Minutes are posted as soon as they become available. Please note they are not official until they are adopted at the next regularly scheduled meeting.

CITY OF PORT HURON
2009
Council-Manager Government

MAYOR
Brian J. Moeller

COUNCIL

Mark A. Byrne	James M. Fisher	Timothy A. McCulloch
Martin Doorn	Alan Lewandowski	Lonnie Stevens

ADMINISTRATIVE OFFICERS

City Manager
Bruce C. Brown

Bureau of Public Information & Complaints
Susan M. Child .... Director

City Clerk's Office
Susan M. Child .... City Clerk

Community Development
Kimberly A. Harmer.......................... Director

Data Processing
James J. Brennan .... Manager

Finance Department
John H. Ogden .... Director

Fire Department
Robert W. Eick .... Chief

Law Department
John Livesay............................. City Attorney

Marinas
John P. Berry .... Personnel Director

Parks, Forestry, Cemetery & Parking Div.
Robert W. Eick .... Supervisor

Personnel Department
John P. Berry .... Personnel Director

Planning Department
Kimberly A. Harmer.......................... Director

Police Department
Donald E. Porrett .... Chief

Public Works
Robert E. Clegg .... City Engineer

Recreation
Betty Dunn .... Director

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 12, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of December 22, 2009, were approved.

PRESENTATIONS

1. Fire Chief Robert W. Eick commented on the recent December 28-29, 2008, Black River flooding and expressed thanks to everyone who provided assistance.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the general needs in community development, housing and special services, utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2009:

A letter from Safe Horizons requesting an allocation of $17,500 to provide homeless services at the Pathway Homeless Shelter and Carolyn's Place was received (see City Clerk File #09-2). Andy Bennett also appeared and spoke to this request.

Aubrey Mayhew, Blue Water Habitat for Humanity, appeared and requested HOME funds be allocated to Blue Water Habitat to assist them with their projects.

Ken Harris appeared stating that funds should be used to enhance neighborhoods.

Sharon Bender appeared and encouraged allocations be made to Safe Horizons, other homeless shelters and to the Blue Water Habitat organization.

Mike Bodeis, Port Huron Landlord Association President, appeared and stated some of this money should be given to investors.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Margaret Enright addressed the City Council regarding snow-covered sidewalks downtown and stated her support for Kinney Management to run McMorran.

2. Mike McCauley, Griswold Street, addressed the City Council stating he was interested in being a vendor at the Thomas Edison Parkway (Res. #7) and stated he was available to answer any questions.

3. Angela Kelley, Citizens for a Vibrant Community, addressed the City Council expressing support of allowing vendors in parks.

4. Jason Kreiger, Kreiger Associations, Ferndale, Michigan, addressed the City Council on behalf of the owner who is requesting a special use permit at 1035 Lapeer Ave. (Res. #9) and showed the drawings for the expansion plans.

5. Sharon Bender addressed the City Council expressing support of the application to MSHDA (Res. #10) and allowing vendors on the Thomas Edison Parkway or Pine Grove Park (Res. #7), but is opposed to allowing vendors in Lincoln Park or the Tot Park.

6. Tom Manis, Canal Drive, addressed the City Council regarding the damage to his home caused by the Black River flooding, stated a better plan by the City needs to be in placed for the future and stated that dynamite should be considered as an option to help break up the ice jams.

7. Carlos Jacks, Canal Drive, addressed the City Council regarding the recent flooding and lack of information and/or communication by the City with property owners and that damaged carpeting has not been picked up from the curb and asked if the City was working on having a better plan in place for the next time.

CONSENT AGENDA

Councilmember Lewandowski moved to adopt the Consent Agenda, seconded by Councilmember McCulloch (items indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- Jan. 15, 16, 17 and 24 – Icehawks Hockey at McMorran
- Jan. 17 – Stanley Cup visits McMorran
- Jan. 21-25 – Silver Sticks
- Jan. 23, 24, 25 – Chilly Fest
- Jan. 25 – Radio First Bridal Show

FROM THE CITY MANAGER

CM-1. Councilmember Byrne moved the adoption of the following City Manager's recommendation, seconded by Councilmember Lewandowski:

On December 18, 2008, the City of Port Huron received three (3) unit price bids for pre-design and emergency sewer cleaning and video inspection services for a three-year period. The vendors were asked to submit separate bid amounts for pre-design and emergency services. Vendors were also asked to submit a bid amount for both services as an entire bid.

Based on estimated annual quantities, the following is a comparative summary of the bids received:

Bidder	Pre-Design Services Only	Emergency Services Only	Combined Services
Michigan Pipe Inspection, Inc. * Port Huron, MI 48060	***$110,356.78***[1]	$166,200.00	***$266,386.78***[1]
Doetsch Industrial Service, Inc. Warren, MI 48089	$405,858.60	***$140,500.00***[1]	$546,018.60
Downunder Municipal Service * Kalamazoo, MI 49001	$164,985.72	No Bid	No Bid

* Bid amounts were corrected for arithmetic errors
[1] Indicates lowest bid

The unit price bids for pre-design and emergency services, if awarded as separate bids to the lowest bidding companies, will be approximately $250,856.78. If the combined services bid were to be awarded to the lowest bidder, the total estimated cost will be approximately $15,530.00 more for the three-year period.

It is recommended that the unit price bid of Michigan Pipe Inspection, Inc., 3508 Armour Street, Port Huron, Michigan 48060, for pre-design services only in the estimated amount of One Hundred Ten Thousand Three Hundred Fifty-Six and 78/100 Dollars ($110,356.78) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

It is further recommended that the unit price bid of Doetsch Industrial Service, Inc., 21221 Mullin, Warren, Michigan 48089, for emergency services only in the estimated amount of One Hundred Forty Thousand Five Hundred and 00/00 Dollars ($140,500.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Councilmember McCulloch moved to amend the recommendation to award the bid to Michigan Pipe Inspection, Inc., for their combined services bid of $266,386.78, seconded by Councilmember Stevens. Motion to amend adopted unanimously.

Motion to adopt the recommendation, as amended, adopted unanimously.

RESOLUTIONS

R-1. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Fisher:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

***R-2.** 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 <u>Bundo v City of Walled Lake</u> and <u>Bisco's Inc. v Liquor Control Commission</u> 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:

Bistro 1882, 2333 Gratiot Avenue
Blue Water Bowl, 2419 Lapeer Avenue
Catch 22, 1229 Seventh Street
Harrington Inn, 1026 Military Street
Legendz, 1631 Garfield 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 9, 2009,** 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 by consent.

***R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for an emergency board-up of a vacant structure; and

WHEREAS, the cost for boarding up of openings shall be assessed to the property owner(s) pursuant to Article IV, Property Maintenance Code, Section 109.2 Temporary Safeguards, and Section 40-19 of the City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and Community Development Director 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 $265.00 for an emergency board-up of the premises described in the attached special assessment report (see City Clerk File #09-3).

Adopted by consent.

R-4. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, specialized computer programming is necessary to assure that the automation control system will properly operate the City’s Water Filtration Plant and receive data from remote sites including two elevated water storage tanks and one ground water storage tank as part of our water distribution system; and

WHEREAS, it is necessary to replace the City’s aging automation control system; and

WHEREAS, on January 14, 2008 City Council authorized an agreement with Tetra Tech to perform the evaluation and design of the automation control system at the Water Filtration Plant; and

WHEREAS, the next step in this process will require Tetra Tech to program and test the new system to assure it will integrate seamlessly with plant operations and to train City staff on the operation and use of the new automation control system;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech for professional computer programming and staff training for the new automation control system at the Water Filtration Plant and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-4).

Motion adopted unanimously.

R-5. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, the Wastewater Treatment Plant generates biosolids as an end product of its wastewater treatment process; and

WHEREAS, it has been determined that the most cost effective and environmentally responsible method for proper handling of these biosolids is to land apply the material on agricultural land; and

WHEREAS, the Environmental Protection Agency (EPA) has recognized the City of Port Huron's Biosolids Land Application Program for its excellence; and

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) regulates all biosolids handling operations in the State of Michigan; and

WHEREAS, the MDEQ requires that the City of Port Huron obtain authorization under the auspices of the City's National Pollutant Discharge Elimination System (NPDES) Permit to operate its Biosolids Land Application Program, and the annual biosolids land application fee is based upon the equivalent dry tons applied to agricultural land (2,064 dry tons in 2008);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $14,228.80 to the Michigan Department of Environmental Quality for the annual biosolids land application fee, required by the MDEQ for the administration of the Biosolids Land Application Program.

Motion adopted unanimously.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $700.64 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-5).

Adopted by consent.

R-7. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, City ordinances were revised in 2008 to allow peddlers to sell food or merchandise on public property from non-motorized carts without the necessity of moving from place to place; and

WHEREAS, current ordinances prohibit selling from vehicles located in public parking spaces; and

WHEREAS, on November 24, 2008, Mike McCauley, owner of Just In Time Concessions, LLC, and Blue Water Ice Cream, LLC, addressed the City Council asking if the ordinance could be revised to allow him to place a food concession truck in a specific parking space along the Thomas Edison parkway during the warmer months; and

WHEREAS, the City Attorney and City Clerk met with Mr. McCauley to obtain further information about his request with the list below identifying several items that were discussed:

* Allow his specifically-designed food concession truck to be located at an end parking spot, possibly by the Blue Water Bridge, so customers could line up on the grassy area and not be harmed by other moving vehicles;
* Charge him a higher vending fee because of the designated location;
* Require certain hours of operation so residents/tourists know what to expect;
* Require clean up of trash or debris from adjacent area caused by vending operation;
* In the future, he would like to be able to place a French Fry truck in the parkway similar to what is done across the river in Canada; and

WHEREAS, allowing vendors to sell food and/or merchandise in certain designated public park areas could help to enrich the ambiance in the parks for residents and tourists; and

WHEREAS, before extensive time and effort to research and prepare proposed language changes are expended, it would be beneficial to first ascertain if City Council wishes to direct City administration to proceed with any changes and guidance as to the types of changes desired;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby directed to initiate the appropriate action to allow vendors to sell food and/or merchandise from specifically assigned areas and/or parking spaces within designated City parks.

Motion adopted unanimously.

***R-8.** WHEREAS, JCIM US, LLC, 2133 and 2233 Petit Street, has applied for the transfer of the existing Industrial Facilities Exemption Certificates #2004-034 and #2007-413 (LDM Technologies, 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 26, 2009, in order to hear comments on the application of JCIM US, LLC, for the transfer of Industrial Facilities Exemption Certificate #2004-034 and #2007-413; 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 by consent.

R-9. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, a request has been received for a special approval use permit to construct an addition to the existing gas station located at 1035 Lapeer Avenue; and

WHEREAS, on January 6, 2009, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 8 ayes; 0 nays; 1 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit to construct an addition to the existing gas station at 1035 Lapeer Avenue.

Motion adopted unanimously.

R-10. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, in July 2008, the United States Congress enacted the Housing and Economic Recovery Act which provides funds designed to assist states with stabilizing their communities due to foreclosures; and

WHEREAS, the Michigan State Housing and Development Authority (MSHDA) is the entity responsible for coordination of the funds through the Neighborhood Stabilization Program (NSP); and

WHEREAS, on December 18, 2008, the MSHDA conducted a workshop on the NSP and announced the preliminary application process for communities to request grant funds, with some requirements yet to be finalized; and

WHEREAS, the City of Port Huron is eligible to apply, by January 23, 2009, for up to $1.25 million dollars, with no matching funds required, in order to design and implement eligible NSP programs;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the submission of an application to the Michigan State Housing and Development Authority for up to $1.25 million dollars in Neighborhood Stabilization Program grant funds and authorizes the appropriate City officials to execute the necessary applications, certifications, and appropriate documents related to the grant funding request. (See City Clerk File #09-06)

Motion adopted unanimously.

R-11. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, on December 22, 2008, the Port Huron City Council authorized Mayor Moeller, Mayor Pro-tem Fisher and Corporation Counsel to negotiate a work agreement with Bruce C. Brown for the permanent, full-time position of City Manager; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Bruce C. Brown;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached City Manager's agreement between the City of Port Huron and Bruce C. Brown and authorizes the appropriate City officials to execute said agreement (see City Clerk File #09-7).

See City Clerk File #09-8 for a copy of the PowerPoint presented by Mayor Moeller.

Motion adopted unanimously.

ORDINANCES

1 & 2. Councilmember Byrne moved and seconded by Councilmember Lewandowski that Ordinances #1 and Ordinance #2, entitled and reading as follows, be givens their first and second reading:

O-1. AN ORDINANCE TO AMEND 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, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUNDED BY SEDGWICK STREET, THOMAS EDISON PARKWAY, PROSPECT STREET, AND PLEASANT STREET FROM A-2 (HIGH RISE MULTIPLE FAMILY) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY)

O-2. AN ORDINANCE TO AMEND 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, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES GENERALLY BOUNDED BY SEDGWICK STREET, PLEASANT STREET, PROSPECT STREET, AND PINE GROVE AVENUE FROM CBD (CENTRAL BUSINESS DISTRICT) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY)

Motion adopted unanimously and the ordinances were given their first and second reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Discussion was held regarding having a welcome sign for Silver Stick teams hung across Huron Avenue, or placed in the downtown area, to welcome the tournament and teams to our area. City administration will look into this.

2. Mayor Moeller stated that he will be designating Saturday, January 24, 2009, as “Patrick Hills Day” to recognize his work in coordinating the Silver Stick Tournaments for the last several years. The Mayor also asked administration to look into allowing parking on at least one side of the street in the 2600 and 2700 block of Moak Street to ease the parking situation due to church services at the Restoration Christian Community Church.

3. Councilmember Byrne congratulated Port Huron Northern High School Junior Taylor Waslyk for her hockey accomplishments at the U. S. World Women’s Championship hockey event held in Germany. City administration will coordinate her attendance at the next Council meeting so a Certificate of Recognition may be presented to her.

4. Councilmember Doorn mentioned the Sunday, January 18, Martin Luther King Day celebration event at Port Huron High School and Mayor Moeller mentioned that the St. Clair County Community College will host another Martin Luther King event on Monday, January 19.

5. Councilmember Byrne asked administration to look into extending the 8-hour time limit at the meters located around the AT&T building to accommodate the employees that have shift hours that are longer than this amount of time.

On motion (8:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 26, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of January 12, 2009, were approved.

PRESENTATIONS

1. Proclamation recognizing January 30-April 4, 2009, as "A Season for Nonviolence" was presented to Lyn Chabot and Diane Mosher from Blue Water Season for Nonviolence.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the request of SEMCO Energy Gas Company for a renewal of their public utility franchise.

No one appeared to be heard.

The Mayor declared the hearing closed and **Councilmember McCulloch** moved, seconded by Councilmember Fisher, that the following ordinance, entitled and reading as follows, be givens its first and second reading:

AN ORDINANCE TO GRANT SEMCO ENERGY GAS COMPANY, A DIVISION OF SEMCO ENERGY, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

Motion adopted unanimously.

2. The Mayor announced that this was the time to hear comments on the application of JCIM US, LLC, 2133 and 2233 Petit Street, (formerly known as LDM Technologies, Inc.) for the transfer of Industrial Facilities Exemption Certificate #2004-034 and #2007-413.

No one appeared to be heard.

The Mayor declared the hearing closed and **Councilmember Byrne** moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, JCIM US, LLC, 2133 and 2233 Petit Street, has applied for the transfer of existing Industrial Facilities Exemption Certificate #2004-034 and #2007-413 (LDM Technologies, 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 January 26, 2009, 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 JCIM US, LLC, application for transfer of the Industrial Facilities Exemption Certificate #2004-034 and #2007-413 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.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Terry Nolan, Irish Rose, 207 Huron Avenue, addressed the City Council regarding the lack of customer parking in the Majestic lot and stated that snow piles in the street and at the curb are causing problems for shoppers.

2. Linda Whipple, owner of the Whipple Tree downtown, also addressed the City Council regarding the lack of customer parking and the snow removal from the streets.

CONSENT AGENDA

Councilmember Fisher moved to adopt the Consent Agenda items, seconded by Councilmember McCulloch (items are indicated with an asterisk). Motion adopted unanimously.

NOTE: Regarding Resolution #10 (moving the City's checking account for payroll to Citizens), Councilmember Byrne stated his home mortgage is through Citizens First and Mayor Moeller stated that he consulted with Corporation Counsel to see if he had a conflict of interest and he does not.

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

<u>Upcoming events:</u>

- Jan. 27 - Icehawks vs. Muskegon @ McMorran
- Jan. 30 - Cabin Fever Friday Night "Camp Rock" @ Palmer Park from 6:30 – 9:30 pm
- Jan. 31 - International Symphony Orchestra presents Celtic Classic @ McMorran
- Feb. 7 - March of Dimes Jail & Bail

RESOLUTIONS

R-1. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Byrne:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. **Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, Public Hearing #1 was adopted on May 27, 2008, declaring the Huron Avenue streetscape special assessment for annual maintenance costs; and

WHEREAS, the property at 103 Michigan Street (Vintage Properties of Port Huron) was included as part of the streetscape district and was assessed $215.75; and

WHEREAS, previously the property at 103 Michigan Street had been part of the property at 206 Huron Avenue, which is part of the streetscape special assessment district, but a lot split has occurred and the property at 103 Michigan Street no longer has access to Huron Avenue; and

WHEREAS, the special assessment amount has been reviewed and it has been determined that the previously approved special assessments for 103 Michigan Street should be rescinded as not being a part of the special assessment district;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds the declaration of special assessment for 103 Michigan Street in the amount of $215.75.

Motion adopted unanimously.

***R-3.** WHEREAS, in administering the financial affairs of the City of Port Huron it is necessary to invest funds for various periods of time, in accordance with State law, to maximize the return to the City, and

WHEREAS, financial institutions require a resolution specifically identifying the individuals authorized to act on behalf of the City,

NOW, THEREFORE, BE IT RESOLVED that City Manager Bruce C. Brown, Director of Finance John H. Ogden, and Controller Edward P. Brennan, be and they are hereby authorized to purchase, sell, assign and endorse for transfer, certificates representing stocks, bonds or other securities now registered or hereafter registered in the name of the City of Port Huron including but not limited to the Cemetery Perpetual Care Fund; and

BE IT FURTHER RESOLVED that City Manager Bruce C. Brown, Director of Finance John H. Ogden, and Controller Edward P. Brennan, be authorized to place surplus funds in the investment pools currently authorized by the City Council and in compliance with Act 367 of the Michigan Public Acts of 1982.

Adopted by consent.

R-4. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the collective bargaining agreement between the City and the Command Officers Association of Michigan, expired on June 30, 2007; and

WHEREAS, the City and the Union have negotiated a new collective bargaining agreement that is acceptable to each;

NOW, THEREFORE, BE IT RESOLVED that the attached changes to the existing collective bargaining agreement are hereby adopted and appropriate City Officials are authorized to prepare and execute a new four-year collective bargaining agreement with the Command Officers Association of Michigan for the period July 1, 2007, through June 30, 2011. (See City Clerk File #09-9)

Motion adopted unanimously.

***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 2009 Board of Review:

Joe Bauer, 2739 Riverside Drive
Judith Novar, 1754 McPherson Street
Gary Westrick, 3329 Walnut Street

BE IT FURTHER RESOLVED that the 2009 Board of Review shall convene on March 9, 2009, and continue in session as follows:

March 9, 2009	9:00 a.m. - 3:00 p.m.
March 10, 2009	1:00 p.m. - 4:00 p.m.
March 11, 2009	5:30 p.m. - 9:30 p.m.
March 12, 2009	9:00 a.m. - 1:00 p.m.

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

Adopted by consent.

***R-6.** WHEREAS, the Port Huron Figure Skating Club, has made application to the Bureau of State Lottery for a charitable gaming license; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as nonprofit operating in the community;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize the Port Huron Figure Skating Club as a nonprofit organization in the City of Port Huron.

Adopted by consent.

R-7. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Section 10-162, Annual Operating Fees, of the Code of Ordinances for the City of Port Huron specifies the annual operating fee for the periodic inspection and certification of rental units shall be as adopted by resolution of the City Council and amended as necessary; and

WHEREAS, the Rental Certification program operates on a "break even" basis and on January 14, 2002, City Council established the annual operating fee as follows:

$35.00 per unit for the first unit up to 20 units at the same site, and $28.00 for inspection of every unit thereafter; and

WHEREAS, due to procedures implemented, the program is able to run more efficiently with less cost thereby allowing the City to reduce the annual operating fee assessed for each residential rental unit;

NOW, THEREFORE, BE IT RESOLVED that the Annual Operating Fee shall be established as follows:

$30.00 per unit for the first unit up to 20 units at the same site, and $24.00 for every unit thereafter.

Motion adopted unanimously.

R-8. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, on July 28, 2008, the City Council received a summary of all City-owned vacant land; and

WHEREAS, various properties were offered for sale to adjacent property owners, some through a competitive bidding process;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of various vacant parcels of City-owned land, to be conveyed by a Quit Claim Deed, as listed below, contingent upon the individuals and/or entities being current in their obligations to the City concerning any special assessments and/or property taxes:

Parcel #/ Description	Name	Sale Amount
74-06-021-1001-009 Manuel Street between 26th & 28th Streets	Latausha Campbell	$550.00
74-06-186-0056-000 30th Street between Little & Moak Streets	Massive Impact Housing	$500.00
74-06-343-0118-000 Little Street between 26th & 28th Streets	Port Huron Neighborhood Housing Corp.	$500.00
74-06-476-0172-000 SW Corner of Wright and Church Streets	Sheila Ross	$500.00
74-06-482-0001-000 24th Street between Nern & Manuel Streets	Port Huron Housing Commission	$600.00
74-06-743-0418-100 & 74-06-743-0419-000 Jay Street between Division & Oak Streets	Gary/Linda Weaver	$1.00
74-06-743-1060-000 11th Street between Howard & Pine Streets	Scott Bulanda	$1.00
74-06-743-1423-000 Jenks Street between 12th & 13th Streets	Lapeer and Jenks, LLC	$1.00

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute any documents necessary to finalize the sale of each property.

Motion adopted unanimously.

***R-9.** WHEREAS, Michigan election law requires all school district elections to be administered by election coordinating committees which are comprised of the County Clerk, who serves as the Election Coordinator, and each local clerk within that school district, as well as the secretary of the school board; and

WHEREAS, election coordinating committees must meet every two years to determine the best way to conduct school district elections and may assign, by way of a written agreement, all or a portion of the election responsibilities to the local clerks of the city and townships which fall within the school district boundaries; and

WHEREAS, the City of Port Huron entered into a two-year agreement in January 2007 to perform various election-related tasks for the administration of school district elections; and

WHEREAS, the election coordinating committee for the Port Huron Area School District met on January 16, 2009, and reviewed current practices and procedures and determined that the current arrangements with local clerks are the most efficient way to administer these elections and authorized the County Clerk to enter into two-year agreements once again with the various jurisdictions;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby agrees to the execution of a two-year agreement between the City Clerk for the City of Port Huron and the County Clerk for St. Clair County to conduct school district elections for the Port Huron Area School District, with full reimbursement as allowed by law, and to perform such tasks as indicated in the agreement (see City Clerk File #09-10).

Adopted by consent.

***R-10.** WHEREAS, on March 28, 2005, the City Council authorized that the City's payroll checking account services be provided by Chase Bank Port Huron (formerly known as Bank One); and

WHEREAS, it is recommended that the City's payroll checking account services be provided by Citizens First Savings Bank;

NOW, THEREFORE BE IT RESOLVED that the Port Huron City Council authorizes the City's payroll checking account be established at Citizens First Savings Bank and authorizes the appropriate City officials to execute the necessary documents.

Adopted by consent.

R-11. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the City of Port Huron has leased two Kyocera copy machines (in the Police Department and Engineering Division) under lease agreements which will terminate in January 2010 with a combined remaining cost of $13,464 ($1,224/month); and

WHEREAS, Prime Office Technology has proposed that they will:

- lease a new copy machine to the City to replace the Police Department copier under a twelve month lease/purchase agreement for a total cost of $16,537 (1,378/month plus a $1 purchase price),
- cancel the current lease of the Engineering Division copy machine and transfer ownership to the City,
- guarantee full service maintenance costs at the current rate for a five- and two-year period, respectively; and

WHEREAS, the proposal will provide upgraded network scanning and printing capabilities for the Police Department necessary for communication with other agencies; and

WHEREAS, this proposal will allow the City to make an outright purchase of a new upgraded copy machine for the net cost of $3,072 and will also provide significant annual capital cost savings over the remaining lives of each machine when no further capital payments are required;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the attached lease/purchase agreement with Prime Office Technology for copy machines, subject to certain changes agreed to by the account representative as shown in the attached correspondence, and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-11)

Motion adopted unanimously.

ORDINANCES

***O-1.** An ordinance introduced January 12, 2009, entitled and reading as follows, was given its third and final reading and enacted:

<u>ORDINANCE NO. 1295</u>

AN ORDINANCE TO AMEND 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, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUNDED BY SEDGWICK STREET, THOMAS EDISON PARKWAY, PROSPECT STREET, AND PLEASANT STREET FROM A-2 (HIGH RISE MULTIPLE FAMILY) 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 A-2 (High Rise Multiple Family) to A-1 (Medium Density Multiple Family):

Lots 13, 14, 15, 16, 17, 18, 19, 20, and 21, (Plat of) Washington Place; also known as: 804, 810, 814, 816, 824 Sedgwick Street, 1412, 1414, 1418, 1422, and 1428 Pleasant Street, City of Port Huron.

Susan M. Child, CMC
City Clerk

ADOPTED: 01/26/09
PUBLISHED: 01/31/09
EFFECTIVE: 02/08/09

Motion adopted unanimously.

***O-2.** An ordinance introduced January 12, 2009, entitled and reading as follows, was given its third and final reading and enacted:

<u>ORDINANCE NO. 1296</u>

AN ORDINANCE TO AMEND 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, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES GENERALLY BOUNDED BY SEDGWICK STREET, PLEASANT STREET, PROSPECT STREET, AND PINE GROVE AVENUE FROM CBD (CENTRAL BUSINESS DISTRICT) 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 CBD (Central Business District) to A-1 (Medium Density Multiple Family):

Lots 22, 23, 24, 25, 26, and 27, (Plat of) Washington Place; also known as: 910 Sedgwick Street, 1415, 1419, 1423, 1425, and 1429 Pleasant Street, City of Port Huron.

Susan M. Child, CMC
City Clerk

ADOPTED: 01/26/09
PUBLISHED: 01/31/09
EFFECTIVE: 02/08/09

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Moeller mentioned that he checked with the City Attorney to see if small government loans could be given to those residents affected by the recent flooding and stated that this cannot be done. He also mentioned that he was glad to see the various events taking place in the downtown area this past weekend.

2. Councilmember Doorn expressed thanks to the Mayor and Chief Porrett for attending the Martin Luther King Day event sponsored by Operation Transformation.

3. Councilmember Byrne expressed thanks to Tim Ainsworth for sponsoring the snowmobile races this past weekend, as well as thanks to the Silver Stick organizers and volunteers.

4. Councilmember Stevens mentioned the notice that was received regarding the March 1, 2009, retirement of City Treasurer Peggy Dempsey and thanked her for her 25 years of service and dedication.

On motion (7:37 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 2, 2009, at 7:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch (arrived at 7:10 p.m.) and Stevens.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed the City Council regarding non-mandated services; questioned why the city pays 21% more than the county to belong to the Economic Development Alliance of St. Clair County (EDA); why was the previous McMorran Authority allowed to give 3% across the board increases; and why is the City into the property-buying business by way of the Neighborhood Stabilization grant program and yet at the same time selling City-owned property.

MISCELLANEOUS BUSINESS

Councilmember Byrne gave a presentation on his proposal to eliminate the City's income tax (see City Clerk File #09-12 for a copy of the presentation).

John Ogden, Finance Director, gave a status report on the City's current and future financial situation, which was followed by discussion, comments and questions by Councilmembers. (See City Clerk File #09-13 for a copy of various charts shown.)

Discussion was held on the following 2009-10 budget topics:

- Not increasing property taxes.
- Not increasing water rates.
- Eliminating functions that are no longer affordable or necessary.
- Considering one-day layoffs.
- Reducing department head salaries.
- Increasing employee contributions to health insurance premiums.
- Reducing income tax and/or raising the exemption from $600 to $1,200.
- Eliminating curbside leaf pickup program - bag leaves for regular trash pickup.
- Reducing contribution to the museum.
- Reducing contribution to the EDA.
- Other - placing a 1% administration fee on all tax bills.

On motion (10:16 p.m.), meeting adjourned.

JANEL K. OSTERLAND
Assistant to the City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 9, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch (arrived at 7:20 p.m.) and Stevens.

The minutes of the regular meeting of January 26, 2009, and the special meeting of February 2, 2009, were approved.

PRESENTATIONS

1. Police Chief Donald Porrett presented the department's annual report (see City Clerk File #09-14).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments concerning liquor licensees delinquent in payment of taxes, utility payments and/or income tax reporting/payments.

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 2009 Annual Action Plan for the Community Development Department.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris spoke regarding the pre-budget session, the cemetery endowment, dredging of the Black River Canal, penalties to contractor for the 7th Street Bridge work and the deterioration of 10th Avenue.

2. Joann Rumford, Parkway Drive, addressed the City Council regarding various items.

CONSENT AGENDA

Councilmember Fisher moved to adopt the Consent Agenda items, seconded by Councilmember McCulloch (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- Feb. 13 and 14 -Werth Productions presents "Bewitched" at the Fogcutter
- Feb. 13, 15, 18 - Icehawks Hockey at McMorran
- Feb. 14 - "Everything Classic Antique Radio Show" at Great Lakes Maritime Center at Vantage Point
- Feb. 21 - Maritime Art and Photo Show @ Great Lakes Maritime Center at Vantage Point

FROM THE CITY MANAGER

CM-1. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On January 27, 2009, the City of Port Huron received ten (10) bids for the 21st Street Phase I sewer separation, water main replacement and street paving project:

T. R. Pieprzak (St. Clair, MI)	$ 9,938,646.81
Dan's Excavating (Shelby Twp., MI)	$10,764,915.50*
Pamar Enterprises Inc. (New Haven, MI)	$11,140,366.69 *
Boddy Construction Company, Inc. (Port Huron Twp., MI)	$11,232,219.15*
Angelo Iafrate Construction (Warren, MI)	$12,249,964.94*
Posen Construction (Shelby Twp., MI)	$12,426,760.90
Zito Construction (Grand Blanc, MI)	$12,430,985.09
Raymond Excavating Company (Marysville, MI)	$12,681,244.43
Site Development (Madison Heights, MI)	$13,607,878.73*
LD Agostini & Sons, Inc. (Macomb Twp., MI)	$14,307,983.86*

*indicates corrected bid amount

It is recommended that the bid of T. R. Pieprzak, 6267 St. Clair Highway, St. Clair, Michigan, 48079, in the amount of Nine Million Nine Hundred Thirty-Eight Thousand Six Hundred Forty-Six and 81/100 Dollars ($9,938,646.81) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-2. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Byrne:

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, 2008. (See City Clerk File # 09-15).

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Fisher:

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 Kurt Eppley and appointment of Casey Harris for terms to expire February 9, 2013, are hereby approved and confirmed.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absente: None.

R-3. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, it is necessary to perform professional engineering services during the construction and serve as the City's professional representative for the 21st Street Phase I sewer separation, water main replacement and street paving project; and

WHEREAS, Tetra Tech MPS 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 Tetra Tech MPS for professional engineering services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services for the construction of the 21st Street Phase I sewer separation, water main replacement and street paving project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-16).

Motion adopted unanimously.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $574.19 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-17).

Adopted by consent.

R-5. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, MetroPCS Michigan, Inc., a cellular telephone provider, had expressed their desire to locate a cellular telephone antennae at the Riverside Boat Launch on property owned by the City of Port Huron; and

WHEREAS, due to the location being waterfront property, it was necessary to receive voter approval to lease the property for the location of a cellular telephone antennae; and

WHEREAS, at the November 4, 2008, election, the City of Port Huron voters approved leasing space at the Riverside Boat Launch for the location of a cellular telephone antennae; and

WHEREAS, a lease has been negotiated with MetroPCS Michigan, Inc., for the location of a "stealth" cellular telephone antennae at the Riverside Boat Launch site;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease to MetroPCS Michigan, Inc., for space at the Riverside Boat Launch site and authorizes the appropriate City officials to execute said agreement (see City Clerk File #09-18).

Motion adopted unanimously.

***R-6.** 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

WHEREAS, a vacancy currently exists as the current Democratic Representative, Eric Sturgis, has moved out of the City limits;

NOW, THEREFORE, BE IT RESOLVED that Yvonne J. Williams, 2015 Division Street, is hereby appointed as the Democratic Representative on the Board of Canvassers to fill an unexpired term ending December 31, 2011.

Adopted by consent.

***R-7.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists terms that have expired;

NOW, THEREFORE, BE IT RESOLVED that Donna Kelly and Darcy Macke are hereby reappointed to the Beautification Commission for terms to expire January 30, 2012.

Adopted by consent.

ORDINANCES

***O-1.** An ordinance introduced January 26, 2009, entitled and reading as follows, was given its third and final reading and enacted:

ORDINANCE NO. 1297

AN ORDINANCE TO GRANT SEMCO ENERGY GAS COMPANY, A DIVISION OF SEMCO ENERGY, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE CITY OF PORT HURON ORDAINS:

Section 1. GRANT OF FRANCHISE.

The City of Port Huron, St. Clair County, Michigan, hereby grants to SEMCO Energy Gas Company, a Division of SEMCO Energy, Inc., its successors and assigns, hereinafter called the "Grantee," the right, power and authority to construct, operate and maintain in the public streets, highways, alleys and other public places in the City of Port Huron, St. Clair County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the City of Port Huron, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

Section 2. CONDITIONS.

The conditions of the foregoing grant are as follows:

a. The Grantee shall do no injury to any street, highway, alley or other public place, or to any shade tree, or in any manner disturb or interfere with any water transmission and distribution lines or with any public or private sewer now or hereafter laid or constructed by any authorized person or corporation.
b. All construction work done under this grant shall be under the supervision of the designated representative of the Grantee and shall be subject to inspection and approval by the designated representative of the City as to location within the right-of-way. The Grantee shall pay the cost of such inspection and approval.
c. The Grantee, before entering upon any street, alley, easements for public utility purposes or other public place, to install pipes, mains, or other apparatus, shall notify the City or its designated representative of the proposed construction, and shall, if the City so requires, file with the City a sufficient plan or map and shall obtain the representative's approval before beginning construction.
d. No street, highway, alley or public place shall be allowed to remain obstructed or encumbered by the construction work of said Grantee for a longer period than shall be reasonably necessary to execute said work, and the Grantee shall, at all times, conform to all applicable ordinances and regulations of the City, now or hereafter in force.

Section 3. INSURANCE AND INDEMNITY.

a. Indemnity. Said Grantee shall at all times indemnify and keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction or maintenance of the structures and equipment hereby authorized. In case any action is commenced against the City on account of the permission herein given, said Grantee shall, upon notice defend the City and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

b. Insurance. Grantee shall obtain and maintain in full force and effect the following insurance covering all insurable risks associated with its exercise of the rights granted by this Ordinance: comprehensive general liability, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Two Million Dollars ($2,000,000.00).

c. Grantor shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless 30 days prior written notice is given to Grantor. Grantee shall provide Grantor with a certificate of insurance evidencing such coverage and maintain a current certificate on file with Grantor. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated B+ or better by A. M. Best Company.

Section 4. FRANCHISE NOT EXCLUSIVE.

The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 5. RATES.

Said Grantee shall be entitled to charge the inhabitants of said City for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said City, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition being made by either said City, acting by its City Council, or by said Grantee.

Section 6. REVOCATION.

The franchise granted by this ordinance is subject to revocation at the will of the City Council of the City of Port Huron upon sixty (60) days written notice to the Grantee.

Section 7. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION.

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said City.

Section 8. ASSIGNMENT OF FRANCHISE.

Grantee shall not assign this Franchise to any other person, firm or corporation without the prior written approval of the City Council. The City shall not unreasonably withhold its consent to an assignment if the Assignee is financially able to carry out the Grantee's obligations under this Franchise. The assignment of this Franchise to a subsidiary, division, or affiliated corporation of Grantee or its parent corporation shall not be considered an assignment requiring the consent of the City Council.

Section 9. REPEALER.

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a Utility Ordinance adopted by the City Council on January 22, 1979, and amendments, if any, to such Ordinance whereby a Franchise was granted to the Southeastern Michigan Gas Company.

Section 10. EFFECTIVE DATE.

This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the City Clerk. Grantee shall pay all costs of publication of this Ordinance.

Susan M. Child, CMC
City Clerk

ADOPTED: 02/09/09
PUBLISHED: 02/14/09
EFFECTIVE: 02/14/09

Motion adopted unanimously.

O-2. Councilmember Fisher moved, seconded by Councilmember McCulloch that the following ordinance, entitled and reading as follows, be givens its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE X, PEDDLERS/SOLICITORS OR TRANSIENT MERCHANTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ALLOWING VENDORS TO SELL FOOD, MERCHANDISE OR SERVICES FROM A SPECIFIC LOCATION ON PROPERTY OWNED BY THE CITY OF PORT HURON.

Motion adopted unanimously and ordinance given its first and second reading.

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

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE VIII, MASSAGE ESTABLISHMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXEMPTING MASSAGISTS LICENSED BY THE STATE OF MICHIGAN FROM APPLICATION OF THIS ARTICLE.

Motion adopted unanimously and ordinance given its first and second reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Stevens** asked that a legal interpretation be provided as to whether or not Charter Commission members can legally run for City Council or sit on a board or commission.

On motion (7:50 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 23, 2009, at 6:30 p.m. in Conference Room 101, Municipal Office Center.

The meeting was called to order by Mayor Moeller (6:40 p.m.)

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

Councilmember Fisher moved to enter into a closed session for the purpose of discussing labor negotiations pursuant to Section 8(c) of the Open Meetings Act.

Motion adopted unanimously.

On motion (6:55 p.m.), Council adjourned from closed session into regular session.

On motion (6:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 23, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of February 9, 2009, were approved.

PRESENTATIONS

1. Jim Relken gave an overview of the "Clean the Port" campaign. A proclamation recognizing the month of May as "Clean the Port" will be presented at the April 27, 2009, regular meeting.

PUBLIC AUDIENCES

1. Margaret Enright addressed the City Council regarding the McMorran Manager's severance package.

2. Ken Harris, 1521 Wells Street addressed the City Council urging a "no" vote on City Manager #2 (budget amendment transfers), specifically the funding for the McMorran Manager's severance package.

3. Art Jackson, Canal Drive, addressed the City Council to express thanks to the Mayor and Fire Chief for their work during the second flooding event in the Black River Canal. He also presented the Salvation Army with money he collected from area neighbors in appreciation for their assistance.

CONSENT AGENDA

Councilmember McCulloch moved to adopt the Consent Agenda items, seconded by Councilmember Fisher (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- Feb. 24 - Election of Charter Commission Members; polls open at 7:00 a.m.
- March 2 - March 17 – CelticFest 2009, Downtown Port Huron
- March 5 - Port Huron Police Dept. vs. Port Huron Fire Dept. Fundraiser @ McMorran @ 5:30 p.m.

FROM THE CITY MANAGER

CM-1. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On February 11, 2009, the City of Port Huron received four bids for the demolition of 605 Division Street, Code Case #08-001

Briolat Construction	$ 6,675.00
Carrigan Development	8,800.00*
S. A. Torello Trucking	9,200.00
Blue Star Demolition	12,400.00

*indicates corrected bid amount

It is recommended that the bid of Briolat Construction, 6975 Lakeport Drive, Lakeport, Michigan 48059 in the amount of Six Thousand Six Hundred Seventy Five and 00/100 Dollars ($6,675.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-2. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Stevens:

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 2008-2009 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

	As currently Adopted	Per Proposed Amendment	Increase (Decrease)
GENERAL FUND:			
Means of financing:			
Property taxes	$ 8,665,000	$ 8,665,000	$
Income tax	6,575,000	6,225,000	(350,000)
Business licenses and permits	302,000	302,000	
Nonbusiness licenses and permits	308,000	308,000	
Grants		75,000	75,000
State shared revenues	3,800,000	3,900,000	100,000
Charges for services	670,000	770,000	100,000
Fines and forfeits	200,000	200,000	
Investment income	225,000	350,000	125,000
Rents	260,000	260,000	
Sale of assets	3,400	3,400	
Charges to other funds	1,848,568	1,798,568	(50,000)
Transfers from other funds	425,000	425,000	
	$ 23,281,968	$ 23,281,968	$ 0

	As currently Adopted	Per Proposed Amendment	Increase (Decrease)
Estimated requirements:			
General government	$ 3,504,323	$ 3,511,619	$ 7,296
Public safety	12,457,321	12,571,687	114,366
Public works	1,767,575	1,781,165	13,590
Senior citizens	17,404	17,404	
Recreation, parks and culture:			
Parks and forestry	1,104,550	1,056,850	(47,700)
Recreation	649,694	611,245	(38,449)
McMorran complex	335,000	395,000	60,000
All other	488,693	489,910	1,217
Total	2,577,937	2,553,005	(24,932)
Other functions	435,615	379,295	(56,320)
Public improvements	579,000	525,000	(54,000)
Transfer to other funds	1,942,793	1,942,793	
	$ 23,281,968	$ 23,281,968	$ 0
DOWNTOWN DEVELOPMENT FUND:			
Means of financing:			
Estimated designated fund balance	$ 175,000	$ 175,000	$
Taxes	87,000	87,000	
Dues	36,000	36,000	
Promotions and fees	25,000	25,000	
Sale of assets		155,000	155,000
	$ 323,000	$ 478,000	$ 155,000
Estimated requirements:			
Ordinary recurring expenses	$ 323,000	$ 478,000	$ 155,000
	$ 323,000	$ 478,000	$ 155,000
MAINSTREET TAX INCREMENT FUND:			
Means of financing:			
Taxes	$ 45,000	$ 45,000	$
Transfers from other funds		15,000	15,000
	$ 45,000	$ 60,000	$ 15,000
Estimated requirements:			
Ordinary recurring expenses	$ 20,000	$	$ (20,000)
Capital outlay	25,000	60,000	35,000
	$ 45,000	$ 60,000	$ 15,000

Motion adopted by the following vote:

Yes: Councilmembers Doorn, Fisher, McCulloch and Stevens.
No: Mayor Moeller; Councilmembers Byrne and Lewandowski.
Absent: None.

CM-3. Councilmember Byrne moved to receive and file the following City Manager's transmittal, seconded by Councilmember Lewandowski:

At the City Council meeting of December 8, 2008, the City Council requested a response to various questions regarding an additional meter for the purpose of tracking water usage that does not enter the sewer system. Customers under this arrangement would not be charged sanitary sewer rates for that portion of water consumed.

Below is a chart of policies regarding additional water-only meters for the City of Port Huron and neighboring communities.

Community	Additional Meter	Irrigation	Process	Notes
Port Huron	YES	YES	NO	Sewer charges based on water consumption; Sewage meter required if sewage flow exceeds water consumption
Fort Gratiot Township	YES	YES	NO	Sewer charges based on water consumption; Sewage meter required if sewage flow exceeds water consumption

Community	Additional Meter	Irrigation	Process	Notes
Port Huron Township	NO	NO	NO	Flat sewer rate based on 1 residential unit equivalent; Cement plant is not on water or sewer system and does not pay fees
Kimball Township	YES	YES	YES	Sewer charges based on water consumption; Cement plant has separate water meter and does not pay sewer charges but has sewer access; Office is separately metered
Clyde Township	NO	NO	NO	No sewer system in township
Marysville *Non-residential customers only	YES*	YES*	NO	Sewer charges based on water consumption*; Residential customers pay flat water and sewer rate

Section 48-152 of the City Code currently allows an additional meter for irrigation purposes. The policy is consistently applied to all customer classes, residential, commercial, industrial, governmental and institutional. It is critical that the City's billing system is equitable and credible. The current practice of water-only meters for irrigation purpose follows a procedure that assures the water flowing through these meters is used for the intended purpose.

1. A licensed plumber or homeowner (residential only) applies for a plumbing permit through the Inspection/Permit Department.
2. A licensed plumber or homeowner (residential only) installs the plumbing that will direct water to the in-ground irrigation system exclusively through an appropriate backflow prevention device.
3. The system is inspected by the City's Plumbing Inspector after the permit holder calls for a final inspection.
4. Once the system is installed and approved, City staff would install the additional water-only meter.
5. The backflow prevention device is required to be tested and certified by a certified licensed plumber upon installation and on a periodic basis. The City's Cross Connection Inspector keeps record of these tests.

It should be noted that in 2008 the City's Wastewater Treatment Plant (WWTP) received approximately two times the amount of flow than what was treated and pumped to the water distribution system by the Water Filtration Plant. The contribution of footing drain flow from private sanitary sewer service leads and ground water infiltration into the collection system, to name a few, can contribute large flows that are not associated with the water consumed through water meters. Even those customers that use water as part of their production process may still contribute significant flow to the WWTP.

The following discussion is in response to the four questions that the City Council asked the administration to answer.

QUESTION: Include language limiting this to those using less than 700,000 cubic feet or using a 3" water line or less whichever is easiest to administer.

The easiest and most consistent way to administer a policy of this nature would be to use the meter size as the criteria because water usage could fluctuate significantly from quarter to quarter.

The City contacted a rate setting expert to ask if it was feasible to establish a sewer rate ordinance with language as suggested above. If a community receives State Revolving Funds (SRF) or Environmental Protection Agency (EPA) grants, it must submit a user charge system for Michigan Department of Environmental Quality (MDEQ) or EPA review. These funds could be withheld if the MDEQ or EPA determines the rate structure is not equitable or proportional. The rate setting expert further indicated that whenever establishing water and sewer rates in the State of Michigan you must also consider the Supreme Court decision of *Bolt vs. City of Lansing*. In this decision, the court established criteria that must be used to determine whether rates are arbitrary or appropriate. Based on the Bolt opinion, you must recover the cost of operating your system and this cost must be equitably distributed among the users of the system.

In the rate setting experts' opinion, treating customers with a 3" meter or less in size differently than all other customers would be viewed as arbitrary. This change would place the City at risk of losing low interest loans or grants and legal liability for claims by customers who did not meet these criteria. Based on this information, we cannot recommend establishing a change that singles out customers without proper justification for service cost variations.

QUESTION: Prepare an estimate of potential lost revenue.

There are approximately 12,900 meters serving customers in the City including 610 water-only meters used for irrigation purposes. We do not believe that residential customers could apply for additional water meters for other than irrigation purposes. This reduces the number of potential customers that would request additional water-only meters for non-irrigation purposes.

We estimate that 1,000 non- residential and non-governmental customers may be eligible to request an additional water-only meter for non-irrigation purposes. These customers consume approximately 57 million cubic feet of water annually, which is 37% of the metered flow. Of these customers, 990 have a meter 3" or less and consume 33 million cubic feet of water, which represents 21% of the metered flow. If we were to assume that governmental and residential customers would not apply for this program, the total sewer revenue received for the remaining customers with a 3" or less meter, using today's rates, is approximately $1 million. If a uniform policy were adopted to avoid potential conflicts with Federal rules and the Bolt decision, then the total sewer revenue affected could be $1.7 million.

If a change were approved by Council, the implementation would be complicated for both City staff and the customer due to the technical requirements. We have listed several steps that would need to be completed by either our staff or the customer in order to ensure compliance with the intent.

1. Submit a permit application with a description of how water would be used in the facility and not returned to the City's sewer system.
2. Upon approval of the potential use of this water, the customer shall submit detailed drawings of the proposed plumbing that would assure that all water from the additional water-only meter would be directed to that process activity only.
3. A licensed plumber would apply for a plumbing permit through the Inspection/Permit Department and install the appropriate plumbing.
4. Once the plumbing is properly installed and approved by the City's Plumbing Inspector and the City's Cross Connection Inspector, the customer would schedule the installation of the additional water-only meter.
5. City utilities staff would install the additional water-only meter at the customers' expense.

As a result of the discussion above, and that we are not knowledgeable of the details of the various processes that are taking place at private businesses across the community, it is not possible for us to accurately predict the number of customers that would take advantage of this proposed change. We do see a significant effort on the part of the customer and City staff to assure that all customers using the system are equitably treated.

QUESTION: Proposed budget cuts to offset lost revenue

Because it is not possible to accurately determine potential revenue loss caused by this change, it is equally impossible to predict the possible budget cuts to offset this lost revenue. If the City Council wishes to proceed, the administration recommends that a report be provided on a semi or annual basis detailing the financial impact of the program.

QUESTION: Estimate the revenue that could be replaced by charging sewer rates on the tank wagons that fill up with water at the water plant in Pine Grove Park. If possible, estimate where this water is going in terms of use and percentage to customers inside or outside the City of Port Huron.

Privately-owned water haulers currently can fill tanker trucks at the Water Filtration Plant with the charges as being as follows:

- Readiness-to-serve charge (based on 1.5-inch meter) for "outside" city rate
- Commodity charge (water only) utilizing "outside" city rate
- 10.1% administrative fee

For the period of December 2007 through November 2008, the City invoiced five individual haulers for a total of $11,333.67. Of this total billing, one hauler accounted for approximately 84% of the total billings.

In an effort to determine where this water is going, this hauler was contacted regarding the use(s) of the water being hauled and where the delivery point was in relation to City limits. The hauler provided the following:

- Approximately 80% of the hauling took place in the months of May, June and July. The majority of this water was utilized for the filling of swimming pools. Other uses of this water consisted of the filling of dry wells and home water tanks.
- Of the water purchased at the Water Filtration Plant, this hauler believes that less than 1% of the clients are within the City.

It was determined that the possible sewer charges for the water being consumed by water haulers at the Water Filtration Plant totaled $26,866.09. This was computed based on the following:

- Utilizing the consumption for the five haulers for the period of December 2007 through November 2008.
- The readiness-to-serve charge for sewers utilizing "outside" city rate
- Commodity charge (sewer) utilizing "outside" city rate
- 10.1% administrative fee

The City has contracts with the surrounding Townships for both water and wastewater services. If the City were to add a sewer charge to water deliveries intended for one of the Townships, there is the potential that the charge would not be in accordance with the existing contracts, which call for commodity rates for water sales but not for wastewater services.

Motion adopted unanimously.

CM-4. Councilmember Byrne moved to receive and file the following City Manager's transmittal, seconded by Councilmember Fisher:

At the December 8, 2008 regular City Council meeting, a resolution was presented related to "second" water meter use for businesses in Port Huron. Following the discussion, action was taken to postpone acting on the resolution until February 23, 2009 in order to give staff needed time to answer and report on items listed.

QUESTION # 7: ***Estimate the revenue-costs if Port Huron Fire Department begins billing insurance companies for medical runs similar to Marysville Fire Department currently does.***

In discussion with several agencies that bill for medical responses, it has been determined that we are unable to bill medical insurance companies due to the fact that the Port Huron Fire Department is a non transporting provider.

If there remains an interest to create fees for certain services, an ordinance revision would need to be drafted. Although, fire rescue services have traditionally been considered "free" services funded entirely by taxes and other general revenue, implementing a cost recovery program based on usage is starting to appear as an innovative method to partially fund such services. An ordinance could be developed that "exempts City residents" and/or "City property owners" from response fees but allows the billing of non-residents and/or non-property owners that receive our emergency services while in the City. A fee schedule could be established for certain types of responses.

At this time, we do not have an estimate on how much revenue this could produce. However, during a similar fee study investigation in 2006 in which we reviewed six (6) months of traffic crash reports, we discovered approximately 57% of those involved in vehicle crashes were non-City residents. Please let me know if you are interested in pursuing this type of ordinance change.

Motion adopted unanimously.

RESOLUTIONS

***R-1.** WHEREAS, on January 12, 2009, the Port Huron City Council adopted a resolution setting a public hearing to give liquor licensees who were delinquent in payment of personal taxes, income taxes and/or utility bills or in violation of State or City Codes an opportunity to defend by confronting adverse witnesses and by being allowed to present witnesses, evidence and arguments regarding said delinquencies; and

WHEREAS, notice of said hearing was published in the *Times Herald* and notice was mailed by certified mail to the liquor licensees who had any such delinquencies; and

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

Catch 22, LLC, 1229 Seventh Street, Class C/SDM
Personal property taxes, $171.25, plus additional penalty, if any

Legendz, 1631-1637 and 1641 Garfield Street, Class C/SDM
Personal property taxes, $10,141.92, plus additional penalty, if any

WHEREAS, on February 9, 2009, the public hearing was held concerning the above licenses;

NOW, THEREFORE, BE IT RESOLVED that 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 12, 2009, and February 23, 2009, concerning aforementioned license;
2. Certified copy of notice to licensee;
3. Certified copy of notice published in the *Times Herald*.

Adopted by consent.

R-2. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, the City of Port Huron (the "City") has previously issued certain series of its Water Supply System Revenue Bonds pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), for the purpose of acquiring and constructing certain improvements to the City's Water Supply System (the "System") as detailed in the Final Project Plan prepared by Tetra Tech MPS (formerly McNamee, Porter & Seeley, Inc.), dated June 1998, as the same is updated and supplemented from time to time (the "Plan"), consisting generally of the replacement and enlargement of water mains so as to improve System performance and improve looping, together with all necessary interests in land, rights of way and all appurtenances and attachments thereto (the "Project"); and

WHEREAS, the City Council intends to authorize the issuance and sale of one or more additional series of Water Supply System Revenue Bonds pursuant to Act 94 for the purpose of paying all or part of the cost of additional phases of the Project; and

WHEREAS, a notice of intent to issue bonds must be published at least forty-five (45) days before issuance of the Water Supply System Revenue Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, by resolutions adopted on December 14, 1998 and February 25, 2002, the City Council has previously caused to be published two separate notices of intent to issue bonds for the Project in the total aggregate principal amount of not to exceed Fifty-Five Million Dollars ($55,000,000) (the "Prior Notices"); and

WHEREAS, it is necessary to authorize the publication of a new notice of intent to issue bonds for the Project, in one or more series, in the additional principal amount of not to exceed Ten Million Dollars ($10,000,000) (the "Bonds"), which shall provide additional and supplemental borrowing authority and shall be in addition to the amounts authorized pursuant to the Prior Notices; and

WHEREAS, in order for the City to be reimbursed from Bond proceeds for Project expenditures made prior to the receipt of the proceeds of the Bonds, the City must declare its intention to reimburse such expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Times Herald*, a newspaper of general circulation in the City, as a display advertisement at least one-quarter (1/4) page in size.

2. Said notice of intent shall be in substantially the form attached to this resolution as Appendix A. (See City Clerk File #09-19)

3. The City Council does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is the method best calculated to give notice to the System's users and the electors residing within the boundaries of the City of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum relating thereto, and that the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of the Bonds to be issued by the City.

(b) The expenditures described in this paragraph (b) are for the costs of the Project, which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of Bonds expected to be issued for the Project, including issuance costs, exclusive of amounts for which previous reimbursement declarations have been made, is $10,000,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(h), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the Bonds paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) For purposes of this resolution, expenditures for the costs of the Project to be reimbursed from the proceeds of the Bonds do not include costs for the issuance of the Bonds or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the Bonds, or preliminary expenditures not exceeding twenty (20) percent of the issue price of the Bonds, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

5. The Director of Finance is designated as the officer of the City authorized to make any further declarations of intent to reimburse the City from Bond proceeds for expenditures made prior to the issuance of the Bonds.

6. 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 unanimously.

R-3. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, pursuant to the provisions of Part 43 of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the State of Michigan Department of Environmental Quality ("MDEQ") has ordered, or has issued a permit for, 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 MDEQ National Pollutant Discharge Elimination System Permit #MI0023833, dated September 30, 2004, as amended on July 16, 2007, as now in force or hereafter amended or extended (the "Permit"), is required to make certain modifications to its sanitary sewer system and storm water system, which improvements are necessary in order for the City to meet its obligations under relevant federal and state law; and

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

WHEREAS, the City Council, pursuant to Part 43 of Act 451, intends to authorize the issuance and sale of one or more series of general obligation limited tax bonds for the purpose of defraying all or part of the cost of the current phases of the Project necessary to comply with the Permit; and

WHEREAS, a notice of intent to issue bonds must be published at least forty-five (45) days before issuance of the Bonds in order to comply with the requirements of Section 4307(2) of Act 451 and of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended; and

WHEREAS, by resolution adopted on December 14, 1998, the City Council has previously caused to be published a notice of intent to issue bonds for the Project in the aggregate principal amount of not to exceed One Hundred Million Dollars ($100,000,000) (the "Prior Notice"); and

WHEREAS, it is necessary to authorize the publication of a new notice of intent to issue general obligation limited tax bonds for the Project, in one or more series, in the additional principal amount of not to exceed Thirty-Six Million Dollars ($36,000,000) (the "Bonds"), which shall provide additional and supplemental borrowing authority and shall be in addition to the amounts authorized pursuant to the Prior Notice; and

WHEREAS, in order for the City to be reimbursed from Bond proceeds for Project expenditures made prior to the receipt of the proceeds of the Bonds, the City must declare its intention to reimburse such expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Times Herald*, a newspaper of general circulation in the City, as a display advertisement at least one-quarter (1/4) page in size.

2. Said notice of intent shall be in substantially the form attached to this resolution as Appendix A. (See City Clerk File #09-20)

3. The City Council does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is the method best calculated to give notice to the taxpayers and electors of the City of the City's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum relating thereto, and that the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of the Bonds to be issued by the City.

(b) The expenditures described in this paragraph (b) are for the costs of the Project, which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of Bonds expected to be issued for the Project, including issuance costs, exclusive of amounts for which previous reimbursement declarations have been made, is $36,000,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(h), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the Bonds paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) For purposes of this resolution, expenditures for the costs of the Project to be reimbursed from the proceeds of the Bonds do not include costs for the issuance of the Bonds or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the Bonds, or preliminary expenditures not exceeding twenty (20) percent of the issue price of the Bonds, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

5. The Director of Finance is designated as the officer of the City authorized to make any further declarations of intent to reimburse the City from Bond proceeds for expenditures made prior to the issuance of the Bonds.

6. 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 unanimously.

R-4. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, pursuant to the provisions of Part 43 of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451"), when the State of Michigan Department of Environmental Quality ("MDEQ") has ordered, or has issued a permit for, 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 MDEQ National Pollutant Discharge Elimination System Permit #MI0023833, dated September 30, 2004, as amended on July 16, 2007, as now in force or hereafter amended or extended (the "Permit"), is required to make certain modifications to its sanitary sewer system and storm water system, which improvements are necessary in order for the City to meet its obligations under relevant federal and state law; and

WHEREAS, the City desires to comply with the Permit and make the improvements required thereby, including the improvements set forth in the Final Project Plan – Combined Sewer Overflow Control/Solids Handling Facilities prepared by Tetra Tech MPS (formerly McNamee, Porter & Seely, Inc.), dated June 1998, as the same is supplemented and amended from time to time (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 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 pay part of the cost of the Project; and

WHEREAS, the City previously has issued 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, its $1,170,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2004B, dated December 16, 2004, its $2,535,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2005A, dated March 31, 2005, its $6,500,000 General Obligation Limited Tax Bonds, Series 2005B, dated September 29, 2005, its $2,955,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2006A, dated March 30, 2006, its $1,655,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2006B, dated March 30, 2006, its $1,325,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2006C, dated March 30, 2006, its $5,500,000 General Obligation Limited Tax Refunding Bonds, Series 2006, dated September 27, 2006, its $3,040,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2007A, dated March 29, 2007, and its $4,985,000 General

Obligation Limited Tax Bonds, Series 2007B, dated December 20, 2007; and

WHEREAS, it is the determination of the City Council that at this time one or more additional 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 2009** (the "Series 2009 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 2009 SRF Bonds. Each series of Series 2009 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 2009 SRF Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Series 2009 SRF Bonds and approved by the MMBA and the Director of Finance. Final determination of the principal amount of a series of Series 2009 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2009 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 2009 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 2009 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2009 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 2009 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2009 SRF Bonds or by the MMBA at the time of prepayment.

The Series 2009 SRF Bonds shall bear interest at the rate determined by the MMBA and set forth in the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2009 SRF Bonds in accordance with the delivery instructions of the MMBA.

Each Series 2009 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 2009 SRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2009 SRF Bonds shall be payable as provided in the Series 2009 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 2009 SRF Bond, the MMBA shall deliver the respective Series 2009 SRF Bond to the City for cancellation.

2. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2009** (the "Series 2009 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 2009 SRF Bonds and Series 2009 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 2009 Public Sale Bonds.

The Series 2009 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 thirty (30) years from the date of issuance.

The Series 2009 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 2009 Public Sale Bonds, and to make appropriate changes to the designation hereinbefore set forth.

The Series 2009 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 two percent (2%).

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 2009 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 2009 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

The Series 2009 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 2009 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2009 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2009 Public Sale Bonds purchased. If the Series 2009 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 2009 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2009 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2009 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2009 Public Sale Bonds to be so issued.

3. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2009** (the "Series 2009 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 2009 SRF Bonds and Series 2009 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 2009 MMBA Bonds. Each series of Series 2009 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 2009 MMBA Bonds, payable in not to exceed thirty (30) annual principal installments as finally determined in the Purchase Contract at the time of sale of the Series 2009 MMBA Bonds and approved by the Authority and an Authorized Officer. Final determination of the principal amount of a series of Series 2009 MMBA Bonds and the payment dates and amounts of principal installments of a series of Series 2009 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 2009 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 2009 MMBA Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2009 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 2009 MMBA Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2009 MMBA Bonds or by the MMBA at the time of prepayment.

The Series 2009 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 2009 MMBA Bonds in accordance with the delivery instructions of the MMBA.

The Series 2009 MMBA Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2009 MMBA Bonds shall be payable as provided in the Series 2009 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 2009 MMBA Bond, the MMBA shall deliver the respective Series 2009 MMBA Bond to the City for cancellation.

4. The Series 2009 SRF Bonds, the Series 2009 Public Sale Bonds and the Series 2009 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 depositary account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2007 WASTEWATER SYSTEM BONDS DEBT RETIREMENT FUND (with an appropriate series designation for each Series) (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, 2009, the City shall provide in its budget each year until the Bonds are paid, in the manner provided by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, 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 depositary account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2009 WASTEWATER SYSTEM BONDS CONSTRUCTION FUND (with an appropriate series designation for each Series) (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 2009 SRF Bonds and Series 2009 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 2009__

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _______________ Dollars ($___,000)
DATE OF ORIGINAL ISSUE: ________, 2009

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 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 $_______ 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. 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 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 The Bank of New York Trust Company, N.A. 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 $_______, issued for the purpose of paying the cost of acquiring and constructing certain improvements to the City's sanitary sewer system and storm water system 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 Department of Environmental Quality National Pollutant Discharge Elimination System Permit No. MI0023833, as now in force or hereafter amended or extended.

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 2009 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 2009__

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
Registered Owner:		______ 1, 2009	
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 acquiring and constructing certain improvements to the City’s sanitary sewer system and storm water system 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 Department of Environmental Quality National Pollutant Discharge Elimination System Permit No. MI0023833, as now in force or hereafter amended or extended.

[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].

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 2009 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2009 Public Sale Bonds and publish a notice of sale of the Series 2009 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.

The Authorized Officers are each hereby individually authorized to designate any series of the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code, if and only if it is determined by any of such officers at the time of sale of the Bonds that the City does not reasonably anticipate issuing tax-exempt obligations in calendar year 2009 in an aggregate principal amount in excess of the limits established by the Code as then in effect.

13. The Authorized Officers are each hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2009 SRF Bonds and the Series 2009 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 2009 SRF Bonds and the Series 2009 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 2009 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, 2009, (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 2009 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 2009 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 transactions 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, as amended, 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 unanimously.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $230.67 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-21).

Adopted by Consent.

R-6. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, a two-year license agreement between the City of Port Huron and Touchstone Services, Incorporated (a Michigan nonprofit corporation known as the Blue Water Clubhouse) was entered into in April 2008 which authorized the Blue Water Clubhouse to operate a food concession stand at Lakeside Park in exchange for cleaning of the beach area and beach house including restrooms at the park; and

WHEREAS, Blue Water Clubhouse wishes to set up a portable structure to operate a food concession on the Light House Park property, located at 3002 Conger Street, and again in exchange for the use of the property, they are offering to clean the beach area, the beach house and restrooms; and

WHEREAS, an addendum has been prepared to the original license and agreement document which would extend all of the same provisions to the Blue Water Clubhouse to operate a food concession at Light House Park through September 30, 2010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves an addendum to the license and agreement with Touchstone Services, Incorporated (Blue Water Clubhouse) entered into on April 28, 2008, to allow this nonprofit corporation to operate a food concession on the Light House Park property in exchange for cleaning of the beach area, beach house and restroom (see City Clerk File #09-22).

Motion adopted unanimously.

ORDINANCES

O-1. Councilmember Fisher moved, seconded by Councilmember Lewandowski, that an ordinance introduced February 9, 2009, entitled and reading as follows be given its third and final reading and enacted:

<u>ORDINANCE NO. 1298</u>

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE X, PEDDLERS/SOLICITORS OR TRANSIENT MERCHANTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ALLOWING VENDORS TO SELL FOOD, MERCHANDISE OR SERVICES FROM A SPECIFIC LOCATION ON PROPERTY OWNED BY THE CITY OF PORT HURON.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, Article X, Peddlers/Solicitors or Transient Merchants, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of allowing vendors to sell food, merchandise or services from a specific location on property owned by the City of Port Huron as follows:

CHAPTER 12. BUSINESSES
ARTICLE X. PEDDLERS/SOLICITORS, TRANSIENT MERCHANTS OR VENDORS
Division 1. Generally

Sec. 12-381. Purpose.

The purpose of this article is to license and regulate the movement, location, business practices and hours of operation of peddlers/solicitors, transient merchants or vendors in the city; to promote the safe use of the streets, sidewalks and public areas of the city; and to protect the health, safety and welfare of the people of the city.

Sec. 12-382. 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:

Authorized officer includes any Port Huron City Police Officer and all City of Port Huron Administrative Officers and their designees.

Established competing business is a business engaged in sales of substantially similar products/services at a permanent location, whether they own or lease the property or otherwise have a written agreement with the city to be in this location,

Exempt organizations shall mean any recognized St. Clair County nonprofit organizations or societies making sales for charitable, educational, religious, fraternal, labor, political groups or for public purpose. If requested, persons or groups in this category shall provide proof of such exemption or status.

Licensee shall mean a person or business authorized under this article to sell in the city as a peddler/solicitor, transient merchant or vendor.

Peddler shall mean any person who travels about by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, selling his/her product/service. The word "peddler" shall include the words "hawker" and "huckster."

Person shall mean any person, firm, association, corporation, limited liability company, partnership, corporation or other business entity, regardless of whether a resident of the city or not.

Product and/or service shall mean goods, wares, merchandise, flowers, food items, meats, fish, vegetables, fruits, garden truck, farm products, etc., or work done for others as an occupation or business.

Removable stand means a non-motorized cart, kiosk, or other unit capable of being pushed by one person, with at least two functional wheels, and must be self-contained and capable of mobility at all times.

Solicitor shall include any person traveling about by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, engaged in the business of taking orders, making contracts for the purchase of products/services for future delivery or any person who shall employ a representative, agent, or crew to engage in such activity. The word solicitor shall also include the word "canvasser."

Special events committee is a committee of administrative officers or their designees as designated in the Administrative Regulations Manual of the City of Port Huron.

Transient merchant means any person, whether as owner, employee, agent or consignee, who engages in a temporary business from a stationary location on commercially-zoned private property to sell and deliver a product/service, display examples and take orders or make contracts for the purchase of a product/service for future delivery, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public rooms in hotels, motels, lodging houses, apartments, shops, etc., for the exhibition and sale of such product/service, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Vendor shall mean any person or business licensed as a vendor under this article to sell food, beverages, merchandise or services from a specific location on property owned by the City of Port Huron.

Veteran shall mean any veteran qualifying for a state peddler's license issued by the county clerk pursuant to Public Act No. 359 of 1921 as amended (MCL 35.441 et seq.) who has provided a copy of said state license to the city clerk.

Sec. 12-383. Requirements of all licensees under this article.

(a) *Applications.* All applicants for a license under this article must file with the city clerk a sworn application, in writing, on a form to be furnished by the city clerk. The application may include, but is not limited to, applicant's name, address, date of birth and contact telephone numbers; felony convictions; brief description of the nature of the business and/or product/service to be sold; a description of any vehicle or removable stand to be used, if applicable; a privacy release authorization and any other information deemed appropriate to ascertain. If an applicant is under 16 years of age, a parent or guardian must also apply as a co-applicant for such license.

(b) *Investigation of applicant.* Upon receipt of an application, the clerk shall cause an investigation of the applicant's business responsibility and moral character to be made as deemed necessary for the protection of the public good as provided for in this chapter.

(c) *Approval/denial of application.* If as a result of such investigation the character and business responsibility of the applicant is found to be satisfactory, the clerk shall issue said license upon receipt of full payment of the prescribed license fee. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, pursuant to section 12-46, the clerk shall notify the applicant that the application is disapproved and that no license shall be issued. Applications submitted under this article shall either be approved or denied within seven days from the date the application is submitted.

(d) *Other license requirements.* A copy of the county health certificate approval must be submitted prior to issuance of a license by the city, if applicable. In addition, it will be the obligation of the licensee to obtain any other required licenses from the county and/or state.

(e) *Fees.* The processing and licensing fees for each applicant shall be set by resolution of the city council from time to time. Processing fees are nonrefundable.

(f) *Display of license.* Licensees under this article shall display said license issued by the city clerk's office on his/her person or otherwise be clearly visible by any citizen or authorized officer upon casual inspection during the entire time such business is carried on.

(g) *License non-transferable.* Licenses issued under this article shall not be transferable, either as to individuals or as to location.

(h) *Revocation of license.* A license issued under this article may be revoked at any time for failure to comply with city code or conditions set forth in this chapter.

(i) *Creation of noise, sound and lights to attract attention.* No licensee shall create a nuisance by shouting, crying, blowing a horn, ringing a bell, using any sound device including loud speakers or sound amplifiers, using or employing any flashing lights on any vehicle or any other device upon any private premises, street, alley, park or other public place of the city for the purpose of attracting attention to any product/service which the licensee proposes to sell.

(j) *Litter and/or trash.* Licensees shall keep the sidewalks, streets and other public and private places adjacent to their locations clean and free from any litter and/or trash generated from the operation of their business.

DIVISION 2. PEDDLERS/SOLICITORS

Sec. 12-391. Conduct of peddlers/solicitors.

(a) *General.* Peddlers/solicitors are authorized to engage in peddling/soliciting their product/service in the public areas of the city, except where otherwise prohibited, upon receipt of a license. The city manager, or his designee, shall have the right to designate such streets, sidewalks, districts or areas wherein it shall be unlawful for any licensee to conduct or operate his/her business. Such designation can be made for reasons of congested pedestrian/vehicular traffic conditions, the character of the neighborhood or if the conduct of such business constitutes a public nuisance. All traffic and parking regulations must be adhered to.

(b) *License period.* The period shall be determined by the amount of the license fee paid.

(c) *Prohibitions.* Peddlers/solicitors are prohibited from the following:

(1) Obstructing any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale or take orders; selling to persons standing in roadways, to vehicles at red lights and to vehicles in moving traffic lanes; engaging in business on any state trunk line highway or county road within the city; engaging in peddling/soliciting after having been requested to desist by any authorized officer because of congested or dangerous traffic conditions.

(2) Remaining, bartering, selling, offering or exposing for sale any product/service in front of or at the side of any property against the wish or desire of the property owner/tenant/occupant of such property or within 500 feet of the entrance to any school building while school is in session.

(3) Entering a private residence under pretenses other than for peddling/soliciting or remaining in a private residence or

on the premises after the owner or occupant has requested any such person to leave; going in a private residence when the owner/occupant has displayed a no peddling/soliciting sign on such premises; peddling/soliciting at a private residence prior to 9:00 a.m. or after 9:00 p.m.

(4) Peddling/soliciting on a street or within an area which has been closed by the city for an art fair, street fair or other special event, except with permission from the city or the special event organizer.

(5) Placing a vehicle, which is being used to make sales from, more than 12 inches from the curb or not parallel to the curb and not departing from such place as soon as the sale or order has been completed with customers actually present unless they are designated as a removable stand.

(6) Peddling/soliciting the sale of food or beverages within a park in which the city has entered into a specific park license agreement to sell food or beverages from a specific fixed location unless peddling/soliciting the sale of a non-competing product and approved by the Special Events Committee.

(d) *Removable stands.* Licensee may sell products from a removable stand on public property without the necessity of moving from place to place under the following conditions:

(1) Comply with all prohibitions outlined in section 12-391(c) and sections 42-7 and 42-8 of this Code.

(2) The operation of removable stands shall be such as to not unreasonably interfere with the use of the sidewalks, streets or other public areas by the public, congest or impede traffic or endanger persons or property of pedestrians or others using the same. Removable stands must be relocated if an authorized officer requests licensee to move from a location because of physical damage to the property by the peddler's operations, congestion, dangerous traffic conditions or it impedes the ability of city staff to maintain the surrounding public area.

(3) Removable stands cannot be placed in the street, occupy a public parking space, be placed in the public area in front of or adjacent to a private residence, nor within 300 feet of an established competing business unless the licensee has within his/her possession written approval from the owner or manager of such established competing business to locate the removable stand within 300 feet of such business.

(4) Placement of removable stands shall not cause damage to public property and licensee shall be liable if any such damage occurs due to the operation of their business.

(5) Removable stands must be attended to by licensee at all times.

(6) No peddler/solicitor will be granted exclusive rights to a specific location under the provisions of this article.

(e) *Exemptions from fees only.* Any established business which sells a product/service at a permanent location within the city, or is a veteran or exempt organization (as defined in section 12-382) shall be exempt from payment of licensing fees only. All other provisions of this article apply.

(f) *Other exemptions.* The following shall be exempt from this division in its entirety:

(1) Newspaper salespersons or delivery persons.

(2) Persons traveling on an established route at the request, expressed or implied, of their customers.

(3) Salespersons calling on business establishments.

(4) Any persons under 18 years of age when engaged in peddling on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization.

DIVISION 3. TRANSIENT MERCHANTS

Sec. 12-401. Conduct for transient merchant license.

(a) *General.* Transient merchants are authorized to engage in a temporary business from a stationary location on commercially-zoned private property with written permission of the property owner/occupant, except where otherwise prohibited, upon receipt of a license.

(b) *License period.* Licenses shall cover up to a 30-consecutive-day sale period; however, no more than four shall be issued per year, per applicant. When the applicant has more than one transient merchant location during the same sale period, there will be a fee assessed per additional location.

(c) *Exceptions to license period.* Transient merchants selling food items only, which items are prepared and intended for immediate consumption, may be issued a license for up to seven months in a calendar year if the city administration finds in each case that:

(1) The business and the proposed location for the licensee to conduct business will not create any threat to the public's health, safety and welfare and will not unduly aggravate any traffic problem in the area.

(2) The proposed use will not be injurious to the surrounding neighborhood.

(3) The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.

(4) The proposed use shall provide sufficient space for the required off street 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.

(d) *Exemptions from fees only.* Any established business which sells a product/service at a permanent location within the city, or is a veteran or exempt organization (as defined in section 12-382) shall be exempt from payment of licensing fees only. All other provisions of this article apply.

(e) *Exemptions.* The following shall be exempt from this division in its entirety:

(1) Transactions commonly described as yard, garage, basement, and like sales.

(2) Sales made under order of any court.

(3) Any person foreclosing any chattel mortgage, when the property is disposed of under the power of sale contained in such instrument and not sold at retail.

DIVISION 4. VENDORS

Sec. 12-451. Conduct for vendor license.

(a) General. A vendor is authorized to sell food, beverages, merchandise or services from a designated location on property owned by the City of Port Huron who holds a vendors license and has a specific park license agreement with the City allowing such vending.

(b) License Agreements. License agreements under this division must be approved by the Special Events Committee.

(c) Vendor License period. Vendor licenses shall cover a period of up to one calendar year from January 1 through December 31.

(d) Rules and regulations. The city manager, or his designee(s), shall have the authority to promulgate rules and regulations regarding the operation and implementation of this division.

Susan M. Child, CMC
City Clerk

ADOPTED: 02/23/09
PUBLISHED: 02/28/09
EFFECTIVE: 02/28/09

Motion adopted unanimously.

O-2. Councilmember Stevens moved, seconded by Councilmember Fisher, that an ordinance introduced February 9, 2009, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1299

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE VIII, MASSAGE ESTABLISHMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF EXEMPTING MASSAGISTS LICENSED BY THE STATE OF MICHIGAN FROM APPLICATION OF THIS ARTICLE.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, Article VIII, Massage Establishments, of the Code of Ordinances of the City of Port Huron, for the purpose of exempting massagists licensed by the State of Michigan from application of this Article is hereby amended as follows:

CHAPTER 12. BUSINESSES
ARTICLE VIII. MASSAGE ESTABLISHMENTS

Sec. 12-286 through 12-287.
No changes.

Sec. 12-288. Exemptions.
(a) This article shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

(1) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are licensed to practice their respective professions in the state.

(2) Nurses who are registered under the laws of the state.

(3) Barbers and cosmetologists who are licensed under the laws of the state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

(4) A trainer of any duly constituted athletic team who administers a massage in the normal course of training duties.

(5) Massagists who meet the following criteria:

a. Proof of graduation from a school of massage licensed by the State of Michigan; or

b. Current licensure by another state with equivalent standards of education from a state licensed school in the United States; or

c. Proof of comparable education, training, and/or experience in massage and/or bodywork;

d. Current licensure by the State of Michigan under Part 179A of the Michigan Public Health Code; and

(b) Any massage establishment in which the above described persons practice their respective professions.

(c) In any prosecution for violation of this article, the exemptions in subsection (a) and (b) of this section shall constitute affirmative defenses, and it shall be incumbent upon the defendant to show exemptions from this article. Nothing contained in this section shall be deemed to shift the burden of proof of the violation to the defendant.

Sec. 12-289 through Sec. 12-313.
No changes.

Susan M. Child, CMC
City Clerk

ADOPTED: 02/23/09
PUBLISHED: 02/28/09
EFFECTIVE: 02/28/09

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: None.

O-3. Councilmember Byrne moved, seconded by Councilmember Fisher, that the following ordinance be given its first, second, third and final reading and enacted (immediate enactment is authorized under provisions of the Revenue Bond Act (Act 94 of 1933), Section 6:

ORDINANCE NO. 1300

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 COSTS OF ISSUANCE 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 2009 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) “Authorized Officer” means any of the City Manager, Deputy City Manager, Director of Finance and City Clerk of the Issuer.

(d) “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.

(e) “MDEQ” means the Michigan Department of Environmental Quality.

(f) “Outstanding Bonds” means the Issuer’s outstanding 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; 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; Water Supply System Revenue Bonds (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of $520,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of $2,015,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of $2,105,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, authorized as Junior Lien Bonds in the original principal amount of $510,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of $1,355,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of $1,025,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of $705,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, authorized as Junior Lien Bonds in the original principal amount of $825,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, authorized as Junior Lien Bonds in the original principal amount of $2,040,000; Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated as of September 27, 2006, authorized as Junior Lien Bonds in the original principal amount of $6,890,000; Water Supply System Revenue Bonds (Junior Lien), Series 2007A (Limited Tax General Obligation), dated March 29, 2007, authorized as Junior Lien Bonds in the original principal amount of $1,950,000; and Water Supply System Revenue Bonds (Junior Lien), Series 2008A (Limited Tax General Obligation), dated June 23, 2008, authorized as Junior Lien Bonds in the original principal amount of $495,000.

(g) "Series 2009 DWRF Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2009 (Limited Tax General Obligation), issued pursuant to Section 6 of this Ordinance.

(h) "Series 2009 MMBA Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2009 (Limited Tax General Obligation), issued pursuant to Section 6B of this Ordinance.

(i) "Series 2009 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2009 (Limited Tax General Obligation), issued pursuant to Section 6A of this Ordinance.

(j) "Series 2009 Bonds" means, collectively, the Series 2009 Public Sale Bonds, the Series 2009 DWRF Bonds and the Series 2009 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 ("DWRF") 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 be not less than Seven Million Dollars ($7,000,000), 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 2009 Bonds, the Issuer shall borrow the sum of not to exceed Seven Million Dollars ($7,000,000) and issue the Series 2009 Bonds therefor in one or more series 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 2009 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 2009 DWRF Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2009 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2009 DWRF Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Seven Million Dollars ($7,000,000), 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 2009 DWRF Bonds. The Series 2009 DWRF 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 2009 DWRF Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2009 Public Sale Bonds (if issued) and any additional Senior Lien Bonds hereafter issued. The Series 2009 DWRF 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 2009 DWRF Bonds, payable in principal installments as finally determined by the order of the MDEQ at the time of sale of the Series 2009 DWRF 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 2009 DWRF 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 2009 DWRF 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 2009 DWRF 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 2009 DWRF Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2009 DWRF 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 2009 DWRF 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 2009 DWRF Bonds or by the Authority at the time of prepayment.

The Series 2009 DWRF Bonds shall bear interest at the rate determined by the Authority and set forth in the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2009 DWRF Bonds in accordance with the delivery instructions of the Authority. The Series 2009 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 2009 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 2009 DWRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2009 DWRF Bonds shall be payable as provided in the Series 2009 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 2009 DWRF Bond, the Authority shall deliver the Series 2009 DWRF Bond to the City for cancellation.

Section 6A. Issuance of Series 2009 Public Sale Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2009** (the “Series 2009 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 2009 DWRF Bonds and Series 2009 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 2009 Public Sale Bonds. Said Series 2009 Public Sale Bonds shall be sold by competitive public sale and shall be issued as Senior Lien Bonds, of senior standing and priority of lien as to the Net Revenues with the Outstanding Bonds, the Series 2009 DWRF Bonds and the Series 2009 MMBA Bonds. The Series 2009 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 2009 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 thirty (30) years from the date of issuance. The Director of Finance shall assign a specific series designation to each respective series of Series 2009 Public Sale Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2009 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 an Authorized Officer 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 2009 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2009 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 2009 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 2009 Public Sale Bonds contained in Section 10B of this Ordinance.

In case less than the full amount of an outstanding Series 2009 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2009 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 2009 Public Sale Bonds contained in Section 10B of this Ordinance.

The Series 2009 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 2009 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2009 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2009 Public Sale Bonds purchased. If the Series 2009 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 2009 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2009 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2009 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2009 Public Sale Bonds to be so issued.

The Series 2009 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 2009 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 2009 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 2009 MMBA Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2009 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2009 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 2009 DWRF Bonds and Series 2009 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 DWRF 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 2009 MMBA Bonds. The Series 2009 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 2009 MMBA Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2009 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2009 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 2009 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 2009 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 2009 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 2009 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 2009 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 2009 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 2009 MMBA Bonds or by the Authority at the time of prepayment.

The Series 2009 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 2009 MMBA Bonds in accordance with the delivery instructions of the Authority. The Series 2009 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 2009 MMBA Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2009 MMBA Bonds shall be payable as provided in the Series 2009 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 a Series 2009 MMBA Bond, the Authority shall deliver the Series 2009 MMBA Bond to the Issuer for cancellation.

Section 7. Payment of Bonds; Security; Priority of Lien. Principal of and interest on the Series 2009 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 2009 DWRF Bonds and the Series 2009 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 2009 DWRF Bonds and the Series 2009 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 2009 DWRF Bonds and the Series 2009 MMBA Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2009 DWRF Bonds or the Series 2009 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 2009 Bonds there shall be first immediately deposited from the proceeds of the Series 2009 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 2009 Bonds. With respect to the Series 2009 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 2009 Public Sale Bonds, as determined by an Authorized Officer. The balance of the proceeds of the sale of the Series 2009 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 2009 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 2009 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 2009 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 or for the purpose of purchasing Series 2009 Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Series 2009 Bonds may next be called for redemption, or used for the purpose of paying principal of the Series 2009 Bonds upon maturity or calling Series 2009 Bonds for redemption.

Section 10A. Bond Form. The Series 2009 DWRF Bonds and Series 2009 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 2009__
(LIMITED TAX GENERAL OBLIGATION)

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____________ Dollars ($_______)
DATE OF ORIGINAL ISSUE: _________, 2009

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, primarily out of the hereinafter described Net Revenues of the 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 on the first day of _______ and _____ of each year, as set forth in the Purchase Contract

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 The Bank of New York Trust Company, N.A. 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 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 Bond (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated September 27, 2006, Water Supply System Revenue Bonds (Junior Lien), Series 2007A (Limited Tax General Obligation), dated March 29, 2007, and Water Supply System Revenue Bonds (Junior Lien), Series 2008A (Limited Tax General Obligation), dated June 23, 2008 (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 duly adopted by the City Council of the City on May 10, 1999 and Ordinance No. ___ duly adopted by the City Council of the City on February 23, 2009, 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 2009 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 2009__
(LIMITED TAX GENERAL OBLIGATION)

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

REGISTERED OWNER:
PRINCIPAL AMOUNT: DOLLARS

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "Issuer"), acknowledges itself to owe and 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 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 Bond (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, and Water Supply System Revenue Bond (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006D (Limited Tax General Obligation), dated June 22, 2006, Water Supply System Revenue Bond (Junior Lien), Series 2006E (Limited Tax General Obligation), dated September 21, 2006, and Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), dated September 27, 2006, Water Supply System Revenue Bonds (Junior Lien), Series 2007A (Limited Tax General Obligation), dated March 29, 2007, and Water Supply System Revenue Bonds (Junior Lien), Series 2008A (Limited Tax General Obligation), dated June 23, 2008 (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 duly adopted by the City Council of the Issuer on May 10, 1999 and Ordinance No. __ duly adopted by the City Council of the Issuer on February 23, 2009, 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].

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

<u>Section 11</u>. <u>Application to MDEQ and Authority</u>. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2009 DWRF Bonds and the Series 2009 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 2009 DWRF Bonds and the Series 2009 MMBA Bonds, including a Purchase Contract, a Supplemental Agreement and Issuer's Certificate. In the event of a sale of the Series 2009 DWRF Bonds or the Series 2009 MMBA Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of 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 2009 DWRF Bonds or the Series 2009 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 2009 DWRF Bonds or the Series 2009 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.

<u>Section 12</u>. <u>Covenant Regarding Tax Exempt Status of the Series 2009 Bonds; Qualified Tax-Exempt Obligations</u>. 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 2009 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 2009 Bond proceeds and moneys deemed to be Series 2009 Bond proceeds.

The Authorized Officers are each hereby individually authorized to designate any series of the Series 2009 Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code, if and only if it is determined by any of such officers at the time of sale of the Series 2009 Bonds that the Issuer does not reasonably anticipate issuing tax-exempt obligations in calendar year 2009 in an aggregate principal amount in excess of the limits established by the Code as then in effect.

<u>Section 13</u>. <u>Approval of Bond Details</u>. Any of the Authorized Officers is hereby authorized to adjust the final Series 2009 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 2009 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2009 Bonds shall not exceed seven percent (7%) per annum, and the Series 2009 Bonds shall mature in not more than thirty (30) principal installments.

Section 14. Sale of Series 2009 Public Sale Bonds. If the Series 2009 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2009 Public Sale Bonds and publish a notice of sale of the Series 2009 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 2009 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, 2009, (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 2009 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. Treasury Filings; Other Actions. 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 2009 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Series 2009 Bonds or cause the qualification of the Series 2009 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 2009 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 2009 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.

Susan M. Child, CMC
City Clerk

ADOPTED: 02/23/09
EFFECTIVE: 02/23/09

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Moeller recognized the 4th graders from Roosevelt Elementary who were watching the meeting.

2. Councilmember Stevens encourage residents to vote in the Charter Commission election on Tuesday, February 24.

On motion (7:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 9, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular and special meetings of February 23, 2009, were approved.

PUBLIC AUDIENCES

1. Ken Harris addressed the City Council and urged them to bid locally when purchasing City vehicles and he also asked why this year's engineering dredging costs were higher than last year's costs.

2. Harry Brown addressed the City Council regarding Port Huron hosting the International Auto Show at McMorran.

3. John Coury addressed the City Council and stated he was available to answer questions on behalf of his client who is asking for a special use permit for 3515 Pine Grove Avenue (Res. #4).

4. Todd Hulett, owner of 3511 Pine Grove Avenue and adjacent property owner, addressed the City Council to state he is against the issuance of a special use permit for 3515 Pine Grove Avenue.

CONSENT AGENDA

Councilmember Fisher moved to adopt the Consent Agenda items, seconded by Councilmember Doorn (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- March 10 - First meeting of the Charter Commission, 7:00 p.m., Municipal Office Center, Room 408
- March 10 - FREE Community Resource Fair 2009, SC4 Student Center 10 a.m. to 4 p.m. This is a one-day, one-stop event to provide services and support for individuals and families who are experiencing or at risk of experiencing homelessness.
- March 14 - Leprechaun Loop Run @ YMCA
- March 14 - St. Patrick's Parade presented by Irish-American Club, Noon, Downtown Port Huron
- March 14 - Pub Crawl Downtown
- March 16 - Special City Council meeting, 7:00 p.m., Municipal Office Center, Room 408

FROM THE CITY MANAGER

CM-1. Councilmember Byrne moved the adoption of the following City Manager's recommendation, seconded by Councilmember McCulloch:

On February 25, 2009, the City of Port Huron received four (4) bids for estimated annual consumption of 225,000 gallons of sodium hypochlorite for use at the Water Filtration Plant and the Wastewater Treatment Plant:

K. A. Steel Chemical, Inc.	$.80 per gallon
PVS-Nolwood Chemicals, Inc.	$.94 per gallon
JCI Jones Chemicals, Inc.	$1.03 per gallon
Alexander Chemical Corporation	$1.29 per gallon

It is recommended that the bid of K. A. Steel Chemical, Inc., 5185 Main Street, Lemont, Illinois 60439, in the amount of $.80 per gallon, F.O.B., be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Mayor Moeller.
Absent: None.

CM-2. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

The City of Port Huron solicited bids from four (4) qualified dredging companies. On February 19, 2009, the City received the following unit price bid for dredging of the River Street Marina with an estimated removal of 2,050 cubic yards.

Malcolm Marine, Inc	$ 69,612.50

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 Sixty-Nine Thousand Six Hundred and Twelve and 50/100 Dollars ($69,612.50) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-3. Item withdrawn by Administration.

CM-4. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Stevens:

On December 15, 2008, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bid for one (1) 2009 GMC Sierra pickup truck for use in the Streets Division:

Red Holman GMC	$17,061.00

It is recommended that the bid of Red Holman GMC, 35300 Ford Road, Westland, Michigan 48183, in the amount of Seventeen Thousand Sixty-One and 00/100 Dollars ($17,061.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-5. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Lewandowski:

On March 1, 2007, the City of Port Huron received a quote in the amount of $5,695.00 from BS & A Software for the purchase of the Equalizer Complaint Tracking System. The request was itemized and approved in the current fiscal year budget for the City Clerk's Office. The system integrates with the City's current Building Department Application, the Equalizer Tax System and the Equalizer Assessing System. This will replace the existing mainframe-based complaint system and eliminate duplicate entry of the complaint information. It will also standardize and enhance communication with the public and will improve coordination among the City departments.

BS & A Software is the sole-source distributor of the program. The Inspection Division of the Planning Department currently uses the Equalizer Building Department System Software Program for permits, inspections, contractors, rental certification, code enforcement and imaging/documentation. The new program will be compatible with that program and will be a logical extension of existing services.

It is recommended that the quote of BS & A Software, 14965 Abbey Lane, Bath, Michigan in the amount of Five Thousand Six Hundred Ninety-Five and 00/100 Dollars ($5,695.00) for the purchase of the Equalizer Complaint Tracking System be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

FROM BOARDS & COMMISSIONS

***1.** We, the Canvass Board of Port Huron, Michigan, did on Wednesday, February 25, 2009, meet in the City Clerk's Office, 100 McMorran Boulevard, Port Huron, and did publicly canvass the results of the election held on Tuesday, February 24, 2009. The results of the canvass of said election are as follows:

TOTAL VOTERS:	**1,506**
Pauline M. Repp	1,299
Karl S. Tomion	1,144
Jeff Wine	1,079
B. Mark Neal	910
Karen Jamison	907
Gregory T. Stremers	875
Laurie Sample-Wynn	826
Melinda K. Johnson	742
Patrick D. Parcell	719
Cheryl L. Landrum	701
Trina L. Avedisian	614

Candidates Repp, Tomion, Wine, Neal, Jamison, Stremers, Sample-Wynn, Johnson and Parcell having received the highest number of votes cast are hereby declared elected to the Charter Commission.

PORT HURON BOARD OF CANVASSERS:
/s/ Carolyn S. Holley /s/ Mary J. Sams
/s/ Yvonne Williams

DATED: February 25, 2009

Adopted by consent to receive and file.

RESOLUTIONS

R-1. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Byrne:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the City of Port Huron has prepared the "Annual Action Plan" for use of Community Development Block Grant (CDBG) and HOME funds in accordance with the Five Year Consolidated Plan (2005-2010), 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 2009 Annual Action 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;

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 2009 to the U.S. Department of Housing and Urban Development for their review and approval;

BE IT FURTHER RESOLVED that the City Council authorizes and approves the Community Development Director to sign all necessary sub-recipient and rehabilitation program agreements (see City Clerk File #09-23).

Motion adopted unanimously.

R-3. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, a contract has been prepared (#09-5022) between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the construction of a joint storm sewer benefiting Highway I-69BL (Griswold Street) within the corporate limits; along with all necessary related work; and

WHEREAS, MDOT needs a storm sewer installed in Griswold Street to facilitate the separation of sewers in this area; and

WHEREAS, the City will be performing sewer separation, water main replacement and street reconstruction work for 21st Street Area Phase I; and

WHEREAS, in cooperation with the City, MDOT has agreed to pay the cost of this storm sewer and the related engineering services; and

WHEREAS, the total estimated eligible cost of $552,657.00 is to be shared as follows:

Federal Aid	$373,483.00
MDOT	$ 75,572.00
City	$103,602.00
	$552,657.00

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 construction of a joint storm sewer benefiting Highway I-69BL (Griswold Street), along with all necessary related work; authorizes a local match of $103,602.00; and authorizes the appropriate City officials to execute said contract (see City Clerk File #09-24).

Motion adopted unanimously.

R-4. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, a request has been received for a special approval use permit for a "four story apartment building" in a C-1 (General Business) zoning district at 3515 Pine Grove Avenue; and

WHEREAS, on March 3, 2009, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 5 ayes; 1 nays; 3 absent; 0 abstained), contingent upon the following conditions:

1. Within 30 days of final action by City Council, final building plans to be submitted to, and approved by, appropriate City departments for compliance with all applicable codes and city ordinances, including layout for residential units in the basement;

2. Within 30 days of approval of plans, obtain appropriate permits;

3. Within 90 days of permit issuance, construction to commence with completion and issuance of a certificate of occupancy within 12 months of final action by Council;

4. Within 60 days of final action by City Council, cessation of residential occupancy until rental certification and certificate of occupancy is obtained;

5. Cessation of all commercial uses of the building prior to issuance of certificate of occupancy for residential purposes;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit for a "four (4) story apartment building" at 3515 Pine Grove Avenue, subject to the above conditions.

Councilmember Fisher moved to amend the resolution by inserting in the paragraph numbered "1" the words *"of a four dwelling unit building"* after "final building plans" and to add a sixth numbered paragraph to the contingencies list: "*6. If the first two conditions are not met within 60 days, the special use permit will be revoked."*

The motion to amend adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: Councilmember McCulloch.
Absent: None.

Motion to adopt the resolution, as amended, adopted by the following vote:

Yes: Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Mayor Moeller.
Absent: None.

R-5. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the City of Port Huron has determined that the Michigan Street Parking Lot between Fort Street and Michigan Street is not needed for City purposes; and

WHEREAS, said parking lot is in need of major repairs and the cost of snow plowing, lighting and upkeep is a significant expense each year to the City; and

WHEREAS, the owners of land adjacent to said parking lot on both the north and south side of the lot are willing to accept the property by Quit Claim Deed; and

WHEREAS, it is in the best interest of the City to convey said property to the adjacent property owners;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials are hereby authorized to execute the necessary documents to convey the north half of the Michigan Street Parking Lot to Port Huron Office Center Limited, a Michigan Limited Partnership, 1495 Maple Way, Suite 100, Troy, Michigan 48084 and the south half of the Michigan Street Parking Lot to David T. McElroy, 317 McMorran Blvd., Port Huron, Michigan 48060, each by Quit Claim Deed and each for the sum of One ($1.00) Dollar.

Motion adopted unanimously.

R-6. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Fisher:

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 appointed by the Port Huron Area School District, one member appointed by the St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners, with four-year terms;

WHEREAS, there is currently one vacancy on the board due to the resignation of Troy Clark;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's appointment of Timothy M. Ward to the Local Development Finance Authority for a term to expire June 11, 2009, is hereby confirmed; and

BE IT FURTHER RESOLVED that the reappointment of Thomas B. Shorkey (Port Huron Area School District), Stephanie Eagen (Port Huron Area School District) and Marshall J. Campbell for terms to expire June 11, 2012 are hereby confirmed.

Motion adopted unanimously.

R-7. Councilmember Bryne moved the adoption of the following resolution, seconded by Councilmember McCulloch:

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, there are currently two (2) vacancies on the board;

NOW, THEREFORE, BE IT RESOLVED that the City's Manager's appointment of Marshall J. Campbell and Timothy M. Ward to the Tax Increment Finance Authority to fill the unexpired terms of September 14, 2011, are hereby confirmed; and

BE IT FURTHER RESOLVED that the City Manager's reappointment of Douglas Alexander for a term to expire September 14, 2012, is hereby confirmed.

Mayor Moeller moved to divide the question to allow the appointments and reappointment to be voted on separately, seconded by Councilmember Byrne. Motion to divide the question adopted unanimously.

Motion to appoint Marshall J. Campbell and Timothy M. Ward was adopted unanimously.

Motion to reappoint Douglas Alexander was *rejected* by the following vote:

No: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski and Stevens.
Yes: Councilmembers Fisher and McCulloch.
Absent: None.

***R-8.** 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, that the Rental Housing Board of Appeals shall consist of: "(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). Members are to serve three-year staggered terms, and priority shall be given to city residents.";

NOW, THEREFORE, BE IT RESOLVED that the City Manager's reappointment of William Vogan to the Rental Housing Board of Appeals for a term to expire June 10, 2011, is hereby confirmed.

Adopted by consent.

***R-9.** 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 Michael Artman, Carl Moss and Gerald R. Saunders are hereby reappointed to the Historic District Commission for terms to expire March 10, 2012.

Adopted by consent.

***R-10.** 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; and

WHEREAS, in 2007 the City Council appointed James Relken as the delegate representative and Mayor Brian Moeller as the alternate delegate; and

WHEREAS, due to the resignation of James Relken last year, there is a need to fill the delegate representative vacancy;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Martin Doorn is hereby appointed to be the designated delegate to the Southeast Michigan Council of Governments (SEMCOG) General Assembly Board.

Adopted by consent.

***R-11.** WHEREAS, the City Council adopted Ordinance No. 1298 at its February 23, 2009, meeting which amended Chapter 12, Businesses, Article X, Peddlers/Solicitors, Transient Merchants and Vendors, to allow licensed vendors to sell food, merchandise or services from a specific location on property owned by the City of Port Huron; and

WHEREAS, interested vendors will be able to submit an application and work with the Special Events Committee to obtain a specific park license agreement which will outline the rules and regulations regarding the operation of said vending, along with setting the percentage of gross revenue which will be payable to the City; and

WHEREAS, Section 12-451(c) provides that each vendor must obtain a license which shall cover a period of up to one calendar year from January 1 through December 31 and said fee shall be set by resolution of the City Council as provided for in Sec. 12-383(e);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the annual vendor license fee to be $250.00, which includes a $25.00 non-refundable processing fee, which license fee shall become effective immediately.

Adopted by consent.

***R-12.** WHEREAS, ALD Thermal Treatment, Inc., 2656 - 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 March 23, 2009, in order to hear comments on the application of ALD Thermal Treatment, 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 by consent.

On motion (8:05 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 16, 2009, at 7:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher (arrived at 7:05 p.m.), Lewandowski, McCulloch and Stevens.

PUBLIC AUDIENCE

An opportunity for public comment was given; however, no one spoke.

PRESENTATIONS

City Manager, Bruce Brown, gave an overview of his proposed economic development strategy for the City. Areas detailed are listed below:

Why an economic development strategy now?

1. There is no city-wide shared vision concerning what we should do.
2. There are inefficient and confusing overlaps concerning who is doing what, particularly in the downtown area.
3. City government is completely dependent on the activities of external organizations to perform on their behalf. They have divided loyalties and our objectives may not be their highest priority on a consistent basis.
4. City government is in the best position to coordinate the economic engines that will take our community into the future.

Five (5) economic engines to move Port Huron forward

1. *Industrial development* -- we should have one person designated strictly to helping the tenants in our industrial park.
2. *Tourism* -- very important to focus on as we have a fantastic area and environment and we are only 45 minutes from a million people in Detroit and two hours away from Grand Rapids.
3. *Large site development* -- nobody is focused on the larger pieces of property (YMCA, Sperry's, Art Van buildings or the Acheson Ventures property). Developers need to be brought here and we need one point person for this.
4. *Downtown development* -- lots of people/groups working on this and they seem to be bumping into each other. We need better coordination and one contact entity.
5. *Downtown events* -- these are needed to draw people here and a coordinator is in place and is accomplishing this item.

Agreement needed on these items

1. Who is best suited to do each of these jobs?
2. What specifically do we want them to do?
3. How much are we willing to pay?
4. Where will the funds come from?
5. What about accountability?

See City Clerk File #09-25 for a copy of the City Manager's chart detailing the economic strategies further.
Discussion amongst the group included:

- City Council needs to be the leader in economic development strategies with the City Manager carrying out the Council's goals. We need to get beyond the negatives of the sewer separation and the economy and move on to the positives of things to come.

- The commercial heart of any community is their downtown and it will spread to the rest of the community if it is strong; however, it is only a piece of the puzzle to draw tourism and developers to the area. The proposed commercial realtor position should be funded and staffed quickly in order to begin working to entice developers to look at our larger sites for potential development projects.

- The county should be asked to play a larger role in the area of industrial development and to be the major player for the whole county instead of the city.

- More timely updates are needed from various organizations to provide an opportunity for the elected leaders and the community to hear what is being done and to provide more accountability by the various entities.

- Current and future funding of the proposed strategies were also discussed. It should be decided soon what and how much the City will fund the economic areas outlined so any agency currently receiving funding will be able to make plans within their own budgets based on increased/decreased appropriations.

- Interested entities who want to be the leader in one of the five economic strategies should hear what the Council expects so they can put together their ideas/strategies in a written report and present it to the Council. Council could then make a decision on which group will be selected to be the leader in that economic area.

It was decided by general consensus that a similar presentation should be done at the April 13, 2009, regular meeting so the public and the various organizations can hear about the strategies and to place a resolution on this same meeting agenda asking for the Council's endorsement of the Manager's economic concept presented tonight.

Councilmember Stevens mentioned that the President of the McMorran Authority will be providing a quarterly report to the Council at the next meeting. They plan to do this on a regular basis in the future.

On motion (8:25 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 23, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of March 9, 2009, and the special meeting of March 16, 2009, were approved.

PRESENTATIONS

1. Pauline Repp, Chair of the Charter Commission, spoke encouraging the public and Council to attend their meetings, which will be the second and fourth Tuesdays of each month, to express thoughts and opinions about how they would like the charter revised. If anyone wants to submit comments via e-mail, the address is charter@porthuron.org and all commission members will receive the e-mail.

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 an Industrial Facilities Exemption Certificate.

Doug Alexander, Economic Development Alliance, and Robert Peters, Vice President and manager of the local facility, answered questions by City Council regarding the application and the equipment listed on the application.

Anthony America addressed the Council and spoke against the adoption of this item.

The Mayor declared the hearing closed and **Councilmember McCulloch** moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, ALD Thermal Treatment, Inc., 2656 - 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 March 23, 2009, 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 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 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: 12/31/09 to 12/30/21 (12 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 ALD Thermal Treatment, Inc., is located.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Philip Buckeridge, Port Huron Township, addressed the City Council stating he was against McMorran ending free parking in their lot for those individuals with a handicapped parking permit.

2. John Moldowan, d/b/a Johnny Dog, Port Huron Township, addressed the City Council and stated his reason for not attending the meeting regarding the ordinance change for vendors and peddlers and that he should be allowed to continue selling hot dogs like he has done for the last two years at the Thomas Edison Parkway. The following people spoke in favor of letting him continue: Anthony America, Debra Forton, Debra Glazer, Tim Bales (and another individual who stood with him), Joseph & Donna Osko, Doris Walkowski and Elise Glazer (names have been group together and are not necessarily shown in the order in which they spoke).

3. Mike McCauley, d/b/a Just in Time Concessions, Port Huron, addressed the City Council and stated he asked for the ordinance change to allow him to be a vendor in Thomas Edison Parkway and that he has signed the license agreement, made a substantial investment already and needs to know where this stand. The following people spoke in support of Mr. McCauley's vending in the parkway: Trina Avedisian, Angela Kelley, Barb Soboleski, Rachel Cain and Matt Brown (names have been grouped together and are not necessarily shown in the order in which they spoke).

4. Angela Kelly, Port Huron, addressed the City Council as shown above and also stated that there is a lack of baby swings in Pine Grove Park and there is a lot of graffiti in the downtown area.

CONSENT AGENDA

Councilmember Byrne moved to adopt the Consent Agenda items, seconded by Councilmember Lewandowski (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:
- March 24 – Third Annual Helen David Day @ The Brass Rail @ 4:30 p.m.
- March 24 – Charter Commission Meeting @ 7:00 p.m., Room 408
- March 26-29 – Home Sport & Garden Show @ McMorran
- March 27 – ISO Symphony Concert @ McMorran
- April 4 – Giant Indoor Garage Sale @ McMorran
- April 8 – Merrilee Rush Concert @ McMorran
- April 23 – "Liquid Assets: The Story of our Water Infrastructure", MOC Public Meeting Room, 7-8:30 p.m., panel discussion from 8:30 to 9 p.m.

COMMUNICATIONS & PETITIONS

***C-1.** Letter from Richard Engle, Vice President of Acheson Ventures, LLC, requesting to waive all permit fees during the Farmer's Market at Vantage Point for the 2009 season.

Received and filed and request to waive fees granted.

***C-2.** Letter from the Charter Commission seeking input from the community and the City Council regarding what Charter changes are desired and why, in order to assist the Commission with their review process.

Received and filed.

FROM THE CITY MANAGER

CM-1. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Byrne:

The City of Port Huron solicited bids from four (4) qualified companies. On March 9, 2009, the City received two (2) unit price bids for 390 dry tons of aluminum sulfate for use at the Water Filtration Plant and the Wastewater Treatment Plant:

General Chemical, Inc. (Parsippany, NJ)	$427.40 per dry ton
USALCO (Baltimore, MD)	$620.37 per dry ton

It is recommended that the unit price bid of General Chemical, Inc., 90 East Halsey Road, Parsippany, New Jersey 07054, in the amount of $427.40 per dry ton be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-2. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember McCulloch:

On March 3, 2009, 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 (Wyoming, MI)	$ 7,766.65
R. S. Contracting (Casco, MI)	$ 8,522.55
Clark Highway Services (Lake City, MI)	$ 9,328.21

It is recommended that the unit price bid of Michigan Pavement Markings, P. O. Box 9673, Wyoming, Michigan 49509, in the estimated amount of Seven Thousand Seven Hundred Sixty-Six and 65/100 Dollars ($7,766.65) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Mayor Moeller.
Absent: None.

RESOLUTIONS

R-1. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the engineering coordination and administration of the Combined Sewer Overflow Control Program and for the implementation of a Private Inflow and Infiltration Elimination Program, in accordance with the Michigan Department of Environmental Quality (MDEQ) Administrative Order #DFO-SW-98-001;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for the engineering coordination and administration of the Combined Sewer Overflow Control Program and the implementation of a Private Inflow and Infiltration Elimination Program and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-26).

Motion adopted unanimously.

***R-2.** WHEREAS, costs totaling Four Thousand Nine Hundred and 65/100 Dollars ($4,900.65) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 1 BLK 14 FACTORY LAND COMPANY'S PLAT NO.1, further described as 3104 South Boulevard, property no. 74-06-342-0192-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Four Thousand Nine Hundred and 65/100 Dollars ($4,900.65) for demolition proceedings of the structure at 3104 South Boulevard is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

***R-3.** 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 April 13, 2009, 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 by consent.

***R-4.** WHEREAS, on February 23, 2009, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM licenses for nonpayment of personal property taxes charges:

Catch 22, LLC, 1229 Seventh Street
Legendz, 1631-1637 and 1641 Garfield Street

WHEREAS, all payments have been made by both companies;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby recommends approval of Catch 22, LLC, and Legendz's Class C/SDM licenses for the 2009-10 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed that if the Michigan Liquor Control Commission (MLCC), Licensing and Enforcement Division, has been notified of the City Council's objection that a certified copy of this resolution shall be sent notifying MLCC to remove said objections.

Adopted by consent.

***R-5.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1224 effective February 5, 2009, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

MOAK STREET - There shall be "NO PARKING" on the south side of Moak Street from 24th Street to 28th Street except Sundays and holidays.

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1224 is hereby made <u>permanent</u> until such time as it is modified or repealed and that Traffic Control Order No. 830 is hereby <u>rescinded</u> in order to effectuate this new traffic order; and

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 by consent.

***R-6.** 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;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's appointment of Jan Rose to the Tax Increment Finance Authority for a term to expire September 14, 2012, is hereby confirmed.

Adopted by consent.

R-7. **Councilmember Byrne** moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, the State of Michigan offers low interest loans to assist local governments in financing the construction of Erie Street North Sewer Separation project under the State Revolving Fund (SRF) Loan Program and drinking water system improvements under the Drinking Water Revolving Fund (DWRF) Loan Program; and

WHEREAS, the City of Port Huron prepared a Project Plan in June 1998 for Combined Sewer Overflow (CSO) Control, Solids Handling Facilities and Water System Improvements projects; and

WHEREAS, the City of Port Huron prepared a DWRF Project Plan in April 2002 to update the proposed water main replacement work located within the combined sewer service areas included in the original Project Plan and to add water main replacement in areas of need outside of the combined sewer service areas; and

WHEREAS, since the submittal of the 1998 Project Plan, the City of Port Huron has received SRF and DWRF funding for segments of the CSO Control and Water System Improvements projects; and

WHEREAS, the City of Port Huron prepared a Project Plan Update in June 2008 as required by the Michigan Department of Environmental Quality, the administrator of the SRF and DWRF Programs, for the purpose of updating the remaining proposed CSO Control and Water System Improvements projects of the overall project included in the 1998 Project Plan; and

WHEREAS, a public notice on the project environmental assessment documentations update is a requirement of the SRF and DWRF loan projects to be held prior to the finalization of the report; and

WHEREAS, the Erie North Project was part of the overall CSO Control Plan and Water System Improvements Program presented at the last public hearing on June 23, 2008, and at that time was scheduled for construction in 2013; however, with the availability of "stimulus" money under the American Recovery and Reinvestment Act, this project shall proceed in 2010 instead to take advantage of this funding opportunity; and

WHEREAS, a copy of the update to the environmental assessment background documentation plan will be available for public review in the City Clerk's office beginning March 27, 2009, during normal business hours;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the publication of a public notice in order to receive written comments on the proposed update to the environmental assessment background document regarding the Erie Area North Sewer Separation Project; and

BE IT FURTHER RESOLVED that written comments regarding the plan can be submitted to the Port Huron City Clerk's office through April 27, 2009.

Motion adopted unanimously.

R-8. Councilmember Byrne moved the adoption of the following resolution submitted by Councilmember Byrne, seconded by Councilmember McCulloch:

WHEREAS, the City of Port Huron wishes to improve its competitive position for attracting and retaining employers in the City of Port Huron; and

WHEREAS, the City of Port Huron currently allows residents and businesses to install a second meter for the purpose of tracking water used for irrigation and is therefore not charged sewer rates on that portion of the water consumed; and

WHEREAS, Robert Schneider of the MDEQ who approves that our rate schedules meet the criteria for low interest and revolving fund loans has sent a letter stating that this will not jeopardize our low interest loans and said letter is attached; and

WHEREAS, Bolt vs. the City of Lansing was about violating the Headlee amendment and attached said in a Michigan Court of Appeals Brief: "We decide this case on remand from our Supreme Court. Previously, we held that a storm water service charge the City of Lansing imposed on certain property owners was not a tax subject to the requirements of the Headlee Amendment (The Headlee Amendment, Const 1963, art 9, §§ 25-31, requires that property taxes cannot be increased above the amendment's specified limitations without direct voter approval), but rather a user fee. *Bolt v City of Lansing*, 221 Mich App 79; 561 NW2d 423 (1997). Our Supreme Court reversed and held that the service charge was, in fact, a tax, and that Lansing Ordinance 925 was therefore unconstitutional under the Headlee Amendment. 459 Mich 152; 587 NW2d 264 (1998). We now consider further issues as required by the Supreme Court's remand." The full brief is attached; and

WHEREAS, a random census of commercial businesses in Port Huron found 288 of the 980 potential customers who might take advantage of this change and of those 288 only 1 was likely to and 14 might reducing the likelihood of a 21% drop in sewer revenue down to a more likely 0.35% or $44,648 a year and is attached: and

WHEREAS, the lost total revenues from losing a single business is greater than the $45,000 is likely lost revenue; and

WHEREAS, the current charging of both water and sewer rates for water used to make cement, chemicals or other products makes Port Huron less competitive; and

WHEREAS, meters larger than 3" are prone to larger errors. Specific situations may include intended use of the second meter, cost and accuracy of the second meter, and implications for abuse; and

WHEREAS, loss revenue can be made up by charging water tankers filling up at Pine Grove Park sewer fees and this may also reduce summer tank wagon traffic thru Pine Grove Park.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby approves the following:

> The City Manager shall prepare the necessary changes to ordinances and other documents to allow residents and businesses with a 3" or less water line to install or have installed separate meters for tracking water not returned to the water treatment system with a means for the City to bill such customers accordingly and to verify such water is not returning to the water treatment system by July 1, 2009.

Motion adopted by the following vote:

Yes: Councilmembers Byrne, Doorn, Fisher and McCulloch.
No: Mayor Moeller; Councilmembers Lewandowski and Stevens.
Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmembers asked questions about the recently adopted vending ordinance and the limiting of licenses issued per park.

2. Councilmember Stevens mentioned that Helen Weichsler, who was a pillar of our community, passed away on Sunday. Her claim to fame was the Fighting Yank monument and the placement of flags on all veteran graves in Lakeside Cemetery for Memorial Day.

On motion (8:40 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 13, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of March 23, 2009, were approved.

PRESENTATIONS

1. Proclamation recognizing April 24 and 25, 2009 as "Lions White Cane Weekend" was presented to Don Dudas of the Port Huron Host Lions Club.

2. Proclamation recognizing the celebration of Arbor Day on April 24, 2009 was presented to Robert W. Eick, Fire Chief.

3. Proclamation recognizing April 19-26, 2009 as "Volunteer Week" was presented to Rick Garcia, Executive Director of the United Way.

4. Matt Webb, Project Manager from the Michigan Department of Transportation, gave a slide presentation on the Final Environmental Impact Statement (FEIS) for the Blue Water Bridge plaza expansion project (see City Clerk File #09-27). The following audience members asked questions or made comments:

State Representative Pavlov asked if MDOT could look into ways to help local contractors get more of the construction contracts.

Ken Harris asked about the I-94 bypass bridge and if the bridge would be a total reconstruction.

Joanne Rumford stated she liked the idea of a non-motorized path on the new bridge plaza.

Margaret Enright asked if all of the additional customs booths would be staffed all of the time and if reverse inspections had been looked into. Dave Dusellier from Customs and Border Patrol addressed her issues.

Angela Kelley-Rogers stated she hoped for more green area, the bridge design to be aesthetically pleasing and appreciated the Welcome Center and the wayfinder signs which would help direct people to the downtown area.

Marvin Beadle asked if there was a chance for reducing the area used so those that don't want to give up their homes won't have to.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of Domtar Industries, Inc. for an Industrial Facilities Exemption Certificate.

Anthony America spoke in opposition to the abatement.

Matthew Wood, Controller for Domtar, stated the abatement would help them stay cost competitive and would enhance and maintain current jobs at the mill.

The Mayor declared the hearing closed and **Councilmember Lewandowski** moved the adoption of the following resolution, seconded by Councilmember Fisher:

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, the Port Huron City Council held a public hearing on April 13, 2009, 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 Domtar Industries, Inc., application for an Industrial Facilities Exemption Certificate for 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 personal property: 12/31/09 to 12/30/15 (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 Domtar Industries, Inc., is located.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Joanne Rumford addressed the City Council regarding Community Mental Health, Community Integrated Services and Newspapers in Education.

2. David Ellingwood addressed the City Council and expressed his thanks for all that the Lions Club has done for him over the years and asked for the community's support of their efforts.

3. Anthony America addressed the City Council regarding not needing any more studies or tax breaks, EDA funding, buying American to help our own people out, giving Johnny Dog a vending permit and that annexation of townships may be necessary.

4. Margaret Enright addressed the City Council and commended Randy Fernandez for his work at McMorran and stated that the IceHawks were in the playoffs and a tailgate party will be held on Friday.

5. John Moldowan, Johnny Dog, obtain addressed the City Council asking for their reconsideration so that he can sell hot dogs in Thomas Edison Park and he submitted petitions signed by his supporters (see City Clerk File #09-35).

6. Larry Babin addressed the City Council regarding Resolutions #11 and #12 and stated his opposition to the closing of the streets under the Blue Water Bridge proposed in the resolutions.

7. Richard Cummings addressed the City Council regarding the hot dog vendor issue, United Way needing additional donations to help those in need, supporting McMorran and the downtown area and that everyone needs to do their part to help pay for the mandated sewer separation project.

8. Trina Avedisian addressed the City Council regarding reducing the EDA funding and stated that Johnny Dog should find another location to sell hot dogs.

9. Ken Harris addressed the City Council regarding EDA funding, the economic development strategies (Resolution #2), the deterioration of the McMorran Place buildings and encouraged the public to attend the McMorran Authority meetings.

10. Don Dudas, Port Huron Lions Club, addressed the City Council regarding the various projects the Lions have funded over the years, their concession trailer in Pine Grove Park and their concern with additional food vendors being allowed in Thomas Edison Park.

11. Mike McCauley, Just in Time Concessions, addressed the City Council regarding the opening of his food vending business in Thomas Edison Park in a few weeks.

12. Angela Kelley-Rogers, Citizens for a Vibrant Community, addressed the City Council stating that Johnny Dog can still be a peddler in other parks and thank administration for moving forward on this issue.

13. Brian Moeller addressed the City Council regarding an article in the newspaper which advocated cutting short the public comment over the hot dog vending issue and stated his outrage at the newspaper for once again stymieing freedom of speech by refusing to publish an opinion letter submitted by a Councilmember.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Lewandowski moved, seconded by Councilmember Stevens, to receive and file the following petitions and to schedule a public hearing for April 27, 2009 to hear comments on this request:

Petition 09-001: From residents, former residents and friends of South Park requesting that Lincoln Park, located between North Boulevard and South Boulevard, be renamed South Park (see City Clerk File #09-28)

Motion adopted unanimously.

CONSENT AGENDA

Councilmember Stevens moved to adopt the Consent Agenda items, seconded by Councilmember Byrne (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- April 14 – Charter commission meeting at 7 pm in Room 408 of the Municipal Office Center
- April 17 – Heidi Newfield Concert @ McMorran
- April 23 – Las Vegas hits the big stage @ McMorran
- April 23 – Liquid Assets Video at MOC @ 7 pm
- April 25 – International Symphony Orchestra Presents "Sax at the Symphony" at McMorran
- April 26 – 27th Annual Huron Model Railroad Show & Swap at McMorran from 10 am to 4 pm

AT THIS POINT (8:45 p.m.) the Council took a five-minute recess.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember McCulloch:

On March 3, 2009, the City of Port Huron received four (4) unit price bids for the 2009 Annual Sidewalk Contract. Based on estimated annual quantities, the following is a comparative summary of the bids received:

McKenzie Concrete (North Street, MI)	$ 78,900.00
Hinojosa Construction (Croswell, MI)	$ 91,808.75
Tuttle's Contracting (Kimball, MI)	$107,893.40
All Type Cement (Casco, MI)	*

* Did not meet bid specifications

It is recommended that the bid of McKenzie Concrete, 4080 Vincent Road, North Street, Michigan 48049, in the estimated amount of Seventy-Eight Thousand Nine Hundred and 00/100 Dollars ($78,900.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Stevens:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, for the past several months, the City Council and City Manager have become acutely aware of the need for a clear and effective economic development strategy for the City of Port Huron; and

WHEREAS, the existing methods of economic development are no longer adequate to keep up with the demands of a changing city and a changing economy and we are laboring under the misconception that no significant economic development can take place because of the burden of the sewer separation project and the impact locally of economic decisions being made nationally and in the State of Michigan; and

WHEREAS, the City is currently dependent on the activities of other organizations to represent our economic development interests and these organizations can have divided loyalties and constituents and may not always give high priority to those decisions that are vital for the expansion and development of the City of Port Huron; and

WHEREAS, the Port Huron City Council is in the best position to lead the City in a much-needed resurgence and thereby foster an atmosphere of hope and enthusiasm for our citizens;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby adopts the following objectives for the City's Economic Development Strategy:

1. CITY IMAGE - We will significantly upgrade our website and more effectively utilize this valuable tool of communication to inform our citizens and our constituencies concerning the positive and important matters related to the city.

2. CITY COMMUNICATION - We will effectively use current and proposed tools of communication to inform the public concerning important city issues. Rather than continuing in a reactionary role, the City will initiate communication and set the agenda on critical issues.

3. CITY VISION - We will depart from our traditional means of fostering economic development in the City to being proactive in the following five (5) economic development engines that, we feel, drive the city:

    a. Industrial Development. We will focus on the attraction and retention of industrial users to the Port Huron Industrial Park. To accomplish this goal, we will seek proposals from organizations to perform these functions including the Economic Development Alliance.

    b. Tourism. We will support the activities of the Blue Water Convention and Visitors Bureau, under the leadership of Marci Fogal, and the ultimate development of the McMorran Center into a vibrant, downtown, income-producing facility.

    c. Strategic and Large Site Development. We will retain the services of a Commercial Development Specialist in the City Manager's office for the purpose of marketing and developing key downtown parcels such as the Desmond Landing, the old YMCA site, the Sperry Building, etc.

    d. Downtown Business Attraction and Retention. We will work with the Chamber of Commerce, with Vicki Ledsworth as the point person, to focus on these activities on behalf of the City. We and the Chamber will work in concert with the Downtown Development Authority, Community Foundation and/or any other organizations to insure the continuation of business development incentives.

    e. Downtown Events. We will continue to support the activities of Downtown Port Huron under the leadership of Cindy Babisz, as the coordinating agency for downtown activities and events, and we will work in concert with the Downtown Development Authority to insure the continuation of this organization.

BE IF FURTHER RESOLVED that inherent in the above approach will be the need for extensive coordination and cooperation with other organizations and individuals currently involved in these activities such as the St. Clair County Community Foundation, the Economic Development Alliance, the City Recreation Department, etc.; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby directs the City Manager to recommend budget allocations and staffing needs in order to accomplish the above economic development objectives.

Motion adopted unanimously.

***R-3.** WHEREAS, the Board of Review has completed the review, correction and certification of the 2009 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 2009 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #09-29)

Adopted by consent.

R-4. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, in the mid 1990's, all of the Port Huron Police Department patrol cars were equipped with a VHS in-car video tape recording system, which was a popular and effective tool for law enforcement, however, the system is now outdated and new technologies have put many of the suppliers of the system out of business; and

WHEREAS, the police department's VHS video system is inoperable and the department is in dire need of a replacement system as the recorded audio/video images are used as evidence during criminal court cases, are used to defend our agency and employees during civil suits and are internally used for training, monitoring employee performance and investigating complaints against employees if necessary; and

WHEREAS, in recent years, many technological advances have occurred with in-car video camera systems and the change to digital has moved the storage capability from hard drive to compact disk to digital video recording (DVR) to now being able to wirelessly downloading directly to a secure server; and

WHEREAS, in order to select the best product available, a committee was formed with representatives from the police and data processing departments to research available systems and to put together a product qualification list that included these items: must be digital, must provide a high quality audio/video image with wireless video transfer to a secure server, must have minimal components in the vehicle's trunk, must be independent of the in-car computer system and must be purchased from a reputable company with references in Michigan for police use; and

WHEREAS, after a very thorough review of 13 different video systems, the product field was narrowed to three vendors who gave a product demonstration and during that time one system and company surfaced as superior to the other two; and

WHEREAS, L-3 Communications, Mobile-Vision, Inc., has been in business for more than 20 years, they are a Fortune 200 technology company, they have sold more in-car video systems nationwide than all other companies combined, their L-3 Flashback 2 Digital Video System is used in 89 departments in Michigan and they are the only ones to use a Linux-based software, which will be a huge benefit because the exposure to any Microsoft-based viruses is minimized; and

WHEREAS, the total cost to purchase the company's L-3 Flashback 2 Digital Video System for all patrol cars is $96,781 with funding coming from a Bufferzone Grant in the amount of $68,500, drug forfeiture monies in the amount of $13,281 and the OWI reimbursement fund in the amount of $15,000;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with L-3 Communications, Mobile-Vision, Inc., for the purchase and set-up of a L-3 Flashback 2 Digital In-Car Video System, with funding being used from the Bufferzone Grant, drug forfeiture and OWI reimbursement funds, and authorizes the appropriate City officials to execute the necessary documents (see City Clerk File #09-30).

Motion adopted unanimously.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or removal of ice and snow in the right-of-way; and

WHEREAS, the cost for trash pickup and/or removal of ice and snow in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 42-17, and 40-19; 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 $671.84 for special trash pickup and/or removal of ice and snow in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-31).

Adopted by consent.

R-6. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the Federal Community Development Block Grant Program (CDBG) has operated since 1974 to provide local governments, such as the City of Port Huron, with the necessary resources required to help meet the needs of persons of low- and moderate-incomes; and

WHEREAS, since 1984 CDBG funds have been used for a variety of projects within the City such as: home ownership and housing rehabilitation programs, street re-paving programs, site improvements for new housing developments (Oak Crest Homes, Renaissance South and Ramblewood), aid to the elderly, creation of housing for the homeless, improved public services (24th Street Fire Station and fire truck) and neighborhood preservation programs; and

WHEREAS, the CDBG program and similar community development programs funded through the state and federal government have increased private financial leveraging in community service projects such as the Community Renaissance area and the Olde Town Neighborhood, and has acted as a catalyst for increased awareness of community services and needs; and

WHEREAS, future programs depend upon community awareness and federal commitment to community development goals of improving living conditions for low- and moderate-income families; and

WHEREAS, a week recognizing community development efforts on a national level has been established to reaffirm the significance and diversity of federal, state, and local efforts toward meeting the needs of persons of low- or moderate-income;

NOW, THEREFORE, BE IT RESOLVED, the City of Port Huron joins other states, municipalities, and agencies around the United States in calling attention to the importance of the services offered to low- or moderate-income residents and to reaffirm the need to continue with those efforts by designating the week of April 12 through April 19, 2009 for observation and celebration of "National Community Development Week."

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: None.

R-7. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, on July 28, 2008, the City Council received a summary of all City-owned vacant land; and

WHEREAS, various properties were offered for sale to adjacent property owners, including a vacant lot on Little Street between 28th and 26th Streets (74-06-343-0116-000); and

WHEREAS, the adjacent property owner desires to purchase the lot from the City to combine with a lot to make one conforming sized parcel;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of the City-owned vacant lot on Little Street between 28th and 26th Streets (74-06-343-0116-000) to Marty Torello for $500.00, to be conveyed by a Quit Claim Deed contingent upon Mr. Torello being current in all obligations to the City concerning any special assessments and/or property taxes, and contingent upon the combination of the vacant lot with parcel 74-06-343-0117-000;

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute any documents necessary to finalize the sale of the property.

Motion adopted unanimously.

R-8. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, on July 28, 2008, the City Council received a summary of all City-owned vacant land; and

WHEREAS, various properties were offered for sale to adjacent property owners, including a vacant lot between Vine, Dove, McCormick, and 26th Streets in Port Huron Township (74-28-017-3007-000);

WHEREAS, the adjacent property owner, Torello Group Limited Partnership, desires to purchase the property adjacent to their existing construction property;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of the City-owned vacant lot between Vine, Dove, McCormick, and 26th Streets in Port Huron Township to Torello Group Limited Partnership for $1.00, to be conveyed by a Quit Claim Deed.

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute any documents necessary to finalize the sale of the property.

Motion adopted unanimously.

R-9. **Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the Neighborhood Enterprise Zone (NEZ) Zone Act, Public Act 147 of 1992, as amended, provides incentives that encourage reinvestment in the City's downtown area neighborhoods through the development of new housing and the rehabilitation of existing residential housing; and

WHEREAS, the City of Port Huron desires to pursue the establishment of a NEZ and the City Administration has designated the following as the tentative boundaries of a proposed NEZ as depicted on the attached map (see City Clerk File #09-32):

> *those properties located between Grand River Avenue, Huron Avenue, the Black River, and Erie Street, except those parcels adjoining Huron Avenue;* and

WHEREAS, the City finds that the proposed NEZ, to be known as the Quay Street NEZ, is consistent with its Master Plan and with the goals of the Downtown Development Action Plan for downtown neighborhood preservation and creation of new mixed use residential developments, and with its housing objectives and policies; and

WHEREAS, the City has adopted the required housing inspection ordinance; and

WHEREAS, not less than 60 days before designating a NEZ, the City Clerk must provide notice to the assessor of each taxing unit in the proposed zone of the intent to establish a NEZ; and

WHEREAS, not later than 45 days after the City Clerk submits notice, the City must hold a public hearing on the establishment of a NEZ;

NOW THEREFORE BE IT RESOLVED, that the City Council hereby approves the tentative boundaries of the Quay Street Neighborhood Enterprise Zone, authorizes the City Clerk to notify all taxing jurisdictions of the intent to establish a NEZ, and schedules a public hearing for May 11, 2009, to hear comments on the establishment of the proposed Quay Street Neighborhood Enterprise Zone. Notice of public hearing shall be published in the Times Herald not less than fifteen (15) days prior to the date set for public hearing.

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Byrne, Fisher, Lewandowski, McCulloch and Stevens.
No:	None.
Absent:	None.
Abstain:	Councilmember Doorn.

***R-10.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case 08-007, 3020 Nern Street (see City Clerk file #: 09-33) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

> *the east 50 feet of west 90 feet of Lot 11, Assessor's Vanness and Moak Plat No. 2;* 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, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, 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, Section 10-211, 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 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 RESOVLED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on April 27, 2009, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, 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 record, 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 (10) 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, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

   (c) Provide for the recording of such hearings.

Adopted by consent.

R-11. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, the City of Port Huron owns the following described portions of streets:

a. **State Street**: Comprising a portion of State Street as shown in "Village Of Fort Gratiot" (as recorded in Liber 58 of Plats, page 37 of St. Clair County records) and in "Assessor's Re-plat of Lots 7 and 8 of Assessor's Forest Street Mill Plat" (as recorded in Liber 49 of Plats page 28, St. Clair County records) as follows: Beginning at the southeasterly corner of Block 58 of said "Village Of Fort Gratiot", thence N79°49'26"E 433.63 feet along the northerly line of State Street (66' wide); thence S23°23'57"W 79.22 feet to the southerly line of State Street; thence along the southerly line of State Street S79°49'26"W 447.73 feet; thence N10°10'34"W 28.09 feet thence N41°00'36"E 60.49 feet to the northerly line of State Street; thence along the northerly line of State Street N79°49'26"E 10.78 feet to the point of beginning, with the reservation of a full-width public utility easement; containing 0.6911 acres of land;

b. **Forest Street**: Comprising a portion of Forest Street as shown in "Village Of Fort Gratiot" (as recorded in Liber 58 of Plats, page 37 of St. Clair County records) and in "Assessor's Re-plat of Lots 7 and 8 of Assessor's Forest Street Mill Plat" (as recorded in Liber 49 of Plats page 28, St. Clair County records) as follows: Beginning at the southeast corner of Block 33 of said "Village Of Fort Gratiot," thence along the westerly line of Forest Street, N10°10'34"W 108.00 feet; thence N79°49'26"E 66.00 feet to the easterly line of Forest Street; thence along the easterly line of Forest Street, S10°10'34"E 108.00 feet to the northerly line of State Street; thence along the extension of the northerly line of State Street, S79°49'26"W 66.00 feet to the point of beginning, with the reservation of a full-width public utility easement; containing 0.1636 acres of land;

c. **Gratiot Avenue:** Comprising a portion of Gratiot Avenue as shown in "Village Of Fort Gratiot" (as recorded in Liber 58 of Plats, page 37 of St. Clair County records) is described as follows: Commencing at the southeasterly corner of Block 58 of said "Village Of Fort Gratiot", thence N79°49'26"E 6.02 feet along the easterly extension of the northerly line of State Street (66' wide) to the point of beginning; thence N21°29'01"E 179.06 feet to a point on the easterly line of Gratiot Avenue; thence along the easterly line of Gratiot Avenue, S10°10'34"E 152.41 feet to the northerly line of State Street; thence along the westerly extension of the northerly line of State Street, S79°49'26"W 93.98 feet to the point of beginning, with the reservation of a full-width public utility easement; containing 0.1644 acres of land; and

WHEREAS, on April 7, 2009, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit and recommended the City Council approve the request (vote: 7 ayes; 0 nays; 1 absent; 0 abstained; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described portions of streets with the reservation of full-width public utility easements.

Motion adopted unanimously.

R-12. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, a request has been received from the City's Department of Public Works/Engineering Department to realign the Elmwood Street right-of-way from Forest Street to Armour Street over City owned property legally described as:

> beginning at the southwesterly corner of Lot 6, thence N10°10'34"W (recorded as N5°58'W) 105.20 feet along the westerly lot line of said Lot 6 (also being the easterly line of Forest Street, 66 feet wide); thence N79°49'26"E 199.23 feet to the westerly line of Armour Street (66 feet wide); thence along said westerly line of Armour Street, also being the easterly line of said Lot 6, S10°19'22"E (recorded As S5°58'E) 105.20 feet to the southeasterly corner of said Lot 6; thence along the southerly line of said Lot 6, S79°49'26"W (recorded as S84°01'W) 199.50 feet to the point of beginning; containing 0.4815 acres of land; comprising a parcel of land being part of Lot 6 of "Assessor's Forest Street Mill Plat" in the City of Port Huron, St. Clair County, Michigan (as recorded in Liber 48 of Plats, page 3, St. Clair County records); and

WHEREAS, the City Planning Commission held a public hearing on April 7, 2009, to hear comments on the request and after due consideration, determined that the realignment of this street right-of-way would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit and recommended the City Council approve the request (vote: 7 ayes; 0 nays; 1 absent; 0 abstained; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the proposed realignment of the Elmwood Street right-of-way as described above.

Motion adopted unanimously.

R-13. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, Chapter 36, Parks and Recreation, of the Code of Ordinances of the City of Port Huron , Section 36-16, requires persons who launch boats and other watercraft at the 12th Street and Riverside boat ramps shall be required to pay a launch fee; and

WHEREAS, the ordinance allows yearly launch permits to be purchased at locations other than City Hall with the approval by resolution of City Council;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby approves the sale of yearly launch permits at Anderson’s Pro Bait, located at 2731 Pine Grove Avenue, Port Huron, Michigan 48060, directs City Administration to enter into an agreement with Anderson’s Pro Bait for the sale of yearly launch permits and names Robert W. Eick, Fire Chief and Director of Parks/Forestry/Cemeteries as the authorized representative for all aspects of the agreement.

Motion adopted unanimously.

R-14. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the City owns an industrial building located at 2347 Dove Street that was occupied by the same tenant from 1988 to October 2008; and

WHEREAS, the building has remained empty since October 2008; and

WHEREAS, ALD Thermal Treatment, Inc., occupies the property next to 2347 Dove Street, has need for the use of the industrial building at 2347 Dove Street and wishes to lease a portion of said industrial building for warehousing space on a temporary basis; and

WHEREAS, a lease has been negotiated with ALD Thermal Treatment, Inc., to lease 25,350 square feet of the industrial building at 2347 Dove Street for 60 days, commencing May 1, 2009, and automatically renewing month to month until cancelled by either party;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with ALD Thermal Treatment, Inc., to lease a portion of the industrial building at 2347 Dove Street to be used as warehousing space on a temporary basis and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #09-34)

Motion adopted unanimously.

R-15. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, on July 28, 2008, the City Council received a summary of all City-owned vacant land; and

WHEREAS, various properties were offered for sale to adjacent property owners, some through a competitive bidding process;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of various vacant parcels of City-owned land, to be conveyed by a Quit Claim Deed, as listed below, contingent upon the individuals and/or entities being current in their obligations to the City concerning any special assessments and/or property taxes:

Parcel #/Description	Name	Sale amount
74-06-562-0131-000/ End of 15th Street	Jonathan A. Wilson	$550.00
74-06-1562-0146-000/ End of 15th Street	Raymond and Linda Reichenbach	$650.00

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute any documents necessary to finalize the sale of each property.

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Doorn stated that he wanted to clarify that the Chamber of Commerce is not branching out into the area of tourism. MDOT's earlier mention of the $300,000 facility to be shared by the Chamber and the Welcome Center will be to allow the two entities to co-locate into a single facility and share resources and costs. This similar type of partnership/relationship exists in many other communities so that anyone coming into Port Huron, whether they are vacationing here or if they are thinking of doing business here, the first stop they can make is at this new facility.

2. Councilmember Stevens thanked Ken Harris for attending the McMorran Authority meetings and expressed appreciation that he is always encouraging people to attend the meetings.

On motion (9:25 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 27, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.

Absent: Councilmember McCulloch.

The minutes of the regular meeting of April 13, 2009, were approved.

PRESENTATIONS

1. Proclamation designating May 2009 as "Clean the Port" month was presented to Jim Relken of the Common Cents Group and Michelle Mensinger, Ryan Dankenbring and Gary Lokers. Mr. Relken also asked Council to implement several suggestions he had in conjunction with the Clean the Port campaign.

2. Proclamation designating May 1, 2009, as "Silver Star Banner Day" was presented to Tom Meinhardt.

3. Proclamation designating May 9, 2009 as National Association of Letter Carriers Food Drive Day was presented to Christine Brown, 2009 Food Drive Coordinator for NALC Local 529.

4. Proclamation designating May 15, 2009, as Peace Officers Memorial Day and the week of May 10-16, 2009, as Police Week was presented to Port Huron Police Chief Donald Porrett.

5. A quarterly report was given by Mark A. Bessette from the McMorran Civic Center Authority. (See City Clerk File #09-36 for a copy of the presentation.)

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on Code Case #08-007, 3020 Nern Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3 of the Port Huron City Code.

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 re-name Lincoln Park "South Park".

Letters of support from Gregory and Sharon Ann Kaczynski and a letter in opposition from Pamela Long were read into the record (see City Clerk File #09-37)

The following individuals addressed the Council:

Anthony America (opposed), Carolyn McNeil (opposed, but wants to see a compromise to honor both eras), Bud Progue (opposed), member of the South Park Heritage Group (name not given, however supports change), Clarence Daniels (supports), Helen Niles (supports), Sharon Bender (opposed), Lynne Secory (helped research South Park's history and in favor of a combination to satisfy both sides), Jean Wydell (supports) and Jack Lavis (supports).

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Sharon Bender addressed the City Council regarding the McMorran presentation and hoped the City would let the community know about proposed changes within parks before changes are made.

2. Jean Webb, Secretary of the Beautification Commission, stated the commission's cleanup day is Saturday, May 16, and plant day is Saturday, May 30, and that volunteers are needed and should meet at the County building at 9 a.m.

3. Dave Everitt, UNeedUs, addressed the City Council regarding an effort to get the President and First Lady to visit the area and the book-writing workshop "The Citizens Voices of America - A Collaborate Planning and Authorship Series" to be held on June 15 at the Thomas Edison Inn.

4. Lonnie Stevens addressed the City Council regarding the renaming of Lincoln Park and offered to help facilitate a compromise and she encouraged citizens from both sides of the issue to attend the South Park Heritage Group's meeting on Tues., May 12, at 7 p.m. at the Guadeloupe Center.

5. Ken Harris addressed the City Council and commended the work of the current McMorran Civic Center Authority members. He also questioned why no local firms were listed on the five bids and that local people should be used to keep the money in the area and he asked how the waiving of the fees in Res. #4 would affect the budget.

6. Trina Avedisian addressed the City Council regarding the McMorran Civic Center Authority presentation and commended the authority for their work and stated the Council should find money to give to McMorran for their capital improvements.

CONSENT AGENDA

Councilmember Byrne moved to adopt the Consent Agenda items, seconded by Councilmember Fisher (items are indicated with an asterisk).

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

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

Upcoming events:

- April 28 – Charter Commission Meeting @ 7:00 p.m. in Room 408 of the MOC
- May 5 – Election of two Port Huron Area School District board members
- May 8-10 – *Gypsy* presented by Port Huron Civic Theatre at McMorran
- May 9 – 5K Run for Recovery sponsored by Community Mental Health

FROM THE CITY MANAGER

CM-1. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On March 26, 2009, the City of Port Huron received seven (7) bids for the demolition of 621 River Street:

Carrigan Development	$10,470.00
S. A. Torello Trucking	$14,398.00
Briolat Construction	$15,393.00
D.L.F. Trucking, Inc.	$18,118.48
Jerry Hall Trucking	$18,400.00
Hammer Contracting	$18,450.00
Blue Star Demolition	$22,100.00

It is recommended that the bid of Carrigan Development, 2896 St. Helens, Kimball Township, Michigan 48074 in the amount of Ten Thousand Four Hundred Seventy and 00/100 Dollars ($10,470.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

CM-2. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On April 1, 2009, the City of Port Huron Utilities Division received six (6) bids for Phase I of aeration improvements at the Wastewater Treatment Plant which includes replacement of diffusers in two of the three tanks:

J. F. Cavanaugh Company	$435,820.00
De-Cal, Inc.	$448,300.00
Trojan Development Co.	$462,000.00
John E. Green Company	$465,470.00
Pipe Systems, Inc.	$524,000.00
Franklin Holwerda Company	$586,290.00

It is recommended that the bid of J. F. Cavanaugh Company, 20750 Sunnydale Avenue, Farmington Hills, Michigan 48336, in the amount of Four Hundred Thirty-Five Thousand Eight Hundred Twenty and 00/100 Dollars ($435,820.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

CM-3. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Stevens:

On April 1, 2009, the City of Port Huron Utilities Division received six (6) bids for Wastewater Treatment Plant system improvements which includes replacement of a raw sewage pump:

De-Cal, Inc.	$268,500.00
John E. Green Company	$293,000.00
Trojan Development Co., Inc.	$296,000.00
J. F. Cavanaugh	$299,900.00
Pipe Systems, Inc.	$310,000.00
Franklin Holwerda Company	$312,500.00

It is recommended that the bid of De-Cal, Inc., 24659 Schoenherr Road, Warren, Michigan 48089, in the amount of Two Hundred Sixty-Eight Thousand Five Hundred and 00/100 Dollars ($268,500.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

CM-4. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On April 16, 2009, the City of Port Huron Utilities Division received six (6) bids for the Water Filtration Plant automation control upgrade:

Detroit Electrical Services	$257,250.00
Rotor Electric Company	$310,800.00
Electrical Power Design	$312,083.00
Double Jack Electric	$316,100.00
Triangle Electric Company	$319,500.00
Detroit Power Systems	*

* does not meet specifications

It is recommended that the bid of Detroit Electrical Services, 1924 Rosa Parks Boulevard, Detroit, Michigan 48218, in the amount of Two Hundred Fifty-Seven Thousand Two Hundred Fifty and 00/100 Dollars ($257,250.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

CM-5. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On April 10, 2009, the City of Port Huron received ten (10) bids for Municipal Office Center Garage Deck Repair Phase II:

Mark One Restoration Services	$270,580.00
DRV Contractor, LLC	$277,159.00
Ram Construction Services	$289,895.00
Meridian Restoration LLC	$290,761.50
Royal Restoration and Waterproofing	$297,292.00
Structural Preservation Systems	$334,705.00
Orion Waterproofing, Inc.	$363,050.00
D. C. Byers Company/Detroit	$413,350.00
Nathan Contracting	$433,050.00
Chezcore, Inc.	*

* does not meet specifications

It is recommended that the bid of Mark One Restoration Services, 19035 W. Davison, Detroit, Michigan, 48223 in the amount of Two Hundred Seventy Thousand Five Hundred Eighty and 00/100 Dollars ($270,580.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

RESOLUTIONS

***R-1.** WHEREAS, on December 9, 1985, the City of Port Huron City Council adopted a resolution to establish a 21-member Beautification Commission to assist in beautifying the City of Port Huron and creating and fostering citizen pride by developing programs, projects, and annual events; and

WHEREAS, there are currently 11 members and 10 vacancies on the commission; and

WHEREAS, over the years it has become more and more difficult for the commission to maintain regular, active participation on the board and to recruit new members; and

WHEREAS, adding to further recruitment issues is that after 10 years of service on the board, members are appointed by the City Council to continue serving as “Life Members” with the full rights to participate in the business and affairs of the commission, however, this eliminates their availability to be appointed to the 21-member board; and

WHEREAS, the Beautification Commission has submitted a letter requesting that the 21-member board be reduced to an 11-member board instead as they believe this reduction will still allow them to successfully carry out their mission (see City Clerk File #09-38); and

WHEREAS, if this reduction is approved and since 2 active members are close to attaining life membership, it would be appropriate to extend the terms of their replacements one additional year at the time of appointment to allow for a more even distribution of the staggered terms on this board;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the 21-member Beautification Commission to be reduced to an 11-member board.

Adopted by consent.

***R-2.** WHEREAS, Todd D. Hale has submitted an application to the Michigan Liquor Control Commission for a new Small Wine Maker License with New Direct Connections-2 to be located at 510 Pine Street, Port Huron, Michigan;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application from Todd D. Hale for a new Small Wine Maker License with New Direct Connections-2 to be located at 510 Pine Street, Port Huron, Michigan be recommended for issuance by the Michigan Liquor Control Commission.

Adopted by consent.

R-3. Councilmember Fisher moved the adoption of the following resolution and moved that $10 million in funds be removed from the City’s Chase accounts to establish accounts at each institution of $5 million, seconded by Councilmember Doorn:

WHEREAS, Section 61 of the Charter of the City of Port Huron states that the Council shall designate the depository or depositories for City funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adds the following financial institutions as designated depositories for City funds:

Eastern Michigan Bank
65 N. Howard Avenue
Croswell, MI 48422

Port Huron Branch
600 Water Street
Port Huron, MI 48060

E &A Credit Union
500 10th Street
Port Huron, MI 48060

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

R-4. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the City of Port Huron receives numerous requests throughout the year from individuals and organizations wishing to host special events in the City of Port Huron; and

WHEREAS, each request is reviewed by the Special Events Committee, which is comprised of numerous individuals from various departments, such as police, fire, finance, streets, etc., to ensure that a review of the public health, safety and welfare of citizens and attendees is taken into consideration; and

WHEREAS, permit fees may otherwise be required if the organizers or participants of the special event are selling goods, though such fees are not significant in amount; and

WHEREAS, over the years, various groups (such as MainStreet, Feast of the St. Clair, Green Gathering, etc.) have asked the City Council to waive the permit fees associated with hosting such events and such requests have been given favorable approval by the Council; and

WHEREAS, in order to streamline and provide consistency for these event organizers, it would be administration’s suggestion that all permit fees be automatically waived for all approved special events;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the automatic waiving of all permit fees for all approved special events.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

***R-5.** WHEREAS, the tentative budget for 2009-2010 has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 11, 2009, at 7:00 p.m. in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed budget; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to have copies of this proposed budget available for review by the public and to publish notice of said hearing at least one week in advance of May 11, 2009. (See City Clerk File #09-39)

Adopted by consent.

***R-6.** 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 2009-2010 fiscal year in the amount of $1,940,000 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 2009-2010 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 be received for further review by the City Council and that a public hearing thereon be held May 11, 2009. (See City Clerk File #09-40)

Adopted by consent.

R-7. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, Purchaser and Seller entered into a certain Purchase and Sale Agreement ("Original Agreement") dated December 8, 2008 wherein Seller agreed to sell and convey to the Purchaser and Purchaser agreed to purchase and take title to certain property as set forth in the Original Agreement upon the terms and conditions more particularly set forth in the Original Agreement; and

WHEREAS, a specific time period was provided in the Agreement for the Due Diligence Period and the Approval Period; and

WHEREAS, additional time is necessary to complete the necessary Due Diligence and Approvals; and

WHEREAS, an Amendment to the Agreement extending the Due Diligence and Approval period has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached amendment to the purchase agreement for the sale of the Water Street Marina property with Hotel Development Services, LLC and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #09-41)

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

***R-8.** WHEREAS, the Capital Improvement Program for 2009-2010 through 2014-2015 has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 11, 2009, at 7:00 p.m., in the Public Meeting Room, Municipal Office Center, to hear comments from interested citizens about the proposed Capital Improvement Program; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to have copies of this proposed Capital Improvement Program available for review by the public and to publish notice of said hearing at least one week in advance of May 11, 2009. (See City Clerk File #09-42)

Adopted by consent.

***R-9.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $881.47 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-43).

Adopted by consent.

***R-10.** WHEREAS, the State of Michigan offers low interest loans to assist local governments in financing the construction of Wastewater Treatment Plant Improvements under the State Revolving Fund (SRF) Loan Program; and

WHEREAS, a public hearing on the proposed Wastewater Treatment Plant Improvements Project Plan is a requirement of the SRF loan program, to be held prior to the finalization of the report; and

WHEREAS, a copy of the proposed Wastewater Treatment Plant Improvements Draft Project Plan will be available for public review in the City Clerk's office beginning May 8, 2009;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for June 8, 2009, in order to hear comments on the proposed Wastewater Treatment Plant Improvements Project Plan.

Adopted by consent.

R-11. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, the School for Strings of St. Clair County, 819 Ninth Street, Port Huron, Michigan, will be making application to the Bureau of State Lottery for a charitable gaming license; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as a nonprofit operating in the community;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize the School of Strings of St. Clair County as a nonprofit organization in the City of Port Huron.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

ORDINANCES

O-1. Councilmember Fisher moved, seconded by Councilmember Lewandowski, that the following ordinance entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 10, BUILDING AND BUILDING REGULATIONS, ARTICLE V. RENTAL CERTIFICATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF EXTENDING THE CERTIFICATION PERIOD, ACCEPTING MSHDA INSPECTIONS AND CHANGING LATE FEE CALCULATIONS.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski and Stevens.
No: Councilmember Byrne.
Absent: Councilmember McCulloch.

O-1. Councilmember Fisher moved, seconded by Councilmember Stevens, 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, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROVIDING REGULATIONS FOR ABATEMENT ON VACANT PROPERTIES AND TO ESTABLISH ANNUAL NOTIFICATION PROCEDURES FOR NOXIOUS WEED AND UNLAWFUL GROWTHS

Motion adopted by the following vote::

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski and Stevens.
No: Councilmember Byrne.
Absent: Councilmember McCulloch.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Stevens offered a motion to amend the Economic Development Plan (Resolution #2 adopted at the Council meeting of April 13, 2009) the Downtown Business Attraction and Retention objective, item 3(d), to be that the Chamber of Commerce will be the point organization, except in the areas of the DDA and in those areas it will be the DDA, seconded by Councilmember Fisher.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher and Stevens.
No: Councilmember Lewandowski.
Absent: Councilmember McCulloch.

2. Special City Council meetings will be scheduled on Monday, May 4, and Monday, May 18, at 7 p.m. in Conference Room 408 to discuss the proposed 2009-10 budget.

3. Councilmember Fisher announced that the Blue Water Area Transportation recognized the 20 millionth rider today. He also mentioned that on May 9 the Welkin Vintage Base Ball Club will host the Wyandotte Stars at 2 p.m. in Lincoln Park and that Port Huron has been selected as the host city for the Vintage Base Ball national conference to be held in August 2010 at the Thomas Edison Inn.

3. Councilmember Doorn expressed condolences to Bruce Brown, City Manager, for the loss of his brother-in-law.

4. Councilmember Lewandowski stated that with regard to the issue of renaming Lincoln Park to South Park that he would like to see the two groups come together with a consensus for the name rather than having the City Council make the decision.

5. Councilmember Stevens stated that she will meet with the group again and will work to assist both parties to come together to reach a consensus or compromise on the name for the park.

On motion (9:10 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 4, 2009, at 7:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

PUBLIC AUDIENCE

1. Ken Harris, 1321 Wells Street, addressed the City Council regarding wage increases stating he did not believe in percentage increases as higher paid employers receive more of an increase than lower paid employees.

2. Marshall Campbell, President of the Economic Development Alliance, along with Executive Board Members Tim Ward and Peter Karadjoff, stated the EDA was willing to review the membership rate schedules and that they are open to discussing it further and were available to answer any questions.

MOTIONS AND MISCELLANEOUS BUSINESS

1. Economic Development Alliance (EDA) budget - Discussion was held on the dues for membership with the Economic Development Alliance.

Councilmember Stevens moved to remove from the budget the EDA membership amount until they can come back with a different formula for membership dues and to hear what the Port Huron focus will be for the EDA services, seconded by Councilmember Byrne.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher and Stevens.
No: Councilmember Lewandowski and McCulloch.
Absent: None.

2. Downtown Development Authority (DDA) budget - Discussion was held on the monies budgeted and the lack of detail and yearly funding for capital improvements at McMorran.

Councilmember Stevens moved that the DDA submit a detailed budget and include a capitalization part for McMorran, seconded by Councilmember Lewandowski.

Motion adopted unanimously.

3. Pay raises and contracts for Department Heads - Discussion was held on the recommended 2% pay raises, pension clauses and severance language in their contracts.

Councilmember Doorn moved to direct the City Manager to revise the contracts to remove the City's portion of the matching 457 contribution and to bring new language on severance and require end dates, commonly found in other contracts, to be inserted, seconded by Councilmember Byrne.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: Councilmember McCulloch.
Absent: None.

Appreciation was expressed to the City Manager and Department Heads for putting together a good budget.

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

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 11, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of April 27, 2009, and the special meeting of May 4, 2009, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the establishment of the proposed Quay Street Neighborhood Enterprise Zone.

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 2009-2010 budget. The following individuals spoke:

Ken Harris stated he supports funding mandated services vs. non-mandated services.

Trina Avedisian stated she was opposed to funding membership in the Economic Development Alliance and that the EDA should provide a new membership rate along with the services it would provide.

Margaret Enright stated she was opposed to membership in EDA until they can prove they are worth the money they want.

Paul Schultz stated he was glad to see animal control officer is back and that rickshaws are needed along river front.

Alice O'Neil stated leaf pickup should be reviewed as residents should be responsible for their own pickup; she asked about the responsibilities of the new developer's position; and she stated that vacant buildings (such as Sperry's) should be torn down, the museum should be self-funded, there should be no pay increases and that the in-house attorney should be kept on.

Amy Banker stated her support for funding of mandated services, the police department should be at full force, and that belt tightening and protection of youth needs to be done.

The Mayor declared the hearing closed.

3. The Mayor announced that this was the time to hear comments on the tentative budget for the Port Huron Downtown Development Authority for the 2009-2010 fiscal year.

Trina Avedisian spoke in favor of McMorran receiving DDA funding for capital improvements.

The Mayor declared the hearing closed.

4. The Mayor announced that this was the time to hear comments on the proposed 2009-2010 through 2014-2015 Capital Improvement Program.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. David O'Neill, Pointe Drive, addressed the City Council and stated he is supportive of the DDA tax because of the value it brings to the area, however, he is opposed to the change in the marina definition proposed in Ordinance #3 to accommodate the Water Street Marina development project as it will affect all areas zoned marina and that a variance should be granted instead for the project.

2. Margaret Enright addressed the City Council regarding the Economic Development Alliance.

3. Patrick Parcell addressed the City Council regarding the Charter Commission's public hearing to be held on Tuesday, May 12, and stated that the Commission is looking for citizens to attend and express their views on how they would like to see the charter revised.

4. Diana Laher addressed the City Council regarding Ordinance #3 and stated she is against changing the definition of a marina district

5. Trina Avedisian addressed the City Council stating she is against two Charter Commission members running for City Council seats and that they are not taking their role on the commission seriously.

6. Alice O'Neil addressed the City Council stating that the City income tax is an unjust tax and that Port Huron needs to have another focus plan for promoting tourism rather than just the water.

CONSENT AGENDA

Councilmember McCulloch moved to adopt the Consent Agenda items, seconded by Councilmember Stevens (items are indicated with an asterisk). Motion adopted unanimously.

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

<u>Upcoming events:</u>

- May 12 – Charter Commission Public Hearing @ 7:00 p.m. in the Public Meeting Room
- May 12 – Nominating petitions to run for City Council are due in the City Clerk's office by 4 p.m.
- May 14 – Open registration for City residents only for summer rec programs. Registration opens for everyone on May 18 with evening registration on May 19th.
- May 16 - Volunteers needed for the Beautification Commission's flower bed preparation day. Meet in front of the Courthouse at 9 a.m.
- May 16 – Black River Cleanup
- May 16 – Betty Ropposch Memorial Doubles Tennis Tournament @ Sanborn Park
- May 17 – Welkin Base Ball Club plays @ 2 p.m. at Lincoln Park

- May 18 – Special Council meeting at 7 p.m. in Room 408 to discuss the 2009-10 budget
- May 23-24 – Feast of the Ste. Claire @ Pine Grove Park
- May 23 – Flower Market @ Vantage Point
- May 25 – Memorial Day Parade at 11 a.m.
- May 25 – City offices closed for Memorial Day
- Council's next regularly scheduled meeting will be held on Tuesday, May 26, instead of Monday due to the holiday

FROM THE CITY MANAGER

CM-1. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember McCulloch:

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, 2009. (See City Clerk File #09-44).

Motion adopted unanimously.

CM-2. Councilmember Byrne moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On April 28, 2009, the City of Port Huron received ten (10) bids for the Stone Street utility replacement and street reconstruction:

Murray Underground Systems, Inc. (Fort Gratiot)	$476,435.75 *
Boddy Construction Company, Inc. (Port Huron Twp.)	$487,892.74
Raymond Excavating Company (Marysville)	$494,627.75 *
Tyger Excavating, Inc. (New Haven)	$517,222.00
Teltow Contracting, Inc. (Casco Twp.)	$523,919.70
Zito Construction (Grand Blanc)	$545,041.35
Pamar Enterprises Inc. (New Haven)	$549,097.02 *
Diponio Contracting (Shelby Twp.)	$555,135.90
T. R. Pieprzak Co. (China Twp.)	$565,520.03
Washtenaw Inc. (Ypsilanti)	$637,954.81 *

* As corrected

It is recommended that the bid of Murray Underground Systems, Inc., 5280 Lakeshore Road, Fort Gratiot, Michigan, 48059, in the amount of Four Hundred Seventy-Six Thousand Four Hundred Thirty-Five and 75/100 Dollars ($476,435.75) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, MetroPCS Michigan, Inc., a cellular telephone provider has expressed their desire to locate a cellular telephone antennae at the Court Street Pool on property owned by the City of Port Huron; and

WHEREAS, a lease has been negotiated with MetroPCS Michigan, Inc. for the location of a "stealth" cellular telephone antennae at the Court Street Pool site; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached lease to MetroPCS Michigan, Inc. for space at the Court Street Pool site and authorizes the appropriate City Officials to execute said agreement.

Councilmember Stevens moved to postpone the resolution and schedule a public hearing to allow the residents of the surrounding neighborhoods to express any objections.

Motion adopted unanimously.

***R-3.** 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 Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 26, 2009, to receive comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2008 (April 1, 2008 to March 31, 2009); and

WHEREAS, the CAPER will be available at the City Clerk's office and the St. Clair County Library, Main Branch, as of Friday, May 15, 2009, for public viewing and written comments for a period of at least fifteen (15) days; and

WHEREAS, the report will be submitted to HUD after City Council action on Monday, June 9, 2008, 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 Tuesday, May 26, 2009, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

Adopted by consent.

R-4. ITEM WITHDRAWN. This resolution for the demolition of 3020 Nern Street (Code Case #08-007) was withdrawn as the homeowner demolished the home prior to the meeting.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $493.16 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-45).

Adopted by consent.

***R-6.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1225 effective March 25, 2009, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code, which reads:

> **RESCISSION -** "The following Traffic Control Order shall be rescinded:
> TCO #974(c) - There shall be "no parking at any time" on the south side of Quay Street commencing at a point 290 feet east of the east curb of Huron Avenue; thence east 360 feet."

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1225 is hereby made permanent which calls for the rescission of Traffic Control Order No. 974(c); and

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 by consent.

***R-7**. 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 IV, Boards and Commissions, Division 8, Sister City Commission, Section 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 compensation. 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 reappointments to the Sister City Commission of Irene Michels for a three-year term to expire April 12, 2012, and John Cruz for a three-year term to expire on April 26, 2012.

Adopted by consent.

R-8. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the Port Huron City Council in 2006 designated the area at the southwest corner of Quay Street and Huron Avenue as "Heritage Park on the Quay" and also adopted a process for plaques to be installed along the walkway walls in the park to honor someone in one of these categories:

- Deceased citizens who have been community benefactors or civic leaders;
- Deceased historical figures or events from or in Port Huron; and
- Community heritage;

WHEREAS, plaques placed in the park are purchased and installed through the City's Parks Department with the cost of purchasing the plaque and any dedication ceremony being paid for entirely with private donations; and

WHEREAS, if an individual or group desires to have a plaque placed in the park in honor of a citizen, the first step in the process is that City Council must consider and recommend approval to the request; and

WHEREAS, a request for City Council consideration has been received for a plaque in recognition of Helen R. Weichsler;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the request to have a plaque installed in Heritage Park on the Quay for Helen R. Weichsler, with all funds being raised by private donations for the purchase of the plaque and any dedication ceremony that may be subsequently planned.

Motion adopted unanimously.

R-9. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the City and the St. Clair County Parks and Recreation Commission support the development of recreation trails throughout the community; and

WHEREAS, Acheson Ventures funded the construction of a recreation trail from the City's border with Marysville to 10th Street at the CN railroad crossing; and

WHEREAS, the Michigan Department of Transportation (MDOT) is planning to remove the Military Street Bridge over the CN railroad tracks and install a pedestrian tunnel; and

WHEREAS, the City plans to extend the recreation trail from Marysville to the east through the proposed pedestrian tunnel under Military Street; and

WHEREAS, Acheson Ventures plans to extend this trail through their development site; and

WHEREAS, the City needs to acquire property from CN Railroad prior to applying for grant funding to finance the extension of the recreation trail to the proposed MDOT pedestrian tunnel; and

WHEREAS, the St. Clair County Parks and Recreation Commission approved a Memorandum of Understanding to reimburse the City for the cost of land to extend said recreation trail;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves said Memorandum of Understanding and authorizes the appropriate City officials to sign the Memorandum of Understanding and negotiate the purchase of land for the recreation trail from CN Railroad (see City Clerk File #09-46).

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No:	Councilmember Byrne.
Absent:	None.

R-10. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, a request has been received to vacate the full-width public utility easement described as:

located in vacated Campau Street lying northeasterly of Water Street, between the Port Huron City limits line and the Black River, City of Port Huron, St. Clair County; and

WHEREAS, on May 4, 2009, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit and recommended the City Council approve the request (vote: 7 ayes; 0 nays; 1 absent; 0 abstained; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described full-width public utility easement.

Motion adopted unanimously.

R-11. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, the Economic Development Alliance of St. Clair County has provided industrial attraction and retention services to the City of Port Huron for many years; and

WHEREAS, the Port Huron City Council believes that these services are no longer adequate to meet the City's needs;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby terminates its membership in the Economic Development Alliance of St. Clair County effective July 1, 2009 and directs the City Manager to reallocate the $100,000 set aside for this purpose in the 2009-2010 budget to a future program to be determined and designed to attract and retain industrial clients for the Port Huron Industrial Park.

Motion adopted unanimously.

ORDINANCES

O-1. Councilmember Fisher moved, seconded by Councilmember McCulloch, that an ordinance introduced April 27, 2009, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1301

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF EXTENDING THE CERTIFICATION PERIOD, ACCEPTING MSHDA INSPECTIONS AND CHANGING LATE FEE CALCULATIONS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of extending the certification period, accepting MSHDA inspections and changing late fee calculations 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 maximum 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 through Sec. 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 a six-year period on existing one- and two-family dwelling units and existing multifamily dwellings (three or more and any rooming house with one or more rooms, or boarding house) 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 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.

(4) Temporary, one-year certificate.

a. The exterior condition of all rental units are subject to compliance with other related city codes and ordinances, including Article IV, Property Maintenance Code of this chapter, and Chapter 22, Article II. Blight. If exterior conditions are not in compliance with other city codes and ordinances, but in the opinion of the rental inspector do not present an immediate health or safety hazard, a "Temporary, One-Year Certificate" may be issued. The property owner must renovate the exterior of the unit(s) to established standards outlined in an executed work agreement and in accordance with city codes and ordinances within one year and upon completion, must receive a valid certification.

(c) The enforcing officer for the city inspection department may issue a municipal civil infraction notice to a person who fails to obtain a valid rental certificate prior to occupancy of a rental unit. The fine payable to the municipal ordinance violations bureau for admission of responsibility by persons served with the municipal civil infraction notice shall be as follows:

(1)	First offense	$150.00
(2)	Second or subsequent offense	$300.00

Sec. 10-160. Applicability to existing residential rental structures.

(a) This article applies to all residential rental structures and residential rental units within the city existing on the effective date of the ordinance from which this article is derived and to those subsequently constructed or created. For residential rental structures and residential rental units existing on the effective date of the ordinance from which this article is derived which have been registered in accordance with this article, the prohibitions against leasing, renting and occupying contained in sections 10-158 and 10-159 shall be inapplicable to such dwellings or units until 60 days after the city makes its initial inspections of such dwellings or units. This will permit the owner time to make necessary repairs and obtain a certification while maintaining occupancy of the rental unit; provided, however, that if the defects which must be corrected pose an imminent threat to the health, safety and welfare of the occupants, the inspector shall commence procedures to vacate the dwelling, and section 10-159 prohibiting occupancy shall be immediately applicable.

(b) Any residential rental structure which is a new construction or renovation which required a comprehensive inspection and which is issued a certificate of occupancy pursuant to an inspection after the effective date of the ordinance from which this article is derived will also be issued a certification simultaneous with the certificate of occupancy, and an inspection fee pursuant to section 10-162 shall not then be required. Residential rental structures which are new constructions shall comply with registration requirement pursuant to section 10-155. Newly constructed single- and two-family residential rental units may be issued a certification valid for six years. Newly constructed multifamily dwelling units may be issued a certificate valid for three years. Residential rental units with a current, valid and executed lease agreement through the HUD section 8 housing or Michigan State Housing Development Authority (MSHDA) program***s*** may be able to receive a waiver on an initial inspection for certification during the effective date of the lease agreement.

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 timeframe.

(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 six years and receive a valid certification. Multifamily dwelling complexes of 20 or more units may be inspected every six years by the rental certification division by randomly selecting 50 percent of the total number of units for inspection. If no violations are noted, the entire complex may be certified for six 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.

(e) Properties with a valid HUD Section 8 or MSHDA inspection certification must provide a copy of said certification to the Rental Certification Division in order to be exempt from the inspection requirements of this chapter.

(f) The enforcing officer for the city inspection department may issue a separate municipal civil infraction notice to a person for a violation of each subsection (c) (4) and (5). The fine payable to the municipal ordinance violations bureau for admission of responsibility by persons served with the municipal civil infraction notice shall be as follows:

(1)	First offense	$150.00
(2)	Second or subsequent offense	$300.00

Sec. 10-162. Annual operating fees.

(a) The annual operating fees for periodic inspection of each residential rental unit and any other fees provided by this article shall be as adopted by resolution by the city council and amended, as necessary, by resolution of the city council. The annual operating fee shall cover the periodic inspection for the issuance or renewal of a certification, except that such fee shall not cover an inspection made pursuant to a final notice of violation issued under section 10-164(b).

(b) If the enforcing officer determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a fee as adopted by resolution by the city council and amended, as necessary, by resolution of the city council shall be charged to the complainant, or, if in such a case the enforcing officer believes the complaint was maliciously or vexatiously filed, he may seek a warrant under section 10-166.

(c) An administrative late fee of the unpaid balance shall be paid to the city by the person obligated to pay an annual operating fee under subsection (a) of this section if such fee is not paid within 60 days from the billing date, as adopted by resolution of the City Council. After 90 days from the date of billing, those fees shall become a lien on the property as a single lot special assessment pursuant to section 40-19 and shall be collected as a special assessment.

(d) The rental inspection program as provided for in this article shall be operated by the city on a break-even basis. This means the fees charged shall be set at a rate to produce sufficient revenue to cover the actual, direct cost of administering the program. If the fees as set forth in this article or as amended exceed the actual, direct cost of administering the program, the city council, by resolution, shall reduce the fees to an amount which shall produce sufficient revenue to cover the actual, direct cost of administering the program. If at any time the fees being collected are insufficient to cover the cost of the program, the city council, by resolution, shall increase the fees to an amount which shall produce sufficient revenue to cover the actual, direct cost of administering the program.

Sec. 10-163 through Sec. 10-164.
No changes.

Sec. 10-165. Inspection guidelines.
The city inspection department shall prepare a list of inspection guidelines to be used in inspections relating to the enforcement of this article. The inspection guidelines are incorporated by reference and shall be effective upon adoption of the ordinance from which this article is derived. The adoption of the inspection guidelines shall not be construed to relieve the owner from compliance with any other requirements of codes adopted by the city, including but not limited to housing, electrical, building, plumbing, mechanical, blight, property maintenance, fire codes and zoning requirements as necessary due to renovations requiring permits.

Sec. 10-166 through Sec. 10-210.
No changes.

Susan M. Child, CMC
City Clerk

ADOPTED: May 11, 2009
PUBLISHED: May 16, 2009
EFFECTIVE: May 16, 2009

Motion adopted unanimously.

O-2. Councilmember McCulloch moved, seconded by Councilmember Lewandowski, that an ordinance introduced April 27, 2009, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1302

AN ORDINANCE TO AMEND CHAPTER 22, ENVIRONMENT, ARTICLE II, BLIGHT AND ARTICLE III, VEGETATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROVIDING REGULATIONS FOR ABATEMENT ON VACANT PROPERTIES AND TO ESTABLISH ANNUAL NOTIFICATION PROCEDURES FOR NOXIOUS WEED AND UNLAWFUL GROWTHS.

THE CITY OF PORT HURON ORDAINS:
That Chapter 22, Environment, Article II, Blight, and Article III, Vegetation, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of providing regulations for abatement on vacant properties and to establish annual notification procedures for noxious weeds and unlawful growths as follows:

CHAPTER 22. ENVIRONMENT
ARTICLE II. BLIGHT
DIVISION 1. GENERALLY

Sec. 22-31. through Sec. 22-50.
No changes.

DIVISION 2. RESIDENTIAL AREAS

Sec. 22-51. through Sec. 22-52.
No changes.

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) through (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) Violations of sections 22-52(1) or 22-52(3) occurring on vacant property must be abated within 48 hours of the vehicle or structure being posted with a notice of violation.

(d) 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.

(e) 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.

(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 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.

(g) 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.

Sec. 22-54 through Sec. 22.75.
No changes.

DIVISION 3. COMMERCIAL AREAS

Sec. 22-76 through 22-105.
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 at such 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 changes.

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. Only one (1) notification is required to be provided to the property owner per season, which is hereby defined as the period of April 1 to November 1 of each year. 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 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. 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.

Sec. 22-109 through Sec. 22-140.
No changes.

ARTICLE III. VEGETATION
DIVISION 1. GENERALLY

Sec. 22-141 through Sec. 22-160.
No changes.

DIVISION 2. TREES

Sec. 22-161 through Sec. 22-210.
No changes.

DIVISION 3. NOXIOUS OR POISONOUS WEEDS

Sec. 22-211. Definitions.
No changes.

Sec. 22-212. Prohibited; duty to cut.
It shall be unlawful for the owner or occupant of any lot or parcel of land within the city to allow 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 at such times as may be necessary to prevent such weeds from going to seed or exceeding eight inches in growth.

Sec. 22-213. Destruction by city.
(a) Where it has been established that noxious or poisonous weeds are present on any lot or parcel of land within the city and the owner or occupant has failed to comply with section 22-212, the public works director shall assign city employees to enter upon such land for the purpose of destroying such growths. The director

shall keep an accurate account of the expense incurred in destroying growths of noxious or poisonous weeds with respect to each parcel of land entered upon therefor.

(b) When the city has incurred expense in the destruction of growths of noxious or poisonous weeds, such expense shall be paid for by the property owner under the single lot assessment procedures provided for in chapter 40.

Sec. 22-214 through Sec. 22-245.

No changes.

Susan M. Child, CMC
City Clerk

ADOPTED: May 11, 2009
PUBLISHED: May 16, 2009
EFFECTIVE: May 16, 2009

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne
Absent: None.

O-3. Councilmember Byrne moved, seconded by Councilmember Lewandowski, that an ordinance introduced May 11, 2009, entitled and reading as follows be given its first, second, third and final reading and enacted:

ORDINANCE NO. 1303

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 10, MD MARINA DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REMOVING REQUIREMENTS FOR PERMITTED USES AFTER SPECIAL APPROVAL AND ALLOWING CONDOMINIUMS, HOTELS, AND MOTELS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 10, MD Marina District, of the Code of Ordinances of the City of Port Huron, is amended for the purpose of removing requirements for permitted uses after special approval and allowing condominiums, hotels, and motels as follows:

CHAPTER 52. ZONING
ARTICLE III. DISTRICT REGULATIONS
DIVISION 10. MD MARINA DISTRICT

Sec. 52-446. Statement of purpose.

No changes.

Sec. 52-447. Principal permitted uses.

In the MD district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

(1) Public or private development of facilities for the berthing, storage or servicing of boats, yachts, cruisers, inboards, outboards and sailboats.

(2) Accessory buildings and uses customarily incidental to the principal permitted uses in subsection (1) of this section, including the sleeping or living quarters of security, watchman or caretaker.

(3) Offstreet parking in accordance with article VI of this chapter.

(4) Retail businesses which supply commodities for persons using the facilities of the district such as the sale of boats, engines, and accessories, fishing equipment and other similar items, and retail sales related to food and beverage items.

(5) Eating and drinking establishments, including retail sales of items related to the establishment, excluding drive-thru facilities or establishments with drive-up windows.

(6) Condominium developments per A-1 zoning requirements for one to three stories and A-2 zoning requirements for four or more stories up to a maximum of seven stories.

(7) Hotels and motels, limited to seven stories or less.

Sec. 52-448. Site plan review.

For all uses permitted in an MD district, 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, subject to the requirements of Article VI, Offstreet Parking and Loading Requirements, and Section 52-692. Greenbelts.

Sec. 52-449. Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements in the MD district, unless otherwise specified, are as provided in section 52-621 pertaining to the schedule of regulations.

Sec. 52-450 through Sec. 52-475.

No changes.

Susan M. Child, CMC
City Clerk

ADOPTED: May 11, 2009
PUBLISHED: May 16, 2009
EFFECTIVE: May 16, 2009

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember McCulloch** apologized for his tardiness at the start of the meeting; however, he was visiting with his younger brother and his wife who gave birth to a baby boy, Dylan Jonathan, today.

2. **Councilmember Fisher** stated that the second game of the Welkin Base Ball Club will be held on May 17 at 2 p.m. in Lincoln Park.

On motion (8:10 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 18, 2009, at 7:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

PUBLIC AUDIENCE

1. Anthony America, Port Huron, addressed the City Council stating he is opposed to the elimination of the in-house legal department.

2. Ed Palmer, Port Huron, addressed the City Council stating he is opposed to pay raises for non-union employees and supports unpaid vacation time and increased prescription costs.

MISCELLANEOUS BUSINESS

1. Councilmember Stevens moved to include or delete the following items from the proposed budget, seconded by Councilmember Lewandowski:

1. No increase in property taxes, income taxes and water rates.
2. Eliminate five permanent positions.
3. Hiring freeze except for essential positions.
4. Significant savings through the restructuring of city departments (Finance, Legal, City manager, Assessor and Treasurer).
5. Support for the Charter Commission at $21,000.
6. Eliminate support for the EDA but leave $100,000 in the Budget for industrial development to be funded by the LDFA and TIFA.
7. Reduce the McMorran subsidy to $285,000.
8. Retain the Chamber of Commerce for $50,000 for small business attraction outside the DDA district.
9. Add a Commercial Development Specialist position for large scale and strategic development areas to be funded by TIF funds.
10. Eliminate all but essential travel, conferences and educational meetings outside of Port Huron.

Motion adopted unanimously.

2. Councilmember McCulloch moved to grant a 2% salary increase for all non-union members, seconded by Councilmember Fisher.

Discussion included the private sector has taken reductions so should City employees; department heads have gone four years without an increase already, they deserve the 2%; the total cost to implement the increase is about $125,000 including benefits; does the increase parallel what the unions received; employees should be rewarded but the public's perception and the bad economy does not lend itself well to an increase at this time; if raises are given, one-day layoffs may be needed to balance the budget; no pay increases should help prevent layoffs; secretaries last year almost unionized because of pay increases and job security; other companies are reducing work weeks and/or reducing salaries 5 to 10%; Port Huron is not competitive; it's not true that all companies are reducing salaries; this decision snowballs into a $2 to $3 million dollar decision for the future; difficult decision to make but nobody in the public has shown support for this; disturbing that income tax numbers are down; and not opposed to pay increases, but don't think we can do at this time.

Motion *rejected* by the following vote:

No:	Mayor Moeller; Councilmembers Byrne, Doorn and Stevens.
Yes:	Councilmembers Fisher, Lewandowski and McCulloch.
Absent:	None.

3. Councilmember Lewandowski moved to grant a 2% salary increase for department heads, seconded by Councilmember McCulloch.

Discussion included the total cost to implement would be $13,000; it's been three years since department heads received an increase and they should be compensated; and this decision is not about the people involved, but rather based on the economy.

Motion *rejected* by the following vote:

No:	Mayor Moeller; Councilmembers Byrne, Doorn and Stevens.
Yes:	Councilmembers Fisher, Lewandowski and McCulloch.
Absent:	None.

4. Councilmember Fisher moved to amend the DDA budget to include a $100,000 contribution to the McMorran Civic Center, seconded by Councilmember Doorn.

Motion adopted unanimously.

5. Discussion on the elimination of the leaf pickup program included: Waste Management's contract ends in 2011 and that this program could be bid separately the next time to determine any potential cost savings; Waste Management provided an estimate that the savings to eliminate this project would be $30,000 (or $2.54 annually per household) and that the cost for residents to buy bags would outweigh any savings; if leaves are not picked up it could cause flooding and plugging of drains leading to the Wastewater Treatment Plant; eliminating the program could cause more blight issues; and residents could be educated on how to be more environmentally friendly to get rid of the leaves.

6. Councilmember Byrne moved to eliminate the $98,000 museum subsidy, seconded by Councilmember McCulloch.

Discussion included the roundtable sessions in 2007 showed that residents wanted to get rid of this subsidy; roundtable sessions were based on the City going broke and citizens based their decisions on this statement; there would be no real cost savings since we own all of the museum buildings and we would still have to maintain them; disappointed with statements made in the newspaper that the City is not supportive of the museum; discouraged by lack of business plan for the lighthouse; and quarterly reports should be given to the Council by the museum.

Motion *rejected* by the following vote:

No:	Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
Yes:	Councilmember Byrne.
Absent:	None.

7. Discussion held on the elimination of the in-house attorney position and that quarterly reports should be provided to see if there are savings in this area. If it is found that this decision is not saving the City money, the issue can be revisited.

8. Discussion held on keeping the police department in full force and included an update on the bike patrols; if additional fire fighters should be added rather than police officers; with concerns that crimes and shootings are increasing, do we have enough officers; and the issues and drawbacks with using stimulus grant funds for funding positions.

9. Discussion held on the income tax and statements made that people are not paying income tax and what happens if they don't. John Ogden, Director of Finance, explained the various methods used to determine who should be filing returns, including cross referencing with state tax returns, using FOIA to obtain information from the federal government as to their employees and random checking with employers. Eventually, if someone is not filing, they will be discovered and they will owe the tax, along with penalty and interest.

10. Discussion was held on the various tax increment financing funds and if the balances should be transferred out of the funds. John Ogden, Director of Finance, stated that it would be better to consume the balances than to close out the funds. Clarification was given that the specific authorities must annually prepare a proposed budget that can only be adopted by the authority after approval is given by Council.

11. Administration was asked to look into having the bank fee waived that is charged when we deposit change.

NOTE: Commendations were expressed to the administration for putting together a balanced budget.

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

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 26, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of May 11, 2009, and special meeting of May 18, 2009, were approved.

PRESENTATIONS

1. Gregory C. Lambert, Special Operations Supervisor, Detroit Sector Headquarters of the Department of Homeland Security, gave a presentation on the placement of border security cameras on the roof of the Municipal Office Center.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

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 leasing of space at the Court Street Pool site for a cellular telephone antennae.

Ed Palmer, 22nd Street, spoke regarding area residents not being notified, asked if an environmental impact study had been done and asked for postponement until questions were answered.

The Mayor declared the hearing closed and **Councilmember Byrne** moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, MetroPCS Michigan, Inc., a cellular telephone provider, has expressed their desire to locate a cellular telephone antennae at the Court Street Pool on property owned by the City of Port Huron; and

WHEREAS, a lease has been negotiated with MetroPCS Michigan, Inc., for the location of a "stealth" cellular telephone antennae at the Court Street Pool site;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease to MetroPCS Michigan, Inc. for the space at the Court Street Pool site and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #09-47)

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and McCulloch.
No:	Councilmember Stevens
Absent:	None.

PUBLIC AUDIENCES

1. Anthony America, Military Street, addressed the City Council regarding state and federal officials getting more money for our community and stated his opposition to the elimination of the legal department.

2. Ken Harris, Wells Street, addressed the City Council regarding the City Manager's letter to the newspaper, support for the purchase of City vehicles locally, notifying voters about where to park for the changed polling location and the budget.

CONSENT AGENDA

Councilmember Lewandowski moved to adopt the Consent Agenda items, seconded by Councilmember Stevens (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- May 30 – Beautification Commission's Plant Day. Meet at 9 am in front of the Courthouse.
- May 31 – Welkin Base Ball Club plays @ 2 p.m. at Lincoln Park
- June 1 – Cancer Fundraiser @ Daybreak Café Parking Lot
- June 2 – Port Huron Charter Commission meeting at 7:00 p.m. in Room 408
- June 4 – Taste of Port Huron
- June 6 – Be a Tourist in Our Town, 10 a.m. to 4 p.m.
- June 6 – Black River Canoe Race
- June 6 – Flower Market @ Vantage Point
- June 7 – CHOK/YMCA International Bridge Run starts at 8 a.m.

FROM THE CITY MANAGER

CM-1. Councilmember McCulloch moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On May 12, 2009, the City of Port Huron received three (3) bids for one (1) 2009 Ford Taurus SE for use in the Police Department:

Northgate Ford (Port Huron, MI)	$20,650.00
Gorno Ford, Inc. (Woodhaven, MI)	$21,149.00
Imlay City Ford (Imlay City, MI)	$22,740.00

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Twenty Thousand Six Hundred Fifty and 00/100 Dollars ($20,650.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-2. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On May 12, 2009, the City of Port Huron received three (3) bids for three (3) 2009 Ford Focus SE vehicles for use by Planning Department Inspectors:

Northgate Ford (Port Huron, MI)	$13,750.00 ea.
Gorno Ford, Inc. (Woodhaven, MI)	$13,947.00 ea.
Imlay City Ford (Imlay City, MI)	$17,552.00 ea.

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Forty-One Thousand Two Hundred Fifty and 00/100 Dollars ($41,250.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

***R-1.** WHEREAS, the P.H. Arts Incubator, Inc., has made application to the Bureau of State Lottery for a charitable gaming license; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as nonprofit operating in the community;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize the P.H. Arts Incubator, Inc., as a nonprofit organization in the City of Port Huron.

Adopted by consent.

***R-2.** 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 from applications on file; and

WHEREAS, a vacancy for a Republican member currently exists on the board;

NOW, THEREFORE, BE IT RESOLVED that Patricia P. Bradley, 4214 Gratiot Avenue, is hereby appointed as the Republican Representative on the Board of Canvassers to fill an unexpired term ending December 31, 2011.

Adopted by consent.

R-3. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember McCulloch:

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 recreation systems; and

WHEREAS, it is the desire of the City of Port Huron and the Port Huron Area School District (PHASD) 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 the PHASD; and

WHEREAS, the PHASD agrees to provide the necessary school buses and drives for transportation purposes required in the operation of the City's public recreation system during the summer months while schools are closed for the summer recess and/or to make available school playgrounds and buildings, by mutual agreement, as may be required for the operation of such public recreation system; and

WHEREAS, the City agrees to reimburse the PHASD for transportation costs incurred, as well as custodial costs, plus any additional actual cost of utilities, supplies and/or materials; and

WHEREAS, the City agrees to save harmless and indemnify PHASD from any and all liabilities, claims and costs incident thereto, arising out of the use of the playgrounds and buildings under the terms of this agreement;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby approves the attached agreement with the Port Huron Area School District for the use of school buses for transporting children in the City's public recreation program and/or the use of the playgrounds and buildings during the summer months while schools are closed for the summer recess and authorizing the appropriate City officials to execute said agreement. (See City Clerk File #09-48)

Motion adopted unanimously.

R-4. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, Harrison School located at 55 - 15th Street is currently being used as the polling place for Precinct 6; and

WHEREAS, the Port Huron Area School District will be closing Harrison School in June 2009 and therefore a new polling place will need to be designated; and

WHEREAS, election law provides that a polling place must be located in a publicly-owned or controlled facility (such as a school building, fire or police station) or if necessary, a building other than a publicly owned or controlled facility, the building must be owned or controlled by an organization that is "exempt from federal income tax pursuant to section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986….; and

WHEREAS, election law also provides that the same polling place may be used to accommodate up to six precincts if convenient and practicable; and

WHEREAS, potential polling locations were reviewed within and adjacent to the precinct boundaries and it been determined that the First United Methodist Church, located at 828 Lapeer Avenue, which is also used as a polling location for another precinct, is the recommended site to replace the Harrison School polling location;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby accepts the recommendation of the Election Commission and designates First United Methodist Church, 828 Lapeer Avenue, as the polling location for Precinct 6 voters.

Motion adopted by the following vote:

Yes:	Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No:	Mayor Moeller.
Absent:	None.

R-5. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the taxable value of the ad valorem real and personal property in the City of Port Huron has been determined to be $782,321,534, plus $42,174,737 of value on the Special Acts assessment rolls including the Industrial Facilities, Neighborhood Enterprise Zone and Land Bank rolls.

NOW, THEREFORE, BE IT RESOLVED, that the budget of the City of Port Huron for the fiscal year beginning July 1, 2009 and ending June 30, 2010 is hereby determined and adopted as follows:

GENERAL FUND:

Means of financing:		
Estimated designated fund balance	$ 387,980	
Property taxes	8,490,000	
Income tax	6,200,000	
Business licenses and permits	325,000	
Nonbusiness licenses and permits	260,000	
State shared revenues	3,900,000	
Charges for services	735,000	
Fines and forfeits	160,000	
Investment income	225,000	
Rents	260,000	
Sale of assets	5,000	
Charges to other funds	1,875,807	
Transfer from other funds	849,000	$ 23,672,787
Estimated requirements:		
Ordinary recurring expenses	$ 20,731,337	
Transfers	1,903,300	
Capital outlay	1,038,150	$ 23,672,787

MAJOR STREETS FUND:

Means of financing:		
Estimated designated fund balance	$ 17,813	
State shared revenues	1,659,000	
Trunkline maintenance	284,202	
State grants	2,250,000	
Transfer from Municipal streets to Major streets	1,825,000	$ 6,036,015
Estimated requirements:		
Ordinary recurring expenses	$ 2,273,415	
Capital outlay and street improvements	3,762,600	$ 6,036,015

LOCAL STREETS FUND:

Means of financing:		
Estimated designated fund balance	$ 1,362	
State shared revenues	514,000	
State grants	455,000	
Transfer from Major streets to Local streets	430,000	
Transfer from Municipal streets to Local streets	175,000	$ 1,575,362
Estimated requirements:		
Ordinary recurring expenses	$ 925,362	
Capital outlay and street improvements	650,000	$ 1,575,362

MUNICIPAL STREETS FUND:

Means of financing:		
Estimated designated fund balance	$ 1,500,069	
Taxes - Street millage	1,470,000	
Taxes - BWATC	475,000	
Investment income	100,000	$ 3,545,069
Estimated requirements:		
Ordinary recurring expenses		$ 3,545,069

CEMETERY FUND:

Means of financing:		
Estimated designated fund balance	$ 48,454	
Foundations	16,200	
Graveside interments	34,800	
Chapel interments	45,500	
Other services	10,300	
Transfer from Cemetery perpetual care fund	250,000	$ 405,254
Estimated requirements:		
Ordinary recurring expenses	$ 398,254	
Capital outlay	7,000	$ 405,254

GARBAGE AND RUBBISH COLLECTION FUND:

Means of financing:		
Estimated designated fund balance	$ 436,726	
Taxes	2,085,000	$ 2,521,726
Estimated requirements:		
Ordinary recurring expenses		$ 2,521,726

RENTAL CERTIFICATION FUND:

Means of financing:		
Estimated designated fund balance	$ 12,067	
Charges for services	159,924	$ 171,991
Estimated requirements:		
Ordinary recurring expenses		$ 171,991

DOMESTIC PREPAREDNESS FUND:

Means of financing:		
Grants		$ 125,000
Estimated requirements:		
Ordinary recurring expenses	$ 12,500	
Capital outlay	112,500	$ 125,000

O.U.I.L. FUND:

Means of financing:		
Fines and forfeits		$ 15,000
Estimated requirements:		
Ordinary recurring expenses	$ 5,000	
Capital outlay	10,000	$ 15,000

DRUG LAW ENFORCEMENT FUND:

Means of financing:		
Fines and forfeits		$ 46,000
Estimated requirements:		
Ordinary recurring expenses	$ 6,000	
Capital outlay	40,000	$ 46,000

LAW ENFORCEMENT FUND:

Means of financing:		
Charges for services		$ 5,000
Estimated requirements:		
Ordinary recurring expenses		$ 5,000

ENHANCED 911 FUND:

Means of financing:		
Estimated designated fund balance		$ 100,000
Estimated requirements:		
Ordinary recurring expenses	$ 75,000	
Capital outlay	25,000	$ 100,000

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Means of financing:		
Grants		$ 850,677
Estimated requirements:		
Ordinary recurring expenses	$ 65,000	
Capital outlay	785,677	$ 850,677

NEIGHBORHOOD REHABILITATION FUND:

Means of financing:		
Grant		$ 100,000
Estimated requirements:		
Capital outlay		$ 100,000

HOME PROGRAM FUND:

Means of financing:		
Grants		$ 261,659
Estimated requirements:		
Ordinary recurring expenses	$ 26,166	
Capital outlay	235,493	$ 261,659

STREETSCAPE MAINTENANCE FUND:

Means of financing:		
Estimated designated fund balance	$ 20,000	
Charges for services	50,000	$ 70,000
Estimated requirements:		
Ordinary recurring expenses	$ 59,000	
Capital outlay	11,000	$ 70,000

BEAUTIFICATIN COMMISSION FUND:

Means of financing:		
Estimated designated fund balance	$ 2,000	
Miscellaneous	2,000	
Transfer from General fund	3,300	$ 7,300
Estimated requirements:		
Ordinary recurring expenses		$ 7,300

MARINA FUND:

Means of financing:		
Transfer from Land purchase fund		$ 179,593
Estimated requirements:		
Ordinary recurring expenses		$ 179,593

LAND PURCHASE FUND:

Means of financing:		
Estimated designated fund balance	$ 1,733,593	
Investment income	100,000	
Rents	145,000	
Other income	10,000	
Transfer from tax increment funds	1,450,000	$ 3,438,593
Estimated requirements:		
Ordinary recurring expenses	$ 3,413,593	
Capital outlay	25,000	$ 3,438,593

PARKING FUND:

Means of financing:		
Estimated designated fund balance	$ 23,946	
Street meters	27,000	
Parking lots	9,000	
Annual permits	24,000	
Charges for services	600	
Transfer from Land Purchase fund	60,000	$ 144,546
Estimated requirements:		
Ordinary recurring expenses		$ 144,546

WATER FUND:

Means of financing:		
Estimated designated fund balance	$ 900,000	
Sale of water	5,718,886	
Charges for services	159,320	
Investment income	75,000	
Grants	1,725,000	
Proceeds from long-term revenue bonds	3,410,000	
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	513,540	
Transfer from Land purchase fund	550,000	$ 13,051,746
Estimated requirements:		
Ordinary recurring expenses	$ 4,582,746	
Debt service	3,025,000	
Capital outlay	5,444,000	$ 13,051,746

WASTEWATER FUND:

Means of financing:		
Estimated designated fund balance	$ 550,000	
Charges for services	7,231,296	
Other income	50,000	
Investment income	125,000	
Grants	2,405,000	
Reimbursement from other units of government	1,790,000	
Proceeds from long-term revenue bonds	6,930,000	
Transfer from governmental funds	2,900,000	
Transfer from Land purchase fund	1,700,000	$ 23,681,296
Estimated requirements:		
Ordinary recurring expenses	$ 7,621,251	
Debt service	6,265,000	
Capital outlay	9,795,045	$ 23,681,296

CENTRAL STORES FUND:

Means of financing:		
Charges for services		$ 145,471
Estimated requirements:		
Ordinary recurring expense	$ 135,471	
Capital outlay	10,000	$ 145,471

DATA PROCESSING FUND:

Means of financing:		
Charges for services		$ 802,949
Estimated requirements:		
Ordinary recurring expenses	$ 758,044	
Capital outlay	44,905	$ 802,949

MOTOR VEHICLE FUND:

Means of financing:		
Estimated designated fund balance	$ 748,699	
Charges for services	2,335,000	$ 3,083,699
Estimated requirements:		
Ordinary recurring expenses	$ 2,073,397	
Capital outlay	1,010,302	$ 3,083,699

INSURANCE AND FRINGE BENEFIT FUND:

Means of financing:		
Charges for services		$ 10,263,500
Estimated requirements:		
Ordinary recurring expenses	$ 9,270,000	
Supplies and materials	500	
Contractual services	993,000	$ 10,263,500

INDUSTRIAL PARK TAX INCREMENT FUND:

Means of financing:		
Estimated designated fund balance	$ 110,000	
Taxes	1,525,000	$ 1,635,000
Estimated requirements:		
Ordinary recurring expenses - Taxes not captured	$ 1,525,000	
Contractual services – Industrial development	60,000	
Capital outlay	50,000	$ 1,635,000

PAPER COMPANY TAX INCREMENT FUND:

Means of financing:		
Estimated designated fund balance	$ 75,000	
Taxes	595,000	$ 670,000
Estimated requirements:		
Ordinary recurring expenses - Taxes not captured	$ 595,000	
Contractual services	75,000	$ 670,000

KRAFFT-HOLLAND TAX INCREMENT FUND:

Means of financing:		
Estimated designated fund balance	$ 25,000	
Taxes	592,000	$ 617,000
Estimated requirements:		
Ordinary recurring expenses - Taxes not captured	$ 592,000	
Capital outlay	25,000	$ 617,000

PEERLESS SITE TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 109,000
Estimated requirements:		
Ordinary recurring expense	$ 94,000	
Capital outlay	15,000	$ 109,000

DOWNTOWN DEVELOPMENT AUTHORITY (DDA) OPERATING FUND:

Means of financing:		
Estimated designated fund balance	$ 150,000	
Taxes	87,000	
Transfer from MainStreet Redevelopment fund	15,000	
Downtown Port Huron activity:		
Dues	30,000	
Promotions and fees	70,000	$ 352,000
Estimated requirements:		
Ordinary recurring expenses	$ 142,000	
Downtown Port Huron activities	110,000	
Capital outlay - McMorran	100,000	$ 352,000

WATER STREET DDA TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 541,000
Estimated requirements:		
Ordinary recurring expenses		$ 541,000

BANK DDA TAX INCREMENT FUND:

Means of financing:		
Estimated designated fund balance	$ 242,000	
Taxes	46,000	$ 288,000
Estimated requirements:		
Ordinary recurring expense	$ 30,000	
Capital outlay	258,000	$ 288,000

HARRINGTON HOTEL DDA TAX INCREMENT FUND:

Means of financing:		
Estimated designated fund balance		$ 156,000
Estimated requirements:		
Ordinary recurring expense	$ 25,000	
Capital outlay	131,000	$ 156,000

EDISON REDEVELOPMENT DDA TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 588,000
Estimated requirements:		
Ordinary recurring expenses	$ 573,000	
Capital outlay	15,000	$ 588,000

MAINSTREET DDA TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 55,000
Estimated requirements:		
Ordinary recurring expenses	$ 45,000	
Capital outlay	10,000	$ 55,000

INDUSTRIAL PARK EXPANSION LOCAL DEVELOPMENT FINANCE TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 397,000
Estimated requirements:		
Ordinary recurring expenses	$ 347,000	
Capital outlay	50,000	$ 397,000

BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:		
Taxes		$ 468,000
Estimated requirements:		
Ordinary recurring expenses		$ 468,000

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

	Personal Services	Supplies And Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
GENERAL FUND						
General Government:						
City council	$ 8,490	$ 1,300	$ 59,365	$ 69,155	$	$ 69,155
City commission	4,320	1,000	16,100	21,420		21,420
City manager	247,317	1,400	13,400	262,117		262,117
Elections	53,732	5,950	34,372	94,054		94,054
Finance and accounting	555,331	7,600	103,541	666,472		666,472
Income tax	225,125	20,029	66,922	312,076		312,076
Assessor	248,056	8,150	74,972	331,178		331,178
Legal			116,000	116,000		116,000
Clerk	202,366	1,505	17,288	221,159		221,159
Personnel	254,249	3,100	55,819	313,168		313,168
Purchasing	28,656	150	9,062	37,868		37,868
Board of review	1,800		675	2,475		2,475
Treasurer	118,738	10,444	66,415	195,597		195,597
Municipal office center	217,574	27,583	320,186	565,343	6,000	571,343
	2,165,754	88,211	954,117	3,208,082	6,000	3,214,082
Public Safety:						
Police administration	845,640	24,973	192,824	1,063,437	2,800	1,066,237
Detectives	903,343	13,700	85,751	1,002,794		1,002,794
Patrol	4,931,931	95,900	421,196	5,449,027	11,350	5,460,377
Communications			106,360	106,360		106,360
Fire	4,655,024	152,910	358,323	5,166,257	6,500	5,172,757
	11,335,938	287,483	1,164,454	12,787,875	20,650	12,808,525
Public Works:						
Inspection	366,295	1,700	37,632	405,627		405,627
Emergency Management		4,000	9,968	13,968		13,968
Public works administration	204,716	300	10,967	215,983		215,983
Engineering	252,017	7,400	67,320	326,737		326,737
Street lighting	9,011	2,400	706,270	717,681		717,681
Blight	118,417	800	9,004	128,221		128,221
	950,456	16,600	841,161	1,808,217		1,808,217
Senior Citizens:						
Wastewater and water discounts			5,000	5,000		5,000
Senior citizens transportation			12,404	12,404		12,404
			17,404	17,404		17,404
Recreation, Parks and Culture:						
Parks and Forestry	728,001	58,110	321,230	1,107,341	22,500	1,129,841
Recreation	429,183	76,635	97,698	603,516		603,516
20th and Court pool	57,410	13,130	35,770	106,310		106,310
Sanborn pool	69,681	14,530	33,070	117,281		117,281
Lighthouse park	9,399	2,100	1,700	13,199		13,199
Lakeside park	10,290	3,250	9,700	23,240		23,240
Palmer park recreation center	84,848	4,658	31,750	121,256		121,256
Lightship	365	1,500	11,464	13,329		13,329
McMorran complex			285,000	285,000		285,000
Library			8,000	8,000		8,000
Museum	583	3,000	94,850	98,433		98,433
	1,389,760	176,913	930,232	2,496,905	22,500	2,519,405
Other Functions:						
Planning	156,547	2,600	19,791	178,938		178,938
Telephone service		1,000	23,366	24,366		24,366
Contingencies			40,000	40,000		40,000
Insurance, health and safety	8,250	1,000	130,300	139,550		139,550
Taxes written off	$	$	$ 15,000	$ 15,000	$	$ 15,000
Demolitions			15,000	15,000		15,000
	164,797	4,600	243,457	412,854		412,854

	Personal Services	Supplies And Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Subtotal	16,006,705	573,807	4,150,825	20,731,337	49,150	20,780,487
Public Improvements:						
Parks and recreation projects					140,000	140,000
MOC Capital					729,000	729,000
Other public improvements					120,000	120,000
					989,000	989,000
Subtotal	16,006,705	573,807	4,150,825	20,731,337	1,038,150	21,769,487
Transfer to other funds:						
Wastewater fund			1,900,000	1,900,000		1,900,000
Beautification fund			3,300	3,300		3,300
			1,903,300	1,903,300		1,903,300
TOTAL GENERAL FUND	16,006,705	573,807	6,054,125	22,634,637	1,038,150	23,672,787
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	1,037,619	292,462	943,334	2,273,415	3,762,600	6,036,015
Local streets	524,513	95,017	305,832	925,362	650,000	1,575,362
Municipal streets	50,986	12,810	3,481,273	3,545,069		3,545,069
	1,613,118	400,289	4,730,439	6,743,846	4,412,600	11,156,446
Cemetery fund	275,050	24,002	99,202	398,254	7,000	405,254
Garbage and rubbish collection fund	316,352	3,900	2,201,474	2,521,726		2,521,726
Rental certification fund	138,210	4,530	29,251	171,991		171,991
Domestic Preparedness		6,250	6,250	12,500	112,500	125,000
OUIL		3,500	1,500	5,000	10,000	15,000
Drug law enforcement fund		5,000	1,000	6,000	40,000	46,000
Law enforcement fund		5,000		5,000		5,000
Enhanced 911 fund			75,000	75,000	25,000	100,000
Community development block grant	51,072	600	13,328	65,000	785,677	850,677
Neighborhood rehabilitation					100,000	100,000
Home program fund	26,166			26,166	235,493	261,659
Streetscape maintenance	648	470	57,882	59,000	11,000	70,000
Downtown development authority operating fund	65,000	20,000	167,000	252,000	100,000	352,000
Industrial park tax increment fund			1,585,000	1,585,000	50,000	1,635,000
Paper Company tax increment fund			670,000	670,000		670,000
Krafft-Holland tax increment fund			592,000	592,000	25,000	617,000
Peerless site tax increment fund			94,000	94,000	15,000	109,000
Harrington Hotel tax increment fund			25,000	25,000	131,000	156,000
Bank tax increment fund			30,000	30,000	258,000	288,000
Edison redevelopment tax increment fund			573,000	573,000	15,000	588,000
Water Street tax increment fund			541,000	541,000		541,000
Mainstreet tax increment fund			45,000	45,000	10,000	55,000
Industrial park expansion tax increment fund			347,000	347,000	50,000	397,000
Brownfield redevelopment tax increment fund			468,000	468,000		468,000
Beautification commission fund		6,570	730	7,300		7,300
TOTAL SPECIAL REVENUE FUNDS	2,485,616	480,111	12,353,056	15,318,783	6,393,270	21,712,053
ENTERPRISE FUNDS						
Marina fund	9,204	3,035	167,354	179,593		179,593
Land purchase fund			3,413,593	3,413,593	25,000	3,438,593
Parking fund	59,901	10,230	74,415	144,546		144,546

	Personal Services	Supplies And Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Water fund:						
Treatment plant	929,332	182,926	1,038,385	2,150,643	291,300	2,441,943
Distribution	731,213	166,577	507,233	1,405,023	5,152,700	6,557,723
Customer accounting	130,278	30,515	103,256	264,049		264,049
Meter reading	451,026	142,008	169,997	763,031		763,031
Debt service			3,025,000	3,025,000		3,025,000
	2,241,849	522,026	4,843,871	7,607,746	5,444,000	13,051,746
Wastewater fund:						
Treatment Plant	2,007,462	553,506	2,594,143	5,155,111	1,113,250	6,268,361
Collection, general	917,321	138,134	1,350,706	2,406,161	8,681,795	11,087,956
Collection system no. 1			215	215		215
Collection system no. 2	3,505	4,500	18,565	26,570		26,570
Collection system no. 3	5,019	1,500	26,675	33,194		33,194
Debt service			6,265,000	6,265,000		6,265,000
	2,933,307	697,640	10,255,304	13,886,251	9,795,045	23,681,296
TOTAL ENTERPRISE FUNDS	5,244,261	1,232,931	18,754,537	25,231,729	15,264,045	40,495,774
INTERNAL SERVICE FUNDS						
Central stores fund	12,587	41,200	81,684	135,471	10,000	145,471
Data Processing fund	487,042	78,450	192,552	758,044	44,905	802,949
Motor vehicle fund	787,394	382,619	903,384	2,073,397	1,010,302	3,083,699
Insurance and fringe benefit fund	9,270,000	500	993,000	10,263,500		10,263,500
TOTAL INTERNAL SERVICE FUNDS	10,557,023	502,769	2,170,620	13,230,412	1,065,207	14,295,619
TOTAL ALL FUNDS	$ 34,293,605	$ 2,789,618	$ 39,332,338	$ 76,415,561	$ 23,760,672	$ 100,176,233

SCHEDULE OF ESTIMATED EXPENDITURES
2009-2010

	Actual		Budget			
	2006-2007	2007-2008	2008-2009	2009-2010	Increase	Decrease
GENERAL FUND						
General Government:						
City council	$ 92,757	$ 69,588	$ 76,973	$ 69,155	$	$ 7,818
Charter commission				21,420	21,420	
City manager	346,632	345,258	303,083	262,117		40,966
Elections	85,520	69,783	80,922	94,054	13,132	
Finance and accounting	656,188	655,288	678,136	666,472		11,664
Income tax	298,561	361,694	311,340	312,076	736	
Assessor	420,717	389,908	386,574	331,178		55,396
Legal	271,267	265,061	290,465	116,000		174,465
Clerk	245,560	248,809	223,951	221,159		2,792
Personnel	303,149	299,668	313,707	313,168		539
Purchasing	41,189	40,830	42,519	37,868		4,651
Board of review	2,322	2,302	2,450	2,475	25	
Treasurer	202,413	219,297	215,850	195,597		20,253
Municipal office center	549,738	593,342	562,649	571,343	8,694	
Promotional	27,889	6,400	23,000			23,000
	3,543,902	3,567,228	3,511,619	3,214,082	44,007	341,544

SCHEDULE OF ESTIMATED EXPENDITURES
2009-2010

	Actual		Budget			
	2006-2007	2007-2008	2008-2009	2009-2010	Increase	Decrease
Public Safety:						
Police administration	$ 1,011,501	$ 973,374	$ 1,034,780	$ 1,066,237	$ 31,457	$
Detectives	968,236	905,964	946,856	1,002,794	55,938	
Patrol	4,940,745	4,947,488	5,226,122	5,460,377	234,255	
Communications	793,526	699,123	245,287	106,360		138,927
Fire	5,546,308	5,229,952	5,118,642	5,172,757	54,115	
	13,260,316	12,755,901	12,571,687	12,808,525	375,765	138,927
Public Works:						
Inspection	334,720	378,796	392,234	405,627	13,393	
Emergency Management	17,130	7,132	13,009	13,968	959	
Public works administration	206,874	208,205	210,579	215,983	5,404	
Engineering	223,614	224,692	328,855	326,737		2,118
Street lighting	698,308	689,969	721,516	717,681		3,835
Blight	127,603	83,591	114,972	128,221	13,249	
	1,608,249	1,592,385	1,781,165	1,808,217	33,005	5,953
Senior Citizens:						
Wastewater and water discounts	3,348	2,228	5,000	5,000		
Senior citizens transportation	14,503	15,280	12,404	12,404		
	17,851	17,508	17,404	17,404		
Recreation, Parks and Culture:						
Parks and Forestry	1,156,092	1,050,005	1,056,850	1,129,841	72,991	
Recreation	635,643	633,201	611,245	603,516		7,729
20th and Court pool	101,315	100,663	98,030	106,310	8,280	
Sanborn pool	133,337	120,060	114,551	117,281	2,730	
Lighthouse park	50,830	39,229	13,197	13,199	2	
Lakeside park	62,829	52,148	23,233	23,240	7	
Palmer park recreation center	124,047	116,059	121,307	121,256		51
Lightship	29,421	10,787	12,562	13,329	767	
McMorran complex	335,000	335,000	395,000	285,000		110,000
Library	8,000	8,000	8,000	8,000		
Museum	139,647	96,001	99,030	98,433		597
	2,776,161	2,561,153	2,553,005	2,519,405	84,777	118,377
Other Functions:						
Planning	269,290	211,866	199,912	178,938		20,974
Telephone service	24,006	20,261	25,166	24,366		800
Contingencies			1,627	40,000	38,373	
Insurance, health and safety	110,938	199,931	142,590	139,550		3,040
Taxes written off	449	242	5,000	15,000	10,000	
Demolitions	158	145	5,000	15,000	10,000	
	404,841	432,445	379,295	412,854	58,373	24,814
Subtotal	21,611,320	20,926,620	20,814,175	20,780,487	595,927	629,615
Public Improvements:						
Parks and recreation projects	3,071	23,639	130,000	140,000	10,000	
MOC Capital	341,871	163,039	395,000	729,000	334,000	
Other public improvement				120,000	120,000	
	344,942	186,678	525,000	989,000	464,000	
Subtotal	21,956,262	21,113,298	21,339,175	21,769,487	1,059,927	629,615

SCHEDULE OF ESTIMATED EXPENDITURES
2009-2010

	Actual		Budget			
	2006-2007	2007-2008	2008-2009	2009-2010	Increase	Decrease
Transfer to other funds:						
Cemetery fund	$ 204,000	$ 57,546	$	$	$	$
Beautification commission fund	3,300	3,300	3,300	3,300		
Wastewater fund	700,000	3,917,400	1,939,493	1,900,000		39,493
	907,300	3,978,246	1,942,793	1,903,300		39,493
TOTAL GENERAL FUND	22,863,562	25,091,544	23,281,968	23,672,787	1,059,927	669,108
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	5,022,023	3,596,170	9,420,252	6,036,015		3,384,237
Local streets	1,179,005	1,109,708	1,926,991	1,575,362		351,629
Municipal streets	2,701,983	3,054,458	3,886,486	3,545,069		341,417
	8,903,011	7,760,336	15,233,729	11,156,446		4,077,283
Cemetery fund	523,695	368,816	403,100	405,254	2,154	
Garbage and rubbish collection fund	2,010,241	2,131,503	2,481,534	2,521,726	40,192	
Rental certification fund	204,458	159,276	170,835	171,991	1,156	
Domestic preparedness fund	503,137		100,000	125,000	25,000	
OUIL fund	628	483	15,000	15,000		
Drug law enforcement fund	4,640	7,515	46,000	46,000		
Law enforcement fund	2,160	183	5,000	5,000		
Enhanced 911 fund	292,475	365,848	133,450	100,000		33,450
Community development block grant fund	1,170,185	815,708	850,677	850,677		
Neighborhood rehabilitation fund	145,779	237,016	100,000	100,000		
Home program fund	251,779	147,968	261,646	261,659	13	
Streetscape maintenance fund	28,633	60,954	70,000	70,000		
Downtown development authority operating fund	17,909	28,227	395,000	352,000		43,000
Industrial park tax increment fund	1,594,232	1,707,962	1,745,000	1,635,000		110,000
Paper Company tax increment fund	535,407	517,781	560,000	670,000	110,000	
Krafft-Holland tax increment fund	589,595	615,871	654,000	617,000		37,000
Peerless site tax increment fund	159,589	102,817	104,000	109,000	5,000	
Harrington Hotel tax increment fund			155,100	156,000	900	
Bank tax increment fund			240,000	288,000	48,000	
Edison redevelopment tax increment fund	530,164	546,598	573,000	588,000	15,000	
Water Street tax increment fund	969,916	521,855	541,000	541,000		
Mainstreet tax increment fund	46,268	48,241	45,000	55,000	10,000	
Industrial park expansion tax increment fund	235,471	364,374	392,000	397,000	5,000	
Brownfield redevelopment tax increment fund	379,123	391,722	457,000	468,000	11,000	
Beautification commission fund	7,450	6,224	7,300	7,300		
TOTAL SPECIAL REVENUE FUNDS	19,105,945	16,907,278	25,739,371	21,712,053	273,415	4,300,733
ENTERPRISE FUNDS						
Marina fund	716,718	854,003	201,769	179,593		22,176
Senior citizens housing fund	979,513	581,602	817,884			817,884
Land purchase fund	3,518,361	2,526,567	2,984,733	3,438,593	453,860	
Parking fund	185,203	210,700	228,131	144,546		83,585

SCHEDULE OF ESTIMATED EXPENDITURES
2009-2010

	Actual		Budget			
	2006-2007	2007-2008	2008-2009	2009-2010	Increase	Decrease
Water fund:						
Treatment plant	$ 1,858,173	$ 1,901,136	$ 2,431,646	$ 2,441,943	$ 10,297	$
Distribution	1,473,970	1,408,165	1,397,918	1,422,723	24,805	
Customer accounting	280,515	274,733	282,889	264,049		18,840
Meter reading	662,688	714,237	721,064	763,031	41,967	
Debt service	2,498,380	2,789,502	2,949,000	3,025,000	76,000	
Capital outlay	4,286,926	3,038,246	1,935,000	5,135,000	3,200,000	
	11,060,652	10,126,019	9,717,517	13,051,746	3,353,069	18,840
Wastewater fund:						
Treatment plant	4,857,328	4,704,063	5,905,161	6,268,361	363,200	
Collection, general	2,241,521	2,216,842	2,300,238	2,432,956	132,718	
Collection system no. 1	12	13	214	215	1	
Collection system no. 2	53,534	18,233	26,417	26,570	153	
Collection system no. 3	11,045	29,404	31,644	33,194	1,550	
Debt service	5,682,867	5,911,665	6,200,000	6,265,000	65,000	
Capital outlay	6,486,008	2,617,969	3,260,000	8,655,000	5,395,000	
	19,332,315	15,498,189	17,723,674	23,681,296	5,957,622	
TOTAL ENTERPRISE FUNDS	35,792,762	29,797,080	31,673,708	40,495,774	9,764,551	942,485
INTERNAL SERVICE FUNDS						
Central stores fund	123,376	133,814	150,404	145,471		4,933
Data Processing fund	938,642	754,577	875,940	802,949		72,991
Motor vehicle fund	2,189,465	2,577,501	2,882,912	3,083,699	200,787	
Insurance and fringe benefit fund	9,819,303	16,417,645	10,391,319	10,263,500		127,819
TOTAL INTERNAL SERVICE FUNDS	13,070,786	19,883,537	14,300,575	14,295,619	200,787	205,743
TOTAL ALL FUNDS	$ 90,833,055	$ 91,679,439	$ 94,995,622	$ 100,176,233	$ 11,298,680	$ 6,118,069

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 2009-10 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:

<u>Street Meters</u>
Various locations - converted and removed meters

<u>Metered Off Street Lots</u>
Various locations - converted and removed meters

(A schedule of parking fees, rates and charges is attached as City Clerk File #09-50)

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, 2009, 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, 2009, for a period not extending beyond March 1, 2010 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, 2009, 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, 2009, whichever is later, and

BE IT FURTHER RESOLVED, that the City Manager is hereby not authorized to grant non-union employees a salary adjustment, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute necessary employment agreements with key personnel consistent with this budget resolution, and

BE IT FURTHER RESOLVED, that the Capital Improvement Program for the 2009-2010 through 2013-2014 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No:	Councilmember McCulloch.
Absent:	None.

R-6. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the Government of the United States, through the Department of Homeland Security, has expressed their desire to locate border security cameras on top of the Municipal Office Center building; and

WHEREAS, a lease has been negotiated with the Government of the United States, through the Department of Homeland Security, for the location of border security cameras on top of the Municipal Office Center building;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached lease to the Government of the United States, through the Department of Homeland Security, for space on top of the Municipal Office Center building for the location of border security cameras and authorizes and directs the appropriate City Officials to execute said agreement. (See City Clerk File #09-50)

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No:	Councilmember Byrne.
Absent:	None.

R-7. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the American Recovery and Reinvestment Act of 2009 has provided additional funding sources for CDBG entitlement communities which shall be referred to as "CDBG-R"; and

WHEREAS, the City of Port Huron has been notified by the U.S. Department of Housing and Urban Development (HUD) that it may qualify for approximately $230,940 in additional CDBG-R funds; and

WHERAS, the City has also been notified that additional 2009 CDBG and HOME funds are available for eligible programs; and

WHEREAS, the City desires to obtain the additional funding resources and allocates them in the following eligible manner:

2008 CDBG-R	$207,940 - 21st Street Project (previously approved)
2008 CDBG-R	23,000 - Administrative expenses
2009 CDBG	13,961- Eligible neighborhood improvement programs
2009 HOME	29,281 - Down payment grants/homeownership programs; and

WHEREAS, the application for the CDBG-R funds must be submitted by June 5, 2009, for HUD's review and approval;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the appropriate City officials to submit and execute the required applications, certifications, and grant agreements to secure the additional 2008 CDBG-R, 2009 CDBG, and 2009 HOME funds from the U.S. Department of Housing and Urban Development.

Motion adopted unanimously.

On motion (7:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June, 8, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of May 26, 2009, were approved.

PRESENTATIONS

1. Dan Collins, Marina Division, gave a presentation on the canoe/kayak launch to be placed at the Desmond Marina (River Street Marina) in partnership with the St. Clair County Parks and Recreation Division and with assistance from Desmond Marine, L.L.C.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the Wastewater Treatment Plant Improvements Draft Project Plan of May 2009.

Bob Clegg, City Engineer/DPW Director, gave an overview of the project.

Ken Harris asked who is paying for the additional costs for the leachate from the county landfill going into our sewer system.

Darrin Rushing asked about the debt service, plant capacity and the impact on the plant if the population expands.

The Mayor declared the hearing closed and **Councilmember Lewandowski** moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, the State of Michigan offers low interest loans to assist local governments in financing the construction of Wastewater Treatment Plant Improvements projects under the State Revolving Fund (SRF) Loan Program; and

WHEREAS, a public hearing on the Draft Project Plan for the Wastewater Treatment Plant Improvements Project is a requirement of the SRF loan program and was held on June 8, 2009; and

WHEREAS, the Project Plan for the Wastewater Treatment Plant Improvements Project has been on file and available for public review for the past thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby adopts the Wastewater Treatment Plant Improvements Draft Project Plan of May 2009, and agrees to implement the selected plan, which is found to be the most readily implementable, environmentally sound, cost-effective and socially acceptable plan.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Richard Young, South Park Heritage Group, addressed the City Council regarding the proposed Lincoln Park plaza enhancements.

2. Margaret Enright, Port Huron, addressed the City Council regarding banning canoes and kayaks from the float down as they are dangerous if they run into individuals on inflatable rafts.

3. Carolyn McNeil, Port Huron, addressed the City Council regarding keeping the Lincoln Park name and keeping certain wording (boyhood home of Thomas Edison) on the welcome signs within the park.

4. Sharon Bender, Port Huron, addressed the City Council stating her opposition to changing the name of Lincoln Park and stated that the cable franchise agreement contract should be for five years instead of ten years**.**

5. Paul Schultz, Port Huron, addressed the City Council stating he will be a Council write-in candidate and he is opposed to changing the name of Lincoln Park.

6. Lynne Secory, Port Huron, addressed the City Council regarding the proposed Lincoln Park plaza enhancements and stated the proposed name change for this park has not been resolved yet.

7. Ken Harris, Port Huron, addressed the City Council and ask what benefits the City will get from the MDOT agreement (Res #5); stated his opposition to limiting the attorney service to just one unit of government (Res #8); and he spoke about the City's unemployment insurance.

8. Darrin Rushing, Port Huron, addressed the City Council and stated that the Court Street pool cell phone antennae installation should be used as an educational opportunity for students to learn how it will work; he stated his general concerns for the time frame and competitive pricing for the AT&T local/long distance contract; and he stated that the cable contract should be for a shorter duration of time.

CONSENT AGENDA

Councilmember Stevens moved to adopt the Consent Agenda items, seconded by Councilmember Fisher (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- June 9 – Charter Commission meets at 7 p.m. in Room 408
- June 11 – Taste of Port Huron
- June 13 – St. Clair County River Day
- June 13 – Flower Market at Vantage Point
- June 14 – Welkin Base Ball Club hosts Lincoln Tecumseh at 2 p.m. at Lincoln Park
- June 16 – *Bolt* playing on the big screen at Palmer Park at dusk
- June 18 – Taste of Port Huron
- June 19 & 20 – Studio 1219 hosts “Renaissance Art Roam”
- June 20 – Sunrise 5K run at YMCA at 6 a.m.
- June 20 – Destroyer Escorts Sailor Association’s Memorial Service at International Flag Plaza

COMMUNICATIONS & PETITIONS

***C-1.** Legal opinion regarding a proposed ordinance to allow customers with water lines 3" or less to install separate water-only meters for tracking water which is not returned to the wastewater treatment system.

Received and filed

FROM THE CITY MANAGER

CM-1. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Lewandowski:

On May 26, 2009, the City of Port Huron received one (1) qualified bid for the Roof Sump Separation project located at the DPW Streets building located at 1808 Bancroft Street:

Watson Brothers (Port Huron, MI) $17,000.40 *
* as corrected

It is recommended that the bid of Watson Brothers, 325 Court Street, Port Huron, Michigan, 48060 in the amount of Seventeen Thousand and 40/100 Dollars ($17,000.40) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Doorn:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

***R-2.** WHEREAS, costs totaling Nine Three Hundred Five and 35/100 Dollars ($9,305.35) have been incurred by the City of Port Huron for demolition proceedings on the following described property W 30 FT OF E 80 FT LOT 13 BLK 48 WHITE PLAT, further described as 605 Division Street, property no. 74-06-743-0635-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Nine Thousand Three Hundred Five and 35/100 Dollars ($9,305.35) for demolition proceedings of the structure at 605 Division Street is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

***R-3.** WHEREAS, costs totaling Ten Thousand Seven Hundred One and 35/100 Dollars ($10,701.35) have been incurred by the City of Port Huron for demolition proceedings on the following described property LOT 18 ASSESSOR'S PLAT OF GORDON AND KEAN LAND, further described as 1301 Lapeer Avenue, property no. 74-06-121-0018-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Ten Thousand Seven Hundred One and 35/100 Dollars ($10,701.35) for demolition proceedings of the structure at 1301 Lapeer Avenue is hereby confirmed and declared a single lot special assessment.

Adopted by consent.

***R-4.** WHEREAS, the Port Huron Housing Commission wishes to make application for the following grants:

- Elderly and/or Person with Disabilities, offered through the Department of Housing and Urban Development. No match is required. Maximum amount the Port Huron Housing Commission is eligible to apply for is $1,107,500.
- Public Housing Transformation, offered through the Department of Housing and Urban Development. No match is required. Maximum amount the Port Huron Housing Commission is eligible to apply for is $10,000,000.
- Creation of Energy Efficient Green Communities, offered through the Department of Housing and Urban Development. No match is required. Maximum amount the Port Huron Housing Commission is eligible to apply for is $1,107,500.

WHEREAS, a resolution was adopted by the City Council which requires their approval before the Housing Commission may accept or enter into agreements relating to one or more types of grants;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Port Huron Housing Commission to make application for the above described grants and accept and enter into agreements for any of the above grants they are successfully selected to receive.

Adopted by consent.

R-5. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, there has been a contract (#09-5151) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the removal and replacement of water main along the alignment of the existing State Street east of Gratiot Avenue to the alignment of Forest Street to south of Elmwood Street together with necessary requested work; and

WHEREAS, the City of Port Huron has worked with MDOT to realign several City streets to facilitate security measures at the Blue Water Bridge; and

WHEREAS, MDOT will use stimulus funding to reconstruct Gratiot, Forest and Elmwood Streets with the total estimated construction cost being $1,016,000.00; and

WHEREAS, the estimated cost for removal and replacement of water main within this project, including construction and engineering costs, is $139,200.00; 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 removal and replacement of water main along the alignment of the existing State Street east of Gratiot Avenue to the alignment of Forest Street to south of Elmwood Street together with necessary requested work; authorizes a local match of $139,200.00; and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #09-51)

Motion adopted unanimously.

R-6. Councilmember Fisher offered and moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the Blue Water Area Transportation Commission ("BWATC") 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 6, 2008 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 0.6214 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, 2008, through June 30, 2012; and

WHEREAS, the City of Port Huron has received a recommendation from the Blue Water Area Transportation Commission to levy 0.6214 mills 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, 2009, City levy) which recommendation is within the 0.6214 mills approved by the voters of the City of Port Huron; and

WHEREAS, the amount to be received from the levy of 0.6214 mills by the City of Port Huron, based on the 2009 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, 2009, through June 30, 2010;

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 6, 2008, 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, 0.6214 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, 2009, through June 30, 2009; and

BE IT FURTHER RESOLVED that said 0.6214 mills be levied on July 1, 2009; 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.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: None.

R-7. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the Community Foundation of St. Clair County, and through the support of the W.K. Kellogg Foundation, has an endowment fund named Access to Recreation which can help communities to address accessibility issues by designing, developing and building universally accessible recreation facilities for residents and guests of all ability; and

WHEREAS, using funding from Access to Recreation, the St. Clair County Parks and Recreation Commission, would like to partner with the City of Port Huron to install a canoe and kayak launch within the Desmond Marina (a/k/a River Street Marina); and

WHEREAS, the St. Clair County Parks and Recreation Commission would be responsible for providing the EZ dock based launch with ADA adaptive devices, promoting the use of the launch and providing technical upgrades to the launch; and

WHEREAS, if the City of Port Huron accepts the launch, the City would be responsible for the following:

- Provide public park site for launch
- Provide a safe route to launch in first year
- Provide an ADA accessible route to launch in second year
- Maintain the launch in good condition during its useful life
- Clean the launch regularly
- Remove the launch from the water in November
- Secure the launch after spring floods and ice flows
- Provide free access to the launch
- Provide liability and property damage insurance for the launch
- Provide launch sign recognizing the St. Clair County Parks and Recreation millage contribution and statement that the launch is open to everyone

WHEREAS, Desmond Marine, L.L.C., has been contacted and they are agreeable to assisting the City with the above-listed responsibilities; and

WHEREAS, a Memorandum of Understanding has been prepared between the St. Clair County Parks and Recreation Commission and the City of Port Huron which outlines the various aspects of the use and maintenance of the launch;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council, in partnership with the St. Clair County Parks and Recreation Commission, does hereby approve the attached Memorandum of Understanding for placement of a canoe and kayak launch at the Desmond Marina (a/k/a River Street Marina). (See City Clerk File #09-52)

Motion adopted unanimously.

R-8. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, as of July 1, 2009 the City of Port Huron's Legal Department will be eliminated; and

WHEREAS, it is necessary to contract with other entities to perform the duties and responsibilities of the office; and

WHEREAS, an agreement has been prepared between the City of Port Huron and St. Clair County and the St. Clair County Prosecuting Attorney for asset forfeiture services and ordinance prosecution services which will be provided by the St. Clair County Prosecuting Attorney and establishing compensation therefore;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached contract and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #09-53)

Motion adopted unanimously.

***R-9(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 2009-2010 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-9(b). WHEREAS, in accordance with the City Council resolution dated June 8, 2009, 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 2009-2010 fiscal year is $50,000.00.

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 #09-54).

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 2009-2010 fiscal year is estimated to be $50,000.00, of which $30,000.00 shall be spread over the special assessment district as hereinafter described, $20,000.00 will be provided from accumulated funds and none of which shall be paid as a general expense of the City.

R-9(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 2009-2010 fiscal year is estimated to be $50,000.00, of which $30,000.00 shall be spread over the special assessment district as hereinafter described, $20,000.00 will be provided from accumulated funds 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-9(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 7:00 p.m. on June 22, 2009, 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 2009-2010 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 June 22, 2009, at 7:00 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 June 22, 2009, 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.

Susan M. Child, 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 by consent Resolution 9(a) through 9(d).

R-10(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 2009-

2010 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-10(b). WHEREAS, in accordance with the City Council resolution dated June 8, 2009, 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 2009-2010 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 #09-55).

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 2009-2010 fiscal year is estimated to be $20,000.00, of which $17,500.00 shall be spread over the special assessment district as hereinafter described, $2,500.00 will be provided from accumulated funds and none of which shall be paid as a general expense of the City.

R-10(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 2009-2010 fiscal year is estimated to be $20,000.00, of which $17,500.00 shall be spread over the special assessment district as hereinafter described, $2,500.00 will be provided from accumulated funds 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-10(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 7:00 p.m. on June 22, 2009, 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 2009-2010 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 June 22, 2009, at 7:00 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 June 22, 2009, 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.

Susan M. Child, 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 by consent Resolution 10(a) through 10(d).

R-11. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the City's current agreement with AT&T for telephone services expires on September 21, 2009; and

WHEREAS, the existing and future telephone services were reviewed and it was determined that it would be advantageous to continue contracting with AT&T as they have demonstrated the ability to provide the entire range of services needed by the City; and

WHEREAS, a three-year agreement has been prepared with AT&T which will enable the City to achieve substantial annual savings as AT&T's pricing is based on the State of Michigan MI-DEAL program; and

WHEREAS, the agreement also provides for a Minimum Annual Revenue Commitment (MARC) in the amount of $39,800, which is the total amount of billings for service before any discounts are applied and is substantially less than the current commitment, and a three-year commitment for a digital (PRI) trunk service, and

WHEREAS, it is anticipated that yearly savings will be realized in local-long distance charges, monthly equipment rental charges and a reduction in Centrex lines required;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the three-year agreement with AT&T for local and long-distance telephone services and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #09-56)

BE IT FURTHER RESOLVED that James J. Brennan, Data Processing Manager, is hereby appointed as project coordinator and authorized representative for all aspects of the agreement.

Motion adopted unanimously.

R-12. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, Comcast of Michigan IV, LLC, a Colorado Limited Liability Company corporation, doing business as Comcast currently holds a City of Port Huron Cable Television Franchise pursuant to City Ordinance that provides a franchise fee of 5% of gross revenues; and

WHEREAS, said Franchise expires on June 30, 2009; and

WHEREAS, Public Act 480 of the Public Acts of 2006, MCL 484.3301, et seq., sets for the rules and requirements for video franchises in the State of Michigan; and

WHEREAS, Act 480 provides for a Uniform Video Service Local Franchise Agreement form developed by the State of Michigan, and

WHEREAS, Comcast has submitted a completed Uniform Video Service Local Franchise Agreement to provide video services within the City of Port Huron, and

WHEREAS, Act 480 provides that the video service Provider shall pay an annual video service provider fee to the Franchising Entity, if there is an existing Franchise Agreement, equal to the percentage of gross revenue paid by the current Provider or at the expiration of an existing Franchise Agreement an amount equal to the percentage of gross revenue established by the Franchising Entity, not to exceed 5%; and

WHEREAS, the City has 30 days from the time of submission of the Uniform Video Service Local Franchise Agreement by Comcast to approve the Uniform Video Service Local Franchise Agreement and determine the franchise fee; and

WHEREAS, Act 480 provides that failure to approve the Uniform Video Service Local Franchise Agreement and determine the franchise fee results in the Uniform Video Service Local Franchise Agreement being automatically approved without any franchise fee.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached Uniform Video Service Local Franchise Agreement, sets the franchise fee at 5% of gross revenue and authorizes the appropriate City Officials to execute said agreement. (See City Clerk File #09-57)

Motion adopted by the following vote:

Yes: Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Mayor Moeller.
Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Stevens** clarified that the Council has not approved any name change to Lincoln Park and that the individuals speaking during public audience were talking about park enhancements and not the name change issue.

2. **Mayor Moeller** (in jest) expressed thanks to those involved with training the squirrels to steal the flags as it brought national attention to our area. The Mayor also expressed best wishes to Mayor Pro-tem Fisher and his wife for their 16th wedding anniversary this week and expressed sympathy to John Livesay for the loss of his mother.

3. **Councilmember Byrne** expressed condolences to the family of Pat Hills who passed away recently and stated Mr. Hills did a lot for this community as the Silver Stick Tournament organizer.

4. **Mayor Pro-tem Fisher** mentioned Sunday, June 14, is Flag Day and stated the Welkin Base Ball Team will host the London Tecumseh's team from London, Ontario, on Sunday at Lincoln Park at 2 p.m. and stated that everyone should bring an American Flag to show our spirit. A short video of the Welkin Base Ball Team in action was also shown.

On motion (8:15 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 22, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.

Absent: Councilmember McCulloch.

The minutes of the regular meeting of June 8, 2009, were approved.

PRESENTATIONS

1. City Manager Bruce Brown introduced Tony Schifano, Executive Director, Office of Industrial Development and Mr. Schifano gave an overview of the plan to attract industry to Port Huron and that progress reports will be provided to the Council in the future.

2. Lee-Perry Belleau, Executive Director of Studio 1219, gave an update on the Port Huron Arts Incubator program and the numerous activities they are sponsoring at Studio 1219.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on 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 McMorran Boulevard) and for the purpose of reviewing said special assessment roll.

No one appeared to be heard.

The Mayor declared the hearing closed and **Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Stevens:

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 (½) 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 2009-2010 fiscal year, determines the estimated cost of maintaining said streetscape project to be $50,000.00, of which $30,000.00 shall be specially assessed, $20,000.00 will be provided from accumulated funds 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 $30,000.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0001 (See City Clerk File #09-54).

5. Payments on said special assessment roll shall be due and payable on or before July 31, 2009.

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.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

2. The Mayor announced that this was the time to hear comments on 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.

No one appeared to be heard.

The Mayor declared the hearing closed and **Councilmember Stevens** moved the adoption of the following resolution, seconded by Councilmember Fisher:

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 (½) 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 2009-2010 fiscal year, determines the estimated cost of maintaining said streetscape project to be $20,000.00, of which $17,500.00 shall be specially assessed, $2,500.00 will be provided from accumulated funds 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 $17,500.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0002 (See City Clerk File #09-55).

5. Payments on said special assessment roll shall be due and payable on or before July 31, 2009.

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.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

PUBLIC AUDIENCES

1. Margaret Enright addressed the City Council stating the Knowlton Ice Museum would be opening soon and that they are in need of used display showcases.

2. David Ellingwood addressed the City Council stating that the loud music played downtown causes a hazard for visually impaired persons because they cannot hear the traffic.

3. Mark Bessette on behalf of the McMorran Civic Center Authority, addressed the City Council and expressed thanks for the $100,000 contribution from the DDA budget.

4. Ken Harris addressed the City Council and thanked the Council for their industrial development vision and encouraged the public's attendance and City Council's attendance at the Charter Commission meeting on Tuesday evening.

5. Trina Avedisian addressed the City Council to express thanks to McMorran for helping with the Citizens for Vibrant Community Car Show Afterglow event to be held July 11 and stated the grand opening/ribbon cutting for Mike McCauley's food vending trailer on the Thomas Edison Parkway will be Wed., June 23.

6. John Anderson addressed the City Council on behalf of his sister regarding their need for additional time in order to demolish the home at 2505 Moak Street which was destroyed by a fire.

CONSENT AGENDA

Councilmember Lewandowski moved to adopt the Consent Agenda items, seconded by Councilmember Fisher (items are indicated with an asterisk).

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

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

<u>Upcoming events:</u>

- June 22-28 – Sam Kromer Singles Tennis Tournament at Sanborn Park
- June 23 – Charter Commission meets at 7:00 pm in Room 408
- June 23 – Journey to the Center of the Earth, Big Screen Movie at dusk at Lincoln Park
- June 25 – Taste of Port Huron
- June 27 – Port Huron Fireworks at Desmond Landing
- June 27 – Welkin Base Ball Club hosts Mt. Clemens, 2 p.m. at Lincoln Park
- July 2 – Taste of Port Huron
- July 3 – Lake Huron International Regatta
- July 3 – City offices will be closed for the 4th of July holiday
- July 7 – Close of voter registration for the August primary election if you're not already registered
- July 7 – Rockin' the Rivers – Port Huron Idol Contest at Keifer Park
- July 7 – Paul Blart, Mall Cop, Big Screen Movie at dusk at Crull School
- July 9 – Taste of Port Huron
- July 10 – Southside Cruise
- July 11 – Downtown Classis Cruise and Car Show
- July 11 – Tot Contest
- July 11-18 – Coast Guard Days
- July 11 – Coast Guard Days Softball Challenge, 10 a.m. at Pine Grove Park
- July 11-12 – USIRC Great Lakes Championship
- July 12 – Music Fest
- July 13 & 14 – Sidewalk Sale Downtown
- July 26 - South Park Heritage Reunion, Guadalupe Center

RESOLUTIONS

R-1. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the City of Port Huron wishes to encourage small business development within the City limits; and

WHEREAS, the Downtown Development Authority is currently providing business attraction and retention services to the DDA district; and

WHEREAS, currently there is no specific entity engaged to provide business attraction and retention services to areas outside the DDA District but within the City limits; and

WHEREAS, the Blue Water Area Chamber of Commerce is uniquely capable of providing such business attraction and retention services; and

WHEREAS, an agreement to provide business attraction and retention services within the City of Port Huron to areas outside the DDA District has been negotiated with the Blue Water Area Chamber of Commerce;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby retains the Blue Water Area Chamber of Commerce to provide small business attraction and retention services and incentive funding to businesses not served by the Downtown Development Authority and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #09-58.)

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

***R-2.** WHEREAS, Richard Young, on behalf of the South Park Heritage Group, has requested permission to construct a concrete and brick plaza to be located at the corner of Military Street and South Boulevard in Lincoln Park; and

WHEREAS, the plaza is being constructed to depict the historical importance of this South Park Neighborhood to the City of Port Huron; and

WHEREAS all costs associated with construction of the plaza will be paid for by the South Park Heritage Group; and

WHEREAS the design and installation of the plaza will be completed by the South Park Heritage Group with approval of the City's Parks Department;

NOW, THEREFORE BE IT RESOLVED that the Port Huron City Council approves the South Park Heritage Group Plaza Project and designates Robert W. Eick, Fire Chief as the point of contact for the City's Parks Department.

Adopted by consent.

***R-3.** WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 26, 2009, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year 2008 (April 1, 2008, through March 31, 2009) and;

WHEREAS, a copy of the CAPER has been provided 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 will be 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 2008 (April 1, 2008, through March 31, 2009), regarding the use of Community Development Block Grant (CDBG) and HOME funds, to the U.S. Department of Housing and Urban Development for their review and approval (See City Clerk File #09-57).

Adopted by consent.

R-4. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Doorn:

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 13, 2009, approving the tentative boundaries of a NEZ, finding the proposed NEZ to be consistent with its Master Plan, its Downtown Development Action Plan, stating its commitment to policies and programs which 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 resolving that properties within the NEZ applying for a NEZ Certificate will be inspected for compliance with applicable building, safety, and housing codes; and

WHEREAS, in accordance with the Act, a public hearing was held on May 11, 2009, to receive comments on the boundaries of the NEZ;

NOW, THEREFORE, BE IT RESOLVED that the properties located between Grand River Avenue, Huron Avenue, the Black River, and Erie Street, except those parcels adjoining Huron Avenue, consisting of 4.8 acres, are hereby designated as the City of Port Huron Quay Street Neighborhood Enterprise Zone;

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 the Quay Street NEZ, indicating the parcel code number and address to the Michigan State Tax Commission.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

R-5. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, the City of Port Huron and the County of St. Clair, through the County Department of Public Works (County DPW), entered into a filtered water service agreement dated October 16, 1968 for the County to receive water from the City and to supply water to Fort Gratiot Township; and

WHEREAS, the County DPW has requested that the filtered water service agreement be modified so that the City of Port Huron will directly bill Fort Gratiot Township and Fort Gratiot Township will directly pay the City of Port Huron for the quarterly water services; and

WHEREAS, an agreement has been prepared to modify the filtered water service agreement to call for such direct quarterly billings and payments between the City and Township starting with the quarter ending June 30, 2009 pursuant to the terms of the filtered water service agreement with all other terms and conditions of the original agreement remaining in full force and effect;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the St. Clair County Department of Public Works and Fort Gratiot Township for the direct billing and payment of quarterly water services between the City and the Township and authorizes the appropriate City officials to execute the agreement (See City Clerk File #09-60).

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

R-6. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the City of Port Huron is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels; and

WHEREAS, the City has asked the Michigan Department of Natural Resources (DNR) to assist with last year's costs to dredge the River Street Marina and the Fort Street Marina; and

WHEREAS, the DNR has authorized and has prepared an agreement for the City to receive reimbursement of up to 50% of the total project cost to dredge the River Street Marina and the Fort Street Marina in an amount not to exceed $37,379.50;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby approve the grant agreement with the Michigan Department of Natural Resources to receive reimbursement of up to 50% of the total project cost for the 2008 dredging of the River Street Marina and the Fort Street Marina and authorizing the appropriate City officials to execute said agreement (see City Clerk File #09-61);

BE IT FURTHER RESOLVED that the City does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of $37,379.50 to match the grant authorized by the department.
2. To maintain satisfactory financial accounts, documents and records and to make them available to the department for auditing at reasonable times.
3. To construct the facility improvements and provide such funds, services and materials as may be necessary to satisfy the terms of the agreement.
4. To insure that all premises, buildings and equipment-related procedures comply with all applicable state and federal regulations.
5. To establish and appoint Daniel Collins, Harbormaster, to regulate the use of the facilities constructed under this agreement to assure the use thereof by the public on equal and reasonable terms.
6. To enforce all state statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.
7. To comply with all terms of the agreement, including all terms not specifically set forth in the foregoing portions of the resolution.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

R-7. Councilmember Bryne moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, Arashi LLC (David Witt), 504-506 and 508-512 Quay Street, Port Huron, has applied for Neighborhood Enterprise Zone Rehabilitation Certificates as allowed under the authority of P.A. 147 of 1992, as amended; and

WHEREAS, the property (Parcel No. 74-06-298-0100-000) is within the Quay Street Neighborhood Enterprise Zone, which was designated as such on June 22, 2009, by the Port Huron City Council; and

WHEREAS, the applications meet the necessary criteria;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the applications from Arashi LLC (David Witt), 504-506 and 508-512 Quay Street, for Neighborhood Enterprise Zone (NEZ) Rehabilitation Certificates and authorizes the City Clerk to forward the applications to the State Tax Commission; and

BE IT FURTHER RESOLVED that the above certificates will be issued for the period of December 31, 2009, through December 31, 2018, the first six years consisting of a full abatement only on the increased value of the rehabilitated portion of a residential unit and the last three years a graduated payment that follows the formula outlined by the state act.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Stevens moved to appoint Cynthia A. Lane as the legal representative board member to the McMorran Civic Center Authority to fill Keith Zick's unexpired term of December 31, 2011, seconded by Councilmember Fisher.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski and Stevens.
No: None.
Absent: Councilmember McCulloch.

2. Mayor Moeller announced that a Special City Council meeting to enter into a closed session will be held on Monday, June 29, 2009, at 7:00 p.m. in Conference Room 408 to review a written legal opinion.

3. Councilmember Doorn thanked John Ogden, Mayor Moeller and Bruce Brown for attending the Chamber of Commerce's meeting which featured the President of the Michigan Chamber of Commerce as the guest speaker and he commended Mr. Brown on moving forward with the industrial development office.

4. Councilmember Byrne mentioned that the Sarnia fireworks will be held on July 1.

5. Councilmember Stevens commended Tony Schifano and Bruce Brown for stating that a quarterly update will be given concerning the industrial development office to give Council an opportunity to evaluate the progress.

6. Councilmember Fisher mentioned that the Welkin Base Ball Club will host BBC of Mount Clemens on Saturday, June 27, at 2 p.m. in Lincoln Park.

On motion (7:40 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 29, 2009, at 7:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Moeller at 7:05 p.m.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher and Lewandowski.

Absent: Councilmembers McCulloch and Stevens.

PUBLIC AUDIENCES

No one spoke.

MISCELLANEOUS BUSINESS

1. Pursuant to Section 8(h) of the Open Meetings Act, the City Council entered into a closed session for the purpose of discussing a written opinion of legal counsel. **Councilmember Fisher** moved to enter into closed session, seconded by Councilmember Lewandowski.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher and Lewandowski.
No: None.
Absent: Councilmembers McCulloch and Stevens.

On motion (7:48 p.m.), Council adjourned from closed session into regular session.

On motion (7:50 p.m.), Council adjourned.

JANEL K. OSTERLAND
Assistant to the City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 13, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.

Absent: Mayor Pro-tem Fisher.

The minutes of the regular meeting of June 22, 2009, and the special meeting of June 29, 2009, were approved.

PRESENTATIONS

1. Vickie Ledsworth, President of the Blue Water Area Chamber of Commerce, gave an update on Chamber activities. (See City Clerk File #09-62)

2. Karen Palka, Jeremy Semen, Richard DeShon provided information on the first annual Blue Water Film Festival to be held at the McMorran Place Theatre on October 10, 2009.

3. Kim Harmer, Planning Director, gave a presentation on the Urban Pioneer Program and the Neighborhood Stabilization Program. (See City Clerk File #09-63)

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, addressed the City Council regarding painting a mural on the façade in the 200 block of Michigan Avenue.

2. John Moldowan, Johnny Dog, welcomed the new food vendor, Mike McCauley, to the riverfront.

3. Anthony America addressed the City Council regarding a police incident in Thomas Edison Park.

4. Ross Kelley, Citizens for a Vibrant Community Group, addressed the City Council regarding last Saturday's Classic Car Afterglow event and expressed thanks to those that helped organize the event.

5. David Child and Ed Hunt addressed the City Council and submitted petition signatures asking for Council to consider placing a Porta Potti near the Blue Water Bridge and Freighter Fries concession wagon for the use of the people using the Thomas Edison Parkway (see City Clerk File #09-64)

6. Jason Sawyer, owner of Taurus Comics, addressed the City Council to ask if the City could trim the tree in front of his new store location at 712 Huron Avenue

7. Sharon Bender addressed the City Council stating the Lincoln Park Jazz Festival held last weekend was well attended and expressed thanks to the Recreation Department and the City staff for the work they do in helping organize this event and she thanked the SONS organization for also assisting to get work done in the area.

8. Angela Kelly addressed the City Council to express support of CDBG program dollars being used to assist families in crisis situations due to the economy and lost jobs.

9. Paul Pionk addressed the City Council to state the community needs to continue to think outside of the box to get businesses to locate here.

10. Mike Bodeis, President, Port Huron Landlord Association, addressed the City Council and stated there are too many rentals in Port Huron and encouraged demolition of homes beyond repair rather than letting landlords buy them and then turn around and rent the homes without doing the necessary repairs.

11. Paul Schultz addressed the City Council and stated support for the demolition of homes in disrepair.

CONSENT AGENDA

Councilmember McCulloch moved to adopt the Consent Agenda items, seconded by Councilmember Doorn (items are indicated with an asterisk).

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.
No: None.
Absent: Mayor Pro-tem Fisher.

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

Upcoming events:
- July 14 – Sidewalk Sale Downtown
- July 14 – Parade Gala
- July 14 – Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center
- July 15 – Rotary International Parade
- July 15-19 - Boats, Balloons & BBQ at Vantage Point
- July 16 – Rockin' the Rivers – Port Huron Idol at Keifer Park
- July 16 – Taste of Port Huron
- July 11-18 – Coast Guard Days
- July 18 – Black River Raft Off, St. Clair River Race
- July 22-26 – Annual Carnival
- July 23 – Family Night
- July 23-24 – Karaoke on the lawn by the Yacht Club
- July 24 – Boat Night
- July 25 – Bayview Yacht Club's Port Huron to Mackinac Sailboat Race
- July 25 – Dome Reunion
- July 25-27 – Francis J. Robinson Memorial International Tennis Tournament

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Liquor Control Commission that they have received an application from A & G Liquor Store, Inc., requesting transfer of ownership of 2009 SDD & SDM licenses from Michael George Smith located at 1921 Griswold, Port Huron, Michigan.

Received and filed.

RESOLUTIONS

R-1. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember McCulloch:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.
No: None.
Absent: Mayor Pro-tem Fisher.

***R-2.** WHEREAS, in October 2004 the City used Federal Emergency Management Agency (FEMA) grant funds to purchase Graphical Information System (GIS) computer software to be used in emergency preparedness, and is also used by the engineering, planning and assessing departments; and

WHEREAS, ESRI, Inc., 380 New York St. Redlands California, 92373-8100, is the single source company that provides the $6,700.00 per year maintenance which is required to be paid in order to receive periodic updates and enhancements to the software; and

WHEREAS, the annual software maintenance charge was included in the Data Processing Department budget for FY 2009-10;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes payment to ESRI, Inc., in the amount of Six Thousand Seven Hundred Dollars ($6,700.00) for the Graphical Information System software maintenance for the period of July 7, 2009, through July 6, 2010.

Adopted by consent.

R-3. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, the Michigan Department of Transportation (MDOT) has been developing a Final Environmental Impact Statement (FEIS) regarding their proposed project to make improvements to the Blue Water Bridge Plaza; and

WHEREAS, since 2002 the City has met with MDOT to express our concerns with the proposed project; and

WHEREAS, MDOT has worked with the City to develop a mitigation plan to address our concerns; and

WHEREAS, MDOT has included in the FEIS document their proposed efforts to mitigate the environmental impacts of this project on our community; and

WHEREAS, there are certain details of MDOT's mitigation efforts that must occur during the design and construction phase of the project; and

WHEREAS, MDOT and the City wish to utilize a Memorandum of Agreement to formalize the continuation of our successful partnership during the design and construction phases of the project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Memorandum of Agreement between the City and the Michigan Department of Transportation and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #09-65)

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.
No: None.
Absent: Mayor Pro-tem Fisher.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $927.21 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-66).

Adopted by consent.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $3,365.50 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #09-67).

Adopted by consent.

R-6. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the St. Clair County Treasurer's Office has notified the City of the availability of the following tax foreclosed properties located within the City of Port Huron:

74-06-743-0440-000 - 717 Division Street
74-06-743-0223-000 - Vacant Lot Pine Street
74-06-345-0122-000 - 2926 - 26th Street
74-06-324-0118-000 - 2523 - 18th Avenue; and

WHEREAS, in the past, the City of Port Huron has purchased such tax foreclosed properties and subsequently, through its partnership with the Port Huron Neighborhood Housing Corporation, has used the properties for rehabilitation (if feasible), demolition (if applicable) and construction of single-family dwellings for sale to first-time home buyers; and

WHEREAS, after purchase of the properties, the City agrees to sell them to the Port Huron Neighborhood Housing Corporation for the purpose of rehabilitation or creating new single-family dwellings;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby authorizes the purchase of the above tax foreclosed properties from the St. Clair County Treasurer in the total amount of Twenty-two Thousand, Four Hundred Thirty Three Dollars and 28/100 ($22,433.28), and authorizes the appropriate City officials to enter into and sign the necessary documents to purchase such properties;

BE IT FURTHER RESOLVED that upon acquisition of the properties the City Council authorizes the conveyance, by quit claim deed, of the City's interest in the above tax foreclosed properties to the Port Huron Neighborhood Housing Corporation for an amount equal to the acquisition price and any related costs incurred by the City.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: Mayor Pro-tem Fisher.

***R-7.** WHEREAS, Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (OPRA), provides the City with the ability to designate one or more parcels of land which are characterized by obsolete commercial or commercial housing property as a Obsolete Property Rehabilitation District; and

WHEREAS, designation of an OPRA District provides incentives for a developer to make significant improvements to a building thereby reinvesting in the community; and

WHEREAS, the City desires to pursue the establishment of an OPRA District for the property located at 503 Andrew Murphy Avenue (74-06-298-0140-000) legally described as: *Lots 1, 2, 10, 11, and 12, Block 18, Butler Plat,* City of Port Huron, St. Clair County;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for August 10, 2009, to hear comments on the establishment of the proposed Newman Center OPRA District. Notice of public hearing shall be published in the Times Herald not less than 10 days prior to the date set for public hearing, and written notification shall be mailed by certified mail to all owners of real property within the proposed district.

Adopted by consent.

***R-8.** WHEREAS, F A B NO 1 LLC has applied for an Obsolete Property Rehabilitation Exemption Certificate (OPREC) for the property at 503 Andrew Murphy Avenue; and

WHEREAS, as provided by Public Act 146 of 2000, as amended, a public hearing is required to be held on the application; and

WHEREAS, Act 146 states that the City Assessor and Legislative Body of each unit that levies taxes shall be notified of the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for August 10, 2009, to hear comments on the application of F A B NO 1 LLC for an Obsolete Property Rehabilitation Exemption Certificate; and

BE IT FURTHER RESOLVED that the City Clerk shall publish notice of the public hearing in the Times Herald not less than 10 days prior to the date set for public hearing and shall send notices of said public hearing to the following:

F A B NO 1 LLC
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 by consent.

R-9. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, on March 9, 2009, the City Council adopted Resolution #2 authorizing and approving the submission of the City's Fiscal Year 2009 Consolidate Plan to the U.S. Department of Housing and Urban Development (HUD) for their review and approval; and

WHEREAS, the City has been notified by HUD that the plan has been approved with grant assistance provided as follows:

Community Development Block Grant (CDBG)
Program: $866,521
HOME Investment Partnerships (HOME)
Program: $290,940; and

WHEREAS, additional funds were also made available to the City through the American Recovery and Reinvestment Act of 2009 thereby allowing for the opportunity to reallocate a percentage of the funding to additional programs; and

WHEREAS, the City desires to provide assistance to property owners for the demolition and clearance of dangerous structures, hazardous sidewalks, and the removal of blight conditions;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the reallocation of $90,000 in CDBG funds to the Neighborhood Preservation Program, and authorizes the appropriate City officials to submit and execute the required applications, certifications, and grant agreements required for the reallocation of the funds.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: Mayor Pro-tem Fisher.

***R-10.** WHEREAS, the Mayor has received a request to have Nern Street from 28th Street to 32nd Street renamed to John L. Portis Drive; and

WEHREAS, it is in the best interest of the community to hold a public hearing on this request to hear public comments from the citizens;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing for Monday, July 27, 2009 to hear comments on the request to have Nern Street from 28th Street to 32nd Street renamed to John L. Portis Drive.

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Lewandowski mentioned that on July 26 the South Park reunion and unveiling of plaza improvements will take place.

2. Councilmember Doorn thanked the City Manager and Toni Schifano for the status report and action plan for the Port Huron Industrial Park. He also commended the Recreation Department for their stepped up activities, such as Port Huron Idol and the additional concerts on the river.

3. Councilmember Byrne mentioned a lot is happening in the area and stated a lot of different groups have stepped up to organize various events, such as the Citizens for a Vibrant Community and the restaurants that held live concerts in their parking lots during Cruise Night, and stated that the City Council did not change the cruise route.

4. Mayor Moeller thanked the City Manager and Administration for the cost savings by putting an end to the severance packages and second pension plans.

5. Councilmember Stevens mentioned that she would like to see the City Council hold some type of summit or organized meeting, possibly in September, and invite the landlord association and residents to attend to hear their opinions on what the City might be able to do to help with housing needs.

On motion (8:35 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 27, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.

Absent: Mayor Pro-Tem Fisher.

The minutes of the regular meeting of July 13, 2009, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the request to have Nern Street from 28th Street to 32nd Street renamed to John L. Portis Drive.

Letters of support from Rev. Roger D. Carson, Jr. and Anita R. Ashford and a letter from Genevieve Wojak stating objections to the renaming were read into the record (see City Clerk File #09-68). Yvonne Malachi spoke in favor of the renaming and she relayed comments of support from Dr. Nettie Walker-Wood who was unable to attend. Rev. Juanita Compton spoke in support of the renaming and on behalf of her mother-in-law Dolly Compton. The following individuals spoke in favor of renaming the entire street: Audrey Pack, Armstead Diggs, Margaret McMillan, Sharon Bender, Anthony America, David Ellingwood and Paul Schultz.

The Mayor declared the hearing closed and **Councilmember Doorn** moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, Mayor Moeller has received a request to have Nern Street from 28th Street to 32nd Street renamed to John L. Portis Drive; and

WHEREAS, an initial survey of the residents located in this area show there is support for this renaming; and

WHEREAS, the City Council scheduled a public hearing for July 27, 2009, and affected property owners and registered voters were notified that Council would be receiving comments on this matter and would be considering the name change at this meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes that Nern Street from 28th Street to 32nd Street be renamed to John L. Portis Drive.

Discussion was held on whether to rename the entire street or just the portion listed in the resolution. **Councilmember Byrne** moved to postpone action on the resolution until the next meeting, seconded by Councilmember Lewandowski.

Motion was adopted by the following vote:

Yes: Councilmembers Byrne, Lewandowski, McCulloch and Stevens.
No: Mayor Moeller; Councilmember Doorn.
Absent: Mayor Pro-tem Fisher.

PUBLIC AUDIENCES

1. Dave Klinesteker, Thomas Edison Inn management team, addressed the City Council to request that the license for the French Fry shack on Thomas Edison Parkway not be approved for next year as brides and guests have complained about the carnival-style atmosphere that has been created.

2. Margaret Enright, Sherman Street, addressed the City Council regarding tall weeds adjacent to her property that need to be cut down but she is unsure who owns the property.

3. Ken Harris, Wells Street, addressed the City Council expressing support for the Black River Café liquor license, asked about the status of the separate water meter issue for businesses and stated the Charter Commission has a proposal pending to remove from the charter the right by citizens to petition city government.

4. Dick Cummings, Avoca, addressed the City Council and stated that he concurs with Councilwoman Stevens' position on the rental issue and that she is aware of the situation as she served for 15 years as the Executive Director of the United Way and served thousands of people. Also, as President of the AFL-CIO Labor Council, their council has sent a letter to the Charter Commission to express support for changing to districts for electing Councilmembers.

5. Shirley Tillman-Watson, addressed the City Council and stated the names of several community members whom she felt deserved to be recognized as heroes and submitted a conceptual drawing of a Knox Field pavilion building (see City Clerk File #09-71).

6. Paul Schultz, Beard Street, addressed the City Council regarding the upcoming primary election and stated the Rotary parade was fun this year.

7. Jason Sawyer, owner/operator of Taurus Comics, addressed the City Council to express thanks to everyone for taking care of the tree situation in front of his store so quickly.

8. Mike Bodeis, President, Port Huron Landlord Association, addressed the City Council regarding reducing the number of rental units in the city and encouraged Council to stop the construction and renovation of low income housing and use CDBG funds to demolish homes in disrepair.

CONSENT AGENDA

Councilmember Lewandowski moved to adopt the Consent Agenda items, seconded by Councilmember Doorn (items are indicated with an asterisk).

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.
No: None.
Absent: Mayor Pro-tem Fisher.

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

Upcoming events:

- July 28 – Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center

- July 29 – Candidates Night at City Hall at 7 p.m.
- July 30 – Rockin' the Rivers – Port Huron Idol Contest Finals, East Quay Street area
- July 30 – Taste of Port Huron
- July 31-Aug. 2 – Blue Water Music Festival at Vantage Point
- Aug. 1 – Open Pottery Days, Studio 1219
- Aug. 1 & 4 – Farmers Market @ Vantage Point
- Aug. 2 – Welkin Base Ball Club hosts the Rochester Grangers at 2 p.m. @ Lincoln Park
- Aug. 2 – Plaque dedication ceremony for Reverend John L. Portis @ Heritage Park on the Quay at 3 p.m.
- Aug. 4 – City Council Primary Election, polls are open from 7 a.m. to 8 p.m.
- Aug. 4 – *Bedtime Stories* big screen movie at Optimist Park beginning at dusk
- Aug. 6 – Rockin' the Rivers Summer Concert Series, Fifty Amp Fuse, Kiefer Park along the river,
north of the Municipal Office Center from 5 p.m. to 9:30 p.m.

COMMUNICATIONS & PETITIONS

***C-1.** Receive and file the notification from the Michigan Liquor Control Commission that they have received an application from Walgreen Co. (an Illinois Corporation) requesting a new SDM license to be located at 3990 – 24th Avenue

Received and filed by consent.

FROM THE CITY MANAGER

CM-1. Councilmember McCulloch moved the adoption of the following City Manager's recommendation, seconded by Councilmember Byrne:

On July 15, 2009, the City of Port Huron received six (6) bids for the Cedar Street and Water Street sewer repairs:

L & J Construction, Inc. (Lakeport, MI)	$128,323.00
Boddy Construction. Co., Inc. (Port Huron Twp. MI)	$132,360.54
Pamar Enterprises, Inc. (New Haven, MI)	$176,000.00
Murray Underground Systems, Inc. (Fort Gratiot, MI)	$229,851.00
Zito Construction (Grand Blanc, MI)	$238,611.90
T. R. Pieprzak Co., Inc. (China Twp. MI)	$256,306.04

It is recommended that the bid of L & J Construction, Inc., 6640 Lakeshore Road, Lakeport, Michigan 48059 in the amount of One Hundred Twenty-Eight Thousand and Three Hundred Twenty-Three 00/100 Dollars ($128,323.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.
No: None.
Absent: Mayor Pro-tem Fisher.

RESOLUTIONS

***R-1.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $152.62 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-69).

Adopted by consent.

***R-2.** 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 2009 has been called for on Tuesday, September 15 through Thursday, September 17, 2009, at the Amway Grand Plaza Hotel, Grand Rapids, Michigan; and

WHEREAS, the City Clerk has certified the name of John Zielke as the employee delegate and Jana Schultz, 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 James J. Brennan as the officer alternate, in accordance with the recommendation of the City Manager.

Adopted by consent.

R-3. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, there has been a contract (#09-5414) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction of Riverside Drive from Garfield Street to Mansfield Street; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the American Recovery and Reinvestment Act; and

WHEREAS, the Federal participation ratio for eligible cost items is 100%; and

WHEREAS, the total estimated eligible cost of $445,100 is to be shared as follows:

Federal Aid	$445,100
City	$ 0.00
	$445.100

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 of Riverside Drive from Garfield Street to Mansfield Street; and all together with necessary related work; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #09-70)

Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski, McCulloch and Stevens.
No: None.
Absent: Mayor Pro-tem Fisher.

***R-4.** WHEREAS, the Michigan Liquor Control Commission has received a request to transfer ownership of a 2009 Class C licensed business with dance permit, located in escrow at 1229 Seventh, from Catch 22, LLC, to Stevens Block-Black River Café Development Company, LLC, and to transfer the location to 213 Huron Avenue;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application of Stevens Block-Black River Café Development Company, LLC, 213 Huron Avenue, to transfer ownership of a 2009 Class C licensed business with dance permit be recommended for issuance by the Michigan Liquor Control Commission.

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Stevens requested that a work session be scheduled for next month on the rental housing topic to learn what is happening, what are the ramifications and to gather information from other outside agencies on their issues. A date for the meeting will be worked on through the City Manager's office.

2. Mayor Moeller mentioned he attended the Michigan Patriot Guard Heroes Ride ceremony at the International Flag Plaza on Sunday. He stated the group raises funds for fallen and wounded soldiers and they also stand at funerals to provide a barrier between family members and protesters.

3. Bruce Brown, City Manager, mentioned that he visited the Knowlton Ice Museum this past weekend with two couples who were visiting from the west side of the state. He encouraged folks to attend this amazing museum located in our downtown area as it has a lot of ice artifacts and interesting information.

On motion (8:10 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 10, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of July 27, 2009, were approved.

PRESENTATIONS

1. Joe Vito, President of the Port Huron Neighborhood Housing Corporation, gave a PowerPoint presentation on their program (see City Clerk File #09-72).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the establishment of the proposed Newman Center Obsolete Property Rehabilitation Act District.

No one appeared to be heard.

The Mayor declared the hearing closed and **Councilmember Byrne** moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, pursuant to Public Act 146 of 2000, the City of Port Huron has the authority to establish Obsolete Property Rehabilitation Act (OPRA) Districts within the City of Port Huron; and

WHEREAS, on July 13, 2007, the City Council adopted Resolution #7 scheduling a public hearing for August 10, 2009, to receive comments on the establishment of an OPRA District for property located at 503 Andrew Murphy Drive (Newman Center), legally described as: *Lots 1, 2, 10, 11, and 12, Block 18, Butler Plat,* City of Port Huron, St. Clair County, Michigan; and

WHEREAS, the Port Huron City Council sets forth a finding and determination that the district meets the requirements set forth in Section 3(1) of Public Act 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement on July 18, 2009, in The Times Herald; and

WHEREAS, on August 10, 2009, a public hearing was held and all residents and taxpayers of the City were afforded an opportunity to be heard thereon and after due consideration, the City Council deems it to be in the public interest of the City of Port Huron to establish the Newman Center OPRA District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Huron that the above-described parcel of land located at 503 Andrew Murphy Drive, City of Port Huron, St. Clair County, and State of Michigan, is hereby established as an Obsolete Property Rehabilitation Act District pursuant to the provision of Public Act 146 of 2000, to be known as the Newman Center OPRA District.

Motion adopted unanimously.

2. The Mayor announced that this was the time to hear comments on granting an Obsolete Property Rehabilitation Act exemption for the real property located in the Newman Center OPRA District at 503 Andrew Murphy Avenue, for a period of six (6) years beginning December 31, 2009 and ending December 30, 2015.

No one appeared to be heard.

The Mayor declared the hearing closed and **Councilmember Lewandowski** moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, pursuant to P.A. 146 of 2000, as amended, the City of Port Huron is a Qualified Local Governmental Unit and is eligible to establish one or more Obsolete Property Rehabilitation Act (OPRA) Districts; and

WHEREAS, after a public hearing held on August 10, 2009, the City legally established the Newman Center OPRA District for property located at 503 Andrew Murphy Drive, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, the taxable value of this exemption plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 equals 5.13% and the City of Port Huron finds that exceeding 5% of the total taxable value of property within the City will not substantially impede the operation of the City or impair the financial soundness of affected taxing units; and

WHEREAS, FAB No 1, LLC has submitted an application to the City Clerk for an OPRA Exemption Certificate and it is found that:

- FAB No. 1, LLC is not delinquent in any taxes related to the facility
- FAB No 1, LLC has provided all required items listed under the application instructions to the City
- the application is for obsolete property as defined in Section 2(h) of the P.A. 146 of 2000, as amended
- rehabilitation of this facility, as covered by this exemption, had not begun prior to August 10, 2009, the date the Newman Center OPRA District was legally established
- the application relates to a rehabilitation program that, upon completion, constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000, as amended, and is situated within an OPRA District
- completion of the rehabilitation facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood of increasing commercial activity, of creating and/or retaining employment, and of revitalizing an urban area
- the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by Section 2(1) of P.A. 146 of 2000, as amended; and

WHEREAS, the application was approved at a public hearing on August 10, 2009, as provided by Section 4(2) of P.A. 146 of 2000, as amended, allowing a period of six (6) months for completion of the rehabilitation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Huron that FAB No 1, LLC is hereby granted an Obsolete Property Rehabilitation Act exemption for the real property located in the Newman Center OPRA District at 503 Andrew Murphy Avenue, for a period of six (6) years, beginning December 31, 2009, and ending December 30, 2015, pursuant to the provisions of P.A. 146 of 2000, as amended.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Ken Harris addressed the City Council stating support for the County Parks & Recreation operating the Fort Gratiot Lighthouse and supports working toward the promotion of home ownership rather than renting.

2. Joanne Rumford addressed the City Council and referenced numerous items and newspaper articles and asked Council to keep an open mind about low income housing.

3. Margaret Enright addressed the City Council and mentioned several upcoming events and thanked Kim Harmer and her department for the cleanup of blighted areas in her neighborhood.

4. Bernard Ellery addressed the City Council regarding rental issues and several situations he has encountered with the nearby shelters.

5. Darrin Rushing addressed the City Council to ask if community service workers could do the work entailed in the bid for removal of logs & brush at the Parks/Forestry/Cemetery warehouse and asked about the future care and restoration of the Fort Gratiot Lighthouse.

6. Robert Weinert addressed the City Council regarding making more housing available to those who have been affected by the current economic situation.

7. Diana Maxwell addressed the City Council and stated the City should find out what makes the City desirable or undesirable to potential renters or homeowners.

CONSENT AGENDA

Councilmember Fisher moved to adopt the Consent Agenda items, seconded by Councilmember Doorn (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- Aug. 11 - Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center
- Aug. 13 – Rockin' the River, *The Randy Brock Group*, 5-9 p.m. in Kiefer Park
- Aug. 14-16 – Antique Yard Sale Trail along M-29 from 8 to 5 p.m.
- Aug. 14-16 – Majestic Quilt Trail and Grand River Avenue Street Fair
- Aug. 16 – Port Huron Float Down starts at Lighthouse Beach at 11 a.m.
- Aug. 20 – Rockin' the Rivers @ 4:30, main act performance by *Red Hill* at 7:00 p.m. at Kiefer Park

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Liquor Control Commission that they have received an application from Walgreen Co. (an Illinois Corporation) requesting a new SDM license to be located at 1617 Tenth Street.

Received and filed by consent.

BOARDS & COMMISSIONS

***1.** We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, August 5, 2009, meet in the County Clerk's Office, 201 McMorran Boulevard, Port Huron, Michigan, and did publicly canvass the results of the City of Port Huron Primary Election held on Tuesday, August 4, 2009. The results of the canvass of said election are as follows:

Total # of voters:	1,769
Anthony America	134
Sherry L. Archibald	594
Mark A. Byrne	651
Martin Doorn	819
James M. Fisher	797
Ken Harris	618
Alan Lewandowski	866
Irene Michels	309
Steve Miller	945
Brian J. Moeller	775
B. Mark Neal	809
Chad C. Noetzel	427
Edison J. Palmer, Jr.	242
Pauline M. Repp	1,173
Domingo A. Ruiz	745
Darrin R. Rushing	169

Candidates Archibald, Byrne, Doorn, Fisher, Harris, Lewandowski, Michels, Miller, Moeller, Neal, Noetzel, Palmer, Repp, Ruiz having received the highest number of votes cast do hereby advance to the Port Huron City Council November general election.

ST. CLAIR COUNTY BOARD OF COMMISSIONERS:
/s/ Loretta Johnson /s/ William D. Emery
/s/ Mary J. Sams /s/ Marilyn Dunn

DATED: August 5, 2009

Received and filed by consent.

FROM THE CITY MANAGER

CM-1. Councilmember McCulloch moved the adoption of the following City Manager's recommendation, seconded by Councilmember Byrne:

The City has received three (3) proposals to remove logs and brush located at the Parks/Forestry/Cemetery Warehouse, 3663 Tenth Avenue:

S.A. Torello, Inc. (Port Huron Township, MI)	$13,000.00
Mid-Michigan Recycling (Flint, MI)	$13,250.00
Morgan Excavating (North Street, MI)	$14,000.00

It is recommended that the proposal of S.A. Torello, Inc., 3500 Dove Road, Port Huron, Michigan 48060, in the amount of Thirteen Thousand and 00/100 Dollars ($13,000.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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, 2009. 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 by consent.

RESOLUTIONS

R-1. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, in October 2005, the City received notification from the federal government that our application to receive ownership of the Fort Gratiot Light Station property and various buildings on site, the subsequent restoration and the planned use of the property was accepted; and

WHEREAS, the City was awarded a grant from the National Parks Service in the amount of $394,115 to assist in financing the restoration project, and

WHEREAS, to date the total outlays under the grant are $73,940 with the federal authorized share being $23,500; and

WHEREAS, the City of Port Huron, is committed to the restoration of the Light Station itself as an important historical asset to our community; and

WHEREAS, Port Huron can no longer handle the financial burden of restoring the other six buildings on the site; and

WHEREAS, St. Clair County is in a better position to accomplish the restoration due to their special Parks and Recreation millage;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves St. Clair County assuming the restoration of the Fort Gratiot Light Station property and various buildings onsite as required, with the following conditions:

1. The City of Port Huron will cooperate fully in the successful completion of this project.
2. The City Council will appoint a representative to serve on a special advisory committee to oversee and coordinate this project.
3. The City agrees to transfer the remaining amount (approximately $370,000) of the Federal Save America’s Treasures Grant for this purpose.

Motion adopted unanimously (see additional motion below).

Councilmember Doorn moved to appoint Mayor Pro-tem Fisher to serve as the City Council’s representative on a special advisory committee to oversee and coordinate St. Clair County assuming the restoration of the Fort Gratiot Light Station property, seconded by Councilmember McCulloch. Motion adopted unanimously.

NOTE: The above motion was handled later in the meeting; however, it is shown here for continuity as the appointment relates to the Fort Gratiot Light Station transfer to the County as authorized in Resolution No. 2.

R-3. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, in October 2005, the City received notification from the federal government that our application to receive ownership of the Fort Gratiot Light Station property and various buildings on site, the subsequent restoration and the planned use of the property was accepted; and

WHEREAS, the City of Port Huron, is committed to the restoration of the Light Station itself as an important historical asset to our community; and

WHEREAS, St. Clair County is in a better position to accomplish the restoration due to their special Parks and Recreation millage;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves making a one-time grant to St. Clair County in the amount of $370,000 to be applied to the restoration of the Fort Gratiot Light Station itself.

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch.
No:	Councilmembers Byrne and Stevens.
Absent:	None.

R-4. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the Michigan Department of Transportation (MDOT) has found that contracting with local municipalities for the maintenance of State trunklines and bridges within its jurisdictions is in the best public interest; and

WHEREAS, an agreement has been prepared which authorizes MDOT to contract with the City of Port Huron for the construction, improvement, and/or maintenance of State trunkline highways for the period October 1, 2009 to September 30, 2014.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the Michigan Department of Transportation for maintenance of the State trunklines and bridges for the period October 1, 2009, to September 30, 2014, and authorizes the appropriate City officials to execute the agreement;

BE IT FULLY RESOLVED that Robin L. Berry, Streets Superintendent, is designated as the Maintenance Superintendent on sections of State trunkline highways (see City Clerk File #09-73).

Motion adopted unanimously.

***R-5.** 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 single lot special assessments in the total amount of $4,106.25 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #09-74).

Adopted by consent.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $1,255.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #09-75)

Adopted by consent.

R-7. Councilmember Doorn moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, Mayor Moeller has received a request to have Nern Street from 28th Street to 32nd Street renamed to John L. Portis Drive; and

WHEREAS, an initial survey of the residents located in this area show there is support for this renaming; and

WHEREAS, the City Council scheduled a public hearing for July 27, 2009, and affected property owners and registered voters were notified that Council would be receiving comments on this matter and would be considering the name change at this meeting;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes that Nern Street from 28th Street to 32nd Street be renamed to John L. Portis Drive.

Motion adopted unanimously.

***R-8.** WHEREAS, the Michigan Liquor Control Commission has received a request from Smith Nichols Investment Corporation to transfer location of 2009 B-Hotel licensed business (in escrow) from 1229 Seventh to 409 Quay and to request a transfer classification to a Class C license;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application of Smith Nichols Investment Corporation to transfer location of 2009 B-Hotel licensed business (in escrow) from 1229 Seventh Street to 409 Quay Street and to transfer classification to a Class C license be recommended for issuance by the Michigan Liquor Control Commission.

Adopted by consent.

R-9. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, a request has been received for a special approval use permit to operate a family child care home (six or fewer children) at 1128 Wall Street, legally described as *Lot 6, Block 137, Wells' Pla*t, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, on August 4, 2009, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 6 ayes; 0 nays; 2 absent; 0 abstained; 1 vacancy), contingent upon the applicant providing proof of state licensing

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit for a family child care home (six or fewer children) at 1128 Wall Street, contingent upon the applicant providing proof of state licensing.

Motion adopted unanimously.

***R-10.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #09-001, 2312 - 15th Street (see City Clerk File #: 09-76) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lot 12, Block 3, John Nern's Beard Street Plat; 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, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, 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, Section 10-211, 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 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 RESOVLED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on September 14, 2009, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, 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 record, 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 (10) 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, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

***R-11.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #09-002, 1433 Beard Street (see City Clerk file #: 09-77) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lot 9, Block 3, John Nern's Beard Street Plat; 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, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, 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, Section 10-211, 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 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 September 14, 2009, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, 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 record, 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 (10) 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, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

***R-12** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #09-004, 1136 Lapeer Avenue/702-704 12th Street, (see City Clerk File #: 09-78) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lot 7, except south 113.06 feet, Block 141, White Plat; 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, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, 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, Section 10-211, 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 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 September 14, 2009, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, 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 record, 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 (10) 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, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

NOTE: Council recessed at 7:57 p.m. and reconvened at 8:10 p.m. in Conference Room 408.

MISCELLANEOUS BUSINESS

Councilmember Stevens began by stating that the purpose for the discussions was to gather information on what are the rental housing issues, what can be done to resolve the issues and what process should be followed to address the current and foreseeable problems in the future.

Kim Harmer, Planning Director, gave an overview of the blight and rental inspection ordinances, the progression of the ordinances over the last ten years, the 2000 Census percentages of rentals versus homeowners and the current figures and a review of the lengthy timeframe required to resolve difficult blight violations and code case enforcements.

The following members from the community were given an opportunity to speak on the topic:

Mike Bodeis, President, Port Huron Landlords Association, stated he supports the rental inspection and blight ordinances which have assisted with cleaning up the town in the past; supports tearing down rundown homes and selling the property to adjacent homeowners; supports the need to eliminate the flow of nonresidents coming to this area and using all of the free programs and services.

Joanne Rumford, Parkway Drive, has been a renter for the last 14 years and stated that being able to rent has helped her since she became disabled.

Pauline Foster, 10th Avenue, stated she has lived here for 54 years and rental housing has helped her when she became disabled and her home was foreclosed upon.

Bernard Ellery, 6th Street, suggested the blight inspectors be paid on a commission basis and that landlords should be charged extra for the right to have rentals or be required to put up a $1,000 bond.

Craig Matthews expressed thanks to Council for doing a tough job. He stated he purchased a home in 2005 and has had issues over the years with a rental home and a foreclosed home that abuts his property and that he had to put up a privacy fence because of the issues.

Ken Harris stated he attended a County Commissioner’s meeting last week and the discussions focused on what to do about the homeless shelter on Stone Street closing rather than what could be done for all of those individuals who have lost their jobs. He also stated some homes should not be rehabilitated.

Dick Cummings from the United Way stated that there should be more regulations or tighter controls on the organizations/ agencies starting programs here, such as a six-month residency requirement before receiving assistance.

Jenny Macready from Safe Horizons stated that it costs less for society to house those requiring services, such as those individuals suffering from substance abuse and mental health issues, than to not provide housing and provided their statistics on the reductions in hospital stays/visits and police bookings.

Kathleen McCready stated that the larger rental homes are difficult for renters to stay in due to the higher utility costs and agreed that houses and rentals in disrepair should be dealt with more aggressively if they have ten or more complaints.

Tom Leavitt mentioned that he was the landlord of the unit shown earlier in the meeting and that a fire had occurred in the rental and it was three days before he was made aware of it. There needs to be better communication between the landlord and police and fire.

Jean Webb, Military Street, sent an e-mail message stating she was unable to attend the meeting. She suggested that the income tax be eliminated and property taxes lowered in order to have a better change of bringing not only people to live in the City but businesses to invest in the City, therefore increasing the tax base (see City Clerk File #09-79).

Discussion by City Councilmembers followed and some of the items mentioned included:

- Supports rehabilitation of older homes rather than bulldozing neighborhoods. We need to find the right buyers to turn rentals back into single-family homes. This would also go along with providing support to local supply businesses which could help to keep people employed.

- Are there tax incentives that can be given to homeowners who purchase and repair foreclosed homes?

- Are there a lot of homes that need to be removed or can neglect cases be handled more timely?

- Could stronger code laws be implemented to encourage change? Bay City example given wherein the backyard was removed to provide the necessary parking spaces.

- Housing values have decreased and should these properties be acquired and removed since the rehabilitation costs do not match the value of the homes.

- A stronger partnership with the Port Huron Neighborhood Housing Association (PHNHA) should be pursued.

- The tax base is slipping, housing stock is being reduced and we are not able to provide the necessary services for those who need it. Should increased standards be implemented?

- Most landlords are not from this community and some don’t care about the issues within these neighborhoods. Should stricter ordinances be enacted for these absentee landlords?

It was the general consensus of the Council that the following areas be explored:

- Strengthen the rental and blight ordinances.

- Build a stronger partnership with the Port Huron Neighborhood Housing Corporation.

- Receive input from local real estate agents to find out what potential buyers consider are the most desirable and undesirable attributes of living here.

- Improving communications between landlords and fire and law enforcement.

On motion (9:30 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 24, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of August 10, 2009, were approved.

PRESENTATIONS

1. Mark Bessette, Chairman of the McMorran Civic Center Authority Commission, introduced the Authority and Kinney Management Group (KMG) members in attendance (Don Stoner, Bob Lahiff, Fred Kinney, David Goetze and Larry Kinney), and with Randy Fernandez, McMorran's General Manager, presented the Authority's quarterly report and provided an overview of the proposed Joint Operating Model agreement with KMG. (See City Clerk File #09-80 for a copy of the presentation.)

2. Yard of the Year awards were presented by Debby Lemke and Laura Luttrell from the Beautification Commission. Mary Goschnick was announced as the recipient of the Beautification Commission's annual Steve Revnik Award. (See City Clerk File #09-81 for a list of the winners.)

PUBLIC AUDIENCES

1. Anthony America addressed the City Council regarding his candidacy for City Council.

2. Alice O'Neil addressed the City Council to express support of the proposed joint agreement with KMG.

3. Kathleen McCready, who spoke on behalf of Parker Davis who is in 6th grade, mentioned a neighborhood "Meet and Greet" was held for those in the area bound by Lapeer to Water and 10th to Mueller Brass and that they will be selecting either Harrison Village or Harrison Point as a name for their neighborhood.

4. Margaret Enright addressed the City Council to express support for the proposed joint agreement with KMG.

5. Ken Harris addressed the City Council stating that the money given at the last meeting to assist with the lighthouse project could have been used to demolish nine blighted properties.

6. Mike Bacheller addressed the City Council to express his support for the proposed joint agreement with KMG.

CONSENT AGENDA

Councilmember McCulloch moved to adopt the Consent Agenda items, seconded by Councilmember Stevens (items are indicated with an asterisk). Motion adopted unanimously.

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

<u>Upcoming events:</u>

- Aug. 25 – Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center
- Aug. 27 – Rockin' the Rivers from 5 to 9:30 p.m. at Kiefer Park featuring *Trilogy*
- Sept. 1 – Farmers Market at Vantage Point from 8 a.m. to 2 p.m.
- Sept. 3 – Rockin' the Rivers from 5 to 9:30 p.m. at Kiefer Park featuring *After Edmund*
- Sept. 5 – Farmers Market at Vantage Point from 8 a.m. to 2 p.m.
- Sept. 7 – City offices closed in observance of Labor Day
- Sept. 8 – Farmers Market at Vantage Point from 8 a.m. to 2 p.m.
- Sept. 11 – 9-11 Service of Remembrance at 9 a.m. at the International Flag Plaza
- Sept. 12 & 13 – Fire and Ice on the Water at Vantage Point from 10 a.m. to 5 p.m.

FROM THE CITY MANAGER

CM-1. Item withdrawn from the agenda.

CM-2. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Stevens:

On August 13, 2009, the City of Port Huron received four (4) bids for 34,000 lbs of sodium silicofluoride for the Water Treatment Plant. The material bid was required to meet American Water Works Association (AWWA) specifications and National Sanitation Foundation (NSF) standards.

KC Industries, LLC (Mulberry, FL)	$13,362.00
Univar U. S. A. (Taylor, MI)	$14,280.00
JCI Jones Chemicals, Inc. (Riverview, MI)	$14,416.00
PVS-Nolwood Chemicals, Inc. (Detroit, MI)	$16,898.00

It is recommended that the bid of KC Industries, LLC, P. O. Box 646, Mullberry, Florida 33860, in the amount of Thirteen Thousand Three Hundred Sixty-Two and 00/100 Dollars ($13,362.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion *rejected* by the following vote:

No: Mayor Moeller; Councilmembers Byrne, Doorn, Lewandowski and Stevens.
Yes: Councilmembers Fisher and McCulloch.
Absent: None.

Councilmember Stevens moved to accept the sodium silicofluoride bid from the next lowest bidder, Univar U.S.A., seconded by Councilmember Doorn. Motion adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: None.

RESOLUTIONS

***R-1.** BE IT RESOLVED THAT, the following taxi cab licenses for 2009-10 (November 1, 2009, through October 31, 2010) 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:

10 licenses - Acme Cab Company (Robert Boyd)
10 licenses - City Cab of Port Huron, Inc. (Dennis Cooper)
4 licenses - Port Huron Cab (Donald J. Swinson)

Adopted by consent.

***R-2.** WHEREAS, the Blue Water Film Festival has made application to the Bureau of State Lottery for a charitable gaming license; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as nonprofit operating in the community;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize the Blue Water Film Festival as a nonprofit organization in the City of Port Huron.

Adopted by consent.

R-3. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Fisher:

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 FY2008 Assistance to Firefighter Grant Program (AFGP) in the area of Fire Operations and Fire Safety has been approved; and

WHEREAS, the principal objectives of this grant agreement for the Port Huron Fire Department are to purchase hazmat equipment and replace firefighting equipment; and

WHEREAS, the total project approved was Forty-Four Thousand Eight Hundred Twenty-Five and 00/100 Dollars ($44,825) of which the City will receive 90% ($40,343.00) as the Federal share with the City of Port Huron being responsible for 10% ($4,482.00) as the local match; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this FY2008 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 the appropriate City officials are hereby authorized to execute this grant agreement, as well as any further amendments necessary to fund the project, on behalf of the City (see City Clerk File #09-82); 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.

Motion adopted unanimously.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $1,231.75 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #09-83).

Adopted by consent.

R-5. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the McMorran Civic Center Authority Commission has been working with the Kinney Management Group, LLC, ("KMG") to join together to engage in the business of providing management, operating and marketing services for McMorran Place located at 701 McMorran Blvd.; and

WHEREAS, a three-year Joint Operating Agreement has been prepared between the "Owner" (McMorran Civic Center Authority Commission and the City of Port Huron) and KMG to form a Joint Operating Authority (JOA) in order to manage and operate McMorran Place and its associated parking lots and to define the duties and obligations of all parties; and

WHEREAS, the agreement provides that KMG will reduce the current annual operating deficit of $335,000 in incremental amounts during the three-year term and by the end of year three, and any year thereafter, the annual operating deficit shall be zero;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the Joint Operating model which provides for the formation of a Joint Operating Authority to manage, operate and market McMorran Place. (See City Clerk File #09-84)

Motion adopted unanimously.

NOTE: Frank Kinney, CFO, Kinney Management Group, was given the opportunity to speak regarding the joint operating agreement.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Moeller mentioned that he attended an event in recognition of Pastor Tim Eichberger who is retiring as the Pastor of Faith Lutheran Church and extended thanks for his work in the community.

On motion (8:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 14, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch (arrived at 7:08 p.m.) and Stevens.

The minutes of the regular meeting of August 24, 2009, were approved.

PRESENTATIONS

1. Nancy Winzer, Recreation Supervisor, from the Recreation Department gave a review of the summer programs and gave an update on fall programs (see City Clerk File #09-85).

2. Darrin Rushing presented pictures from the 2009 Harrison Point Meet and Greet (see City Clerk File #09-86).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on Code Case #09-001, 2312 – 15th Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

On behalf of the Planning Department, Bob Clegg, City Engineer/Director of Public Works, gave an overview of the history of the property.

The Mayor declared the hearing closed and **Councilmember Stevens** moved the adoption of the following resolution, seconded by Councilmember McCulloch:

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

Lot 12, Block 3, John Nern's Beard Street Plat; also known as: 2312 - 15th Street

has been brought to the attention of the City Council by the Building Official as **Code Case #09-001** 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 September 14, 2009, with respect to said property, it is the judgment 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:

[X] Building

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 City of Port Huron 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 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 adopted unanimously.

2. The Mayor announced that this was the time to hear comments on Code Case #09-002, 1433 Beard Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

On behalf of the Planning Department, Bob Clegg, City Engineer/Director of Public Works, gave an overview of the history of the property.

Peggy Cowles, owner of the property, addressed the City Council and stated that she had started to do the repairs but has been out of work and does not have the funding to do the repairs.

The Mayor declared the hearing closed and **Councilmember Stevens** moved the adoption of the following resolution, seconded by Councilmember Fisher:

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

Lot 9, Block 3, John Nern's Beard Street Plat; also known as: 1433 Beard Street

has been brought to the attention of the City Council by the Building Official as **Code Case #09-002** 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 September 14, 2009, with respect to said property, it is the judgment 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:

[X] Building

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 City of Port Huron 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 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 adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: None.

3. The Mayor announced that this was the time to hear comments on Code Case #09-004, 1136 Lapeer Avenue/702-704 12th Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

On behalf of the Planning Department, Bob Clegg, City Engineer/Director of Public Works, gave an overview of the history of the property.

Gerald Schnepp, owner of the property, addressed the City Council and stated that he has been trying to sell the home and if he is unable to sell it he would demolish it. He asked that the Council grant him a 60 day extension in order to find a buyer.

The Mayor declared the hearing closed and **Councilmember Stevens** moved the adoption of the following resolution, seconded by Councilmember Fisher:

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

Lot 7, except south 113.06 feet, Block 141, White Plat; also known as: 1136 Lapeer Avenue/702-704 - 12th Street

has been brought to the attention of the City Council by the Building Official as **Code Case #09-004** 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 September 14, 2009, with respect to said property, it is the judgment 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:

[X] Building

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 City of Port Huron 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 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 adopted unanimously.

PUBLIC AUDIENCES

1. Anthony America addressed the City Council regarding his election platform.

2. Jim Relken addressed the City Council regarding the vandalism and criminal activity occurring at the range light within Thomas Edison Park and that closing the parking lot in front of the range light is bad policy and is being reactive rather than proactive and that citizen patrols should be organized instead to help the police department.

3. Fred Westcott addressed the City Council regarding employment opportunities at 2740 Pine Grove Avenue in the Grove Mall and that open interviews are being held for telemarketing jobs.

4. Bernard Ellery addressed the City Council regarding eliminating taxes for businesses and displaying products at the City that are made here to help promote them.

5. Shirley Tillman-Watson addressed the City Council regarding Knox Field.

6. Margaret Enright addressed the City Council regarding the Thomas Edison Park vandalism and people banning together to stop the criminal behavior and working together to watch our neighborhoods.

7. Matt Wallace, current president of the Eastern Michigan Real Estate Investment Association, addressed the City Council regarding the increase of home ownership and that the focus should be on those with blight issues and problem landlords.

8. Sharon Bender addressed the City Council regarding the vandalism and that it is not always the teenagers causing the problems, sometimes it is the adults, and that everyone has to do their part to watch over our city.

9. Trina Avedisian, Chairperson, Citizens for a Vibrant Community, mentioned their organization is hosting a Voter Registration and Meet the Candidate event at the McMorran Place Memorial Room on September 21, from 7 - 9 p.m. and stated that Happy Apple Days would be returning on October 10 and they are working to bring a historical marker to Port Huron.

10. Ken Harris addressed the City Council regarding the proposed creation of the Quality of Life Commission and that an active, purposeful and a more timely code case process would be more beneficial.

11. Darrin Rushing addressed the City Council regarding how a recent neighborhood situation was handled and mentioned that the Harrison Point Meet and Greet would be an annual event in August.

12. Paul Schultz addressed the City Council regarding running for City Council.

13. Mike Bodeis, Port Huron Landlords Association, addressed the City Council stating support for the demolition of foreclosed or junk properties and that the time for urbanization is now and that funding assistance might be available if individual agencies worked together collectively.

CONSENT AGENDA

Councilmember Fisher moved to adopt the Consent Agenda items, seconded by Councilmember Doorn (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- Sept. 15 and 22 - Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center
- Sept. 15, 19 and 22 - Farmers Market at Vantage Point from 8 - 2 p.m.
- Sept. 18 - National POW-MIA Recognition Day Ceremony at the Eternal Flame Memorial, Pine Grove Park
- Sept. 18-19 - Miss Michigan USA - Miss Teen Michigan USA Pageant, McMorran Theatre
- Sept. 18-19 - Port Huron Museum Hobo Fest at the Detroit Rail Yard, 2100 - 32nd Street
- Sept. 20 - Port Huron Museum's World Festival at the Seaway Terminal from 12 - 5 p.m.
- Sept. 26 - Autumn Midnight 5K Run starts at the YMCA at 12 midnight

FROM THE CITY MANAGER

CM-1. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On September 3, 2009, the City received four (4) bids for two (2) forty (40) niche columbaria for the Veterans Memorial Cemetery, as follows:

Cold Spring Granite Company (Cold Spring, MN)	$23,778.00
Lincoln Granite Company (Port Huron Twp., MI)	$24,950.00
Jones Monument Company (Port Huron, MI)	$30,250.00
Kammeraad Monuments (Marine City, MI)	$38,096.00

It is recommended that the bid from Cold Spring Granite Company, 17482 Granite West Road, Cold Spring, Minnesota 56320-4578 in the amount of Twenty-Three Thousand Seven Hundred Seventy-Eight and 00/100 Dollars ($23,778.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Councilmember Lewandowski moved to amend the recommendation to award the bid to Lincoln Granite Company for $24,950.00, seconded by Councilmember Doorn.

Motion *rejected* by the following vote:

No:	Councilmembers Byrne, Fisher, McCulloch and Stevens.
Yes:	Mayor Moeller; Councilmembers Doorn and Lewandowski.
Absent:	None.

Councilmember Byrne moved to amend the recommendation to award the bid to Jones Monument Company for $30,250.00, seconded by Councilmember Stevens.

Motion *rejected* by the following vote:

No:	Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski and McCulloch.
Yes:	Councilmembers Byrne and Stevens.
Absent:	None.

Councilmember Byrne moved to amend the recommendation to award the bid to Lincoln Granite Company for $24,950.00, seconded by Councilmember Fisher.

Motion adopted unanimously.

From the City Manager #1, as amended, was adopted unanimously.

CM-2. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Stevens:

On August 11, 2009, the City of Port Huron received the results of the 2009-10 salt bid from the State of Michigan MIDEAL Program:

Early Delivery of 2,500 tons
North American Salt Company - $55.39 per ton

Combined with a bid of:

Backup Delivery of 2,000 tons
North American Salt Company - $57.21 per ton

It is recommended that the bid of North American Salt Company at $55.39 per ton for early salt delivery and $57.21 per ton for backup salt delivery be accepted through the State of Michigan MIDEAL Program and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-3. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember McCulloch:

On August 26, 2009, the City of Port Huron Utilities Division received a quote from a pre-qualified single-source supplier for a 6” Neptune Trident Compound water meter and appurtenances:

RIO Supply Company
(Madison Heights, MI) $5,737.74

It is recommended that the quote of RIO Supply Company, 32376 Townley, Madison Heights, Michigan 48071 in the amount of Five Thousand Seven Hundred Thirty-Seven and 74/100 Dollars ($5,737.74) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Fisher:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $3,787.58 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #09-87).

Adopted by consent.

R-3. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, the City of Port Huron has experienced a substantial decay in the quality of housing, the existence of blight and decay of neighborhoods and the City Council has made it a priority to take decisive action to eradicate blight, rebuild and improve neighborhoods and, in general, enhance the quality of life in the City of Port Huron; and

WHEREAS, the Port Huron City Council wishes to obtain input from as many potential sources as possible to take action to eradicate blight, rebuild and improve neighborhoods and enhance the quality of life in the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Port Huron City Council hereby creates a commission which shall be known as the City of Port Huron Quality of Life Commission. The Quality of Life Commission shall be advisory in nature and will assist the City Council in investigating the causes of blight, neighborhood decay and the decline of the quality of life in the City of Port Huron. The purpose of the Quality of Life Commission will be to review and study factors which impact the quality of life in the City of Port Huron and to make recommendations to the Port Huron City Council concerning ways to improve the quality of life in the City of Port Huron including, but not limited to, eradication of blight, improving the housing quality in the City of Port Huron and addressing in a positive manner ways to eliminate the contributing factors to the decline in the quality of life in the City of Port Huron.

2. The City of Port Huron Quality of Life Commission shall be comprised of nine persons appointed by the City Manager for a three-year term comprised as follows:

a. President of the Port Huron Landlord Association
b. President of the Thumb Area Association of Realtors
c. An attorney specializing or with interest in housing issues
d. Port Huron Chief of Police
e. Port Huron Fire Chief
f. Port Huron City Assessor
g. A member of the Port Huron City Council; and
h. Two at-large appointments.

3. The City of Port Huron Quality of Life Commission shall be created as soon as possible and will be charged with:

a. Further defining the issues to be addressed.
b. Preparing an inventory of existing tools and enforcement procedures available to address the problem.
c. Developing a plan for eliminating severely blighted properties and addressing substandard rental operations.
d. Identifying new tools, ordinances or similar matters which are available for implementation by the Port Huron City Council to address the issue.
e. Making recommendations for implementation of the plan proposed by the City of Port Huron Quality of Life Commission.

Councilmember Byrne moved to amend the resolution by inserting "and approved by City Council" in paragraph 2 above after "appointed by the City Manager for a three-year term" seconded by Councilmember Stevens.

Motion to amend adopted unanimously.

Councilmember Lewandowski moved to amend the resolution to change from a nine-member commission to an eleven-member commission and to increase the at-large appointments from two to four appointments, seconded by Councilmember McCulloch.

Motion to amend adopted unanimously.

Motion to adopt Resolution #3, as amended, adopted unanimously.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $753.10 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-88).

Adopted by consent.

***R-5.** 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 single lot special assessments in the total amount of $3,544.30 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #09-89).

Adopted by consent.

***R-6.** WHEREAS, the Michigan Department of Transportation (MDOT) has found that contracting with local municipalities for the maintenance of State trunklines and bridges within its jurisdictions is in the best public interest; and

WHEREAS, on August 10, 2009, the City Council approved the agreement with MDOT for maintenance of the State trunklines and bridges for the period of October 1, 2009, to September 30, 2014, and authorized the appropriate City officials to execute the agreement; and

WHEREAS, MDOT has requested that the specific City official authorized in the agreement approved on August 10, 2009, be designated by resolution as the authorized representatives for the agreement;

NOW, THEREFORE, BE IT RESOLVED that Robert E. Clegg, City Engineer/Director of Public Works was authorized to sign the Michigan Department of Transportation maintenance agreement and Robin L. Berry, Streets Superintendent, is designated as the Maintenance Superintendent on sections of State trunkline highways.

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Moeller** mentioned that the 24th and Lapeer Street drain has finally been fixed by the County and the water is now draining properly.

2. **Councilmember Byrne** mentioned that www.local-opinion.com has been set up to give City Council candidates an opportunity to provide their comments to the public on various topics.

3. **Councilmember Fisher** mentioned that the Port Huron Vintage Welkin Base Ball Club and the Ice Hawks will play in a charity benefit game in Pine Grove Park on October 3 beginning at 6 p.m. to raise funds for Special Olympics.

4. **Councilmember Lewandowski** mentioned that Our Lady of Guadalupe Hispanic Mission will be having their Mexican Dinner on September 18 from 4 to 7 p.m.

5. **Mayor Moeller** also mentioned that the St. Clair County Child Abuse and Neglect Council annual fundraising roof sit is this week.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 28, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller. Following the Pledge of Allegiance, solo artist Julianne sang the National Anthem.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of September 14, 2009, were approved.

PRESENTATIONS

1. Dennis Zembala, Director of the Port Huron Museum, gave a presentation on Museum activities (see City Clerk File #09-90).

PUBLIC AUDIENCES

1. Anthony America addressed the City Council regarding national items.

2. Fay Caballero, Black River Plastics, addressed the City Council to ask for help from the City, Governor and Congressional leaders for those businesses struggling in these tough economic times.

3. Bernard Ellery addressed the City Council regarding the City offering tax free zones to help businesses during the automotive recovery.

4. Ken Harris addressed the City Council and asked about the other costs that would be associated with the purchase of the property east of the water treatment plant.

5. Alice O'Neil addressed the City Council regarding the roundtable sessions, leaf pickup program and various addresses with blight issues.

CONSENT AGENDA

Councilmember Byrne moved to adopt the Consent Agenda items, seconded by Councilmember Stevens (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- Sept. 29, Oct. 3, Oct. 6, Oct. 10 – Farmer's Market from 8 a.m. to 2 p.m. at Vantage Point
- Sept. 30 – John F. Wismer plaque dedication at 1 p.m. at Heritage Park on the Quay
- Oct. 3 – American Cancer Society's Cancer Walk
- Oct. 3 & 4 – *Menopause the Musical* at McMorran
- Oct. 6 - Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center
- Oct. 10 - Blue Water Film Festival at McMorran
- Oct. 10 - Happy Apple Days, downtown
- Oct. 10 – The Beautification Commission needs volunteers to assist with their fall cleanup of flower beds. Meet in front of the County Building at 9 a.m.
- Oct. 13 – Charter Commission Public Hearing at 6:30 p.m. in the Public Meeting Room

FROM THE CITY MANAGER

CM-1. Councilmember Stevens moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

On September 17, 2009, the City received (3) three proposals for replacement of the existing boiler located at Fire Station # 4 located on 24th Street as follows:

Watson Brothers Plumbing Heating & Air Conditioning (Port Huron, MI)	$22,685.00
Mark's Plumbing & Heating (Lakeport, MI)	$23,858.00
Superior Heating & Cooling, Inc. (Columbus, MI)	*

* Did not meet proposal specifications

It is recommended that the proposal of Watson Brothers Plumbing, Heating and Air Conditioning, 3433 Electric Avenue, Port Huron, Michigan 48060, in the amount of Twenty-Two Thousand Six Hundred Eighty-Five and 00/100 Dollars ($22,685.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-2. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Doorn:

The City of Port Huron solicited bids from eleven (11) known suppliers. On September 10, 2009, the City received three (3) bids for a 39,000 lbs. gross vehicle weight truck cab, chassis, dump box and spreader to be used as a salter and snow plow for the Streets Division:

Wolverine Truck Sales, Inc. (Dearborn, MI)	$109,606.00
Tri County International Trucks, Inc. (Dearborn, MI)	$115,537.00
North River Truck (Mt. Clemens, MI)	no bid

It is recommended that the bid of Wolverine Truck Sales, Inc. 3550 Wyoming Avenue, Dearborn, Michigan, 48120, in the amount of One Hundred Nine Thousand Six Hundred Six and 00/100 Dollars ($109,606.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Adopted by consent.

R-2. Councilmember Byrne moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS the City of Port Huron operates a water treatment facility that provides a safe water source for its citizens and those in surrounding communities; and

WHEREAS interest has been expressed by a number of surrounding communities in having a greater voice in the operation of the water system facility; and

WHEREAS the Port Huron City Council believes that metropolitan cooperation is a worthy and necessary goal to pursue in these days of economic challenges;

NOW THEREFORE BE IT RESOLVED that the Port Huron City Council hereby instructs the City Manager to open discussions with surrounding communities that would potentially lead to the establishment of a metropolitan water authority.

Motion adopted unanimously.

R-3. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, municipalities that operate water intakes on the Huron to Erie corridor seek to establish the Huron to Erie Alliance for Real-Time Monitoring and Information (HEART-MI) under the Michigan Watershed Alliance statute (Part 312, Act 451 of 1994, Natural Resources and Environmental Protection Act, as amended by Public Act 517 of 2004) to continue the water quality monitoring and real-time sharing of resulting information that was begun under the auspices of the Huron to Erie Drinking Water Protection Network (DWPN).

WHEREAS, the costs of operating the DWPN have previously been supported by grant funds from multiple sources that are no longer available.

WHEREAS, a collaborative process including municipal and county representatives resulted in a consensus recommendation that the thirteen municipalities that operate the intakes should financially support continuing water quality monitoring and real-time sharing of water quality information.

WHEREAS, the City of Port Huron is one of the municipalities that operates a water intake in the Huron to Erie corridor and operates monitoring equipment either at the intake or at the water treatment plant that relies on that water intake.

WHEREAS, constituents in this municipality recognize the public benefit provided by the water quality monitoring and real-time information sharing that has occurred under the DWPN, and fully support the continued water quality monitoring and real-time information sharing proposed under the Alliance.

THEREFORE BE IT RESOLVED that the City Council formally adopts bylaws for, and accepts membership in the HEART-MI.

FURTHER BE IT RESOLVED that consistent with the terms of the HEART-MI bylaws, the City Council formally appoints the City Manager as its designated representative to the HEART-MI and the Director of Public Works as the alternate representative, and authorizes the City Manager to designate additional persons to represent the City of Port Huron, if needed, as an alternate to assure voting representation.

FINALLY BE IT RESOLVED that the continuing membership of the City of Port Huron will be evidenced by payment of its voluntary assessment on an annual basis to the HEART-MI.

Motion adopted unanimously.

***R-4**. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $514.48 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-91).

Adopted by consent.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $1,286.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #09-92)

Adopted by consent.

R-6. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the audio and visual system in the public meeting room of the Municipal Office Center (MOC) is not functioning properly and is in need of replacement; and

WHEREAS, competitive proposals were solicited from the following professional audio and video companies to replace this system:

BSB Communications, Inc. (Port Huron Township, MI)
TEL Thalner Electronic Laboratories (Ann Arbor, MI)
Sound Engineering (Livonia, MI)

WHEREAS, BSB Communications, Inc., recommended the installation of a Converge Pro audio system and an Hitachi visual system and included in their proposal new speakers in various locations to reduce feedback within the audio system and additional monitor speakers for coverage from the Council seating area; and

WHEREAS, BSB Communications, Inc., provided the best proposal in that they offered an improved speaker system for sound coverage for the Council seating area and they also offered a quality audio system that would best fit the City's needs;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with BSB Communications, Inc., for the replacement of the MOC audio and visual equipment in the public meeting room and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-93).

Motion adopted unanimously.

R-7. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, the Port Huron City Council created a Quality of Life Commission at its meeting held on September 14, 2009; and

WHEREAS, the members of the Quality of Life Commission are appointed by the City Manager with the approval of the City Council; and

WHEREAS; the City Manager has identified a slate of potential candidates for the Commission;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council confirms and approves the following persons to serve on the Quality of Life Commission for three-year terms to expire September 28, 2012:

1. Marty Doorn (City Council) Chairperson
2. Hilary Bridge (Attorney)
3. Mike Bodeis (Port Huron Area Landlord's Association)
4. John Cooper (Thumb Area Realtors)
5. Don Porrett (Police Chief)
6. Bob Eick (Fire Chief)
7. Randy Fernandez (Assessor)
8. Kathleen McCready (At large)
9. Lonnie Stevens (At large)
10. Ken Harris (At large)
11. Darrin Rushing (At large)

Motion adopted unanimously.

R-8. Councilmember Doorn moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the City of Port Huron owns a vacant industrial building at 2347 Dove Street; and

WHEREAS, the City of Port Huron has received an offer to purchase said property to be used immediately for industrial purposes;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of 2347 Dove Street to Automotive Properties of New York, L.L.C., for $950,000 in an "as is" condition. (See City Clerk File #09-94)

Motion adopted unanimously.

R-9. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the City Council has approved the sale of the industrial building located at 2347 Dove Street; and

WHEREAS, as a condition of the sale, the purchaser requires that the City prepare a Baseline Environmental Assessment (BEA); and

WHEREAS, City staff has reviewed proposals from multiple firms and recommends the selection of Soil and Material Engineers, Inc.; and

WHEREAS, the purchaser required that Soil and Material Engineers, Inc. be the appropriate engineering firm to provide professional services to develop the BEA;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Soil and Material Engineers, Inc. for professional engineering services for the preparation of a Baseline Environmental Assessment for the property located at 2347 Dove Street and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #09-95)

Motion adopted unanimously.

R-10. Councilmember Doorn moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the City of Port Huron has a tradition of owning and controlling development along the St. Clair River and Black River; and

WHEREAS, a key parcel, known as the Black River Point property and located at the northwest intersection of the two rivers, has recently become available; and

WHEREAS, the City of Port Huron wishes to direct and control the future development of this key parcel;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the acquisition of the parcel for $660,000 to be paid over a four-year period (see City Clerk File #09-96)

Councilmember Byrne moved to postpone consideration of the resolution until the next meeting, seconded by Councilmember Fisher.

Motion *rejected* by the following vote:

No: Mayor Moeller; Councilmembers Doorn, Lewandowski, McCulloch and Stevens.
Yes: Councilmembers Byrne and Fisher.
Absent: None.

Motion to adopt the resolution as submitted adopted by the following vote:

Yes: Mayor Moeller; Councilmembers Doorn, McCulloch and Stevens.
No: Councilmembers Byrne, Fisher and Lewandowski.
Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Pro-tem Fisher** mentioned that the Port Huron Vintage Welkin Base Ball Club and the Ice Hawks will play in a charity benefit game in Pine Grove Park on October 3 beginning at 6 p.m. to raise funds for Special Olympics.

2. **Councilmember Doorn** mentioned that tonight's meeting was another example of regional cooperation and civility.

3. **Councilmember Stevens** mentioned that this is United Way Campaign time and that this campaign raises funds for many agencies, such as the Homeless Shelter, Community Action Agency, Peoples Clinic, as well as many youth organizations.

4. **Councilmember Byrne** mentioned that a second tall ship is located at the Seaway Terminal.

5. **Councilmember Lewandowski** mentioned that during the Happy Apple Days on October 10 he will be a participant in the pie throwing contest to raise funds for charity.

6. **Councilmember McCulloch** mentioned that the McMorran website at www.mcmorran.com has been revamped and that he believes the layout will be liked by the community. **Councilmember Stevens** mentioned that this is just a part of the improvements being done by the joint operating group and that there is lots more to come.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 12, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of September 28, 2009, were approved.

PRESENTATIONS

1. Liane Allen of the Cooperative Extension Service and Mark Thiele of Blue November gave a presentation regarding the success of the community gardens.

PUBLIC AUDIENCES

1. Joanne Rumford addressed the City Council regarding various issues including the economy, prisons and health care.

2. Anthony America addressed the City Council regarding his candidacy, the wastewater plant odor and to express support for the purchase of the Black River Point property.

3. Karen Palka and Jeremy Stemen, Blue Water Film Festival, addressed the City Council regarding the success of their recent film festival held at McMorran Place and expressed thanks for the community's support.

4. Darlene Peterson addressed the City Council to thank all Councilmembers for serving and asked what would be the alternative plan if the voters turned down the sale of the Black River Point property to a developer.

5. Margaret Enright addressed the City Council stating the right decision was made to purchase the Black River Point property and that she did not notice a smell from the wastewater plant all summer long while at Vantage Point.

6. Angela Kelly addressed the City Council to express support for the issuance of a special use permit for the family child care on Sanborn Street, she encouraged Council and Administration to keep an open mind to future small business ownership and thanked the City Manager for quickly resolving her parking issue.

7. Laurie Sample-Wynn, member of the Charter Commission, addressed the City Council to encourage the public to attend the Commission's public hearing on October 13 to give their opinions on whether they desire to have Councilmembers elected by wards or at-large, to have the Mayor elected separately to a two-year term and should Councilmembers be elected to 4-year staggered terms.

8. Trina Avedisian, on behalf of the Citizens for a Vibrant Community, addressed the City Council regarding the Happy Apple Days and thanked numerous people who helped make the event a success.

9. Mike McCauley addressed the City Council to express thanks to numerous people for helping with his Freighter Fries vending operations in Thomas Edison Park.

10. Ken Harris addressed the City Council regarding the Charter Commission public hearing to encourage citizens to attend and give their opinions and he challenged all Council candidates to also attend and express their views as some of the tentative changes are significant.

CONSENT AGENDA

Councilmember Lewandowski moved to adopt the Consent Agenda items, seconded by Councilmember McCulloch (items are indicated with an asterisk). Motion adopted unanimously.

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

<u>Upcoming events:</u>

- Oct. 13 – Charter Commission Public Hearing at 6:30 p.m. in the Public Meeting Room at the MOC
- Oct. 16-18 – *The Rocky Horror Show* at McMorran
- Oct. 16 – Women in Song & Verse at 7 p.m. at Studio 1219
- Oct. 17 – Tractor Rally at Desmond Landing
- Oct. 17 – Walk to Support Down Syndrome, St. Clair County Down Syndrome Support Group
- Oct. 17 – Icehawks vs. Fort Wayne at 7 p.m. at McMorran
- Oct. 23 – Icehawks vs. Flint at 7 p.m. at McMorran
- Oct. 23 – Da Yoopers at 7:30 at McMorran
- Oct. 24 – "Make a Difference Day" volunteers can meet in the MOC's south parking lot at 8 a.m.

RESOLUTIONS

R-1. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Doorn:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

***R-2.** WHEREAS, IAC Port Huron, LLC, located at 1905 Beard Street, has applied for the transfer of the following existing Industrial Facilities Exemption Certificates from Lear Corporation to them:

IFT # 2003-215 - Parcel Number 901-0136-000
IFT # 2005-068 - Parcel Number 901-0157-000
IFT # 2006-263 - Parcel Number 901-0172-000

WHEREAS, IAC Port Huron, LLC, has also requested an extension of #2003-215 (Parcel Number 901-0136-000) which is scheduled to expire on December 30, 2009; and

WHEREAS, as provided by Act No. 198, P.S. 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 26, 2009, in order to hear comments on the application of IAC Port Huron, LLC, for the transfer of Industrial Facilities Exemption Certificates #2003-215, 2005-068 and 2006-263 and on the extension of certificate #2003-215; 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 by consent.

R-3. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, a request has been received for a special approval use permit to operate a family child care home (six children or less) at 1624 Sanborn Street; and

WHEREAS, on October 6, 2009, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 8 ayes; 0 nays; 0 absent; 0 abstained; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit for a family child care home (six children or less) at 1624 Sanborn Street, City of Port Huron.

Motion adopted unanimously.

***R-4.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #09-003, 613/615/617/619 Glenwood Avenue, (see City Clerk File #09-97) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

> *South 66 feet Lot 5 and south 66 feet of West 10 feet Lot 6, Block 4, Subdivision of the Fort Gratiot Military Reservation*, also known as: 613/615;/617/619 Glenwood Avenue*;* 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, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, 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, Section 10-211, 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 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 October 26, 2009, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, 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 record, 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 (10) 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, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted by consent.

R-5. Councilmember Stevens moved the adoption of the following resolution, seconded by Councilmember Byrne:

WHEREAS, on July 28, 2008, the City Council received a summary of all City-owned vacant land; and

WHEREAS, with the completion of the realignment of streets under the Blue Water Bridge, a non-buildable City-owned parcel at the northeast corner of Armour and Elmwood Streets (74-06-476-0165-000) is no longer needed by the City; and

WHEREAS, the two adjoining property owners currently have non-conforming sized lots and the sale of a portion of the City's lot to each property owner, when combined with their existing lot, will bring each lot into conformance in regard to size;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of the City-owned lot, to be conveyed by a Quit Claim Deed, as listed below, contingent upon the individuals and/or entities being current in their obligations to the City concerning any special assessments and/or property taxes:

Lot Portion Description	Name	Sale Amt.
The north 12 feet of the west 70.5 feet of Lot 370, Block O, Plat of that portion of the Lighthouse Reservation at Fort Gratiot. *Lot size: 12 ' x 70.5' = 846 square feet*	Michel & Stella Johnson	$250.00
The south 13 feet of the west 70.5 feet of Lot 370 and the west 70.5 feet of Lot 371, Block O, Plat of that portion of the Lighthouse Reservation at Fort Gratiot. *Lot size: 38' x 70.5' = 2,679 square feet*	Francis & Jeanne Giacalone	$750.00

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute any documents necessary to finalize the sale of each property.

Motion adopted unanimously.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $810.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #09-98).

Adopted by consent.

R-7. Item withdrawn by administration.

***R-8.** 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 single lot special assessments in the total amount of $2,064.00 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #09-99).

Adopted by consent.

***R-9.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $584.34 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-100).

Adopted by consent.

R-10. Councilmember McCulloch moved the adoption of the following resolution, seconded by Councilmember Doorn:

WHEREAS, the City's current Uniform City Income Tax Ordinance provides additional exemptions for taxpayers who are 65 years of age or older and/or who are blind as defined by state law; and

WHEREAS, Mayor Brian Moeller has requested a resolution be prepared for City Council consideration to authorize the City Manager to prepare the necessary ordinance change to amend the Uniform City Income Tax Ordinance to allow additional exemptions for those taxpayers who are deaf and for those taxpayers who are paraplegic, quadriplegic, hemiplegic or totally and permanently disabled persons as defined by appropriate federal and state law; and

WHEREAS, the State of Michigan City Income Tax Act (Public Act 284 of 1964) does provide a provision that allows cities that collect a city income tax to adopt an ordinance providing for such exemptions; and

WHEREAS, if the City Council wishes to make this change, Chapter 44, Taxation, Article II, Uniform City Income Tax Ordinance, will need to be revised and a decision made as to the year in which to make the change effective (ex. January 1, 2009, or January 1, 2010);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby authorize the City Manager to prepare the necessary ordinance change to institute additional exemptions for those taxpayers who are deaf and for those taxpayers who are paraplegic, quadriplegic, hemiplegic or totally and permanently disabled persons as defined by appropriate federal and state law to be effective for the year beginning 2009.

Motion adopted by the following vote:

Yes:	Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No:	Councilmember Byrne.
Absent:	None.

***R-11.** WHEREAS, SMW Automotive, 2347 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 October 26, 2009, in order to hear comments on the application of SMW 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 by consent.

R-12. **Councilmember Byrne** moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, the City Council has approved the purchase of property at the confluence of the Black River and the St. Clair River, commonly known as the Black River Point property; and

WHEREAS, the City of Port Huron has set a precedent in the past for developing and controlling the development of public and private projects on the waterways such as the Edison Shores condominiums, the Municipal Office Center, the Cross Pointe condominiums, the Dockside condominiums and the City marinas; and

WHEREAS, it is the intent and purpose of the City Council that the Black River Point property be developed privately and added to the tax base; and

WHEREAS, Section 78 of the Port Huron City Charter requires voter approval for the sale of City-owned property fronting on any waterway; and

WHEREAS, voter approval will allow a private sale of the property to be accomplished more quickly by making the parcel as condition free as possible;

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 regular election to be held on Tuesday, May 4, 2010, the following question:

PROPOSITION #1

"Shall the City of Port Huron be authorized to sell the property known as the Black River Point property to a qualified developer as determined by the Port Huron City Council?"

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Byrne** expressed congratulations to Doug Schumacher who made Port Huron proud last Sunday by kicking a 30-yard field goal during the Detroit Lions' pre-game.

2. **Councilmember Doorn** expressed thanks to Karen & Jeremy for the film festival event and to the Citizens for a Vibrant Community organization for stepping up and taking over the Happy Apple Days.

2. **Councilmember Stevens** stated Ya Doopers would be performing their final show at McMorran on October 23 and that she would like to encourage people to attend and show their support of the community.

3. **Mayor Moeller** mentioned that the boutonniere he was wearing was given to him during the Government Day event at Riverside Tabernacle Church of God event on Sunday, October 11.

On motion (7:55 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 26, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of October 12, 2009, were approved.

PRESENTATIONS

1. The Port Huron Beautification Commission presented “Tree Celebration Program” certificates to acknowledge the planting of a tree in the City in memory of Mary Davis, a former Beautification Commission member, and Howard Sloan in honor of his many years of service to the Beautification Commission.

2. Tony Schifano, Executive Director of Industrial Development, gave a quarterly report to the Council concerning industrial development and the Innovation Center (see City Clerk File #09-101).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of IAC Port Huron, LLC, for the transfer and extension of Industrial Facilities Exemption Certificates.

Anthony America addressed the City Council and stated his opposition to the granting of the exemption.

Darrin Rushing addressed the City Council and asked how the tax exemption will affect the City and residents. (Tony Schifano explained that the City uses this as a recruitment tool, which is allowed by law, to help compete with other communities and states to get businesses to stay here or locate here.)

The Mayor declared the hearing closed and **Councilmember McCulloch** moved the adoption of the following resolution, seconded by Councilmember Stevens:

WHEREAS, IAC Port Huron, LLC, located at 1905 Beard Street, has applied for the transfer of the following existing Industrial Facilities Exemption Certificates from Lear Corporation to them:

IFT # 2003-215 - Parcel Number 901-0136-000
IFT # 2005-068 - Parcel Number 901-0157-000
IFT # 2006-263 - Parcel Number 901-0172-000

WHEREAS, IAC Port Huron, LLC, has also requested an extension of #2003-215 (Parcel Number 901-0136-000) which is schedule to expire on December 30, 2009; 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 26, 2009, 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 IAC Port Huron, LLC, application for transfer of the Industrial Facilities Exemption Certificates #2003-215, #2005-068 and #2006-263, grants the request to extend Certificate #2003-215 for an additional three-year period and 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 Certificates (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.

Motion adopted unanimously.

2. The Mayor announced that this was the time to hear comments on the application of SMW Automotive for an Industrial Facilities Exemption Certificate.

Anthony America addressed the City Council and stated that the people should get the tax breaks.

The Mayor declared the hearing closed and **Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, SMW Automotive, 2347 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 26, 2009, 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 SMW Automotive, 2347 Dove Street, 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: 12/31/09 to 12/30/15 (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 SMW Automotive is located.

Motion adopted unanimously.

3. The Mayor announced that this was the time to hear comments on Code Case #09-003, 613/615/617/619 Glenwood Avenue, to ascertain and determine whether it constitutes nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances.

Ron Glazier, Attorney for Chase Home Finance, addressed the City Council and asked for a six-month extension in order to foreclose on the property and take possession of it.

Kim Harmer, Planning Director, gave a brief history of the property and some of the issues that could occur if a delay is allowed.

The Mayor declared the hearing closed and **Councilmember Doorn** moved the adoption of the following resolution and authorized demolition cost expenditures in an amount not to exceed $20,000, seconded by Councilmember Byrne:

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

> South 66 feet Lot 5 and south 66 feet of west 10 feet Lot 6, Block 4, Subdivision of the Fort Gratiot Military Reservation, also known as: 613/615/617/619 Glenwood Avenue

has been brought to the attention of the City Council by the Building Official as Code Case #09-003 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 October 12, 2009, with respect to said property, it is the judgment 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:
[X] Building [ ] Electrical [ ] Plumbing [X] 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 City of Port Huron 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 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 adopted unanimously and authorized demolition cost expenditures in an amount not to exceed $20,000.

PUBLIC AUDIENCES

1. A letter from Gigi Mericka's expressing support to giving physically disabled workers additional tax exemptions (Ord. #1) was read aloud (see City Clerk File #09-102).

2. Anthony America addressed the City Council regarding his candidacy.

3. David Ellingwood addressed the City Council and stated that noise pollution caused by loud stereos and boom boxes is a blight issue.

4. Ken Harris addressed the City Council and stated exemptions like the one proposed for income tax should also be given to Port Huron Building Supply for that portion of the water used and not returned to the sewer system, the cell tower at the Court Street pool area is being installed differently than originally presented, there is deterioration of the West Quay Street parking lot west wall and he asked if the City's investment dollars were in safe banks.

5. Shirley Tillman-Watson addressed the City Council regarding Knox Field.

6. Todd Courser, Attorney and Accountant, addressed the City Council regarding his candidacy for next year's race for State Senate.

7. Bernard Ellery addressed the City Council regarding the deterioration of his neighborhood and a situation he encountered with a police officer about calling the Drug Task Force to report a drug situation.

8. Lonnie Stevens expressed thanks to the City Council for allowing her to serve and that she hoped she made a difference. As a citizen, she thanked Councilmembers for not increasing the water rates, playing an active role in the budget process and for taking a stand on various issues.

AT THIS POINT, the Mayor presented Certificates of Recognition and City flags to Councilmembers McCulloch and Stevens. The Mayor also thanked the Council for selecting him to serve as Mayor and expressed appreciation to the Ministerial Association, the veterans and his wife Diane for their support during the last two years.

CONSENT AGENDA

Councilmember Byrne moved to adopt the Consent Agenda items, seconded by Councilmember Fisher (items are indicated with an asterisk). Motion adopted unanimously.

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

Upcoming events:

- City Council is accepting Spirit of Port Huron award nominations. Call the Mayor's Office for more info.
- Oct. 31 – Halloween Stroll at Sanborn Park at 11:30 a.m.
- Oct. 31 – Icehawks vs. Dayton at 8 p.m. at McMorran
- Nov. 3 – Election Day. Polls are open from 7:00 a.m. to 8:00 p.m.
- Nov. 6 – Icehawks vs. Bloomington at 7:30 p.m. at McMorran
- Nov. 6-7 – "Triple H" Cardboard Box Community Event at Pine Grove Park
- Nov. 7 – Icehawks vs. Bloomington at 7:30 p.m. at McMorran
- Nov. 8 – Helen Weichsler Plaque Dedication at Heritage Park on the Quay at Noon
- Nov. 10 – Cops & Jocks Spaghetti Dinner Fundraiser for CAPTURE from 4 to 8 p.m. at the River Grille (formerly the Pilot House).
- Nov. 10 - Charter Commission Meeting at 7 p.m. in Room 408 at the Municipal Office Center

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Adopted by consent.

***R-2.** WHEREAS, the Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, Section VI of the By-Laws of the Beautification Commission state that "any member who has served for 10 consecutive years may be appointed by the Council as a Life Member with the full rights to participate in the business and affairs of the Commission;" and

WHEREAS, Carolyn McNeill was first appointed as a member of the Beautification Commission on October 25, 1999, and has served for the last 10 years and now qualifies to be a Life Member;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints Carolyn McNeill as a Life Member of the Beautification Commission.

Adopted by consent.

***R-3.** WHEREAS, on February 27, 2006, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C license for nonpayment of personal property taxes:

Big Daddy's Bar & Grill, 1211 Griswold Street

WHEREAS, all payments have been made by Big Daddy's Bar & Grill;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby removes the objection filed in 2006 and recommends approval of Big Daddy's Bar & Grill Class C license; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Michigan Liquor Control Commission, Licensing and Enforcement Division.

Adopted by consent.

R-4. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember McCulloch:

WHEREAS, the Blue Water Area has been in need of a fish cleaning station for public use located in close proximity to the St. Clair River; and

WHEREAS, the Blue Water Sportfishing Association and Acheson Ventures have identified the location and begun construction of a public fish cleaning facility near the City of Port Huron's Desmond Landing Waterfront Walkway; and

WHEREAS, the City of Port Huron could enter into a partnership with the Blue Water Sportfishing Association and Acheson Ventures to assist them in providing water and sewer utilities for this fish cleaning station;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the partnership with the Blue Water Sportfishing Association and Acheson Ventures to assist them in providing annual water and sewer utilities for this fish cleaning station; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief is appointed as the authorized representative.

Motion adopted unanimously.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $1,000.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #09-103)

Adopted by consent.

ORDINANCES

O-1. Councilmember McCulloch moved, seconded by Councilmember Stevens, that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDNANCE TO AMEND CHAPTER 44, TAXATION, ARTICLE II, UNIFORM CITY INCOME TAX ORDINANCE, SECTION 44-32, AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING FOR ADDITIONAL EXEMPTIONS.

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

Yes: Mayor Moeller; Councilmembers Doorn, Fisher, Lewandowski, McCulloch and Stevens.
No: Councilmember Byrne.
Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember McCulloch thanked his wife for her support over the years and expressed thanks to the City staff for the work they do and for always being professional.

2. Councilmember Lewandowski mentioned that Comedian Ron White was coming to McMorran on November 5.

3. Councilmember Doorn mentioned that the Quality of Life Commission will be meeting on Wednesday, October 28, at 4 p.m.

4. Mayor Pro-tem Fisher expressed thanks to Councilmembers Stevens and McCulloch for their service and thanked the Mayor for making the recognition presentation earlier in the meeting.

5. Councilmember Byrne stated he echoed the comments by Councilmember Fisher and encouraged people to vote on November 3.

On motion (8:37 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 9, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Moeller.

Present: Mayor Moeller; Councilmembers Byrne, Doorn, Fisher, Lewandowski, McCulloch and Stevens.

The minutes of the regular meeting of October 26, 2009, were approved.

AT THIS POINT, Mayor Moeller presented Certificates of Recognitions and a City flag to Councilmember Byrne and Councilmember Doorn.

FROM BOARDS & COMMISSIONS

1. Councilmember Lewandowski offered and moved to receive and file the following report, seconded by Councilmember Fisher:

We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, November 4, 2009, meet in the County Clerk's Office, 201 McMorran Boulevard, Port Huron, Michigan, and did publicly canvass the results of the City of Port Huron Regular Election held on Tuesday, November 3, 2009. The results of the canvass of said election are as follows:

Total # of voters: 3,601

Pauline M. Repp 2,411
Steve Miller 2,146
James M. Fisher 1,834
Alan Lewandowski 1,782
Domingo A. Ruiz 1,738
Brian J. Moeller 1,736
Sherry L. Archibald 1,575
Martin Doorn 1,563
Ken Harris.................................... 1,554
Mark A. Byrne 1,516
B. Mark Neal 1,333
Chad C. Noetzel.............................. 822
Irene Michels 565
Edison J. Palmer, Jr......................... 559
Write-In: Anthony America 16

Candidates Repp, Miller, Fisher, Lewandowski, Ruiz, Moeller and Archibald having received the highest number of votes cast are hereby declared elected to the Port Huron City Council.

ST. CLAIR COUNTY BOARD OF CANVASSERS:
/s/ Loretta Johnson /s/ Yvonne Williams
/s/ William D. Emery /s/ Rachael Siemen

Motion adopted unanimously.

AT THIS POINT, Councilmember McCulloch and Councilmember Byrne gave departing remarks.

On motion (7:10 p.m.), Council adjourned.

Pursuant to the City Charter, a subsequent meeting was convened at 7:30 p.m. by the City Clerk for the installation of the newly elected Councilmembers and conduct of regular business.

INSTALLATION OF NEW COUNCIL

AT THIS POINT, the Oath of Office was administered to newly elected City Councilmembers by Sue Child, City Clerk.

ROLL CALL OF NEWLY ELECTED COUNCIL – Present: Councilmembers Archibald, Fisher, Lewandowski, Miller, Moeller, Repp and Ruiz.

Councilmember Lewandowski nominated Councilmember Repp for election to the Office of Mayor for the City of Port Huron, seconded by Councilmember Miller. Nominations were closed and Councilmember Repp 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 Repp was seated as presiding officer.

Councilmember Ruiz nominated Councilmember Miller for election to the Office of Mayor Pro-tem for the City of Port Huron, seconded by Councilmember Archibald. Nominations were closed and Councilmember Miller 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 by the City Clerk.

AT THIS POINT, Mayor Pro-tem Miller and Mayor Repp each thanked the voters and their families.

PRESENTATIONS

1. Proclamation designating November 15-21, 2009 as Homeless Awareness Week was presented to Andy Bennett, Program Manager of Pathway Homeless Shelter.

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, addressed the City Council regarding the election, the large difference in amounts for the two demolition bids and if the Neighborhood Stabilization Program grant recipient names were available.

2. Margaret Enright addressed the City Council and congratulated the former and new Councilmembers and wished them the best.

3. Bernard Ellery, 6th Street, addressed the City Council about the homeless situation stating it will not get better until more jobs are brought here and tax free industrial zones are established.

4. Paul Schultz addressed the City Council to express congratulations and stated a Kid Rock or Bob Segar concert should be brought here to Port Huron.

CONSENT AGENDA

Councilmember Moeller moved to adopt the Consent Agenda items, seconded by Councilmember Miller (items are indicated with an asterisk). Motion adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

On October 22, 2009, the City of Port Huron received five (5) bids for the demolition of the structure at 1136 Lapeer Avenue/702-704 - 12th Street:

Hammar's Contracting (Smiths Creek, MI)	$ 18,725.00
Jerry Hall Trucking & Excavating, LLC (Fort Gratiot, MI)	19,820.00
S. A. Torello Trucking (Port Huron Twp, MI)	19,900.00
Sheldon Construction (Fort Gratiot, MI)	26,445.00
Blue Star Demolition (Warren, MI)	26,900.00

It is recommended that the bid of Hammar's Contracting, 1177 Wadhams Road, Smiths Creek, MI 48074 in the amount of Eighteen Thousand Seven Hundred Twenty-Five and 00/100 Dollars ($18,725.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-2. Councilmember Moeller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

On November 3, 2009, the City of Port Huron received nine (9) bids for the demolition of the structure at 1433 Beard Street:

Carrigan Development (Kimball Twp., MI)	$ 5,480.00
Hammar's Contracting (Smith's Creek, MI)	6,578.00
L & J Construction (Burtchville, MI)	6,900.00
S. A. Torello, Inc. (Port Huron Twp., MI)	7,739.00
Jerry Hall Trucking (Fort Gratiot, MI)	8,900.00
Nolan Construction (Wales Twp., MI)	10,475.00
Briolat Construction (Lakeport, MI)	11,100.00
Boddy Construction (Port Huron Twp., MI)	12,969.00
Blue Star Demolition (Warren, MI)	14,200.00

It is recommended that the bid of Carrigan Development, 2896 St. Helens, Kimball Township, MI 48074, in the amount of Five Thousand Four Hundred Eighty and 00/100 Dollars ($5,480.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Archibald:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, on January 12, 2009, the City Council adopted Resolution #10, authorizing the submission of an application to the Michigan State Housing and Development Authority for up to $1.25 million in Neighborhood Stabilization Program (NSP) grant funds; and

WHEREAS, the resolution authorized the appropriate City officials to execute the necessary applications, certifications, and appropriate documents related to the grant funding request; and

WHEREAS, 24 NSP applications have been received, which will require payment authorizations for such items as acquisition and energy rehabilitation of foreclosed properties and demolition of blighted structures within the targeted area; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Planning Director, Director of Finance, and City Clerk to process all necessary payments resulting from the administration of the grant funds within the federal and state guidelines for the Neighborhood Stabilization Program.

Motion adopted unanimously.

***R-3.** WHEREAS, on June 22, 2009, the City Council adopted Resolution #7 approving the applications from Arashi LLC (David Witt), 504-506 and 508-512 Quay Street (Parcel No. 74-06-298-0100-000), for Neighborhood Enterprise Zone (NEZ) Rehabilitation Certificates and authorized the City Clerk to forward the applications to the State Tax Commission; and

WHEREAS, the resolution specified the certificates would be issued for the period of December 31, 2009, through December 31, 2018, (nine years), with the first six years consisting of a full abatement only on the increased value of the rehabilitated portion of a residential unit and the last three years a graduated payment that follows the formula outlined by the state act; and

WHEREAS, the City has been notified by the state that the date of December 31, 2018, for the expiration of the certificates is incorrect;

THEREFORE, BE IT RESOLVED, that the City Council hereby states that Resolution #7 adopted on June 22, 2009, had an incorrect date for the period of the NEZ certificates for 504-506 and 508-512 Quay Street, and the correct date should be from December 31, 2009, through December 30, 2018.

Adopted by consent.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $410.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors (see City Clerk File #09-104).

Adopted by consent.

ORDINANCES

O-1. Councilmember Moeller moved, seconded by Councilmember Miller, that an ordinance introduced October 26, 2009, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1304

AN ORDINANCE TO AMEND CHAPTER 44, TAXATION, ARTICLE II, UNIFORM CITY INCOME TAX ORDINANCE, SECTION 44-32, AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING FOR ADDITIONAL EXEMPTIONS.

THE CITY OF PORT HURON ORDAINS
That Chapter 44, Taxation, Article II, Uniform City Income Tax Ordinance, Section 44-32, Amended, of the Code of Ordinances of the City of Port Huron, is hereby amended for the purpose of providing for additional exemptions as follows:

CHAPTER 44. TAXATION
ARTICLE II.
UNIFORM CITY INCOME TAX ORDINANCE

Sec. 44-31. Adopted; availability of copies
No changes.

Sec. 44-32. Amended
Section 31 of the Uniform City Income Tax Ordinance (MCL 141.631) adopted in section 44-31 is hereby amended to read as follows:

(1) "An individual taxpayer in computing his taxable income is allowed a deduction of $600.00 for tax years beginning after 2006 and prior to 2001, $1,200.00 for tax years 2001 through 2006, for each personal and dependency exemption under the rules for determining exemptions and dependents as provided in the federal Internal Revenue Code. The taxpayer may claim his or her spouse and dependents as exemptions, but if the taxpayer and the spouse are both subject to the tax imposed by this ordinance, the number of exemptions claimed by each of them when added together shall not exceed the total number of exemptions allowed under this ordinance."

(2) "For tax years 1988 through 2008, an additional exemption is allowed under subsection 31(1) for a taxpayer who is 65 years of age or older or who is blind as defined in section 504 of the income tax act of 1967, Public Act No. 281 of 1967 (MCL 206.504), or if the taxpayer is both 65 years of age or older and blind, two additional exemptions are allowed under subsection 31(1)."

(3) For tax years beginning after 2008, an additional exemption is allowed for each of the following for which the taxpayer qualifies:

(a) A taxpayer who is a paraplegic, quadriplegic, or hemiplegic, or who is a totally or permanently disabled person as defined in Title II, Section 216 of the Social Security Act, 42 U.S.C. 416.

(b) A taxpayer who is blind as defined in Section 504 of the Income Tax Act of 1967, Act No. 281 of the Public Acts of 1967, being Section 206.504 of the Michigan Compiled Laws.

(c) A taxpayer who is a deaf person as defined in Section 2 of the Deaf Persons' Interpreters Act, Act No. 204 of the Public Acts of 1982, being Section 393.502 of the Michigan Compiled Laws.

(d) A taxpayer who is 65 years of age or older.

(4) "An exemption is allowed under subsection 31(1) to a person with respect to whom a deduction under section 151 of the Internal Revenue Code is allowable to another federal taxpayer during the tax year and is therefore not considered to have a federal personal exemption under subsection 31(1)."

SUSAN M. CHILD, CMC
CITY CLERK

ADOPTED: 11/09/09
PUBLISHED: 11/14/09
EFFECTIVE: 11/14/09

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Repp** announced the following upcoming events:

   The City Council is accepting nominations through November 15 for the Spirit of Port Huron awards. Contact the Mayor's office at 984-9740 for additional information.

   The Port Huron Charter Commission will meet on November 10 at 7 p.m. in Conference Room 408 of the Municipal Office Center.

   The CAPTURE Cops & Jocks Spaghetti Dinner Fundraiser will be held November 10 from 4 p.m. to 8 p.m. at the River Grille (formerly the Pilot House).

   Veteran's Day is November 11 and citizens should take the opportunity to remember those who gave a so much to our country.

2. **Councilmember Moeller** spoke regarding veterans and the sacrifices they have made and that they can receive free admittance at the Ice Hawk's game on Wednesday at McMorran.

3. **Councilmember Fisher** spoke regarding freedom of speech at public meetings.

4. **Mayor Repp** asked Councilmembers to review their schedules for available dates for a special meeting to be held in the next few weeks.

On motion (8:05 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 23, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller, Moeller and Ruiz.

The minutes of the regular meeting of November 9, 2009, were approved.

PUBLIC AUDIENCES

1. Anthony America, Military Street, addressed the City Council to state support for the re-hiring of the former City Attorney and stated his opposition to the proposed expenditures for the removal/ replacement of trees in the Huron Avenue Streetscape area, the liner in a sodium hypochlorite tank and the vertical storage tank.

2. Bernard Ellery, 6th Street, addressed the City Council about various police/fire runs that have occurred in his neighborhood (Sixth and Union area).

3. Ken Harris, Wells Street, addressed the City Council regarding the lack of a proposal to combat the recent criminal activity in the area, the cancellation of Quality of Life Commission meetings, opposition to the tree removal/replacement expenditure for the Huron Avenue Streetscape area and that he supports the proposed Charter amendment ballot question resolution (Resolution #23).

4. Jeff Wine, Edison Boulevard, Charter Commission member, addressed the City Council requesting that the passage of the proposed Charter amendment ballot question be defeated in order to allow the Charter Commission to finish the job they were elected to do.

5. Patrick Parcell, Military Street, Charter Commission member, addressed the City Council to ask that the Commission be allowed to do the job they were elected to do and that it would be inappropriate to have a Charter amendment proposal submitted prior to the Commission finishing their work.

6. Cheryl Landrum addressed the City Council regarding aggressive dogs running loose and the lack of concern by the police department.

7. Darlene Peterson, Riverside Drive, addressed the City Council and stated that the Charter Commission members were elected to re-write the Charter and that they should be allowed to complete their work first and it would be a disservice to the community if the Council approved the proposed Charter amendment ballot question.

8. Kathleen McCready, 14th Street, addressed the City Council and stated that the south end is lacking representation on Council and that when an issue is in question, the Council has the responsibility to look at it carefully in order to get the answer.

9. Lonnie Stevens, Military Street, addressed the City Council about the high percentage of rentals and low percentage of homeowners in the south end and the reasons for low voter turnout, that the south end residents are not being represented, that change is needed on the various boards and commissions, that the Quality of Life Commission is needed and that she is frustrated with a neighbor’s violation of FCC regulations regarding his CB antennae.

10. Trina Avedisian, 15th Street, addressed the City Council to state that the opinions of south end residents should be valued, that previous Councils have allowed certain things to happen only in the south end (numerous rentals, homeless shelters, etc.) and that she supports the proposed Charter amendment ballot question.

11. Margaret Enright was unable to attend the meeting, but her prepared comments were read by Trina Avedisian regarding the many positive changes taking place at McMorran, that there is more work to be done at the 54 year old building, that people need to attend the events and that she also supports the proposed Charter amendment ballot question.

12. George Duffy, Port Huron Township, representing the Southside Coalition, addressed the City Council and stated support for Councilmembers to be elected from four wards and three members elected at-large, and that they support having staggered terms. He also stated that when citizens are part of the solution, progress can occur.

13. Paul Schultz, Beard Street, addressed the City Council to express thanks to Alice Rieves at the soup kitchen and the Peoples Clinic for helping him out.

CONSENT AGENDA

Councilmember Moeller moved to adopt the Consent Agenda items, seconded by Councilmember Archibald (items are indicated with an asterisk). Motion adopted unanimously.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Miller moved, seconded by Councilmember Lewandowski, to receive and file the following communication:

Letter from Laurie Sample-Wynn, Chairperson, Port Huron Charter Commission, expressing opposition to the passage of the resolution to place a Charter amendment question on the May 2010 ballot regarding an at-large or ward system for the election of Councilmembers.

Motion adopted unanimously.

FROM THE CITY MANAGER

***CM-1**. It is stated in the City Ordinance Code, Chapter 2, Administration, Article III, Division 3, Section 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, I hereby appoint Donna Schwartz to the Port Huron Housing Commission for a five-year term to expire December 19, 2014.

Adopted by consent.

CM-2. Councilmember Archibald moved the adoption of the following City Manager's recommendation, seconded by Councilmember Ruiz:

On October 1, 2009, the City of Port Huron received two (2) proposals for the removal and replacement of 14 Pear trees within the Huron Avenue Streetscape area using streetscape special assessment district funds. After evaluation of the bids and the various tree varieties, it was determined that the most desirable replacement trees are flowering Crabapples from the following bidder:

Marine City Nursery (China, MI)	$18,760.00
The Tree Doctor (Brown City, MI)	*

*did not meet specifications

It is recommended that the bid of Marine City Nursery, 5304 Marine City Highway, China, Michigan, 48054, in the amount of Eighteen Thousand Seven Hundred Sixty and 00/100 Dollars ($18,760.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-3. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On October 22, 2009, the City of Port Huron received eight (8) bids for the Erie Street North sewer separation, water main replacement and street paving project:

Raymond Excavating Company (Marysville, MI)	$5,823,190.60
Pamar Enterprises Inc. (New Haven, MI)	$5,993,085.00
Ajax Paving Industries (Troy, MI)	$6,525,115.14 *
T. R. Pieprzak (China, MI)	$6,694,524.00
Dan's Excavating (Shelby Twp., MI)	$6,994,439.45
Angelo Iafrate Construction (Warren, MI)	$7,164,335.10
Zito Construction (Grand Blanc, MI)	$7,953,970.00
Posen Construction (Shelby Twp., MI)	$7,961,696.38 *

*indicates corrected bid amount

It is recommended that the bid of Raymond Excavating Company, 800 Gratiot Blvd., Marysville, Michigan, 48040, in the amount of Five Million Eight Hundred Twenty-Three Thousand One Hundred Ninety and 60/100 Dollars ($5,823,190.60) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-4. Councilmember Miller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On October 15, 2009, the City of Port Huron Utilities Division solicited four (4) companies for the bid of the installation of a liner to repair a leak in one of the existing sodium hypochlorite tanks. One (1) bid was received:

Flexi-Liner Corporation (Pomona, CA)	$13,589.00

It is recommended that the bid of Flexi-Liner Corporation, 3198 Factory Drive, Pomona, CA 91768, in the amount of Thirteen Thousand Five Hundred Eighty-Nine and 00/100 Dollars ($13,589.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-5. Councilmember Moeller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

On November 12, 2009, the City of Port Huron Public Works Department received four (4) quotes for a calcium chloride 10,000 gallon vertical storage tank:

The Wilkinson Corporation (Mayville, MI)	$6,755.12
Plastic Mart (Burnet, TX)	$8,707.00
The Chloride Guy, LLC (Capac, MI)	$9,303.00
Chemical Containment Systems, Inc. (Mt. Clemens, MI)	$15,000.00

It is recommended that the quote of The Wilkinson Corporation, 8290 N. Lapeer Road, Mayville, Michigan 48744, in the amount of Six Thousand Seven Hundred Fifty-Five and 12/100 Dollars ($6,755.12) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-6. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

On November 13, 2009, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for two (2) 2010 Crown Victoria police patrol cars:

Gorno Ford, Inc. $21,072.00 each

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Forty-Two Thousand One Hundred Forty-Four and 00/100 Dollars ($42,144.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-7. Councilmember Archibald moved the adoption of the following City Manager's recommendation, seconded by Councilmember Ruiz:

On November 12, 2009, the City received bids from three (3) construction companies for the removal of 30 feet of existing 6" pipe and replacement with 30 feet of 8" pipe located on Pine Grove Avenue.

Teltow Contracting, Inc. (Casco, MI)	$ 8,030.00
Murray Underground Systems, Inc. (Fort Gratiot, MI)	$ 8,350.00
Raymond Excavating Company (Marysville, MI)	$26,600.00

It is recommended that the bid of Teltow Contracting, Inc., 4678 Meldrum Road, Casco Township, Michigan, 48064, in the amount of Eight Thousand Thirty and 00/100 Dollars ($8,030.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: Councilmember Miller.
Absent: None.

RESOLUTIONS

R-1. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

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:

1. Suspends its rules and procedures for the regular meeting of December 28, 2009; and

2. Instructs the City Manager to not prepare an agenda for this regular meeting; and

3. 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 28, 2009, will not be held.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.
No: Councilmembers Lewandowski and Moeller.
Absent: None.

***R-2.** WHEREAS, it is stated in the City Ordinance Code, Chapter 46, Traffic and Vehicles, Section 46-6, Traffic Study Committee:

> "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 has reappointed Robert C. Beedon and Walter G. Crosby, Jr., for terms to expire November 23, 2011, as members of the Traffic Study Committee.

Adopted by consent.

R-3. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1229 effective October 15, 2009, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

RESCISSION - The following Traffic Control Orders shall be rescinded:

27-B - Martin Avenue - One hour parking limit on south side from 17th Street to 20th Street
27-C - Martin Avenue - There shall be no parking on north side from 18th Street to 20th Street
27-D - Martin Avenue - One hour parking on north side from 17th Street to 18th Street
27-H - Farrand Street - No parking on either side from 20th Street to 22nd Street
27-I - Katherine Street - One hour parking on both sides from 20th Street to 22nd Street
168 - Farrand Street - No parking between 22nd Street and 23rd Street beginning at a point 100' from intersection of 22nd Street to a point 100' from intersection of 23rd Street.

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1229 is hereby made <u>permanent</u> until such time as it is modified or repealed and that Traffic Control Order Nos. 27-B, 27-C, 27-D, 27-H, 27-I and 168 are hereby <u>rescinded</u> in order to effectuate this new traffic order; and

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.

Motion adopted unanimously.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $765.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #09-105)

Adopted by consent.

***R-5.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the Mayor, subject to approval by the City Council, shall appoint seven members, two members shall be appointed by the Port Huron Area School District, one member shall be appointed by the St. Clair County Community College, and one member shall be appointed by the St. Clair County Board of Commissioners, with four year terms; and

WHEREAS, there is currently one vacancy on the board;

NOW, THEREFORE, BE IT RESOLVED that the Mayor's appointment of Janice Rose to the Local Development Finance Authority for a term to expire June 11, 2013, is hereby confirmed; and

BE IT FURTHER RESOLVED that the reappointments of John Ogden and Timothy Ward for terms to expire June 11, 2013, are hereby confirmed.

Adopted by consent.

R-6. **Councilmember Fisher** moved the adoption of the following resolution, seconded by Councilmember Miller:

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 appointed by the Mayor for four-year terms, subject to the confirmation and approval of the City Council; and

WHEREAS, there are currently two (2) vacancies on the board;

NOW, THEREFORE, BE IT RESOLVED that the Mayor’s appointments of Shaun Groden for a term to expire September 14, 2010, and Thomas Shorkey for a term to expire September 14, 2013, to the Tax Increment Finance Authority are hereby confirmed; and

BE IT FURTHER RESOLVED that the Mayor's reappointments of John Ogden and Joseph Vito for terms to expire September 14, 2013, are hereby confirmed.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

***R-7.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 2, Administration, Article IV, Boards and Commissions, Division 5, Construction Board of Appeals, Section 2-511, that the Construction Board of Appeals shall consist of five members who are qualified by experience and training as follows: one master electrician, one master mechanical contractor, one master plumber, and two licensed tradesmen from the construction field such as a licensed architect, a licensed engineer or a licensed general contractor; and

WHEREAS, it is further stated in Section 2-512 of the Code of Ordinances that members shall be appointed by the City Council and shall hold office for a three-year term; and

WHEREAS, there is currently one (1) vacancy on the board;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints Jim Yu, licensed tradesman, for a term to expire June 30, 2011, to the Construction Board of Appeals; and

BE IT FURTHER RESOLVED that the Port Huron City Council hereby reappoints James Watson, master plumber, for a term to expire June 30, 2011, Ronald Bular, master mechanical contractor, Walter Crosby, master electrician, and Robert Nelson, licensed general contractor, for terms to expire June 30, 2012, to the Construction Board of Appeals.

Adopted by consent.

***R-8.** WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 52, Zoning, Article II, Division 3, Sections 52-97(a) that the Zoning Board of Appeals shall consist of five members with one member being a member of the Planning Commission; and

WHEREAS, it is further stated in Section 52-96 that the City Council shall appoint the members of the Zoning Board of Appeals with three-year terms;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby reappoints Dave Schwartz as the member from the Planning Commission for a term to expire August 11, 2012, and Larry McNamara for a term to expire July 1, 2012, to the Zoning Board of Appeals.

Adopted by consent.

***R-9.** 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, that the Rental Housing Board of Appeals shall consist of: "(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). Members are to serve three-year staggered terms, and priority shall be given to city residents."; and

WHEREAS, there is currently one vacancy on the board;

NOW, THEREFORE, BE IT RESOLVED that the City Manager's appointment of Peggy Milam (tenant) to the Rental Housing Board of Appeals for a term to expire June 10, 2012, is hereby confirmed; and

BE IT FURTHER RESOLVED that the City Manager's reappointment of Steve Gurne (landlord) to the Rental Housing Board of Appeals for a term to expire June 10, 2012, is hereby confirmed.

Adopted by consent.

***R-10.** 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 with three-year terms;

NOW, THEREFORE, BE IT RESOLVED that the Mayor's appointment of Tim Kearns for a term to expire April 14, 2010, is hereby confirmed; and

BE IT FURTHER RESOLVED that the Mayor's reappointments of Donna Klune, Michael J. Rossow, and Lynne Secory for terms to expire April 14, 2011, and of Keith Flemingloss and John Ogden for terms to expire April 14, 2012, are hereby confirmed.

Adopted by consent.

***R-11.** WHEREAS, Section 125.33(2) of the Municipal Planning Act (PA 285 of 1931) states in part that: "...the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote."; and

WHEREAS, the Code of Ordinances for the City of Port Huron, Section 2-234 states in part that: "The term of each member of the Planning Commission shall be three years or until his successor takes office."; and

WHEREAS, there is currently one (1) vacancy on the board;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Jill G. Brion for a term to expire August 11, 2011, is hereby confirmed; and

BE IT FURTHER RESOLVED that the Mayor's reappointments of Janice Littlefield, Jeffrey Smith, and Rock Stevens for terms to expire August 11, 2011, and Sharon Bender and Dave Schwartz for terms to expire August 11, 2012, are hereby confirmed.

Adopted by consent.

***R-12.** 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 Lewandowski is hereby reappointed as the Council's designated representative on the City Planning Commission.

Adopted by consent.

***R-13.** 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 appointment of Wendy Krabach to fill the vacancy created by the resignation of Jerry Thibodeau for a term to expire February 9, 2014, is hereby approved and confirmed.

Adopted by consent.

***R-14.** WHEREAS, the Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, Section VI of the By-Laws of the Beautification Commission state that "any member who has served for 10 consecutive years may be appointed by the Council as a Life Member with the full rights to participate in the business and affairs of the Commission;" and

WHEREAS, Alice Mariani was first appointed as a member of the Beautification Commission on July 13, 1998, and has served for the last 10 years and now qualifies to be a Life Member;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints Alice Mariani as a Life Member of the Beautification Commission.

Adopted by consent.

R-15. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Fisher:

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 Domingo "Rico" Ruiz is hereby the designated delegate and Councilmember Brian Moeller is hereby the designated alternate to serve as a member on SEMCOG.

Motion adopted by the following vote:

Yes:	Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No:	Councilmember Moeller.
Absent:	None.

***R-16.** WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to-wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the current Interlocal Agreement entered into between the Blue Water Area Transportation Commission and the City of Port Huron and the Charter Township of Fort Gratiot was adopted in 1983 by the Port Huron City Council; and

WHEREAS, Section 4(a)(1) states that the "Commission shall be composed of one (1) member (Commissioner), from each of the Participating Units of Government comprising the Commission. One (1) member and one (1) alternate member shall be appointed by each Participating Unit. A member's or alternate's place of residence or place of work shall be within the unit he/she represents. The membership of the Commission shall be increased or decreased upon the joinder or termination of Individual Participating Units in accordance with other provisions of this Agreement."; and

WHEREAS, Section 4(a)(3) states that the "terms of service for Commissioners shall be for three (3) year terms, subject to reappointment;" and

WHEREAS, on February 25, 2002, City Council adopted a resolution which states that "it is the desire of the Port Huron City Council to have one of their elected members to be the City's representative" and that their term would be for three years "or until the end of their Council term, whichever occurs first;" and

WHEREAS, the current representative is Councilmember James Fisher, whose term on the Commission expires November 24, 2009, and a vacancy currently exists for the alternate member;

NOW, THEREFORE, BE IT RESOLVED that Councilmember James Fisher is hereby reappointed as the City of Port Huron's member Commissioner and Mayor Pauline Repp as the alternate member Commissioner on the Blue Water Area Transportation Commission for three-year terms to expire November 24, 2012, or until the end of their Council term, whichever occurs first.

Adopted by consent.

R-17. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, Grant Educational Center, located at 3001 Electric Avenue and formerly known as Port Huron South, is currently being used as the polling place for Precinct 8; and

WHEREAS, the Port Huron Area School District will be closing Grant Educational Center in June 2010 and therefore a new polling place will need to be designated; and

WHEREAS, election law provides that a polling place must be located in a publicly-owned or controlled facility (such as a school building, fire or police station) or if necessary, a building other than a publicly-owned or controlled facility, the building must be owned or controlled by an organization that is "exempt from federal income tax pursuant to section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986….; and

WHEREAS, potential polling locations were reviewed within and adjacent to the precinct boundaries and it has been determined that Griswold Street Baptist Church, located at 1232 Griswold Street, is the recommended site to replace the Grant Educational Center polling location;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby accepts the recommendation of the Election Commission and designates Griswold Street Baptist Church, 1232 Griswold Street, as the polling location for Precinct 8 voters.

Motion adopted unanimously.

R-18. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, it is necessary to perform professional engineering design services for the Erie Street North 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 North 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 North Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-106).

Motion adopted unanimously.

R-19. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the City of Port Huron Water Filtration Plant is a regional facility which produces and distributes treated drinking water for the residents of the City and four adjacent townships; and

WHEREAS, the Michigan Department of Environmental Quality (MDEQ), Water Bureau, regulates the production and distribution of drinking water in the State of Michigan; and

WHEREAS, the MDEQ requires that the City of Port Huron obtain an operating permit as a community public water supplier and has assessed a fee to the permit holder based on population served;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $7,951.61 to the Michigan Department of Environmental Quality for the community public water supply annual fee.

Motion adopted unanimously.

R-20. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, it is necessary to perform professional engineering services for the 21st Street Area Phase II sewer separation project; 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 engineering design services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services for the 21st Street Area Phase II sewer separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-107).

Motion adopted unanimously.

R-21. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, there has been a contract (#09-5636) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the concrete pavement removal and replacement work along Dove Street from 24th Street to the west City limits, including earthwork, concrete curb, gutter 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 $520,100 is to be shared as follows:

Federal aid	$ 425,700
City	$ 94,400
	$ 520,100

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 concrete pavement removal and replacement work along Dove Street from 24th Street to the west City limits, including earthwork concrete curb, gutter work and all together with necessary related work; authorizes a local match of $94,400.00; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #09-108)

Motion adopted unanimously.

R-22. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the City of Port Huron frequently experiences ice jam flooding along the Black River; and

WHEREAS, the U. S. Army Corp of Engineers recommends that certain measures can be applied in advance to reduce or eliminate the risk of ice jam formation; and

WHEREAS, most often these methods are targeted at weakening, breaking or eliminating the ice in order to reduce the likelihood of an ice jam forming; and

WHEREAS, the City of Port Huron could enter into an Ice Breaking Services Contract with Malcolm Marine to provide an icebreaking tug and crew to perform any necessary icebreaking services in the Black River for flood relief upon request by an authorized representative of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the Ice-Breaking Services Contract with Malcolm Marine, Incorporated to provide ice breaking services in the Black River for flood relief; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator is appointed as the authorized representative for the City.

Councilmember Moeller moved to postpone action on the resolution until the next meeting, seconded by Councilmember Miller. Motion adopted unanimously.

R-23. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, Councilmember Brian Moeller has requested a resolution be prepared to place on the Tuesday, May 4, 2010, ballot a Charter Amendment question that would amend the City Charter to elect City Councilmembers as follows:

> Three (3) persons shall be elected at-large for two-year terms with the highest vote getter serving as Mayor, second highest vote getter serving as Mayor Pro-Tem and the third highest vote getter serving as a Councilperson at-large. Four (4) persons shall be elected from one of four wards (or districts) for a two-year term with the wards (or districts) being configured as prescribed by State law;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby direct the City Manager to prepare a resolution with appropriate Charter amendment language to provide for the two-year, at-large election of three (3) Councilmembers and to provide for the two-year election of four (4) Councilmembers from one of four wards (or districts).

Motion *rejected* by the following vote:

No:	Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.
Yes:	Councilmembers Fisher and Moeller.
Absent:	None.

R-24. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the Michigan Liquor Control Commission has received a request from John Del Campo to transfer ownership of a 2005 Class C licensed business, located in escrow at 210 Huron Avenue, from Raspect, Inc., Timothy J. Miller, Trustee;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Motion adopted unanimously.

R-25. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the Michigan Liquor Control Commission has received a request from Hollister'z Downtown Corp. to transfer ownership of a 2005 Class C licensed business with dance permit, located in escrow at 210 Huron Avenue, from John Del Campo to Hollister'z Downtown Corp.;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced the following upcoming events:

City Council has extended the nomination deadline for the Spirit of Port Huron awards until November 30.

The Port Huron Charter Commission will meet on November 24 at 7 p.m. in Conference Room 408 of the Municipal Office Center.

City offices will be closed in observance of Thanksgiving on November 26 and 27.

The annual Santa Parade in downtown Port Huron will be held on November 27 beginning at 6 p.m.

2. Councilmember Moeller expressed condolences to Todd Shoudy, legal counsel, and his family for the recent passing of his father, Dr. Elmore Shoudy. He also mentioned that several people asked about the price of flags and if residents could purchase the flag. Finance Director John Ogden responded that they are custom made and would cost about $225 and that they do not have many in stock available for purchase.

3. Councilmember Fisher asked if the Quality of Life Commission could be discussed at the December 7 special meeting (which it will be). He also mentioned that the Welkins Base Ball Club would be participating in the Kiwanis Club Polar Bear Plunge on December 5.

On motion (9:00 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 7, 2009, at 6:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 6:30 p.m. by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher (arrived at 6:32 p.m.), Lewandowski, Miller, Moeller and Ruiz.

CLOSED SESSION

1. Councilmember Archibald moved to enter into closed session to discuss litigation pursuant to Section 8(e) of the Open Meetings Act, seconded by Councilmember Miller. Motion adopted unanimously.

On motion (7:02 p.m.), the Council adjourned from closed session into the special meeting.

PUBLIC AUDIENCE

1. Ken Harris, Wells Street, addressed the City Council and stated that he believes the Quality of Life Commission is an important board to keep and that it is about more than just blight and that the board should be given some power.

2. Bernard Ellery, 6th Street, addressed the City Council and stated that now is the opportunity to be aggressive and to address the issues such as blight, properties in disrepair, unlicensed vehicles and making sure home improvements are completed.

3. Darlene Peterson, Riverside Drive, addressed the City Council and stated she resides and owns a business in the north end and that she is concerned with the issues in the south end as their issues and concerns affect all areas of the City. She also relayed a story about an early trash set-out notice she received, an incident she was told about that occurred in the Quay Street parking lot and that she hoped that gang activity is not increasing. She also stated that we should look to the cities of Wyandotte and Petoskey as these communities are beautiful.

4. Mike Bodeis, Port Huron Landlords Association, addressed the City Council and stated that he supports the purpose of the Quality of Life Commission, encourages agencies to stop funding services for nonresidents, to stop the influx of out-of-town landlords purchasing run-down properties, to stop rehabilitating homes and instead demolish the junk homes and he stated support for a pit bull ordinance.

5. Lonnie Stevens, Military Street, addressed the City Council and stated the purpose of the commission is to improve the quality of life in all areas and aspects of the community and we need to look at the ideas and successes of other communities, such as Wyandotte, Detroit and other major cities who have taken on home demolition and urban revitalization programs. It is not possible for people to continue to take care of some of the larger homes in our community because of the higher cost of taxes, utilities and insurance. The commission's work will bring forth ordinances and the tools needed to be successful and she does not support adding more people to the commission.

6. Mike McCauley addressed the City Council and stated that he owns a used appliance business on Griswold Street and the Oak and Griswold Streets corridor portrays a bad image to those people who are first coming into our community because of the blight issues, drug problems and rentals. He would like to see the older homes torn down and the areas cleaned up.

7. David Ellingwood addressed the City Council and stated that some homes on Ontario Street are dilapidated and the tenants can be loud and that he has had to call the police department several times regarding loud parties.

8. Bernard Ellery Sr., White Street, addressed the City Council and stated that the police and fire departments are called to the Port of Hope address too many times and that he does not believe they should be allowed to operate anymore and the building should be torn down.

RESOLUTIONS

1-2. Councilmember Moeller offered and moved the adoption of the following resolutions, seconded by Councilmember Miller:

R-1. WHEREAS, at the regular meeting of November 23, 2009, the City Council approved Resolution #24 which recommended that the transfer request for the liquor license held in escrow at 210 Huron Avenue from Raspect, Inc., to John Del Campo be recommended for issuance by the Michigan Liquor Control Commission (LCC); and

WHEREAS, it has come to our attention that the LCC's documentation to us contained incorrect language for the transfer and in order for the request to be processed, the LCC has requested that the City Council rescind the previous resolution and adopt a new resolution with the corrected information;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby rescinds Resolution #24 adopted at the November 23, 2009, meeting; and

BE IT FURTHER RESOLVED that it is the consensus of the Port Huron City Council that the application to transfer rights to renewal of 2005 Class C licensed business with Dance-Entertainment Permit, located in escrow at 210 Huron, Port Huron, MI 48060, St. Clair County, from Raspect, Inc., Timothy J. Miller, Receiver, to JOHN DEL CAMPO be recommended for issuance by the Michigan Liquor Control Commission.

R-2. WHEREAS, at the regular meeting of November 23, 2009, the City Council approved Resolution #25 which recommended that the transfer request for the liquor license held in escrow at 210 Huron Avenue from John Del Campo to Hollister'z Downtown Corp. be recommended for issuance by the Michigan Liquor Control Commission (LCC); and

WHEREAS, it has come to our attention that the LCC's documentation to us contained incorrect language for the transfer and in order for the request to be processed, the LCC has requested that the City Council rescind the previous resolution and adopt a new resolution with the corrected information;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby rescinds Resolution #25 adopted at the November 23, 2009, meeting; and

BE IT FURTHER RESOLVED that it is the consensus of the Port Huron City Council that the application to transfer ownership of proposed 2009 Class C licensed business with Dance-Entertainment Permit, located in escrow at 210 Huron, Port Huron, MI 48060, St. Clair County, from John Del Campo to HOLLISTER'Z DOWNTOWN CORP. (Step 2) be recommended for issuance by the Michigan Liquor Control Commission.

Motion to adopt Resolutions 1 and 2 was adopted unanimously.

DISCUSSION ITEMS

1. Quality of Life Commission - Discussion was held on whether a Councilmember should serve on this commission, if they should serve as the chair, if there should be a broader representation from all areas of the City and should staff serve as board members or as Ex Officio members.

Some of the comments made included a Councilmember would be a good liaison between the commission and the City Council; the commission should select the chair or the leader rather than the Council; it could be intimidating if a Councilmember is the chair; Planning Commission has a Council representative but they have never served as the chair; the commission size should not be increased; the at-large members should be from the southern, central and northern areas of the City; appointed members should indicate an interest in serving rather than just being selected; the three staff members should serve as Ex Officio members and not be able to vote; staff members should be allowed to vote as their input is needed; the Council representative should be from the southern end of the City; Saginaw and Bay City have had many of our same issues and some of their recent successes should be studied for ideas as they have made real progress; and this is a new board and some flexibility is needed in the beginning.

The Quality of Life Commission will meet on Wednesday, December 9, 2009, at 4:00 p.m. to discuss their views and opinions on the Council representative serving as the chair and if staff members should be voting members or Ex Officio members.

2. Blight and code enforcement - Kim Harmer, Planning Director, gave a history and overview of blight and code enforcement (see City Clerk File #09-109). Additional areas discussed included the success of recent ordinance amendments that have helped with junk cars, yard debris and repeat offenders; the number of complaints received this year; the coordinated use of resources in her department; various code enforcement procedures used; and some proposed projects being worked on such as a "point of sale" ordinance, streamlining of code case and demolition procedures, neighborhood redevelopment plans and notification to other agencies regarding vacant structures.

Some additional comments and questions by City Council included could establish routes similar to that used by street sweepers to look for blighted issues; are more problems being caused by the increase to six years for recertification of rentals; the approach for addressing blight issues with violators who are motivated to comply but do not have the resources versus the approach for non-motivated violators; the challenges faced with interpreting what is blight and the difficulties with residents understanding the issues and obtaining compliance; and the blatant disregard of our ordinances and rules by out-of-town landlords.

3. Crime in Port Huron - Donald Porrett, Police Chief, provided the City Council with an overview of crime statistics for the nine-month period ending September 30, 2009, and showed comparison statistics during the same time period in 2008 (see City Clerk File #09-110. Calls for service continue to rise and safety and security of the community is a top concern.

The department's focus is on prevention and getting the community involved, as well as using proactive and reactive policing programs. These programs include increased attention through Neighborhood Watch Programs, Citizen Police Academies to encourage community involvement, bicycle patrols, increased drug enforcement in known drug areas, validating addresses of registered sex offenders and apprehension of those wanted on criminal warrants. Grant funding is being used for some of these programs, as well as for the purchase of new and replacement equipment. The Chief also stated that gang activity does not appear to be on the rise and that they have increased enforcement in those areas where neighborhood kids are gathering to keep the matter under control. He also mentioned that the extra patrols have helped to curtail additional incidents in the Quay Street parking lot.

4. Status report on economic development activities - Tony Schifano, Industrial Development Executive Director, gave a status report on the economic development goals for the City (see City Clerk File #09-111). The current goals for the Industrial Park are to retain, attract and create jobs for the citizens of Port Huron. The focus is assisting these companies as they work through problems, look for new opportunities and to help with the expansion of their businesses. The recently established Port Huron Innovation Center also has several new tenants, which is helping these entrepreneurs start or expand a business. The strong presence of the community college should help and some businesses are looking to the students at SC4 to help in the expansion of their business endeavors. Business recruitment and expansion in the future will probably be in the areas of homeland security, biotechnology, medical and alternative energy. One of the first priorities has been to help the companies that are here to restart and expand those activities as there is a workforce that is ready to go back to work and already has the skills.

5. Budget update - Finance Director John Ogden gave a brief update on the current budget status, as well as the upcoming budget cycle. Adjustments to the current budget will be forthcoming early next year and we are continuing to look at additional ways to reduce costs and it could mean a reduction in services. Michigan has been in a recession since 2002 and it has been worse in recent years. The City's workforce has been reduced by 21% with minimal reduction in service. We have been able to accomplish real cost reductions while facing increased costs due to significant changes in the areas of health care and pensions. These changes have resulted in approximately $13 million over the years. One labor contract is left to be settled and it is being worked on. With regard to revenue, property taxes have dropped and will be slow to change due to Proposal A, the City income tax is also down, but it can return more quickly with the economy, and state revenue sharing has been declining since 2002 and is expected to be down about $400,000 to $500,000 this year.

On motion (9:25 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 14, 2009, at 7:00 p.m. in the Public Meeting Room of the Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller, Moeller and Ruiz.

The minutes of the regular meeting of November 23, 2009, and special meeting of December 7, 2009, were approved.

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, addressed the City Council and stated he is in favor of the purchase of two vehicles from local dealerships, opposed to the cancelling of the ballot question as there are other waterfront properties that could be sold, that he is disappointed with the lawsuit settlement as it benefits the lawyers and not the members and that a performance guarantee should be included in the festival management agreement.

2. David Shook, Riverwood Court, addressed the City Council stating support for the hiring of Malcolm Marine for ice-breaking services as his property flooded twice last year due to the ice jams.

3. Amy Sherrod addressed the City Council to state support for the approval of the special use permit request for the West Village Lane daycare as she is a working mother and the owners play a very important role in taking care of her two children.

4. Both Scott Harris and Karen Harris, Holland Avenue, addressed the City Council to state support for the approval of the special use permit request for the West Village Lane daycare as their granddaughter attends here and that consideration should be given to the important service that the daycare provides to this community. Mrs. Harris spoke later during public audience and her comments are noted here for continuity.

5. Darlene Peterson, Riverside Drive, addressed the City Council and stated support for terminating the purchase of the Black River Point property, stated support for a Councilmember to serve on the Quality of Life Commission and stated that funding through the "Trouble Asset Relief Program" should be looked into to assist with hiring back police officers.

6. Mark Byrne, Prospect Place, addressed the City Council to encourage that less restrictions be provided for in Ordinance #1 regarding solar power issues (particularly solar shingles) as this field is advancing and changing very fast.

CONSENT AGENDA

Councilmember Fisher moved to adopt the Consent Agenda items, seconded by Councilmember Lewandowski (items are indicated with an asterisk). Motion adopted unanimously.

COMMUNICATIONS & PETITIONS

***C-1.** Received and filed a letter from Laurie Sample-Wynn, President, First Night® Port Huron, and approved the request to waive all permit fees and fees for use of the Municipal Office Center's meeting room during their 9th annual event on December 31, 2009, and all future events.

FROM THE CITY MANAGER

CM-1. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

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, 2009, is transmitted herewith. (See City Clerk File #09-112 for the report and a letter from the auditors to the City Council).

Motion adopted unanimously.

CM-2. Councilmember Moeller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Ruiz:

On November 30, 2009, the City of Port Huron received two (2) bids for a pickup truck to be used by the Streets Division :

Northgate Ford (Port Huron, MI)	$17,358.00
Graff Chevrolet (Davis, MI)	$20,942.81

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Seventeen Thousand Three Hundred Fifty Eight and 00/100 Dollars ($17,358.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-3. Councilmember Moeller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On November 30, 2009, the City of Port Huron received one (1) bid for a commercial van to be used by the Fire Department Inspector:

Northgate Ford (Port Huron, MI)	$17,873.00

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Seventeen Thousand Eight Hundred Seventy Three and 00/100 Dollars ($17,873.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

***CM-4.** 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, 2009. (See City Clerk File # 09-113).

Adopted by consent.

RESOLUTIONS

R-1. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

BE IT RESOLVED that the Finance Director is hereby authorized to pay the attached payments. (See City Clerk File #09-01)

Motion adopted unanimously.

R-2. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, at the regular meeting of September 28, 2009, the City Council approved a resolution to authorize the purchase of property located at the confluence of the Black River and the St. Clair River to be referred to as the Black River Point property; and

WHEREAS, after the City's due diligence process and an examination of the potential costs involved in the development and marketing of this property, it is the conclusion of the City that the purchase of the Black River Point property should be terminated, as allowed under the purchase agreement; and

WHEREAS, at the regular meeting of October 12, 2009, the City Council adopted Resolution #12 which authorized a ballot proposal be submitted to the electorate at the May 4, 2010, to authorize the sale of the property to a qualified developer in the future, which is only necessary if the City completes the purchase;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby terminates the purchase of the Black River Point property, as allowed under the purchase agreement, and rescinds Resolution #12 from the October 12, 2009 meeting which authorized a ballot proposal be submitted to the electorate for the sale of this property to a qualified developer in the future.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

R-3. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the City of Port Huron frequently experiences ice jam flooding along the Black River; and

WHEREAS, the U. S. Army Corp of Engineers recommends that certain measures can be applied in advance to reduce or eliminate the risk of ice jam formation; and

WHEREAS, most often these methods are targeted at weakening, breaking or eliminating the ice in order to reduce the likelihood of an ice jam forming; and

WHEREAS, the City of Port Huron could enter into an Ice Breaking Services Contract with Malcolm Marine to provide an icebreaking tug and crew to perform any necessary icebreaking services in the Black River for flood relief upon request by an authorized representative of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the Ice-Breaking Services Contract with Malcolm Marine, Incorporated to provide ice breaking services in the Black River for flood relief; and

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator is appointed as the authorized representative for the City (see City Clerk File #09-114).

Motion adopted unanimously.

R-4. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #09-006, 2624 Stone Street, (see City Clerk File #09-115) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lot 5, Block 88, Plat of Village of Fort Gratiot; also known as 2624 Stone Street; 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, Section 10-211, and Chapter 34, Section 34-3, of the Code of Ordinances of the City of Port Huron, 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, Section 10-211, 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 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 January 11, 2010, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, 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 record, 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 (10) 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, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinances of the City of Port Huron.

(c) Provide for the recording of such hearings.

Motion adopted unanimously.

R-5. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, a request has been received for a special approval use permit to operate a family day care home (six or fewer children) at 2929 West Village Lane; and

WHEREAS, on December 2, 2009, the City of Port Huron Planning Commission held a public hearing to receive comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the request (vote: 6 ayes; 1 nays; 2 absent; 0 abstained), contingent upon the following:

1. No more than six children to be on the premises at any one time for which the applicant is being compensated for their care;
2. Hours of operation are limited to Monday through Friday, from 6:00 a.m. to 6:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit for a special a family day care home at 2929 West Village Lane subject to the following stipulations:

1. No more than six children to be on the premises at any one time for which the applicant is being compensated for their care;
2. Hours of operation are limited to Monday through Friday, from 6:00 a.m. to 6:00 p.m.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers, Fisher, Lewandowski, Miller, Moeller and Ruiz.
No: Councilmember Archibald.
Absent: None.

***R-6.** WHEREAS, a request has been received to vacate the River Street right-of-way located between the west right-of-way line of Erie Street and the south right-of-way line of McMorran Boulevard (formerly Broad Street) extended, with the reservation of a full-width public utility easement, described as follows:

beginning at the northwest corner of Erie Street and River Street rights-of-way; thence south to the southwest corner of Erie Street and River Street; thence westerly and northwesterly along the southerly right-of-way line of River Street to the intersection of the south right-of-way line of McMorran Street extended west to River Street; thence east along said extended McMorran Street right-of-way line to the northeast corner of McMorran and River Street; thence southeasterly and easterly along the northerly right-of-way line of River Street to the point of beginning of this description; adjacent to Steam Mill Reserve, Assessor's Subdivision of Lot C Steam Mill Reserve, and Blocks 34 and 42 Butler Plat, City of Port Huron, Saint Clair County, Michigan; and

WHEREAS, on December 2, 2009, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit, and recommended the City Council approve the request (vote: 7 ayes; 0 nays; 2 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described street right-of-way with the reservation of a full-width public utility easement.

Adopted by consent.

***R-7.** WHEREAS, a request has been received to vacate the full-width public utility easement described as follows:

located within the vacated St. Clair Street right-of-way from the south right-of-way line of Andrew Murphy Avenue (formerly Park Street) to the north right-of-way line of McMorran Boulevard (formerly Broad Street), adjacent to Blocks 33 and 35, Butler Plat, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, on December 1, 2009, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit and recommended the City Council approve the request (vote: 7 ayes; 0 nays; 2 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described easement contingent upon a private easement agreement being executed between the property owners and all utility entities with utilities located within the easement.

Adopted by consent.

***R-8.** WHEREAS, a request has been received to vacate the following described public utility easements located in vacated rights-of-way void of City-owned utilities:

a. Public utility easement located in the vacated Columbus Street right-of-way located between 12th Street and vacated 13th Street, adjacent to Lots 8 through 13, Block 1, and Lots 2 through 7, Block 8, Assessor's Beard Street Plat.

b. Public utility easement in the vacated Columbus Street right-of-way located between vacated 13th Street and 14th Street, adjacent to Lots 9 through 16, Block 2, and Lots 1 through 8, Block 7, Assessor's Beard Street Plat.

c. Public utility easement in the vacated right-of-way of Alley 212 between 12th and 13th Streets, adjacent to Lots 1 and 14, and Lots 3 through 12, Block 1, Assessor's Beard Street Plat.

d. Public utility easement in the vacated right-of-way of Alley 213 adjacent to Lots 1 through 16, Block 2, Assessor's Beard Street Plat, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, on December 1, 2009, the City Planning Commission held a public hearing to receive comments and consider any objections to the proposed vacation; and

WHEREAS, after due consideration, it was the judgment of the Planning Commission that the vacations would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit and recommended the City Council approve the request (vote: 6 ayes; 1 nays; 2 absent; 0 abstained);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described easements contingent upon a private easement agreement being executed between the property owners and all utility entities with utilities located within the easements.

Adopted by consent.

***R-9.** WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct public hearings regarding the views and comments of citizens as to the housing and community development needs within the City for the next five years (Consolidated Plan 2010-2015) and for the next fiscal year beginning April 1, 2010 (Annual Action Plan); and

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

WHEREAS, a second public hearing is required to receive comments on the proposed Consolidated Plan and Annual Action Plan; and

WHEREAS, the purpose of the Consolidated Plan and Annual Action Plan is to develop and continue programs that will help eliminate slums or blighting influences and to benefit moderate income individuals;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for Monday, January 11, 2010, to hear views of citizens on the general needs in community development, housing, and special services utilizing CDBG and HOME funds for the next five years and for fiscal year beginning April 1, 2010;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 8, 2010, to hear comments on the proposed Consolidated Plan for 2010-2015 and the 2010 Annual Action Plan.

Adopted by consent.

***R-10.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, the costs for removing noxious weeds or unlawful growths or blighting factors shall be assessed to the property owners pursuant to Chapter 22, Sections 22-83 and 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and 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 assessments in the total amount of $530.00 upon the lots and premises described in the attached special assessment report for the cost of removing noxious weeds or unlawful growths or blighting factors. (See City Clerk File #09-116)

Adopted by consent.

***R-11.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for an emergency board-up of a vacant structure; and

WHEREAS, the cost for boarding up of openings shall be assessed to the property owner(s) pursuant to Article IV, Property Maintenance Code, Section 109.2 Temporary Safeguards, and Section 40-19 of the City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning and Community Development Director 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 $150.00 for an emergency board-up of the premises described in the attached special assessment report (see City Clerk File #09-117).

Adopted by consent.

***R-12.** 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 from applications on file; and

WHEREAS, the terms of one Republican and one Democrat will expire on December 31, 2009;

NOW, THEREFORE, BE IT RESOLVED that Carolyn S. Holley, Democrat, 729 White Street, and Mary J. Sams, Republican, 3855 Oak Hills Circle, are hereby reappointed to serve as members of the Board of Canvassers for four-year terms to expire on December 31, 2013.

Adopted by consent.

R-13. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, the City of Port Huron and the County of St. Clair, through the County Department of Public Works (County DPW), entered into a sewage disposal service agreement dated June 16, 1972, for the County to provide sewage service to Fort Gratiot Township for a sanitary sewer system the County DPW financed and constructed; and

WHEREAS, the County DPW has requested that the sewage disposal service agreement be modified so that the City of Port Huron will directly bill Fort Gratiot Township and Fort Gratiot Township will directly pay the City of Port Huron for the quarterly sewer services; and

WHEREAS, an agreement has been prepared to modify the sewage disposal service agreement to call for such direct quarterly billings and payments between the City and Township starting with the quarter ending December 31, 2009, pursuant to the terms of the sewage disposal service agreement with all other terms and conditions of the original agreement remaining in full force and effect;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the St. Clair County Department of Public Works and Fort Gratiot Township for the direct billing and payment of quarterly sewer services between the City and the Township and authorizes the appropriate City officials to execute the agreement (See City Clerk File #09-118).

Motion adopted unanimously.

***R-14.** WHEREAS the Water Reclamation Facility operates under a National Pollutant Discharge Elimination System (NPDES) Discharge Permit required by the United States Environmental Protection Agency (EPA) and approved by the Michigan Department of Environmental Quality (MDEQ); and

WHEREAS, facilities operating under a NPDES permit are required to pay MDEQ an annual permit fee based upon a discharge authorized by the facility's permit; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $13,000.00 to the Michigan Department of Environmental Quality for the annual NPDES Discharge permit fee.

Adopted by consent.

R-15. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, it is necessary to perform professional engineering design services for the Water Street water main, sewer and paving from 10th Street to the City limits; and

WHEREAS, Rowe Professional Services Company 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 Professional Services Company for professional engineering design services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe Professional Services Company for professional engineering design services for the Water Street water main, sewer and paving from 10th Street to the City limits and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-119).

Motion adopted unanimously.

R-16. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, it is necessary to perform professional engineering services for the Municipal Office Center parking garage rehabilitation phase III which will include investigation, design and construction engineering of the repairs to the plaza; and

WHEREAS, Walker Parking Consultants 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 Walker Parking Consultants for professional engineering services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Walker Parking Consultants for professional engineering services for the Municipal Office Center parking garage rehabilitation phase III which will include investigation, design and construction engineering of the repairs to the plaza and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-120).

Motion adopted unanimously.

R-17. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, it is necessary to perform professional engineering and architectural services for conducting a self-evaluation study and transition plan; and

WHEREAS, DLZ Michigan, 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 DLZ Michigan, Inc. for professional engineering and architectural services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with DLZ Michigan, Inc. for professional engineering and architectural services for conducting a self-evaluation study and transition plan and authorizes the appropriate City officials to execute the agreement (see City Clerk File #09-121).

Motion adopted unanimously.

***R-18.** WHEREAS, the City of Port Huron did on June 12, 1946 acquire title to Elmwood Street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P. A. 1951 as amended;

NOW, THEREFORE, BE IT IS RESOLVED:

That the center line of said street is described as: Beginning at the intersection of the center line of Forest Street and the center line of Elmwood Street, thence along an easterly extension of Elmwood Street, N 79º 49' 26" E 49.21 feet to a point of curvature; thence 161.50 feet on a tangent curve to the right (having a central angle of 30º 50' 41", a radius of 300.00 feet and a chord bearing S 84º 45' 14" E 159.56 feet); thence S 69º 19' 53" E 34.29 feet to a point on the westerly right-of-way line of Thomas Edison Parkway (Armour Street); thence continuing S 69º 19' 53" E 79.46 feet to the centerline of the Thomas Edison Parkway pavement.

That said street is located within a City right-of-way and is under the control of the City of Port Huron.

That said street is a public street and is for public street purposes.

That said street is accepted into the City Local Street System.

Adopted by consent.

***R-19.** WHEREAS, the City of Port Huron did on March 26, 2009 acquire title to State Street and Gratiot Avenue; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P. A. 1951 as amended.

NOW, THEREFORE, BE IT IS RESOLVED:

That the center line of said street is described as: Commencing at the intersection of the centerline of Cherry Street and the centerline of State Street, thence N 79º 47’ 20” E 51.08 feet to a point of beginning; thence 364.28 feet along a tangent curve to the left (having a central angle of 89º 57’ 54”, a radius of 232.00 feet and a chord bearing N 34º 48’ 23” E 328.00 feet) to the point of ending on the existing centerline of Gratiot Avenue.

That said street is located within a City right-of-way and is under the control of the City of Port Huron.

That said street is a public street and is for public street purposes.

That said street is accepted into the City Local Street System.

Adopted by consent.

***R-20.** WHEREAS, the City of Port Huron did on December 4, 2009 acquire title to- Oak Street from Military Street to 3rd Street and 3rd Street from Oak Street to Griswold Street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P. A. 1951 as amended;

NOW, THEREFORE, BE IT IS RESOLVED:

That the center line of said street is described as: Commencing at the northwest corner of fractional section 15, T.6N R.17E. in the City of Port Huron, St. Clair County, Michigan; Thence S 86º 27’ 20” W 720.90’ along its north line (centerline of Griswold Street) to the centerline of Military Street (U.S. 25); thence S 00º 03’ 44” E 376.32’ to the westerly extension of the center of Oak Street; thence N 86º 30’ 25” E 50.09’ along said extended centerline to the east right of way line of said Military Street and point of beginning of said Oak Street description; thence N 86º 30’ 25” E 521.97’ to the centerline of third street; thence S 03º 16’ 17” E 30.25’; thence N 03º 16’ 17” W 49.40’ to the P. C. of a curve concave to the east, said curve having a radius of 301.34’ and a long chord which bears N 14º 10’ 43” E 180.73’; thence northeasterly 183.55’ along the arc of said centerline curve to its point of tangency; thence N 31º 37’ 43” E 101.40’ to the P. C. of a curve concave to the west, said curve having a radius of 135.50’ and a long chord which bears N 15º 58’ 05” E 73.15’; thence northeasterly 74.07’ along the arc of said centerline curve to the south line of Griswold Street right of way and the point of ending of this street centerline description.

That said street is located within a City right-of-way and is under the control of the City of Port Huron.

That said street is a public street and is for public street purposes.

That said street is accepted into the City Local Street System.

Adopted by consent.

***R-21.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup in the right-of-way; and

WHEREAS, the cost for trash pickup in the right-of-way shall be assessed to the property owner(s) pursuant to City ordinances, Sections 38-11, 40-19, and 42-17; 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 single lot special assessments in the total amount of $360.15 for special trash pickup in the right-of-way upon the lots and premises described in the attached special assessment report (see City Clerk File #09-122).

Adopted by consent.

***R-22.** WHEREAS, the City of Port Huron, County of St. Clair, State of Michigan (the “City”), intends to authorize the issuance and sale of general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), for the purpose of paying all or part of the cost of acquiring, constructing and installing improvements and upgrades to the City’s Wastewater Treatment Plant, including the replacement of aging components and the installation of facilities and equipment necessary to improve wet weather flow management at the Wastewater Treatment Plant, together with related sites, structures, equipment and appurtenances (collectively, the “Project”); and

WHEREAS, the City Council, pursuant to Act 34, intends to authorize the issuance and sale of the aforesaid bonds, in one or more series, in the aggregate principal amount of not to exceed Fourteen Million Dollars ($14,000,000) (the “Bonds”); and

WHEREAS, a notice of intent to issue the Bonds must be published at least forty-five (45) days before issuance of the Bonds in order to comply with the requirements of Section 517(2) of Act 34; and

WHEREAS, in order for the City to be reimbursed from Bond proceeds for Project expenditures made prior to the receipt of the proceeds of the Bonds, the City must declare its intention to reimburse such expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the *Times Herald*, a newspaper of general circulation in the City, as a display advertisement at least one-quarter (1/4) page in size.

2. Said notice of intent shall be in substantially the form attached to this resolution as Appendix A. (See City Clerk File #09-123)

3. The City Council does hereby determine that the form of notice of intent to issue bonds attached hereto as Appendix A and the manner of publication directed is the method best calculated to give notice to the taxpayers and electors of the City of the City’s intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum relating thereto, and that the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of the Bonds to be issued by the City.

(b) The expenditures described in this paragraph (b) are for the costs of the Project, which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of Bonds expected to be issued for the Project, including issuance costs, exclusive of amounts for which previous reimbursement declarations have been made, is $14,000,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(h), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the Bonds paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) For purposes of this resolution, expenditures for the costs of the Project to be reimbursed from the proceeds of the Bonds do not include costs for the issuance of the Bonds or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the Bonds, or preliminary expenditures not exceeding twenty (20) percent of the issue price of the Bonds, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

5. The Director of Finance is designated as the officer of the City authorized to make any further declarations of intent to reimburse the City from Bond proceeds for expenditures made prior to the issuance of the Bonds.

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

Adopted by consent.

R-23. Councilmember Fisher moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

WHEREAS, there has been a contract (#09-5724) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction work along Scott Avenue from Poplar Street to Stone Street; including hot mix asphalt paving, earthwork, and curb and gutter work; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the American Recovery and Reinvestment Act; and

WHEREAS, the Federal participation ratio for eligible cost items is 100%; and

WHEREAS, the total estimated eligible cost of $218,400 is to be shared as follows:

Federal Aid	$218,400
City	$ 0.00
	$218,400

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 work along Scott Avenue from Poplar Street to Stone Street; including hot mix asphalt paving, earthwork, and curb and gutter work; and all together with necessary related work and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #09-124)

Motion adopted unanimously.

***R-24.** WHEREAS, the Michigan Liquor Control Commission has received a request to transfer ownership of a 2006 Class C licensed business with dance-entertainment permit, located in escrow at 1211 Griswold Street, Port Huron, MI 48060, St. Clair County, from Cheryl A. Diepenhorst and Lester Diepenhorst to Robert G. Hartnett;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the Port Huron City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted by consent.

R-25. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the City of Port Huron desires to retain Jonathan Witz & Associates to manage and stage a new festival, with the name to be determined in the future, to take place during the dates of July 15-17, 2010; and

WHEREAS, events during the festival will be located at selected venues along the Black River and in parking lots and possibly streets adjacent to the area selected; and

WHEREAS, an agreement has been prepared that provides the details for the management and staging of this festival by Jonathan Witz & Associates;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Jonathan Witz & Associates to manage and stage a new festival to take place in Port Huron during the dates of July 15-17, 2010. (See City Clerk File #09-125)

Motion adopted unanimously.

R-26. Councilmember Ruiz offered and moved the adoption of the following resolution, seconded by Councilmember Fisher:

WHEREAS, the Port Huron City Council created a Quality of Life Commission at its meeting held on September 14, 2009; and

WHEREAS, the members of the Quality of Life Commission are appointed by the City Manager with the approval of the City Council; and

WHEREAS; there is currently a vacancy on the commission for the City Council representative;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and approves the City Manager's appointment of Sherry Archibald to serve as the City Council representative on the Quality of Life Commission for a term to expire September 28, 2012.

Motion adopted unanimously.

R-27. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the City of Port Huron is currently involved in litigation pending in the United States District Court for the Eastern District of Michigan, Case No.: 08-11793; and

WHEREAS, in the lawsuit, the Plaintiffs claim that some curb ramps and sidewalks built within the City since 1992 did not comply with federal and state accessibility; and

WHEREAS, the City denied the Plaintiffs claims and denied that its curb ramps or sidewalks violated federal or state disabilities laws; and

WHEREAS, despite the City's belief that it did not violate any accessibility standards in the way it built its sidewalks or curb ramps, in the interest of resolving the pending litigation and in the interest of partnering with the disabled in the community to identify which curb ramps are problematic to the disabled; and upon the recommendation of the City's attorneys;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Port Huron City Council hereby authorizes its legal counsel to take the steps necessary to resolve the lawsuit on the following terms:

a. To seek the advice of the disabled community in identifying curb ramps where there are potential accessibility issues and an agreement by the City to spend up to $60,000 per year in repairing or replacing such curb ramps for each of the next five fiscal years;

b. That all future curb ramp and sidewalk construction in the next five years will comply with any of the then existing MDOT, DOJ, or USDOT curb ramp standards, subject to feasibility and construction tolerances;

c. That a reasonable fee be paid to Plaintiffs' counsel for attorney fees and costs as agreed by counsel.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

ORDINANCES

O-1. Councilmember Archibald moved that the following ordinance entitled and reading as follows be given its first and second reading, seconded by Councilmember Miller:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE IV, GENERAL AND SUPPLMENTARY REGULATIONS, SECTION 52-703, ALTERNATIVE ENERGY DEVICES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROVIDING REGULATIONS FOR ROOF-MOUNT WIND TURBINES

Motion adopted unanimously and ordinance given its first and second reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced the following upcoming events:

City offices will be closed in observance of Christmas Eve, Christmas Day and New Year's Day.
First Night will be celebrated throughout the downtown area on December 31.

2. Councilmember Moeller mentioned that the police department has the same number of officers as in 1971, that Fire Department employee numbers are down and that the US Navy is offering the decommissioned USS John F. Kennedy aircraft carrier to anybody that wants to use it as a museum or memorial. He also wished everyone a Merry Christmas and a Happy New Year on behalf of himself and his wife Diana.

3. Councilmember Lewandowski mentioned that the deadline for the free Citizens' Police Academy is January 15, 2010, and classes will begin in February.

4. Councilmember Fisher mentioned that the Olde Town Victorian Carolers will be bringing Christmas cheer and goodwill to all on Friday, December 18.

5. Councilmember Miller also wished everyone a Merry Christmas and a Happy New Year.

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

SUSAN M. CHILD, CMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Thursday, December 17, 2009, at 4:45 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 4:45 p.m. by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher (arrived at 4:50 p.m.), Lewandowski, Miller, Moeller and Ruiz.

CLOSED SESSION

1. Councilmember Miller moved to enter into closed session for the purpose of a negotiation session connected to the collective bargaining agreement with the Utility Workers Union of America, AFL-CIO and its Local 532, pursuant to Section 8(c) of the Open Meetings Act, seconded by Councilmember Archibald.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller, Moeller and Ruiz.
No: None.
Absent: Councilmember Fisher.

On motion (5:10 p.m.), the Council adjourned from closed session into the special meeting.

PUBLIC AUDIENCE

1. No one appeared to be heard.

RESOLUTIONS

R-1. Councilmember Fisher offered and moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the collective bargaining agreement between the City and the Utility Workers Union of America, AFL-CIO and its Local 532, expired on June 30, 2007; and

WHEREAS, the City and the Union have negotiated a new collective bargaining agreement that is acceptable to each;

NOW, THEREFORE, BE IT RESOLVED that the attached changes to the existing collective bargaining agreement are hereby adopted and appropriate City Officials are authorized to prepare and execute a new four-year collective bargaining agreement with the Utility Workers Union of America, AFL-CIO and its Local 532, for the period July 1, 2007, through June 30, 2011. (See City Clerk File #09-126)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.
No: Councilmembers Lewandowski and Moeller.
Absent: None.

On motion (5:15 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk

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