonable and necessary to carry out the purposes of the Act;

5. The amount of captured taxable value estimated to result from the adoption of the Amendment is reasonable; and

WHEREAS, as a result of its review of the Amendment and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to proceed with approval of the Amendment;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amendment is hereby approved in the form attached to this Resolution. (See City Clerk File #05-95)

2. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

3. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Adopted unanimously.

R-7. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, pursuant to the Neighborhood Enterprise Zone (NEZ) Act, Public Act 147 of 1992, as amended, the Port Huron City Council adopted Resolution #9 on April 11, 2005, approving the tentative boundaries of an NEZ; and

WHEREAS, in accordance with the Act, a public hearing was held on September 12, 2005, to receive comments on the creation of the NEZ; and

WHEREAS, in accordance with the Act, the City Council adopted Resolution #8 on September 26, 2005, finding the formation of the NEZ is consistent with the City's Master Plan, the City's neighborhood preservation goals, and the community development goals established each year, the Downtown Development Action Plan, and that the City operates and maintains a Rental Housing Inspection Certification Ordinance as well as the state of Michigan's Property Maintenance Code;

NOW, THEREFORE, BE IT RESOLVED that the properties located along Huron Avenue and Military Street from Glenwood south to Griswold Street, which consists of 68 acres is hereby designated as the City of Port Huron Neighborhood Enterprise Zone Number 1;

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a copy of this resolution, along with a list of each parcel of property located within NEZ #1, indicating the parcel code number and address to the Michigan State Tax Commission.

Adopted unanimously.

R-8. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$710.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #05-96).

Adopted unanimously.

R-9. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron was notified in October that they are now the recipient of the title to the Fort Gratiot Light Station, the oldest lighthouse in the State of Michigan; and

WHEREAS, in partnership with the Port Huron Museum the lighthouse will be refurbished as part of our maritime heritage; and

WHEREAS, the Port Huron Museum has been informed that its 2006 Michigan Lighthouse Assistance Program grant application has been selected for funding of its Historic Structures Report; and

WHEREAS, a resolution of support from the City of Port Huron is required as part of this grant;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes and directs the Port Huron Museum to file an application for a 2006 Michigan Lighthouse Assistance Program grant through the Michigan Department of History, Arts and Libraries for \$40,000 for the Fort Gratiot Light Station Historic Structures Report; and

BE IT FURTHER RESOLVED that Stephen R. Williams, Director, Port Huron Museum, shall be authorized to sign the grant agreement, any grant agreement amendments, other agreement-related documents and the required historic preservation easement upon approval of the application by the Michigan Department of History, Arts and Libraries.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Sample-Wynn** mentioned that First Night needs volunteers and that if you volunteer you get a free button for the evening.
2. **Councilmember Fisher** mentioned that the Olde Town Neighborhood is sponsoring Christmas caroling both at Merry MainStreet on December 3 and in their neighborhood on December 15 and encouraged others to volunteer to join the group.
3. **Robert Eick**, Fire Chief, presented photos of the check presentation for the Jaws of Life by AAA to the Fire Department on November 21.

4. **Mayor Cutcher** announced the grand opening on November 16 of the Cactus Rose in downtown. Additionally, he shared that he visited Port Huron Township last week and they "knighted" him. Mayor Cutcher encouraged attendance at the Festival of Trees this weekend and viewing of the many Christmas lights in Port Huron (also stated need for lights on the north side along the Black River in the future).

5. **Mayor Pro-tem Neal** asked for an update from Bob Clegg, City Engineer, on the leaf removal program stating that he has received numerous calls with concerns. Bob Clegg responded that the work will continue until it is done even if we have bad weather. Discussion held on whether there should be an alteration in the scheduling of leaf pickup in the future and Mr. Clegg suggested that it be an alternate in the upcoming refuse pickup bid so that the cost can be looked. Tom Hutka, City Manager, stated they will look at all possibilities.

On motion (8:55 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 5, 2005, at 8:00 a.m. in Conference Room 408, Municipal Office Center, 100 McMorran Boulevard.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs (arrived at 8:15 a.m.), McCulloch, Neal and Sample-Wynn.

I. The Council discussed scheduling of future Council workshops and it was agreed to continue having them on the first Monday of each month so long as Council has items to discuss. The next meeting is to be held on Monday, January 9, 2006, 8:01 a.m. (due to January 2, 2006 being a holiday).

II. Discussion held on holding a Council retreat including the need for an action plan on established goals. Suggestion made that an outside facilitator be used, perhaps someone with municipal background, and that it be held one day the week of January 23, 2006.

III. Mayor Cutcher requested that Council look over the current Rules of Procedures to see if they have any recommended changes and, if so, let Tom Hutka, City Manager, or Mayor Cutcher know so that they can be discussed at a future workshop. Also discussed proposed PC policy.

IV. Discussion on having a plan of action for the Pine Grove Park traffic issue and how to control traffic, especially during the a.m. and p.m. when Pine Grove Park is used as a shortcut. Tom Hutka, City Manager, to present temporary trial solutions for discussion at next workshop.

V. Discussion on naming pocket park next to Military Street Bridge. Following discussion of names presented, resolution to be prepared for first meeting in January using the name Heritage Park (which can be modified, if necessary) and, if adopted, rules will be presented for discussion at a future workshop.

VI. Councilmember Sample-Wynn had wanted to discuss the possibility of moving toward implementing procedures to preserve energy uses but was not prepared to present at this meeting and requested that it be postponed until January or February. She suggested visiting the website www.stopglobalwarming.org for more information on this subject.

VII. Public Audiences -

1. Ken Harris, 1407 Wells Street, stressed need to do something about the traffic issue in Pine Grove Park.

2. John Ferda, 929 Huron Avenue, stated that the River Park Neighborhood wishes to share their neighborhood with the people of the community but not just as a short cut.

VIII. Councilmember McCulloch requested that Bob Clegg, City Engineer, give a report on the progress of the leaf pickup program. Mr. Clegg stated that the contractor worked this past Saturday and Sunday to try and catch up and they will be sweeping the City one more time and that they are still committed to completing the service.

On motion (9:15 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

(Page intentionally left blank)

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 12, 2005, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by City Clerk Pauline Repp, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch, Neal and Sample-Wynn.

The minutes of the regular meeting of November 28, 2005, and the special meeting of December 5, 2005, were approved.

PRESENTATIONS

1. Jim Wilson, General Manager, Blue Water Area Transportation Commission, presented a status report on agency programs and projects.
2. Bob Clegg, City Engineer, gave a presentation on the leaf pickup program.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to vacate a portion of Alley #113, in the block bound by Union, Chestnut, 21st and 20th Streets, with a full-width public utility easement. (See Resolution #10)

The following people appeared to be heard in support of the vacation: Gregory Jones, 1304 - 21st Street, stated that the alley is in good condition and he wants to keep it that way and stop any deterioration; Fred Pemberton, 1303 - 20th Street, stated he has lived their 35 years and reason it wasn't vacated before was because the four affected properties could all get to their garage and that five out of six families would like it vacated.

The following person appeared in opposition to the vacation: Michelle Miller, 1314 - 21st Street, stated she runs a daycare and needs fencing around pool, etc, and she needs to use the alley for easy access for several vehicles.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments views of citizens on the general needs in community development, housing and special services utilizing Community Development Block Grant and HOME funds for the fiscal year beginning April 1, 2006.

Kim Harmer, Planning Director, explained that this is the first step in the process of preparing Annual Action Plan.

Jenny Schultz, Safe Horizons, appeared thanking Council for past support and asking that they be considered for future funding.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

The following persons appeared to speak relative to Resolution No. 16 and the proposed rezoning of a portion of Huron Avenue from R-1 to CBD:

1. Pat McPharlin, 517 Rawlins Street, stated he would not like to see this change and asked that City Council agree with City Planning Commission's denial. (Mr. McPharlin addressed the Council a second time following Dr. Parrott's comments stating there is no guarantee of what might go into the buildings in the future.)
2. Richard Huegli, 1025 Huron Avenue, stated that the two building owners are asking for rezoning to CBD because Dr. Pyun is looking at having another professional (massage therapy business) move into the building and it is not an allowed use in an R-1 zone. He stated there is not a parking issue and he would like to see that a public hearing is held.
3. Beverly Roberts, 912 Michigan, stated her objection to rezoning.
4. Russ Kelly, 928 Huron Avenue, appeared in objection to rezoning stating they do not need any more commercial in neighborhood.
5. Donna Kelly, 928 Huron Avenue, appeared in objection to rezoning stating they are currently researching area to have it declared historic and feels it should be kept residential.
6. Janice Littlefield, 923 Michigan Street, Vice-Chair of Planning Commission, appeared in objection to rezoning stating they voted down the request because of master plan and location and that problem is not this business but what if it goes out of business and something else goes in.
7. Kathy Holth, 927 Huron Avenue, appeared in objection to rezoning stating she remembers when the neighborhood worked to have it zoned residential and would hate to see this change.
8. Veronica and Tom Donnelly, 918 Merchant Street, appeared in objection to rezoning.
9. Katie Byrne, 825 Prospect Place, appeared stating that the requesting property owner has said they would keep it the same and thinks there should be an additional hearing stating she has no objection to the massage business proposed.
10. Dr. Sandy Parrott, 1017 Huron Avenue, appeared saying his dentist office has been there 36 years and that they are good neighbors and that they would not allow a business in the complex that was a detriment to either them or the neighborhood. Pat McPharlin states what if Dr Parrott moves what will be the thinking.

CONSENT AGENDA

Councilmember Fisher offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

AT THIS POINT, Mayor Cutcher announced the following, as well as relevant items adopted under the consent agenda:

- City offices will be closed for the following upcoming holidays: December 23 and 26 (Christmas) and January 2 (New Year's).
- First Night Port Huron 2006 will be held December 31, 2005. For more information, visit the City's website.
- The City, in cooperation with MainStreet Port Huron, will offer two-hour free parking on Huron Avenue between McMorran Boulevard and Glenwood Avenue and at the short term meters in the Majestic, East Quay and West Quay lots. Free meters will be covered with a festive holiday wrapping from Thanksgiving through New Year's. Also, parking tokens will be offered at a 2-for-1 rate during the time period of November 15 through December 31, 2005. For more details on the free parking or the tokens, contact MainStreet Port Huron at 985-8843.
- During the months of December, January, February and March parking on City streets is prohibited between the hours of 2:30 a.m. and 6:00 a.m. to allow for the removal of snow/ice that may occur during those hours.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the National League of Cities that the Congressional City Conference will be held March 11-15, 2006, in Washington, D.C.

Received and filed and Council authorized to attend.

C-2. Councilmember Jacobs moved to receive and file and grant the following request:

From Jim Faulkner, Executive Director, Blue Water Habitat for Humanity, asking that the various fees associated with building new Habitat for Humanity homes be waived for the balance of 2005 and all of calendar year 2006.

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

In accordance with the requirements of Section 63 of the City Charter, the City's Comprehensive Annual Financial Report for the year ended June 30, 2005, is transmitted herewith (City Clerk File #05-97).

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember McCulloch offered and moved the adoption of the following resolution:

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #05-01)

Adopted unanimously.

***R-2.** WHEREAS, Black River Manufacturing, 2401 - 20th Street, has applied for the transfer of an existing Industrial Facilities Exemption Certificate #97-011 (Duaalex, Inc.) to them; and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for January 9, 2006, in order to hear comments on the application of Black River Manufacturing for the transfer of Industrial Facilities Exemption Certificate #97-011; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following legislative bodies:

City Assessor - Port Huron
County Board of Commissioners - St. Clair County
Port Huron Area School District Board
St. Clair County Community College Board
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

***R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 42-57; and

WHEREAS, the attached special assessment report has been certified by the City Engineer and reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$3,408.12 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #05-98).

Adopted.

***R-4.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, as provided by Act No. 198, P. A. 1974 as amended by virtue of Act 302 of 1975 and Act 224 of 1976, a public hearing is to be held on the application; and

WHEREAS, Act No. 198 states that the City Assessor and Legislative Body of each unit which levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 9, 2006, in order to hear comments on the application of Domtar Industries, Inc., for an Industrial Facilities Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall send notices of said public hearing to the following Legislative Bodies:

City Assessor - Port Huron
 County Board of Commissioners - St. Clair County
 Port Huron Area School Board
 St. Clair County Community College
 St. Clair County Regional Educational Service Agency
 Downtown Development Authority

Adopted.

R-5. Councilmember Haynes offered and moved the adoption of the following resolution:

WHEREAS, as of June 30, 2005, the Marina Fund had total net assets of \$1,999,218 which includes a deficit in the unrestricted portion of net assets of \$474,499; and

WHEREAS, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury whenever such a deficit arises;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron adopts the following as the City of Port Huron Marina Fund Deficit Elimination Plan:

"The Marina Fund unrestricted deficit is the result of continuing operating losses over a period of years which has had the effect of creating a deficiency in working capital. The Marina Fund operates various downtown marina locations along the Black River with 146 slips and a larger marina (the Water Street Marina) upriver with 374 slips. It is difficult to significantly improve operating results on a short term basis, as marina slip rental rates are generally set by the State of Michigan and most operating expenses are relatively fixed in nature. Two approaches will be pursued on a long term basis to eliminate the operating deficits, a potential sale of the Water Street Marina (approved by voters November 8, 2005) and continuing efforts to improve annual operating results through increased usage from local and transient boaters. As the downtown marinas particularly provide tourism and other commercial benefits to the City, annual subsidies from both the General Fund and the Land Purchase Fund will also continue to offset operating losses on a short term basis."

BE IT FURTHER RESOLVED that the Director of Finance of the City of Port Huron submit the Deficit Elimination Plan to the Michigan Department of Treasury for certification (see attached City Clerk File 05-99) and that the Director of Finance be authorized to act as coordinator to facilitate acceptance of the Deficit Elimination Plan.

Adopted unanimously.

R-6. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron's existing ultra high frequency (UHF) dispatch communications center in the police department is outmoded and replacement parts are becoming extremely difficult to acquire; and

WHEREAS, in the past several years, the City of Port Huron and St. Clair County have been working toward linking local communication efforts with the State of Michigan 800 MHz radio system to improve emergency radio communications and to allow for the interoperability and uninterrupted communications between the city and county emergency dispatch centers and other multi-agency response disciplines within our county and state; and

WHEREAS, an upgrade of the City's dispatch communications center would be necessary in the future when the conversion to the State of Michigan's 800 MHz infrastructure system is completed; and

WHEREAS, St. Clair County is moving forward with the county-wide system and has entered into an agreement with Motorola, Inc., for the development of the 800 MHz radio system; and

WHEREAS, Motorola, Inc., has developed a dispatch communications center which is compatible with both the existing system and with the proposed 800 MHz infrastructure system; and

WHEREAS, it would be advantageous for the City to also entered into an agreement with Motorola, Inc., for the development, installation of equipment and training for a new dispatch communications center in the Port Huron Police Department; and

WHEREAS, Motorola, Inc., has provided a proposal to the City for the replacement of our dispatch communications center at a cost of \$364,429.00 with partial funding coming from the 2003 Part II Critical Infrastructure Planning Homeland Security Grant in the amount of \$250,000;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Motorola, Inc., for the development, installation and training for a dispatch communications center for the Port Huron Police Department, with partial funding coming from the 2003 Part II Critical Infrastructure Planning Homeland Security Grant, and authorizing the appropriate City officials to execute the necessary documents (see City Clerk File #05-100).

Adopted unanimously.

***R-7.** WHEREAS, the Board of Canvassers is provided for by the general election laws of the State of Michigan and Section 33 of the City Charter; and

WHEREAS, membership consists of two Republicans and two Democrats, appointed by the City Council and the terms of one Republican and one Democrat will expire on December 31, 2005;

NOW, THEREFORE, BE IT RESOLVED that Carolyn Holley, Democrat, 729 White Street, and Mary Jane Sams, Republican, 3855 Oak Hills Circle, are hereby reappointed to serve as members of the Board of Canvassers for four year terms expiring December 31, 2009.

Adopted.

***R-8.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1168 effective October 27, 2005, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

4TH STREET - Southbound traffic on 4th Street shall STOP for Chestnut Street (3-way stop).

NOW, THEREFORE, BE IT RESOLVED that said Traffic Control Order be and hereby is made permanent until such time as it is modified or repealed;

BE IT FURTHER RESOLVED that said Traffic Control Order be filed and enforced in keeping with the appropriate laws as contained in the Statutes of this State, as well as the Charter, Ordinances, and Resolutions of the City of Port Huron.

Adopted.

R-9. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the State of Michigan 2005 Buffer Zone Protection Program (BZPP) Grant Agreement is to provide federal pass-through funds to the Port Huron Police Department to support the prevention and preparedness efforts of local first responders; and

WHEREAS, the BZPP award for the City of Port Huron is Ninety Nine Thousand Two Hundred Two and 00/100 Dollars (\$99,202.00); and

WHEREAS, the Grant Agreement designates BZPP funds for reimbursement of allowable and authorized costs during the period from April 1, 2005 to March 31, 2006; and

WHEREAS, funding for the 2005 BZPP is authorized by Public Law 108-334, Department of Homeland Security Appropriations Act of 2005, the U.S. General Accounting Office Government Auditing Standards, the OJP Financial Guide 2005, the Administrative Guide to State Government, the State of Michigan Financial Management Guide, the Michigan State Administrative Plan, and applicable federal and state laws and regulations;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the attached agreement with the State of Michigan 2005 Buffer Zone Protection Program grant and that the City of Port Huron does specifically agree, but not by way of limitation, as follows:

1. To maintain satisfactory financial accounts, documents and records;

2. To administer the project and provide such funds, services and materials as may be necessary to satisfy the terms of said agreement; and

3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution.

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City of Port Huron and appoint William J. Corbett, Police Chief, as the Coordinator. (See City Clerk File #05-101.)

Adopted unanimously.

R-10. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns the following described alley:

that portion of Alley #113 adjacent to Lots 1 and 2, and Lots 13 and 14, and the westerly 10 feet of Lot 3, and the easterly 10 feet of Lot 12, Block 21, N.P. White's Subdivision of Section 9-6-17, and located in the block bound by Union and Chestnut Streets, and 21st and 20th Streets, City of Port Huron; and

WHEREAS, on November 1, 2005, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (6 ayes; 3 nays; 0 absent; 0 abstain); and

WHEREAS, the City Council on December 12, 2005, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration, it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above alley is hereby vacated with the reservation of a full-width public utility easement.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.

No: Councilmembers Jacobs and Neal.

Absent: None.

***R-11.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of weeds, brush, or grass; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$75.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #05-102).

Adopted.

R-12. Councilmember Jacobs offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from James Zimmer, Admiralty Development Corporation, to rezone, 1201 - 4th Street and adjacent land, from C-1 (General Business District) to CBD (Central Business District), legally described as:

Lots 35 and 42, Block 61, White Plat; also Lots 1, 2, 3, 4, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, including all of the vacated alleys lying within except for the west half of the north/south alley adjacent to Lots 5 through 11 and except the south, west, and east one-half of the alley adjacent to Lot A, the Banks Subdivision of Lots 28, 29, 31, 33, 34, 36, 38, and 40 of what is now known as Block 61, White's Plat, also known as: 1201 - 4th Street and adjacent land, City of Port Huron; and

WHEREAS, on December 6, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 8 ayes; 0 nays; 1 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 9, 2006, to hear comments on the above request, or in the case of a negative vote hereby denies the request of James Zimmer, Admiralty Development Corporation for the rezoning of the above-described property.

Adopted unanimously and hearing scheduled.

R-13. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Victor Albert to rezone, 2324 - 11th Street from R-1 (Single- and Two-Family Residential District) to C-1 (General Business District), legally described as:

Lots 10, 11, 12, and that part of Lot 13 lying southerly of a line 25 feet south of and parallel with the centerline of the existing railroad tracks, Block 5, Commissioners Plat of the Estate of Simon Petit, Section 15, T6N, R17E, including the west one-half of the vacated alley adjacent, also known as: 2324 - 11th Street, City of Port Huron; and

WHEREAS, on December 6, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 8 ayes; 0 nays; 1 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 9, 2006, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Victor Albert for the rezoning of the above-described property.

Adopted unanimously and hearing scheduled.

R-14. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Timothy Ojczyk to rezone, 1726 - 10th Avenue, from R-1 (Single- and Two-Family Residential District) to C-1 (General Business District), legally described as:

Lot 4, Block 56, Subdivision of the Fort Gratiot Military Reservation, also known as: 1726 - 10th Avenue, City of Port Huron; and

WHEREAS, on December 6, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 6 ayes; 2 nays; 1 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 9, 2006, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Timothy Ojczyk for the rezoning of the above-described property.

Adopted unanimously and hearing scheduled.

R-15. Councilmember McCulloch offered and moved the adoption of the following resolution:

WHEREAS, a request has been received for a special use permit for an auto sales lot at 1726 - 10th Avenue; and

WHEREAS, on December 6, 2005, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 8 ayes; 0 nays; 1 absent; 0 abstained) of the special use permit request, to a maximum of ten vehicles and compliance with required screening from adjoining residences;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for an auto sales lot at 1726 - 10th Avenue.

Councilmember McCulloch moved to table the resolution.

Motion to table adopted unanimously.

R-16. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Richard E. Huegli, Jr., representing Huron Dental Associates and Seong and Boo Pyun, to rezone, 1017 and 1025 Huron Avenue from R-1 (Single- and Two-Family Residential District) to CBD (Central Business District), legally described as:

Lots 1 and 2, including the north one-half vacated alley adjacent, Block 17, subdivision of the Fort Gratiot Military Reservation, also known as: 1017 and 1025 Huron Avenue, City of Port Huron; and

WHEREAS, on December 6, 2005, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended denial (vote: 0 ayes; 8 nays; 1 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for January 9, 2006, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Richard E. Huegli, Jr., representing Huron Dental Associates and Seong and Boo Pyun for the rezoning of the above-described property.

Adopted unanimously and hearing scheduled.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Sample-Wynn** encouraged everyone to attend First Night (the 5th one held) stating there was incredible entertainment planned thanks to funds received from the Acheson Foundation and the Seaway Arts Council.
2. **Councilmember Fisher** stated that the Olde Town Carolers would be caroling in the neighborhoods the evening of December 15 and encouraged others to join in.
3. **Mayor Cutcher** highlighted the ribbon cutting of the lower level of the House of Denmark on November 30. He also wished everyone Happy Holidays.

On motion (9:40 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk