CITY OF PORT HURON
2011
Council-Manager Government

MAYOR
Pauline M. Repp

COUNCIL
Sherry L. Archibald\(^1\)
Rachel L. Cole
James M. Fisher\(^2\)

Kenneth D. Harris
Alan R. Lewandowski
Steven G. Miller\(^3\)

Brian J. Moeller
Rico A. Ruiz

\(^1\) Mayor Pro Tem from Nov. 14 - Dec. 31, 2011
\(^2\) Term expired Nov. 14, 2011
\(^3\) Mayor Pro Tem; term expired Nov. 14, 2011

ADMINISTRATIVE OFFICERS

City Manager
Bruce C. Brown

City Clerk’s Office, Elections & Bureau of Public Information & Complaints Dept.
Susan M. Child.........................City Clerk

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

Finance Department
John H. Ogden............................Director

Fire Department
Robert W. Eick............................Chief

Human Resources Department
Julie A. Davis..............................Director

Information Technology
James J. Brennan........................Director

Marinas
Daniel L. Collins.......................Harbormaster

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

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

Police Department
Michael W. Reaves......................Chief

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

Recreation
Nancy A. Winzer.........................Director
CITY OF PORT HURON
2011
BOARDS, COMMISSIONS AND AUTHORITIES

Beautification Commission
David Bennis
Betty Eastin
Mary Jo Edson
Diane Horn
Donna Kelly
Laura Luttrel
Darcy Macke
Tami Zimmer
Vacancies - 3

Life Members
Christine Gaffney, Margaret Gibbs,
Mary Goschnick, Kathy Holth,
Norman Langolf, Deborah Lemke,
Alice Mariani, Carolyn McNeill,
Evelyn Rogers, Ann Stine

Blue Water Area Transportation
James M. Fisher
Pauline Repp (Alternate)

Board of Review
Judith Novar
Gary Westrick
Jeff Wine

Brownfield Redevelopment Authority
Mike Cansfield
Keith Flemingloss
Tim Kearns
Donna Klune
John Ogden
Mike Rossow
Lynne Secory

Canvass Board
Patricia P. Bradley
Carolyn S. Holley
Mary J. Sams
Yvonne J. Williams

Construction Board of Appeals
Walter Crosby, Jr.
Robert Nelson
James Watson
Richard Welser
Jim Yu

Downtown Development Authority
Thomas Barrett
Bruce C. Brown
Jenny Bulgrien
Laurie Charron
Richard Engle
Kurt Eppley
Casey Harris
Wendy Krabach
Rick Mills

Historic District Commission
Michael Artman
Kevin Banker
Katherine Holth
Larry Krabach
Carl A. Moss
Edward Peterson
Gerald Saunders
Lynne Secory
William Vogan

Life Members
Jane O'Sullivan
Richard S. Pack
Donna Schwartz
Earl Shoulders
William Smith

Income Tax Board of Review
C. Dale Hoy
James McCandless
Vacancy - 1

Local Development Finance Authority
Marshall J. Campbell
Daniel Casey
Darlene Jacolik
Bill Kaufman
Christina Kostiuk
Kirk Kramer
John Ogden
Janice Rose
Joe Vito
Timothy M. Ward
H. Ronald Wollen

McMorran Civic Center Authority
Bruce C. Brown
Korissa S. Kramer
John H. Ogden
Patti J. Samar
Vacancies - 3

Non-voting Council liaison:
Ken Harris

Planning Commission
Sharon Bender
Jill G. Brion
Robert Clegg
Alan Lewandowski
Mike Rossow
David Schwartz
Jeffrey R. Smith
Rock Stevens
Jeff Wine

Quality of Life Commission
Sherry Archibald
Hilary Bridge
George (Sandy) Duffy, Jr.
Robert Eick
David Haynes
Chris Herber
Kathleen McCready
Michael Reaves
Darrin Rushing
Vacancies - 2

Rentals Housing Board of Appeals
Steve Gurne
Peggy Milam
Linda Reichenbach
Ron Saffee
Bill Vogan

Sister City Commission
Louise Bauman
Alan D. Cuthcer
Armstead Diggs
Fredrick "Scott" Fernandez
Irene Michaels
Pat O'Connor
Sandy Politowicz
Vacancies - 2

SEMCOG
Domingo "Rico" Ruiz
Pauline M. Repp (Alternate)

Tax Increment Finance Authority
Bruce C. Brown
Robert J. Funk
Darlene Jacolik
William Kauffman
John Ogden
Jan Rose
Thomas Shirkey
Joseph Vito
Timothy M. Ward

Traffic Study Committee
Robert Beedon
Walter Crosby, Jr.
Chief Michael Reaves
City's Attorney
Traffic Division Member

Zoning Board of Appeals
Michael P. Cogley
James Dewey
James B. McDonald
Larry McNamara
David Schwartz
Jim Yu (Alternate)
Vacancy - 1 (Alternate)
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 10, 2011, 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 December 13, 2010, were approved.

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, commented that the supplemental funding agreement with Fort Gratiot Township for their residents to participate in City recreation programs should also be done for McMorran Place. He also commented on the Fort Gratiot Lighthouse payment for engineering services.

CONSENT AGENDA

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

RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.

*R-2. WHEREAS, the following costs have been incurred by the City of Port Huron for demolition proceedings of structures on the described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Code Case #</th>
<th>Property # / Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-009</td>
<td>74-06-743-1368-000</td>
<td>$5,693.25</td>
</tr>
<tr>
<td></td>
<td>604 - 12th Street</td>
<td></td>
</tr>
<tr>
<td>10-011</td>
<td>74-06-743-0233-000</td>
<td>4,683.25</td>
</tr>
<tr>
<td></td>
<td>1008 - 10th Street</td>
<td></td>
</tr>
<tr>
<td>10-012</td>
<td>74-06-185-0028-000</td>
<td>3,138.25</td>
</tr>
<tr>
<td></td>
<td>2953 - 30th Street</td>
<td></td>
</tr>
<tr>
<td>10-013</td>
<td>74-06-743-1088-000</td>
<td>5,807.25</td>
</tr>
<tr>
<td></td>
<td>1015 Chestnut Street</td>
<td></td>
</tr>
<tr>
<td>10-014</td>
<td>74-06-449-0043-000</td>
<td>5,408.25</td>
</tr>
<tr>
<td></td>
<td>915 Jenkinson Street</td>
<td></td>
</tr>
<tr>
<td>10-015</td>
<td>74-06-185-0028-100</td>
<td>4,236.25</td>
</tr>
<tr>
<td></td>
<td>3005 John L Portis Dr.</td>
<td></td>
</tr>
<tr>
<td>10-016</td>
<td>74-06-722-0076-000</td>
<td>7,908.25</td>
</tr>
<tr>
<td></td>
<td>1517 Lapeer Avenue</td>
<td></td>
</tr>
<tr>
<td>10-020</td>
<td>74-06-366-0006-000</td>
<td>6,838.25</td>
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<tr>
<td></td>
<td>1428 Richardson Street</td>
<td></td>
</tr>
<tr>
<td>10-021</td>
<td>74-06-343-0097-000</td>
<td>5,488.25</td>
</tr>
<tr>
<td></td>
<td>2500 Vanness Street</td>
<td></td>
</tr>
</tbody>
</table>

$49,201.25

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $49,201.25 for demolition proceedings of structures on the above-described properties.

Adopted by consent.

*R-3. WHEREAS, state liquor licenses granted to local establishments such as barrooms, taverns, etc., are renewed by the State of Michigan, Liquor Control Commission, on April 1 of each year; and

WHEREAS, under the provisions of the Michigan Liquor Control Act, if a local legislative body wishes to object to the renewal of an on-premise liquor license for just cause, the following shall occur:

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:

<table>
<thead>
<tr>
<th>Licensee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bistro 1882, 2333 Gratiot Avenue</td>
</tr>
<tr>
<td>Blue Water Bowl, 2419 Lapeer Avenue</td>
</tr>
<tr>
<td>Bowl-O-Drome/Zebra Lounge, 522 Quay Street</td>
</tr>
<tr>
<td>Casey’s Pizza &amp; Sub, 628 Huron Avenue</td>
</tr>
<tr>
<td>Harrington Inn, 1026 Military Street</td>
</tr>
<tr>
<td>Legendz, 1631 Garfield Street</td>
</tr>
<tr>
<td>Military Street Café, 1102 Military Street</td>
</tr>
<tr>
<td>Palms Krystal Bar, 1535 Pine Grove Avenue</td>
</tr>
<tr>
<td>Pompeii’s Pizzeria, 1120 Military Street</td>
</tr>
</tbody>
</table>

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

1. Notify, in writing, the licensees listed above that a hearing will be held on Monday, February 14, 2011, to afford the licensee 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-4. WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City for the next fiscal year beginning April 1, 2011; and

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

WHEREAS, a second public hearing is required to receive comments on the proposed Annual Action Plan; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 24, 2011, to hear views of citizens on the general needs in community development, housing and special services, utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2011;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 14, 2011, to hear comments on the proposed 2011 Annual Action Plan, including CDBG, HOME, and Section 108 Loan Funds.

Adopted by consent.

R-5. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Ruiz:

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 (1,988 dry tons in 2010);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the payment of $21,751.12 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. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the Wastewater Treatment Plant 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.

Motion adopted unanimously.

R-7. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, it is necessary to perform professional engineering design and construction inspection services for the Wastewater Treatment Plant thickener system improvements consisting of removing and replacing the existing thickener tank rake-arm mechanisms, weirs, baffles, and troughs in all four (4) tanks, replacing drive mechanisms in three (3) of the tanks, and constructing all necessary concrete roof and tank repairs; and

WHEREAS, it is expected that the system improvements will be completed over two fiscal years; and

WHEREAS, Tetra Tech 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 for professional engineering services for the Wastewater Treatment Plant thickener system improvements;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech for professional engineering services for the Wastewater Treatment Plant thickening system improvements and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-2).

Motion adopted unanimously.

R-8. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, it is necessary to prepare permits, plans and perform soundings for the River Street Marina; and

WHEREAS, if it is determined that dredging is necessary at this City-owned marina, professional engineering services will be necessary in order to prepare bid documents; and
WHEREAS, Tetra Tech MPS was determined in a competitive selection process to be the appropriate engineering firm to provide these services and an agreement has been prepared between the City of Port Huron and Tetra Tech MPS to provide these services for the years 2011 through 2015;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services for the River Street Marina maintenance dredging project for the years 2011 through 2015 and authorizes the appropriate City officials to execute the agreement (See City Clerk File #11-3)

Motion adopted unanimously.

*R-9. WHEREAS, Beautification Commission was established at the City Council meeting of December 9, 1985, and currently consists of 11 members; and

WHEREAS, the terms of four members will be expiring at the end of January; and

WHEREAS, Evelyn Rogers’ term is also expiring, however, she was first appointed as a member of the Beautification Commission on December 11, 2000, and has served for the last 10 years and now qualifies to become a Life Member;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby appoint David Bennis, Betty Eastin, Mary Jo Edson and Diane Horne to the Beautification Commission for three-year terms to expire January 30, 2014; and

BE IT FURTHER RESOLVED that the Port Huron City Council does hereby appoint Evelyn Rogers as a Life Member of the Beautification Commission.

Adopted by consent.

R-10. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Miller:

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 December 14, 1977, for the County to provide sewage service to Kimball 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 Kimball Township and Kimball 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 the Township, pursuant to the terms of the sewage disposal service agreement attached, 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 Kimball Township for the direct billing and payment of quarterly sewer services between the City of Port Huron and the Township and authorizes the appropriate City officials to execute the agreement (See City Clerk File #11-4).

Motion adopted unanimously.

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

WHEREAS, a request has been received to vacate the following described portion of alley:

Alley #48 located adjacent to Lots H, J, K, L, and M, White's Resurvey of a part of Block 4; and Lots 3, 4, 5, and the east 12 feet of Lot 6, Block 4, White's Subdivision of a part of Section 3, Township of Port Huron, now City of Port Huron in the block bounded by Water Street to the north, Sherman Street to the south, 14th Street to the west, and 13th Street to the east, St. Clair County Michigan; and

WHEREAS, on January 4, 2011, the City Planning Commission held a public hearing to receive comments on the request; and

WHEREAS, it was the judgment of the City Planning Commission that the vacation of this portion of Alley #48 would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby vacates the above-described portion of Alley #48 with the reservation of a full-width public utility easement.

Motion adopted unanimously.

ORDINANCES

O-1. Councilmember Archibald moved, seconded by Councilmember Fisher, that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ENHANCING RENTAL PROPERTIES IN THE CITY BY REQUIRING STANDARDS FOR SAID PROPERTIES.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.

No: Councilmember Miller.

Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced that classes start on Feb. 15 for the Citizens' Police Academy and applications will be accepted through January 25.

2. Councilmember Moeller welcomed County Commissioner Rushing to the meeting.

On motion (7:40 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, January 19, 2011, at 4:45 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller, Moeller (arrived at 4:50 p.m.) and Ruiz.

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, commented on the aquarium project, combining the police and fire departments together and the rental ordinance.

MISCELLANEOUS BUSINESS

Bruce Brown, City Manager, gave an overview on the City Council goals and priorities for 2011, which was followed by discussion, comments and questions by Councilmembers. (See City Clerk File #11-5 for complete list of priorities.)

Some priorities discussed included:

- Develop the Michigan Aquarium for the YMCA site
- Develop a convention facility
- Select a new Police Chief
- Assist in the development of a casino
- Make repairs to the Tennis House

After the overview, Councilmembers took a few minutes to rate the priorities in order of importance. The City Manager will summarize the results and forward the report to Councilmembers.

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.

On motion (6:05 p.m.), meeting adjourned.

JANEL K. OSTERLAND
Assistant to the City Clerk
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 24, 2011, 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 January 10, 2011, and the special meeting of January 19, 2011, were approved.

PRESENTATIONS

1. Proclamation recognizing “A Season for Nonviolence” was presented to Lyn Chabot and Sandy Quintano, Co-Coordinators, Blue Water Season for Nonviolence.

2. Dick Phillips and Don McIntyre presented the City with a plaque recognizing the City of Port Huron for being the host city for 55 years for the annual March of Dimes Jail & Bail.

3. Reverend Mark Wargo, Cross Current Church, addressed the Council regarding the movement to promote “We Love This City”. An annual 5K run to raise funds to support single parenting will be held on May 14 in Pine Grove Park.

4. Kim Harmer, Planning Director, presented a “Pride in Port Huron Progress Report for 2010.” (See City Clerk File #11-6)

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 funds, HOME funds, and Section 108 Loan Funds for the fiscal year beginning April 1, 2011.

   Jenny Macready, Executive Director of Safe Horizons, requested funding in the amount of $42,500 of the City’s allocation to address the homeless population.

   Julie Allen, Military Street resident and employee of Safe Horizons, commented in support of the Safe Horizons request for funding.

5. Donald Moore thanked Safe Horizons for past services and guidance he received from them and commented about the many roadblocks faced by landlords wanting to invest in the City.

6. Kathleen McCready, Port Huron, commented about the rental inspection fee schedule.

7. Trina Avedisian, Port Huron, commented in opposition to the police department merger proposal.

8. Maureen Inch, landlord, commented in opposition to the rental inspection ordinance.

CONSENT AGENDA

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

FROM THE CITY MANAGER

*CM-1. At the January 19, 2011 Special City Council Meeting, a list of items we are currently working on was presented to Council with a request that each Councilmember rate the items in order of importance as to their priority.

   Following is the list in order of importance:

   1. Seek regional solutions for City services where savings can be realized.
   2. Develop a balanced budget for the City of Port Huron.
   3. Develop the Michigan Aquarium for the YMCA site downtown.
   4. Adopt a revised Rental Certification Ordinance.
   5. Protect negotiated mitigation items related to the Blue Water Bridge Plaza project.
   8. Create an effective downtown organization
   9. Market the MOC and other city properties for sale.
   10. Significantly increase the police presence in high crime neighborhoods.
   11. Develop Blue Water Fest 2.
   12. Assist the McMorran Commission in defining a future use for the building that eliminates the public subsidy.
   13. Create a focused grant application process in City Hall.
   15. Relocate the Port Huron Museum and seek methods for ending the public subsidy for Museum properties.
   16. Set City Council and staff parameters for union contract negotiations.
   17. Streamline the housing enforcement process in Port Huron.
   18. Continue to seek a replacement site for the Central Fire Station.
   19. Develop a convention facility in conjunction with the Thomas Edison Inn.
   20. Redesign and redevelop McMorran Boulevard from the MOC to the Sc4 campus.
   21. Vacate a portion of McMorran and River Street to encourage the development of a pedestrian campus at Sc4.
   22. End the Rental Moratorium.
24. Re-write the Peddlers/Vendors ordinance.
25. Develop Kiefer Park as a “festival place” incorporating an outdoor pavilion.
26. Develop a new sign ordinance for Downtown.
27. Renew the “Maritime Center of the Great Lakes’’ trademark and develop better use of the designation.
28. Implement miscellaneous traffic and circulation changes throughout the City.
29. Demolish the old YMCA building.
30. Make repairs to the roof and tennis court surfaces at the Tennis House.
31. Study a possible single-family detached subdivision on the Black River.
32. Develop a book highlighting the lives of significant Port Huron residents called “Here Lies Port Huron’’.

Adopted by consent.

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

On January 20, 2011, the City of Port Huron received quotes from BS & A Software for the purchase and installation of the Property-Based Systems.Net and Field Inspection.Net software and from PC Mall Sales, Inc. for the purchase of four (4) Motion Computing J3500 Tablet PCs for the Rental and Inspection Divisions in the total amount of $28,960.00. Purchase of the software and tablets will be accomplished through the use of grant and rental certification program funds.

The software and hardware will streamline the inspection process by allowing inspectors to input data in the field as well as enabling them to access property records containing such information as previous violations, rental registration information, permitted improvements to a property, and complaints. The Inspection and Rental Divisions, and the Assessor’s office currently use BS & A programs, therefore providing a reduced cost and ensuring compatibility with existing property files.

BS & A Software is the sole-source distributor of the software programs and they currently estimate a three to four (3-4) month back-log for installation of the Property-Based Systems.Net and Field Inspection.Net software, which begins with their receipt of the signed/dated proposal.

It is recommended that the quotes of BS & A Software, 14965 Abbey Lane, Bath, Michigan in the total amount of Nineteen Thousand One Hundred and 00/100 Dollars ($19,100.00) for the purchase and installation of the Property-Based Systems.Net and Field Inspection.Net software be accepted and that the appropriate City officials be authorized to execute the necessary documents; and

It is further recommended that the quote of PC Mall Sales, Inc., 2555 West 190th Street, Torrance, California 90504 in the amount of Nine Thousand Eight Hundred Sixty and 00/100 Dollars ($9,860.00) for the purchase of four (4) Motion Computing J3500 Tablet PCs 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 Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, it is necessary to perform professional engineering design and construction inspection services for the St. Clair River Riverbank Restoration project at Lincoln Avenue; and

WHEREAS, it is expected that the riverbank restoration will be completed over two fiscal years; and

WHEREAS, Tetra Tech, Inc., is the appropriate engineering firm to provide these services based upon an evaluation of competitive proposals submitted and an agreement between the City of Port Huron and Tetra Tech, Inc. has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech, Inc., for professional engineering services and construction inspection services for the St. Clair River Riverbank Restoration project at Lincoln Avenue and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-7).

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 $275.00 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 #11-8).

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

> WHEREAS, the City Council approved a contract with Waste Management of Michigan, Inc. to provide solid waste/recycling services for a five-year period on April 10, 2006 which is due to expire on June 30, 2011 and was amended on August 13, 2007 clarifying fuel surcharge provisions; and

> WHEREAS, there has been a reduction in property tax revenues that support the solid waste/recycling services covered by this contract; and

> WHEREAS, the administration and City Council have discussed alternatives for providing solid waste collection services for the City, and administration is continuing its efforts to evaluate potential cost saving alternatives. Additional time is needed to fully evaluate the various alternatives prior to bidding a new solid waste/recycling services contract; and

> WHEREAS, Waste Management of Michigan, Inc., has submitted a letter offering to continue its existing services and fees under the current contract for a period of one year to allow for the further analysis of these collection alternatives;

> NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the second amendment to the contract with Waste Management of Michigan, Inc. to provide solid waste/recycling services with all other provisions of the existing contract remaining in full force and effect through June 30, 2012 and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-9).

AT THIS TIME: Patrick Greve, Waste Management’s Public Sector Service Representative, addressed the City Council regarding their offer to reduce the recycling costs by implementing an every other week recycling program.

**Councilmember Fisher** moved to amend the resolution to accept the $70,000 savings offer by Waste Management to go to an every other week recycling program, seconded by Councilmember Moeller.

Motion to amend adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Moeller and Ruiz.

No: Councilmembers Lewandowski and Miller.

Absent: None.

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

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

> WHEREAS, Chapter 10, Buildings and Building Regulations, Article V. Rental Certification, Section 10-156, Registration Forms and Fees, Section 10-161, Inspections, Section 10-162, Annual Operating Fee, Section 10-164, Notices and Orders, and Section 10-167, Appeal Process, state that registration fees, administrative late fees, annual operating fees, deposits, inspection fees, and Rental Housing Board of Appeals application fees shall be adopted by resolution of the City Council of Port Huron and amended, as necessary, by resolution;

> NOW, THEREFORE, BE IT RESOLVED that the following rental fees are hereby adopted and become immediately effective:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative late fee on unpaid balance</td>
<td>$20.00</td>
</tr>
<tr>
<td>Deposit for new rental property</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

Penalties:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-inspection (due to non-compliance or no-show)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Notice of Final Violation</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.

No: Councilmember Miller.

Absent: None.

*R-5. 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 2009 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 19, 2011, 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 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 #11-10).

Adopted by consent.
*R-6. WHEREAS, it is stated in the Charter of the City of Port Huron, Chapter 7, General Taxation, Section 7-6, Board of Review:

“(a) There shall be a Board of Review, consisting of three (3) registered electors in the City, at least one (1) member of this Board shall be a licensed real estate professional, with a licensed real estate broker preferred, to be appointed by the City Manager, subject to the approval of the City Council. Board member terms shall commence on the first day of March following their appointment and shall continue through the last day of February of the following year. Vacancies may be filled by the City Manager, subject to the approval of the City Council. The compensation of the Board of Review shall be set by the City Council at the time of its appointment.”

NOW, THEREFORE, BE IT RESOLVED that the City Manager’s appointments of the following 2011 Board of Review members, for terms to expire February 29, 2012, are hereby approved and confirmed:

Judith Novar, 1754 McPherson Street
Gary Westrick, 3329 Walnut Street
Jeff Wine (licensed real estate broker), 820 Edison Boulevard

BE IT FURTHER RESOLVED that the 2011 Board of Review shall convene on March 14, 2011, and continue in session as follows:

March 14, 2011 9:00 a.m. - 3:00 p.m.
March 15, 2011 1:00 p.m. - 4:00 p.m.
March 16, 2011 5:30 p.m. - 9:30 p.m.
March 17, 2011 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.

ORDINANCES

O-1. Councilmember Fisher moved, seconded by Councilmember Archibald, that an ordinance introduced January 10, 2011, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1319

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 ENHANCING RENTAL PROPERTIES IN THE CITY BY REQUIRING STANDARDS FOR SAID PROPERTIES.

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 for the purpose of enhancing rental properties in the City by requiring standards for said properties is hereby amended as follows:

CHAPTER 10
BUILDINGS AND BUILDING REGULATIONS
ARTICLE V. RENTAL CERTIFICATION

Sec. 10-151. Purpose.
(a) The city recognizes the importance to the general health, safety and welfare of all of its citizens, including its citizens who rent residential rental structures. The city therefore also recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures and residential rental units in the city. This article is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property value of all properties and to reduce the causes of blight and other deleterious factors affecting neighborhoods.

(b) It is the city’s policy that all residential rental structures must be registered with the city and a valid and current rental certification be in effect at all times a residential rental structure is being occupied by a tenant. It is also the policy of the city that rental certification only be available for those residential rental structures who meet and maintain the minimum standards set by the city.

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:

( NOTE: All definitions from “Boarding house” to “Residential rental unit” remain the same.)

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 one unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

( NOTE: Definition for “To secure” remains the same.)

Sec. 10-153. Registration required.
(a) Initial Registration. The owner of any residential rental structure or residential rental unit shall register each residential rental structure and all residential rental units contained within the residential rental structure with the city and shall designate a person, as defined in section 10-154, as the responsible local agent who shall be legally responsible for operating the registered residential rental structure or residential rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of this article and all applicable codes and ordinances adopted by the city. A certification shall not be issued unless an applicant complies with the registration sections of this article.

(b) Tenant Information. The owner of a single-family dwelling unit may include the name of the tenant on the lease agreement. It shall be the property owner’s responsibility to update the registration form as to the name of the tenant if there is a change in lease agreement or tenant status. Where a landlord has complied with this tenant information section, the city may provide blight notifications and enforce yard conditions and junk car violations against the tenant where such violations are the result of the conduct of the tenant and not the property owner. The property owner will remain responsible for any code violations pertaining to two or more multiple unit properties. In the absence of current tenant information, legal action, municipal civil infractions or citations will be issued to the property owner. At all times, the property owner’s responsibility for adherence to city codes and ordinances shall remain.
(c) **Deposit on New Registrations.** On any previously unregistered residential rental unit, or any newly created rental units from a previous single family, owner occupied dwelling, new construction, renovation or conversion of any space shall require the property owner pay a registration fee plus submit a deposit of $500 per residential rental building. The deposit shall be placed into a non interest bearing account and returned to the property owner if (1) the unit fails the initial inspection and is not provided a rental certification pursuant to Sec. 10-159, or (2) after the initial two year certificate period set forth in Sec. 10-159, there have been no fines issued as the result of a municipal civil infraction under Sec. 10-169. In such a case, the deposit shall be returned to the property owner at the time of issuance of the second rental certificate, however, if there is an unpaid civil infraction as of the time of the expiration of the two year certificate period, the amount of the infraction and any cost incurred by the City to fix the blight shall be deducted from the deposit, and the balance, if any, shall be returned to the property owner. Existing property owners with properly registered and certified rental units in the city, which have had no citations issued during the past two years for building, blight, or rental code violations, are exempt from the requirement for a deposit on newly created units.

**Sec. 10-154. Responsible local agent.**

No change.

**Sec. 10-155. Period for registration of residential rental structures.**

Residential rental structures required to be registered pursuant to this article shall comply with the following:

1. All existing residential rental structures shall be registered.

2. All newly constructed residential rental structures shall be registered prior to the issuance of the certificate of occupancy by the city.

3. A residential rental structure which is sold, transferred, or conveyed shall be reregistered by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance with both the city’s Rental Certification Division and the City’s Assessor’s office. All documents of conveyance, including Land Contracts, shall be recorded with the St. Clair County Register of Deeds Office and a copy of the same or a Memorandum of Land Contract shall be provided to the Assessor’s Office.

4. All existing nonrental dwellings which are converted to residential rental structures shall be registered, inspected, and certified prior to the date on which the property is first occupied for rental purposes.

**Sec. 10-156. Registration forms and fee.**

(a) Applications for registration pursuant to this article shall be made in such form and in accordance with such instructions as may be provided by the city inspection department and shall include at least the following information:

1. The name, address and telephone number of the applicant.

2. The names, addresses, telephone numbers and dates of birth of all owners of the residential rental structure.

3. The name, local address, telephone number and date of birth of the responsible local agent.

4. The number of residential rental structures at each site, the address of and number of residential rental units in each residential rental structure, and the number of occupants in each residential rental unit. If the property is a single-family dwelling, the owner must also provide the legal name and contact information of the tenant as shown on the lease.

(b) A registration fee for each site where residential rental structures are located shall be paid at the time of registration. No post office box will be accepted as a legal address. A post office box, however, may be accepted as a mailing address for legal correspondence upon written request of the property owner and maintaining the legal street address on file with the city's rental department. Upon registration, the building official or authorized representative shall inform the applicant of certification requirements. The fee for each registration shall be as set by resolution of the city council from time to time. The owner shall be responsible for notifying the city of any change of address of either the owner or the responsible local agent.

**Sec. 10-157. Registration term and renewal.**

No changes.

**Sec. 10-158. Transfer of ownership.**

(a) It shall be unlawful for the owner of any residential rental structure or residential rental unit who has received a notice of violation of any code or ordinance of the city, including notices that the number of residential rental units exceeds that permitted by chapter 52 which pertains to zoning, to transfer, convey, lease or sell, including by land contract, his ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, lessee, vendee, or transferee a true copy of any notice of violation and shall have furnished to the building official a signed and notarized statement from the grantee, vendee, lessee, or transferee acknowledging the receipt of such notice of violation and acknowledging legal responsibility for correction of the violation.

(b) The new owner, upon acknowledging and accepting property with outstanding code violations must either correct code violations within 30 days of the transfer or due to the extensive nature of the violations, may enter into a work agreement with the city within 10 days of the transfer in order to ensure repairs and renovations are made in accordance with all codes, ordinances and renovations standards established. Failure to do so may result in a municipal civil infraction, declaration of the building as a public nuisance, dangerous structure or blight. These time periods do not apply to property which has been determined by city council to constitute a nuisance under Sec. 10-211 and/or Sec. 34-3 and is the subject of a demolition order, or is, at the time of the transfer, scheduled for a public hearing before city council for such a determination.

**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. Except to the extent restricted in Section 10-178, 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) Subject to the restriction in Section 10-178, a certification may be issued for a two-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.
   c. 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. Temporary, one-year certificate.
   a. The exterior condition of all rental units are subject to compliance with other related city codes and ordinances, including Section 10-31 (b) (including 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, be eligible to receive a valid certification.

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.

(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 residential rental units may be issued a certification valid for six years and then must adhere to the reinspection and recertification process as set forth for all other rental units under this ordinance. Residential rental units with a current, valid and executed lease agreement through the HUD section 8 housing or Michigan State Housing Development Authority (MSHDA) programs may be able to receive a waiver on an initial inspection for certification during the effective date of the lease agreement. This waiver only applies to the interior of the structure and does not relieve property owner from responsibilities for compliance on the exterior of the structure or the property area, nor compliance with any other applicable codes or ordinances.

Sec. 10-161. Inspections.

(a) The enforcing officer for the city inspection department shall inspect the interior and exterior of residential rental units for the purpose of conducting an initial inspection in the case of new rental certification, or on a periodic basis pursuant to this article for the purpose of a renewal. In such case, the inspection fee shall be set by resolution of council, subject to the restrictions of Sec. 10-162. The city inspection department may also conduct an inspection 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 or certified by 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 or tenant 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 have a representative or the tenant at the site to allow complete access; 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.

(c) 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 require that a reinspection fee be paid for any rescheduled date, and may result in the rental unit's certification to expire.

(d) The tenant of a single- or two-family dwelling unit may have the right to deny access for an interior 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 flagged as a one-year certificate due to "access denied" and 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 certificate after a vacancy shall result in a separate municipal civil infraction.

(6) Access denied does not eliminate the requirement for an exterior inspection of the property. The inspector will complete an exterior inspection and the certificate will not be issued unless the property meets all related codes, including blight.

(7) Multifamily dwelling units (three or more, including rooming houses and boarding houses) must be inspected every two years and receive a valid certification. Multifamily dwelling complexes of 20 or more units may be inspected every two 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 two 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 interior inspection requirements of this chapter. These properties are not exempt from exterior inspections and related code compliance.

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, or, if the enforcing officer believes the complaint was maliciously 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 annual operating 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. Fines and fees due to legal action, enforcement proceedings, civil infractions or citations as a result of non-compliance with this ordinance are exempt and will not be included in this calculation.

Sec. 10-163. Issuance or renewal of certification.

No changes.

Sec. 10-164. Notices and orders.

(a) Notice of violation. Whenever the building official or enforcing officer determines that there has been a violation of any section of this article, he shall give notice of such alleged violation and orders for correction of the violation as provided in this section, except this section shall not apply in any way to the prosecution of violations of section 10-161 or 10-166 or violations of the registration requirements set forth in this article as such may be prosecuted without notice. Such notice shall:

(1) Be in writing.

(2) Include a description of the conditions that constitute violations of this article.

(3) State the date of the inspection, the name of the inspector, the address of the dwelling, and the date set for reinspection.

(4) Specify a time limit for the performance of any act it requires.

(5) Notify the responsible local agent or the occupant, as the case may require, of his right to appeal from the notice or order to the rental housing board of appeals.

(6) Be served upon the owner or the occupant, as the case may require, and on the responsible local agent and that such notice shall be deemed to be properly served if a copy thereof is (i) served personally, or (ii) sent by first class mail to the last known address. Notice given to the responsible local agent is deemed notice given to the owner.

(b) Final notice of violation. Upon observing the continued existence of a violation of this article or applicable code as stated in the notice of violation, the building official or enforcing officer shall send a final notice of violation and may issue an order to vacate to the responsible local agent. Such notice shall be sent by regular, first-class mail to the last known address of the owner or responsible local agent and shall:

(1) Specify the date of the inspection.

(2) Specify the address where the violation was found.

(3) Include the name, telephone number and signature of the inspector.

(4) Include a description of each violation observed by the inspector.

(5) State that each violation is a separate punishable offense.

(6) Order the premises to be vacated within a time to be set by the inspector, the length of which shall be determined by the extent of the danger to the occupants, but in no case shall it exceed 30 days, or alternatively:

a. Order correction of all violations within a time period not to exceed 30 days;
b. State that a reinspection will be made to determine whether all violations have been corrected by the specified date. A reinspection fee as adopted by resolution by the city council and amended, as necessary, by resolution of the city council will be required to be paid prior to a reinspection, and the owner or local agent shall be responsible for contacting the rental inspection department for scheduling the reinspection within ten days of the date on the notice;

c. State that failure to comply with the notice will result in a fine for failure to correct the final notice of violation, or prosecution. The fine for failure to correct a final notice of violation shall be established by a resolution of the city council.

d. Employ any other additional or optional corrective or enforcement measure as provided for under this Code or by law.

e. Each reinspection, as needed, will require an additional reinspection fee to be paid prior to a reinspection.

(c) Posting final notice of violation. Upon issuing a final notice of violation for a residential rental structure or residential rental unit or its accessory building, the city may affix a copy of the notice on the residential rental structure or unit and deliver a copy of the notice to the occupants, if any.

d) Nuisance per se. Notwithstanding any section in this article to the contrary, any residential rental structure or unit that is found to be in such condition as to preclude habitation or threaten the health, safety or welfare of the occupants or community shall be considered a nuisance per se and, as such, subject to abatement in a manner prescribed by the Charter, state statute and/or law.

Sec. 10-165. Inspection guidelines.

No changes.

Sec. 10-166. Harassment.

No changes.

Sec. 10-167. Appeal process.

(a) If the owner disagrees with the opinion of the building official as to either the existence of an alleged violation or the period of time that will be reasonably required for the owner to correct the alleged violations as set forth in the notice of violation and order to repair given pursuant to this article, or a finding of a public nuisance under Sec. 10-168(b), the owner may appeal to the rental housing board of appeals, which is hereby designated to hear such appeals. An occupant of a dwelling shall have standing to appeal any notice or order to vacate the dwelling.

(b) The rental housing board of appeals shall consist of five persons appointed by the city manager and confirmed by the city council. The members of the rental housing board of appeals shall consist of persons who are qualified by experience to pass on matters pertaining to this article and who are not employees of the city. Specifically, the membership of the board shall be (i) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant); (ii) two current rental property owners; (iii) one current rental property occupant (tenant); and (iv) one resident of the city at large who is neither a rental property owner nor occupant (tenant). Members are to serve three-year staggered terms, and priority shall be given to city residents. The initial rental housing board of appeals shall adopt rules of procedure to conduct meetings which shall be made available to all persons upon request. The city manager may appoint more than one rental housing board of appeals to assist in the hearing of appeals.

(c) Any owner or occupant requesting such appeal shall file a written request therefore to the city inspection department within ten days after the date of receipt of the notice of violation or within the time for taking any action indicated on a notice or order, whichever time is shorter, and on a form designated by the building inspection department, and paying a non-refundable application fee as set by resolution of the city council.

(d) As soon as practicable, the rental housing board of appeals shall fix a time, date and place for a hearing and shall hear testimony and argument from the owner and the building official or enforcing officer and shall by a majority vote determine the question at hand. The decision of the rental housing board of appeals shall be binding upon the owner and the city.

Sec. 10-168. Revocation of certification.

(a) If the owner does not correct a violation of any section of this article, the building official shall revoke any existing certification and may bring an action to seek the enforcement of this article by abatement, mandatory injunction to cause correction of a violation, enjoinder of the violation to prevent an act or violation, the vacation of the premises by all occupants and its discontinuance as a residential rental structure, or such other action as provided for under this article. Any structure not in compliance with this article is deemed a nuisance per se. If a residential unit is vacant and not certified, or the certification has expired, or an inspection to certify has not been completed, then the unit may be yellow-tagged to signify that it may not be occupied until a rental inspection has been completed and/or a certificate has been renewed or issued.

(b) A rental certificate may be revoked if the property is declared a “public nuisance” by the City Manager, Chief of Police, and the Building Official, or their designee, under this subparagraph based upon the conduct and activities within a rental property. Evidence of repeated code violations, including blight, or multiple valid police calls or incidences, illegal activity or other activity that threatens the health, welfare or safety of the surrounding residents, whether the result of the activities of the owner, the agent, the tenants, or their guests, may constitute a public nuisance under this subparagraph. A rental certificate revoked under this subparagraph may be revoked for a minimum period of at least twelve months. Any property owner who wishes to challenge a finding of a public nuisance under this subparagraph, may utilize the procedure set forth in Sec. 10-167 to appeal said finding.

Sec. 10-169. Penalties.

(a) Any owner of a residential rental structure or unit who shall fail to register a residential rental structure as required by this Article or obtain a certification for each residential rental structure or unit prior to occupancy of a residential rental structure or unit, or any owner or occupant who violates any other requirement of this article, shall be responsible for commission of a municipal civil infraction. Inasmuch as municipal civil infractions issued pursuant to this article involve the use or occupancy of buildings, a municipal civil infraction issued under the terms of this article may be served upon the alleged violator, including the owner or tenant, by mailing a copy by first class mail to the last known address of the alleged violator. The fine payable to the municipal ordinance violations bureau for a determination of responsibility by persons served with the municipal civil infraction notice shall be $250.00 for a first offense. After notification or issuance of the first citation, and upon failure to comply, for each week that the same offense continues, or for second or repetitive offenses, a separate municipal infraction notice shall be issued in the amount of $500.00.
(b) An owner or occupant may be charged with more than one violation of this article in a single complaint or appearance ticket, provided that each violation so charged relates to the same property.

(c) Any owner who has not paid in full any outstanding municipal civil infraction or related fee for a period of more than ninety (90) days after either the date of issuance, or the end of any appeal period if an appeal is filed, whichever is later, shall have all of their rental certifications on all units and properties automatically revoked.

(d) Any owner who rents a residential rental structure for more than sixty (60) days after notice of an order to vacate, shall be guilty of a misdemeanor.

(e) Any owner who fails to comply with the requirements of Sec. 10-171 or the notice provided under Sec. 10-172 or Sec. 10-173, shall be guilty of a misdemeanor.

(f) In addition to fine, imprisonment or corrective action to abate or enjoin the violation, the city’s attorney may seek to recover the costs of prosecution or other civil action in either district or circuit court.

Sec. 10-170. Vacating and securing buildings.

The city building official may declare a residential rental structure or residential rental unit to be unfit for human occupancy or entry (i.e., red-tagged):

1. When a condition exists that constitutes an immediate threat to life or an immediate threat of serious injury to the person or any occupant.

2. When an emergency or hazardous condition has not been corrected as ordered.

3. When a vacant dwelling or vacant unit has not been secured as ordered in a notice of violation.

4. As otherwise provided for in this article.

5. When any other hazardous or dangerous or unsanitary condition exists as defined in any other code or ordinance adopted by the city, including a requirement for proper installation and operation of utility services and access to water, electricity and heat.

Sec. 10-171. Occupancy prohibited.

No person shall occupy or permit or allow another person to occupy any residential rental structure which has been declared to be unfit for human occupancy or entry.

Sec. 10-172. Notice to vacate.

No changes.

Sec. 10-173. Notice to secure.

No changes.

Sec. 10-174. Posting of building unfit for human occupancy.

No changes.

Sec. 10-175. Securing by city.

No changes.

Sec. 10-176. Reliance on certification.

No changes.

Sec. 10-177. Authority of building official.

No changes.

Sec. 10-178. One Year Rental Certification Moratorium.

No changes.


Susan M. Child, CMC
City Clerk
ADOPTED: 01/24/11
PUBLISHED: 01/29/11
EFFECTIVE: 01/29/11

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Moeller expressed thanks to the DPW crews for the snow removal, especially the side streets as other communities do not provide this service to the residents.

2. Bruce Brown, City Manager, commented about the police/sheriff department consolidation proposal stating that he has been directed to look for ways to regionalize services to increase efficiencies and reduce costs. Meetings have taken place with Sheriff Donnellon to discuss the possibility of merging and a consultant has been retained. Should the idea have no merit, a selection of a permanent Police Chief will continue, but significant cuts will be required by the department next year. The Governor’s State of the State address mentioned the possibility of less state funding being available to local governments and encouraged consolidation and “outside the box” thinking as a condition for state assistance.

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 Monday, February 14, 2011, 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 January 24, 2011, were approved.

PRESENTATIONS

1. City Manager Bruce Brown introduced Dan Casey, Executive Director of the Economic Development Alliance.

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.

   David Witt addressed the City Council stating that he has purchased the property located at 522 Quay Street (Zebra Lounge) but was unaware of any monies owing to the City and that he would like to set up a meeting to discuss the matter further.

   The Mayor declared the hearing closed.

2. The Mayor announced that this was the time to hear comments on the proposed 2011 Annual Action Plan for the Community Development Department.

   No one appeared to be heard.

   The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Mary Grybowski commented that she is interested in purchasing the YMCA property to use as a homeless shelter.

2. Margaret Enright commented on the costs of the aquarium project and the lack of development on the Water Street Marina property.

3. The following individuals commented in opposition to the police department merger proposal (not necessarily listed in the order in which they spoke): Beverly Woolman, Roger Wesch (President COAM), Marie Rushing, Ken Koveck, Irene Michels, Trina Avedisian and Brian Kerrigan (President POAM).

4. Kathleen McCreary commented against the lifting of the rental moratorium and mentioned several areas of concern she has with the police department merger.

5. Ken Harris, Wells Street, commented on the police department merger and the lack of information available to the public.

6. Dick Cummings, Avoca, and on behalf of the AFL-CIO, commented against a police department merger and the proposed aquarium project.

7. Patsy Chapman, Lincoln Avenue, commented about a situation that occurred with City employees while they were removing snow from the street and commented in support of the police department staying in this community.

CONSENT AGENDA

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

FROM THE CITY MANAGER

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

On January 20, 2011, the City of Port Huron received fifteen (15) bids for the 21st Street Phase II sewer separation, water main replacement and street paving project:

- Pamar Enterprises, Inc. (New Haven, MI) $7,243,500.00 *
- T. R. Pieprzak Company, Inc. (China Twp., MI) $7,529,400.00
- Raymond Excavating Co. (Marysville, MI) $7,745,036.60
- Ajax Paving Industries, Inc. (Troy, MI) $7,916,612.74 *
- Lakeshore Engineering Services, LLC (Detroit, MI) $8,131,995.65
- Dan’s Excavating, Inc. (Shelby Twp., MI) $8,241,019.76
- Zito Construction Co. (Grand Blanc, MI) $8,299,349.00
- Fenton Excavating & Construction, Inc. (Chesterfield, MI) $8,393,914.39 *
- Superior Excavating, Inc. (Auburn Hills, MI) $8,760,774.00
- Angelo Iafrate Construction Co. (Warren, MI) $8,876,399.65 *
- V. I. L. Construction, Inc. (Sterling Heights, MI) $8,935,708.07 *
- Lee Wood Contracting, Inc. (Essexville, MI) $9,132,409.60 *
- Posen Construction, Inc. (Shelby Twp., MI) $9,378,861.06 *
- Teltow Contracting, Inc. (Casco Twp., MI) $9,400,000.00
- E. T. Mackenzie Company (Grand Ledge, MI) $9,826,947.63

*indicates corrected bid amount

It is recommended that the bid of Pamar Enterprises, Inc., 58021 Gratiot, New Haven, Michigan, 48048, in the amount of Seven Million Two Hundred Forty-Three Thousand Five Hundred and 00/100 Dollars ($7,243,500.00) 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 Ruiz:

On September 23, 2010 the City of Port Huron received three (3) proposals for the purchase of a 2011 single axle dump truck with underbody scraper and front plow blade for the Streets Division:

- Tri County International Trucks, Inc. (Dearborn, MI) - $111,731.00
- Eastern Michigan Kenworth (Dearborn, MI) - $120,550.00
- Wolverine Truck Sales, Inc. (Dearborn, MI) - *

* Did not meet specifications

It is recommended that the proposal of Tri County International Trucks, Inc. 5701 Wyoming Avenue, Dearborn, Michigan 48126, in the estimated amount of One Hundred Eleven Thousand Seven Hundred Thirty-One and 00/100 Dollars ($111,731.00) 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, Lewandowski, Miller and Ruiz.
No: Councilmembers Fisher and Moeller.
Absent: None.

CM-3. Councilmember Archibald moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

On January 27, 2011, the City of Port Huron received five (5) unit price bids for maintenance dredging of the Black River Canal entrance at Lake Huron (estimated 4,500 cubic yards) and the depositing of the dredged materials at the beach in Lakeside Park for the years 2011 through 2013. Based on estimated quantities, the following is a comparative summary of the bids received:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>1st Year</th>
<th>2nd Year</th>
<th>3rd Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. A. Torello, Inc. (Port Huron Township, MI)</td>
<td>$6.90 per estimated 4,500 CY</td>
<td>$6.90 per estimated 4,500 CY</td>
<td>$6.90 per estimated 4,500 CY</td>
<td>$93,150.00</td>
</tr>
<tr>
<td>Raymond Excavating (Marysville, MI)</td>
<td>$7.00 per estimated 4,500 CY</td>
<td>$8.00 per estimated 4,500 CY</td>
<td>$9.00 per estimated 4,500 CY</td>
<td>$108,000.00</td>
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<tr>
<td>Teltow Contracting, Inc. (Casco, MI)</td>
<td>$10.00 per estimated 4,500 CY</td>
<td>$11.00 per estimated 4,500 CY</td>
<td>$11.00 per estimated 4,500 CY</td>
<td>$135,000.00</td>
</tr>
<tr>
<td>Trojan Development Company (Oxford, MI)</td>
<td>$14.00 per estimated 4,500 CY</td>
<td>$14.00 per estimated 4,500 CY</td>
<td>$14.00 per estimated 4,500 CY</td>
<td>$189,000.00</td>
</tr>
</tbody>
</table>

It is recommended that the unit price bid of S. A. Torello, Inc., 3500 Dove Road, Port Huron, Michigan, 48060, in the estimated amount of Ninety-Three Thousand One Hundred Fifty and 00/100 Dollars ($93,150.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.
No: Councilmembers Fisher and Moeller.
Absent: None.

CM-4. Councilmember Fisher moved to receive and file the Quarterly Financial Report, seconded by Councilmember Miller:

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, 2010. (See City Clerk File #11-11).

Motion adopted unanimously.

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 #11-01)

Motion adopted unanimously.

*R-2. WHEREAS, Studio 1219, Inc., has made application to the Bureau of State Lottery for a charitable gaming license; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby recognize Studio 1219, Inc., as a nonprofit organization in the City of Port Huron.

Adopted by consent.

R-3. Councilmember Miller 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 II sewer separation, water main replacement and street paving project; and
WHEREAS, BMJ Engineers and Surveyors, Inc., is the appropriate engineering firm to provide these services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BMJ Engineers and Surveyors, Inc. for professional engineering services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers and Surveyors, Inc. for professional engineering services for the construction of the 21st Street Phase II sewer separation, water main replacement and street paving project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-12).

Motion adopted unanimously.

**R-4. Councilmember Miller** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the City of Port Huron operates and maintains a wastewater treatment plant that serves the local region and most of the mechanical and electrical equipment used in the plant is over 30 years old and is operating beyond the original design life; and

WHEREAS, as part of the City’s plan to improve efficiency and replace aging equipment, the City Council on February 8, 2010 approved a project to replace blower and aeration equipment; and

WHEREAS, the City has received notification that DTE Energy’s “Your Energy Savings Program” has awarded to the City an Energy Savings Incentive in the amount of $150,000 to assist with the financing of this energy-efficient project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the DTE Energy for an Energy Savings Incentive in the amount of $150,000 and authorizes Robert E. Clegg, City Engineer/Director of Public Works to execute this agreement, as well as any subsequent documentation, on behalf of the City (see City Clerk File #11-13).

Motion adopted unanimously.

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

WHEREAS, it is necessary to perform professional engineering design and construction inspection services at the Water Filtration Plant during the low service pumps improvements, which will include the replacement of the existing fluid drives on two low service pumps and to perform an evaluation of another low service pump; and

WHEREAS, it is expected that these improvements will be completed over two fiscal years; and

WHEREAS, Fishbeck, Thompson, Carr & Huber, Inc., is the appropriate firm to provide these services based upon an evaluation of competitive proposals submitted and an agreement between the City of Port Huron and Fishbeck, Thompson, Carr & Huber, Inc. has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Fishbeck, Thompson, Carr & Huber, Inc., for professional engineering design and construction inspection services for the low service pumps improvements at the Water Filtration Plant and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-14).

Motion adopted unanimously.

*R-6.** 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 single lot special assessments in the total amount of $1,092.98 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 #11-15).

Adopted by consent.

**R-7. Councilmember Archibald** moved to divide the question in order to vote separately on each appointment, seconded by Councilmember Fisher.

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority appointment of Rick Mills and reappointment of Marshall Campbell for terms to expire February 9, 2015, are hereby approved and confirmed.

Councilmember Moeller moved to divide the question adopted unanimously.
Motion to confirm the appointment of Rick Mills to the Downtown Development Authority, for a term to expire February 9, 2015, was adopted unanimously.

Councilmember Fisher moved to postpone until the next regular meeting the reappointment of Marshall Campbell, seconded by Councilmember Lewandowski.

Motion to postpone the appointment of Marshall Campbell until the next meeting adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

*R-8. WHEREAS, the Michigan Liquor Control Commission has received a request from Tailgators, Inc., (Erich J. Schieman) to transfer ownership of an escrowed 2010 Class C licensed business, located at 1934 Lapeer Avenue, from John W. Sanderson;

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.

ORDINANCES

O-1. Councilmember Miller 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, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, RENTAL CERTIFICATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REPEALING THE RENTAL REGISTRATION MORATORIUM.

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

Yes: Mayor Repp; Councilmembers Fisher, Lewandowski, Miller, Moeller and Ruiz.
No: Councilmembers Archibald.
Absent: None.

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 Monday, February 28, 2011, 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 February 14, 2011, were approved.

PRESENTATIONS

1. City Manager Bruce Brown discussed the Port Huron Police Department/Sheriff’s Department consolidation idea and the options under consideration (See City Clerk File #11-16 for a copy of the report).

AT THIS TIME, Councilmember Moeller moved to add Resolution #9 to the agenda, seconded by Councilmember Ruiz. Motion adopted unanimously.

PUBLIC AUDIENCES

1. The following individuals spoke against the Port Huron Police Department/Sheriff’s Department consolidation:
   - Ken Harris
   - Darlene Peterson (also commented that she does not support the reappointment of Marsh Campbell to the DDA board)
   - Kathleen McCready (also commented that she is opposed to the lifting the rental moratorium at this time)
   - Margaret Enright
   - George Duffy (representing the Quality of Life Commission)
   - Dave Belair
   - Chad Mannlein
   - Angela Kelley (also commented that she did not approve of the review and recommendation process for the awarding of Blue Water Bridge mitigation funding dollars)
   - Brian Wandelt
   - Brian Zetonia
   - Kenneth Koveck
   - Beverly Woolman
   - Claude Gilmore
   - Marie Rushing
   - Irene Michels
   - Joan Bliss
   - Trina Avedisian

2. Mary Grybowski commented that she was interested in purchasing the YMCA to use for transitional and vocational services.

CONSENT AGENDA

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

UNFINISHED BUSINESS

1. Item postponed from February 14, 2011:

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 Marshall Campbell for a term to expire February 9, 2015, is hereby approved and confirmed.

Motion rejected by the following vote:

No: Councilmembers Fisher, Lewandowski, Miller and Moeller.
Yes: Mayor Repp; Councilmembers Archibald and Ruiz.
Absent: None.

RESOLUTIONS

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

WHEREAS, the Michigan Department of Transportation (MDOT) funded the development of an Economic Development Plan to create a county-wide economic development strategy to improve the economic prosperity of the region and build on the area’s strengths; and

WHEREAS, in August 2010, an agreement was entered into with MDOT to provide funding to the City of $1 million to offset potential economic hardships due to the Blue Water Bridge Plaza improvements and to implement the Economic Development Plan; and

WHEREAS, as part of this agreement, an annual mitigation payment of $100,000 over a 10-year period will be given to the City to fund economic development services to improve economic and community redevelopment opportunities; and

WHEREAS, the City will be required to submit an annual report in June of each year to MDOT detailing the City’s allocation of funds and the corresponding economic benefit that will be derived by the expenditures; and

WHEREAS, it is in the City’s best interest that the City Council adopt a policy that establishes approvable uses of these funds to assure they are expended in accordance with the City’s agreement with MDOT;
NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby establishes a policy that the following economic development funding categories are used to determine the distribution of the Michigan Department of Transportation mitigation funding dollars:

1. Marketing programs and materials intended to promote economic development in the City;
2. Support for the Economic Development Alliance, its programs and its staffing;
3. Downtown development programs and staffing;
4. Staff support for the Downtown Development Authority and Blue Water Convention and Visitors Bureau;
5. Design, engineering, architectural and/or feasibility studies that can be used as incentives for new or expanded businesses and industries in the City;
6. Travel and related expenses required to recruit new businesses and/or industries to the City;
7. Special events funding designed to attract visitor investment to the City;
8. Matching incentive grants for economic development projects in the City;
9. Contributions to a venture capital fund designed to attract new businesses/industries to the City;
10. Job training to prepare City residents for employment opportunities.

BE IT FURTHER RESOLVED that applications for such funding shall be submitted in writing to the City Manager and then be transmitted with the City Manager’s recommendation to the City Council for their approval, modification or rejection of the funding request.

Motion adopted unanimously.

*R-2. 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 single lot special assessments in the total amount of $390.04 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 #11-17).

Adopted by consent.

*R-3. WHEREAS, Garfield Elementary School (Precinct 2) and Peru Village Community Building (Precinct 5) are currently being used as polling locations during elections; and

WHEREAS, it has become necessary to relocate these polling locations as renovations to be undertaken at Peru Village will cause the room to be unusable at future elections and accessibility improvements at Garfield Elementary School are cost prohibitive to undertake as the site is used only four or less times per year; and

WHEREAS, the Election Commission is charged with the responsibility of recommending polling locations to the City Council for consideration and potential sites were reviewed within each precinct boundary and the commission recommends the following sites be used for polling locations:

Precinct 2 - Colonial Woods Missionary Church, 3240 Pine Grove Avenue
Precinct 5 - McMorran Place, 701 McMorran Boulevard

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the recommendation of the Election Commission and designates Precinct 2’s polling location to be located at Colonial Woods Missionary Church and Precinct 5’s polling location to be located at McMorran Place.

Adopted by consent.

*R-4. WHEREAS, on January 10, 2011, the Port Huron City Council adopted a resolution setting a public hearing to give liquor licensees who were delinquent in payment of taxes, utility payments, income tax reporting/payments and/or were in violation of State or City Codes an opportunity to present witnesses, evidence and arguments regarding said delinquencies during the public hearing; 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, payment of such items and/or corrections of violations were received by all licensees except:

Legendz, 1631-1637 and 1641 Garfield Street, Class C/SDM Property taxes, $7,757.43, plus additional penalty, if any
Military Street Music Café, 1102 Military St., Class C/SDM Property taxes, $3,217.08, plus additional penalty, if any

WHEREAS, on February 14, 2011, 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 prior to March 31, 2011:

2. Certified copy of notice to licensee;

Adopted by consent.
*R-5. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1246 effective January 5, 2011, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

12th STREET
12th Street shall yield to Thomson Avenue

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1246 is hereby made permanent until such time as it is modified or repealed; 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.

Adopted by consent.

*R-6. WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1247 effective January 5, 2011, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

12th STREET
12th Street shall yield to Mason Avenue

NOW, THEREFORE, BE IT RESOLVED that Traffic Control Order No. 1247 is hereby made permanent until such time as it is modified or repealed; 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.

Adopted by consent.

*R-7. WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: South 39 feet Lots 13 and 14 Block 118 White Plat; also known as 926 - 11th Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-049 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-18); and

WHEREAS, a public hearing and investigation was conducted by the City Council on December 13, 2010, in accordance with its resolution adopted November 22, 2010, with respect to said property, and due to an appeal filed by the property owner, consideration of this matter was delayed to allow the Construction Board of Appeals to hear an appeal filed by the property owner of the Building Official's decision of the code violations for the property; and

WHEREAS, on December 15, 2010, the Construction Board of Appeals upheld the Building Official's decision regarding the code violations for the property and at the appeal hearing, the property owner stated it would be too expensive to make the required repairs; and

WHEREAS, it is the judgment of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Adopted by consent.

*R-8. WHEREAS, the Michigan Liquor Control Commission has received a request from Rondeau, LLC (Georgina A. Witt) to transfer ownership of an escrowed 2010 Class C licensed business with dance permit, located at 522 Quay Street, from Zebra Drome, Inc. (Karen E. Evangelista, 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.

Adopted by consent.

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

WHEREAS, the City has spent several weeks reviewing the possibility of a consolidation of the Port Huron Police Department and the St. Clair County Sheriff’s Department; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Port Huron to remain with the current Port Huron Police Department function;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be directed to proceed with the hiring of a new Chief to head the existing Port Huron Police Department with the understanding that substantial reductions will be made in the police department’s budget.

Motion adopted unanimously.
ORDINANCES

O-1. Councilmember Fisher moved, seconded by Councilmember Lewandowski, that an ordinance introduced February 14, 2011, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1320
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 REPEALING THE RENTAL REGISTRATION MORATORIUM.

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 for the purpose of repealing the rental registration moratorium is hereby amended as follows:

CHAPTER 10
BUILDINGS AND BUILDING REGULATIONS
ARTICLE V. RENTAL CERTIFICATION

Sec. 10-151 through Sec. 10-177
No changes.

Sec. 10-178. One Year Rental Certification Moratorium.
The entire section has been repealed.

Susan M. Child, CMC
City Clerk

ADOPTED: 02/28/11
PUBLISHED: 03/05/11
EFFECTIVE: 03/05/11

Motion adopted by the following vote:
Yes: Mayor Repp; Councilmembers Fisher, Lewandowski, Miller and Moeller.
No: Councilmembers Archibald and Ruiz.
Absent: None.

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

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCES, DIVISION 2, PURCHASES, CONTRACTS AND SALES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THE PURCHASING, SALES AND LEASE PROCEDURES.

Councilmember Fisher moved to amend the ordinance by striking out “$10,000.00” in Sec. 2-793(c) and inserting “$5,000.00”.

Motion to give the ordinance, as amended, its first and second reading was adopted unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2313, 2319, 2325 EIGHTH STREET, TWO (2) VACANT PARCELS IN THE 2300 BLOCK OF EIGHTH STREET, AND 815, 809, 805 BEARD STREET FROM C-1 (GENERAL BUSINESS) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL)

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

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAP, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2320 EIGHTH STREET AND ONE (1) VACANT PARCEL IN THE 2300 BLOCK OF EIGHTH STREET FROM C-1 (GENERAL BUSINESS) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL)

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

On motion (8:45 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 14, 2011, 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 February 28, 2011, were approved.

PRESENTATIONS

1. City Manager Bruce Brown introduced newly appointed Police Chief Michael Reaves.

2. Jonathan Witz provided an update on some of the planned changes for the Blue Water Fest. Some of the items mentioned included a reduction in the festival area, art fair possibly being located on Huron Avenue, parking changes, consolidation of hours, reduced prices for participating local food vendors, involvement of local nonprofits, trash removal, the use of local businesses and the commitment of various sponsors. He also mentioned that the City will collect and distribute all funding. A press announcement will be held in mid April, with the entertainment to be announced in early June.

3. Scott Babin, representing E&A Credit Union which is a sponsor of the Blue Water Fest, commented that the credit union has been actively involved and that he has observed an open and candid dialogue during the planning meetings for this year’s event.

PUBLIC AUDIENCES

1. Anthony America commented on the various studies that have occurred, the police department being relocated to the former County jail, gasoline prices, the court system and the Governor.

2. Richard Frasier, Bancroft Street, commented on the length of time and the number of employees it took to replace a flag at the International Flag Plaza. He also mentioned that the date for the proposed powerboat race conflicts with the float down event.

3. Bernard Ellery, Military Street, commented against CDBG funding for the Pathway Shelter and suggested that the shelter hold a fundraiser to raise the necessary funding.

4. Ken Harris, Wells Street, commented about giving money to a recreational event after recently discussing police department merger possibilities to address funding shortfalls. He also commented on letting Malcolm Marine perform the engineering work for the dredging project to save money rather than hiring a separate firm to do this work.

5. Darlene Peterson, Riverside Drive, commented against using public dollars to fund the powerboat race and that only locally organized festivities should be supported.

6. Angela Kelley, Marysville, commented that any profits from a powerboat race should be distributed to local nonprofits and a better use of the money would be for job creation and supporting the downtown businesses.

7. Margaret Enright commented about not interfering with the float down event.

CONSENT AGENDA

Councilmember Miller moved to adopt the Consent Agenda items, seconded by Councilmember Lewandowski (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 Archibald:

On March 3, 2011, the City of Port Huron received seven (7) bids for the DPW yard warehouse spoil pile containment project located at 1808 Bancroft Street:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boddy Construction (Port Huron Twp., MI)</td>
<td>$50,349.45</td>
</tr>
<tr>
<td>DLF, Inc. (Romeo, MI)</td>
<td>$51,099.00</td>
</tr>
<tr>
<td>Raymond Excavating (Marysville, MI)</td>
<td>$53,074.20</td>
</tr>
<tr>
<td>Teltow Contracting (Casco Twp, MI)</td>
<td>$54,000.00</td>
</tr>
<tr>
<td>Morgan Excavating (North Street, MI)</td>
<td>$54,284.00</td>
</tr>
<tr>
<td>Murray Underground Systems (Fort Gratiot, MI)</td>
<td>$57,082.00*</td>
</tr>
<tr>
<td>T. R. Pieprzak Company (China Township, MI)</td>
<td>$78,362.00*</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Boddy Construction, 3741 Dove Road, Port Huron, Michigan, 48060 in the amount of Fifty Thousand Three Hundred Forty-Nine and 45/100 Dollars ($50,349.45) 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 Archibald:

The City of Port Huron received one (1) bid for dredging of the Downtown and River Street Marinas for the years 2011 through 2013:

<table>
<thead>
<tr>
<th>Company</th>
<th>Estimated Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malcolm Marine (St. Clair, MI)</td>
<td></td>
</tr>
<tr>
<td>1st year (2011)</td>
<td>$89,944.00</td>
</tr>
<tr>
<td>2nd year (2012)</td>
<td>$122,532.00</td>
</tr>
<tr>
<td>3rd year (2013)</td>
<td>$126,668.00</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Malcolm Marine, Inc. 1159 Fred Moore Highway, P.O. Box 177, St. Clair, Michigan, 48079-0177, in the estimated amount of Three Hundred Thirty-Nine Thousand One Hundred Forty-Four and 00/100 Dollars ($339,144.00) based on actual quantities removed 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, Miller and Ruiz.

No: Councilmember Moeller.

Absent: None.
RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.

*R-2. WHEREAS, the following costs have been incurred by the City of Port Huron for emergency demolition proceedings of structures on the following described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Property #</th>
<th>Property Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>74-06-342-0232-000</td>
<td>2802 Peavey Street (Garage)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>74-06-743-0243-000</td>
<td>901 Wall Street</td>
<td>6,295.00</td>
</tr>
</tbody>
</table>

$7,295.00

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $7,295.00 for emergency demolition proceedings of structures on the above-described properties.

Adopted by consent.

*R-3. WHEREAS, the following costs have been incurred by the City of Port Huron for demolition proceedings of structures on the following described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Code</th>
<th>Case #</th>
<th>Property #</th>
<th>Property Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-023</td>
<td>74-06-517-0045-000</td>
<td>422 - 17th Street</td>
<td></td>
<td>$4,628.00</td>
</tr>
<tr>
<td>10-026</td>
<td>74-06-743-0503-000</td>
<td>740 Court Street</td>
<td></td>
<td>7,105.00</td>
</tr>
<tr>
<td>10-028</td>
<td>74-06-743-1325-000</td>
<td>1130 Lapeer Avenue</td>
<td></td>
<td>5,563.00</td>
</tr>
<tr>
<td>10-030</td>
<td>74-06-365-0500-000</td>
<td>1725 Poplar Street</td>
<td></td>
<td>4,033.00</td>
</tr>
<tr>
<td>10-034</td>
<td>74-06-743-0480-000</td>
<td>719 White Street</td>
<td></td>
<td>7,255.00</td>
</tr>
</tbody>
</table>

$28,604.00

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $28,604.00 for demolition proceedings of structures on the above-described properties.

Adopted by consent.

*R-4. 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 single lot special assessments in the total amount of $335.92 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 #11-19).

Adopted by consent.

*R-5. WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of 11th Avenue. This decertification of 11th Avenue is located between Pine Grove Avenue and Alley 138 for a total length of 485.9 feet.

Adopted by consent.

*R-6. WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of 12th Avenue. This decertification of 12th Avenue is located between Mansfield Street and Scott Avenue for a total length of 432.4 feet.

Adopted by consent.

*R-7. WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of Mansfield Street. This decertification of Mansfield Street is located between Pine Grove Avenue and 10th Avenue for a total length of 150.5 feet.

Adopted by consent.

*R-8. WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of Mansfield Street. This decertification of Mansfield Street is located between I-94 and Pine Grove Avenue for a total length of 1,531 feet.

Adopted by consent.

*R-9. WHEREAS, it is necessary to furnish certain information to the State of Michigan in accordance with Act 51, P. A. 1951 as amended to update the latest information in the City street system;

NOW, THEREFORE, BE IT RESOLVED the City of Port Huron does decertify a portion of Harker Street. This decertification of Harker Street is located between Pine Grove Avenue and 10th Avenue for a total length of 345 feet.

Adopted by consent.
R-10. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the City Council (the “Council”) of the City of Port Huron, County of St. Clair, State of Michigan (the “City”), has determined that it is in the best interest of the residents and property owners of the City that the City acquire and construct certain sanitary sewer system improvements in the City consisting of 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, pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), the Council caused a Notice of Intent to issue bonds in an amount not to exceed Fourteen Million Dollars ($14,000,000) for the purpose of paying the cost of the Project which was published in the Times Herald, a newspaper of general circulation in the City; and

WHEREAS, the Notice of Intent was in due form and the manner of the publication of the Notice of Intent was the method best calculated to give notice to the City’s taxpayers and electors of the Council’s intent to issue the bonds described therein, the purpose of said bonds, the security for said bonds, and the right of referendum relating thereto; and

WHEREAS, more than 45 days have elapsed since the date of publication of the Notice of Intent without the filing of a valid petition for referendum on the question of the sale and issuance of the bonds described in the Notice of Intent; and

WHEREAS, pursuant to Section 517 of Act 34, the Council desires to authorize the issuance and sale of not to exceed $6,200,000 in principal amount of bonds to finance the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Bonds Authorized. Bonds of the City designated 2011 LIMITED TAX GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS (Wastewater Treatment Plant) (the “Series 2011 Bonds” or the “Bonds”) are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Six Million Two Hundred Thousand Dollars ($6,200,000) for the purpose of all or part of the cost of the Project, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2011 Bonds.

The Series 2011 Bonds shall be sold by competitive or negotiated 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 April 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 2011 Bonds shall bear interest at a rate or rates to be determined at the sale thereof, but in any event not exceeding seven percent (7%) per annum, payable on April 1 and October 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 any further series designation with respect to the Series 2011 Bonds, and to make appropriate changes to the series designation hereinbefore set forth.

The Series 2011 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 7 hereof, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed three percent (3%).

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Series 2011 Bonds shall be payable upon presentation and surrender to the Transfer Agent.

The Series 2011 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 2011 Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2011 Bonds, and purchasers will not receive certificates representing their interest in Series 2011 Bonds purchased. If the Series 2011 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 2011 Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2011 Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2011 Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2011 Bonds to be so issued.

Section 2. Bonds; Execution. The Series 2011 Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Director of Finance 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.

Section 3. Bonds; Transfer Agent. The Director of Finance is hereby authorized to select to select a qualified bank or financial institution to serve as bond registrar, paying agent and transfer agent (the “Transfer Agent”) for the Series 2011 Bonds. The City reserves the right to replace the Transfer Agent for any Series 2011 Bonds at any time upon written notice to the registered owners of record of the Series 2011 Bonds not less than sixty (60) days prior to an interest payment date.

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.

Section 4. Debt Retirement Fund. The Director of Finance is authorized to open a separate depositary account for the Bonds with a bank or trust company designated by the Director of Finance, to be designated 2011 LIMITED TAX GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND (the “Debt Retirement Fund”), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series of Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the fiscal year beginning July 1, 2011, 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, including revenues from rates and charges payable by the users of the System (defined below), 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.

Section 5. Construction Fund. 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 2011 LIMITED TAX GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the “Construction Fund”) and deposit into said Construction Fund the proceeds of the 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.

Section 6. Bond Form. The Series 2011 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**

2011 LIMITED TAX GENERAL OBLIGATION CAPITAL IMPROVEMENT BOND
(Wastewater Treatment Plant)

**Principal Amount:**

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 wastewater treatment system improvements in the City, including, but not limited to, 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, all pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a certain resolution of the City.

[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 _____________________

(SEAL)
By _____________________
Its Mayor

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]

Section 7. Competitive Sale. If Series 2011 Bonds are to be issued and sold at competitive sale, the Director of Finance shall fix a date of sale for the Series 2011 Bonds and publish a notice of sale of the Series 2011 Bonds in the form and manner required by applicable law and regulations. An Authorized Officer shall execute a Sale Order awarding the Series 2011 Bonds and confirming the terms and specifications of the Bonds.

Section 8. Negotiated Sale. Bond Purchase Agreement; Award. The Authorized Officers are each hereby authorized on behalf of the City to determine to conduct and pursue a negotiated sale of the Bonds if, in light of current market conditions and upon advice of the City’s Registered Municipal Advisor, a negotiated sale would present advantages and opportunities to select and adjust terms for the Bonds, to allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to best achieve the most advantageous interest rates and lowest costs to the City. In the event that a negotiated sale is pursued, then the Authorized Officers are each individually authorized to select an underwriter or purchaser for the Bonds, negotiate and execute a bond purchase agreement with the underwriter or purchaser, execute a Sale Order and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution, provided that the underwriter’s discount shall not exceed 1.75% of the principal amount of the Bonds.

Section 9. Useful Life. 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.

Section 10. Tax Covenants. 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.

No Private Use. Consistent with the foregoing covenant, the City shall not enter into operating contracts, management agreements or other arrangements by which the Project become a private use facility under the Code.

Reimbursement from Bond Proceeds; Declarations. The City may incur Project expenditures prior to receipt of proceeds of the Bonds and may advance moneys from time to time from its general funds or other available funds for that purpose to be reimbursed from proceeds of the Bonds when available. An Authorized Officer shall keep a specific record of all such expenditures. The City hereby restates the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Internal Revenue Code:

(a) The City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are to pay certain costs associated with the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the debt from the general funds or capital fund of the City.

(c) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is $14,000,000.

(d) A reimbursement allocation of the expenditures described in paragraph (b) above with the proceeds of the borrowing described herein 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 financed improvements are 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 debt to be issued for the financed improvements to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures for the Project are “capital expenditures” as defined in Treas. Reg. §1.150-1(b), 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 borrowing 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.

**QTE Designation.** The Authorized Officers are each hereby authorized to designate 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 2011 in an aggregate principal amount in excess of the limits established by the Code as then in effect.

**Section 11. Bond Covenant.** The Bonds are issued for the purpose of paying for improvements to the City’s sanitary sewer and storm water system (the “System”) and are payable in the first instance from the net revenues of the System. The System rates now in effect are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of any reserves therefor, and to provide for all other obligations, expenditures and funds for the System required by law. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing. The provisions of this covenant constitute a contract between the City and the bondholders, and for so long as there are any outstanding Bonds of the City payable from the net revenues of the System, this covenant shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of the Bonds, nor shall the City adopt any law, ordinance or resolution in any way adversely affecting the rights of the bondholders so long as any outstanding Bonds of the City payable from the net revenues of the System or interest thereon remains unpaid.

**Section 12. Continuing Disclosure Undertaking.** 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, 2011, (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 2011 Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

**Section 13. Approvals; Filings.** The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds or any transaction of which the Bonds are a part, 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 2011 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 Registered Municipal 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.

**Section 14. Bond Details.** The Director of Finance is hereby authorized to establish the final bond details within the parameters set forth in this resolution 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, 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.

**Section 15. Authorized Officers.** The City Manager, Director of Finance and the Mayor (the “Authorized Officers” and each an “Authorized Officer”) are authorized and directed to take such actions and to execute and deliver such documents, approved by counsel, as are necessary or convenient to issue, sell and deliver the Bonds as contemplated by this resolution.

**Section 16. Repealer.** All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

Motion adopted unanimously.

*R-11. WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 52, Zoning, Article III, District Regulations, Division 14. Historic District, Section 52-580(b):

"Membership; compensation; removal. The historic district commission shall consist of nine members whose residence is located in the city. They shall be appointed by the city council for terms of office of three years on a staggered term basis. At least two members of the commission shall be appointed from a list of citizens submitted by a duly organized and existing preservation society or societies. The commission shall include, if available, a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in this state. A majority of the members of the commission shall have a clearly demonstrated interest in and knowledge of historic preservation...";

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby re-appoints Larry J. Krabach, Edward Peterson, and Lynne Secory, to the Historic District Commission, with terms to expire on March 10, 2014.

Adopted by consent.

**R-12. Councilmember Miller** moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the City of Port Huron has prepared the “Annual Action Plan” for use of Community Development Block Grant (CDBG), Section 108, and HOME funds in accordance with the Five Year Consolidated Plan (2010-2014), 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 2011 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 2011 to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File #11-20);

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.

**Councilmember Fisher** moved to remove the Safe Horizons funding of $42,500.00 and to redistribute these funds evenly among the other allocations, seconded by Councilmember Moeller.

Motion **rejected** by the following vote:

- **No:** Mayor Repp; Councilmembers Archibald, Lewandowski and Miller.
- **Yes:** Councilmember Fisher and Ruiz.
- **Abstained:** Councilmember Moeller.
- **Absent:** None.

**Councilmember Lewandowski** moved to remove the Safe Horizons funding of $25,000.00 and to redistribute these funds evenly among the other allocations, seconded by Councilmember Ruiz.

Motion adopted by the following vote:

- **Yes:** Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
- **No:** None.
- **Abstained:** Councilmember Moeller.
- **Absent:** None.

**NOTE:** At 8:05 p.m., the Council recessed for five minutes.

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

- **Yes:** Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
- **No:** None.
- **Abstained:** Councilmember Moeller.
- **Absent:** None.

**NOTE:** It was mentioned that Safe Horizons should be made aware that future CDBG allocations may not be available.

**R-13. Councilmember Miller** moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, a revised City Charter was approved by the voters and became effective on January 1, 2011; and

WHEREAS, Section 2-7(e) of the revised Charter requires the City Council to determine its rules and order of business to provide for common rules and procedures to facilitate the transaction of business at City Council meetings; and

WHEREAS, due to changes in the revised City Charter, it is necessary to amend the current Rules of Procedure, which were originally adopted in 1978 and amended several times throughout the years; and

WHEREAS, it was determined that since several amendments to the rules would be necessary, a complete review and rewrite would be appropriate at this time; and

WHEREAS, attached is a copy of the Rules of Procedure which is being proposed to replace the current set of rules, if adopted; and

NOW, THEREFORE, BE IT RESOLVED that the current Rules of Procedure for City Council are hereby repealed and the attached Rules of Procedure are hereby adopted and given immediate effect upon their adoption (see City Clerk File #11-21).

**Councilmember Moeller** requested that under Rule 11(b), Debate, that the last sentence pertaining to “No member of the Council shall speak more once on any such matter...” be eliminated. No one on Council objected to the removal.

**Councilmember Miller** moved to table the resolution, seconded by Councilmember Archibald. Motion to table adopted unanimously.

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

WHEREAS, tourism is a key part of the City’s economic development strategy; and

WHEREAS, the City Council has supported events that bring visitors and tourists to our downtown area; and

WHEREAS, the City of Sarnia and the City of Port Huron have an opportunity to jointly sponsor an International Offshore Powerboat Race on the weekend of August 5, 6 and 7, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Port Huron hereby designates up to Fifteen Thousand Dollars ($15,000.00) of marina profits to the International Offshore Powerboat Race to be held the weekend of August 5, 6 and 7, 2011; and

BE IF FURTHER RESOLVED that the City Manager be instructed to seek private funding and sponsors for the event; and
BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign an agreement with the Offshore Powerboat Association to sanction and manage the race, as well as any other necessary agreements associated with this event.

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 Fisher moved, seconded by Councilmember Archibald, that an ordinance introduced February 28, 2011, entitled and reading as follows, be given its third and final reading and enacted:

ORDINANCE NO. 1321

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCES, DIVISION 2, PURCHASES, CONTRACTS AND SALES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THE PURCHASING, SALES AND LEASE PROCEDURES.

THE CITY OF PORT HURON ORDAINS:

That Chapter 2, Administration, Article VI, Finances, Division 2, Purchases, Contracts and Sales, of the Code of Ordinances of the City of Port Huron for the purpose of updating the purchasing, sales and lease procedures is hereby amended as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE VI. FINANCES

DIVISION 2. PURCHASES, SALES AND LEASES

Sec. 2-791. General provisions

(a) This ordinance is intended to address the policy for the purchase, sale or lease of real and personal property and services for the city for the direction of the city manager in accordance with Chapter 10 of the Charter.

(b) This ordinance is also intended to recognize the obligation to the taxpayers to maximize the purchasing, sale and lease power of public funds to gain the best value for our residents through competitive bidding policies, procedures and standards that maintain a system of quality and integrity and which promotes efficiency, effectiveness and equity. The city will comply with all applicable federal and state laws.

(c) This division shall apply to all expenditures of public funds by all operating departments of the city for public purchasing, irrespective of its source. Whenever the purchase involves the expenditure of federal or state assistance funds, the purchase shall be conducted in accordance with any applicable mandatory federal and state laws and regulations which are not reflected in this division. Nothing in this division shall prevent the city from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law.

Sec. 2-792. Organization and authority

The purchasing division of the department of finance, supervised by the purchasing agent, shall be responsible for the administration of the purchasing system of the city as provided for in section 2-127. The purchasing authority and responsibility shall be delegated as follows:

(1) City Council:
   a. Shall establish the purchasing policy by ordinance.
   b. Shall award all contracts for the purchase, sale or lease of real and personal property and services that exceed threshold amounts prescribed in section 2-793(c).

(2) City Manager:
   a. Shall establish purchasing procedures in accordance with this ordinance.
   b. Shall review and be the final authority on all purchasing actions taken and sales made by the city consistent with the Charter, ordinances and applicable state law.

(3) Administrative officers and operating departments:
   a. Shall ensure the availability of budgeted funds for all purchases and leases.
   b. Shall provide for the maintenance of efficiency, economy and accountability in the city's purchases, sales and leases.
   c. Shall purchase or supervise the purchase of all goods and services, in coordination with the purchasing agent, as may be required to maintain adequate inventories of materials and supplies for their municipal operations in accordance with the purchasing, sales and lease policies and procedures established.
   d. Shall establish procedures within their respective departments to ensure adherence to the purchasing policies and procedures.

Sec. 2-793. General policy for purchases of goods and services

(a) Definition of purchasing: Purchasing, as herein used, shall mean any action taken by the city acting as buyer for the purpose of obtaining materials, supplies, services, personal property of any kind and public improvements (hereafter referred to as goods and services) from a vendor acting as seller, whether by purchase, rent, lease, lease-purchase or any other similar methods of acquisition as may be used by the city.

(b) Scope of purchasing: Purchasing decisions shall be based upon price, quality, delivery, references, written standards, experience, previous service, recommendations by consultants and other relevant factors promoting the best interest of the city.

(c) Threshold amount: Purchases of goods and services or contracts that exceed $5,000.00, adjusted annually by the Consumer Price Index as determined by the State of Michigan for tax assessment rounded up to the nearest hundred (or such similar measure of inflation if state procedures change), shall be made only after the approval of the city council has first been secured.

(d) Purchases or contracts below threshold amount: All purchases of goods and services, the cost of which is less than the threshold amount, may be made in the open market, but such purchases shall, where practical, be based on at least three competitive bids and shall be awarded to the lowest responsive and responsible bidder meeting specifications as described in section 2-797. The purchasing agent, or designee, may solicit bids verbally, in writing, electronically or any other appropriate means.

(e) Purchases within budget appropriation: No purchases of goods or services shall be made and no encumbrance shall be incurred unless sufficient funds to cover the purchase or encumbrance have been budgeted and are available within the approved budget.

(f) Inspection of materials: The responsibility for the inspection and acceptance of all goods, materials, supplies and equipment shall rest with the ordering department.

(g) Rule against subdivision: No purchase shall be subdivided for the purpose of circumventing the threshold amount imposed by this ordinance or any policy or procedure.

(h) Documentation of purchases and sales: All purchases and sales shall be evidenced either by written contract, purchase order or by a receipt, invoice or sales slip. Public works construction projects shall require a written contract.
(i) In default: No contract shall be made, nor shall any payment be made, to any person who is in default to the city as provided for in the Charter, section 10-6.

(j) Standards of conduct and conflicts of interest: Public contracts with public servants (elected or appointed officials or city employees) shall be governed by state law and the Charter (section 2-6 and section 10-5). Recognizing that city purchases involve the use of public funds, the following standards shall apply to all purchases made by the city:

1. All vendors, current and prospective, shall be treated equitably. Purchasing decisions shall be based upon price, quality, delivery, references, written standards, experience, previous service, recommendations by consultants and other relevant factors promoting the best interest of the city.

2. Public servants (elected or appointed officials or city employees) shall be prohibited from furnishing to any prospective bidder information that would give any vendor an unfair advantage over other prospective vendors.

3. Purchasing records shall be retained by the finance department for public review in accordance with state law.

4. The standards of conduct and behavior in purchasing policies and procedures shall also be regulated by the city’s ethics ordinance, personnel manual and state law.

5. Public servants (elected or appointed officials or city employees) shall be prohibited from doing business with the city while serving as a public servant, unless approved by city council and in accordance with the state law and the Charter.

Sec. 2-794. Purchasing methods

All purchases of goods and services shall be obtained through one of the following methods and regardless of the method of purchase used, all goods and services exceeding the threshold amount shall require city council approval unless otherwise not required under the purchasing ordinance:

1. Formal bids: Formal bids shall be asked for in all transactions involving the expenditure above, or expected to be above, the threshold amount, and the transaction evidence by a written contract unless otherwise provided by this ordinance.

   a. Definition: A formal bid shall be defined as the submission of a written, sealed price quotation by a vendor to the city pursuant to the issue of public notice thereof by the city, and based on written specifications and standard conditions stipulated by the city for the purpose of purchasing goods and services for the use of the city. Bids may be received by various means including, but not limited to, written, facsimile, electronic (e.g. internet, email), or other reliable means, subject to the purchasing policies and procedures of the city and as may be specified in the bid submission requirements. Facsimiles, electronic or other similar bids shall be deemed as a written, sealed price quotation provided they are forthwith transferred to the finance department and kept confidential until the public bid opening.

   b. Notice inviting bids: A notice inviting bids shall include a general description of the articles to be purchased or sold, submission requirements, state where bid blanks and specifications may be secured and the time and place for opening bids. Notice of bids shall be posted or advertised at least seven (7) calendar days preceding the last day set forth for the receipt of bids. The notice of bids shall be advertised by one or more methods, the first of which shall be the one that those generating no cost to the city, as follows:

   1. At a minimum, notice of bids shall be posted in the purchasing section of the city’s website.

   2. Notice of bids shall also be posted, where applicable, on the website(s) of those bid cooperatives of which the city is a member.

   3. Additional trade magazines and/or the city’s official newspaper shall be utilized only when such electronic posting is deemed inappropriate in order to garner adequate exposure to potential vendors.

4. The purchasing agent may also post notice of all pending purchases or sales on the bulletin board in city buildings or other appropriate locations.

5. The purchasing agent may also advertise all pending purchases or sales through such additional notices as the agent deems to be in the best interest of the city.

6. If any perspective bidder fails to receive notice, it shall in no way invalidate any contracts entered into hereunder.

   c. Bid, performance, labor and material bonds: Bid bonds, performance bonds or maintenance bonds shall be required when it is determined that such bonds are reasonably necessary to protect the best interests of the public; provided, however, performance bonds shall be provided when required by state law (PA 213 of 1963). Labor and material bonds shall be required as provided by this act and each shall be executed by the contractor and a corporate surety in an amount not less than the total amount of the contract. Such bonds shall not require city council approval, but shall be approved by the appropriate administrative officer, or his or her designee, as to substance and by the city’s attorney as to form, issuing surety and execution.

   d. Addendums/Clarifications: Bid addendums and clarifications may be issued by the administrative officer of the applicable operating department in coordination with the purchasing agent.

   e. Bid opening: Bids shall be opened publicly at the time and place designated in the invitation to bid and in the presence of the purchasing agent and a designated representative from the appropriate operating department, or their designees. The amount of each bid and other relevant information, together with the name of each bidder, shall be recorded by the purchasing agent, or designee, who may refer the bids to any appropriate city officer for tabulation before reviewing them. Bid tabulations shall be open and available to public inspection in accordance with state law.

   f. Bid acceptance: Bids shall be accepted (with the exception of late bids, which shall not be accepted) without alteration or correction, except as otherwise authorized by the purchasing procedures or the factors stipulated in the invitation to bid.

(2) Request for proposals: Requests for proposals (RFP) shall be asked for where appropriate including situations where the use of competitive sealed bidding is either not practicable or not advantageous to the city. RFP’s are used where multiple factors and criteria will be considered, such as transactions involving professional services, for situations where there is not sufficient information to prepare specific specifications suitable for formal bidding procedures, where a discussion with the vendor is necessary in order to understand the proposal, or for other reasons which are determined by the city. Whenever it is determined that it is in the best interest of the city to solicit RFP’s, the successful proposal will be evaluated and determined based upon the proposer’s ability to provide the services requested, the city’s prior experience with the proposer, the nature and degree of expertise required, the professional experience of the proposer, the costs of the services and any references received with respect to the successful proposer. Each operating department will establish procedures for issuing RFP’s in the best interest of the city, including but not limited to, public notice, written specifications and a public opening.

(3) Professional services: Requests for proposal shall be used for the employment of professional services or consultants where technical expertise or knowledge of a specialized field is critical to the performance of that service. Professional services include, but are not limited to, auditors, engineers, planning and financial consultants, architects, accountants and other similar services.
professionals. The city council shall approve all professional service contracts above the threshold amount and the city manager, or his or her designee, shall have the authority to procure the services for contracts below the threshold amount.

(4) **Sole source purchases:** Sole source purchases are allowed when only one item or service will meet the city’s needs and when only one vendor can supply that item or service. If a proprietary item is required, a sole source circumstance may exist in the following circumstances:

a. The compatibility or standardization of equipment, accessories or replacement parts is the paramount consideration and the items are only available from one vendor.

b. The vendor, or a distributor, has an exclusive right to sell in a geographic area.

c. The item is required to maintain the warranty or service contract in force for the particular equipment.

d. The item is not interchangeable with similar items from another source.

e. The sole supplier's item is needed for trial use or testing.

f. When there is doubt that the product or service is sole source, competition should be solicited.

All sole source purchases which exceed threshold limits must be approved by city council. Sole source purchases which do not exceed the threshold limits must be approved by the purchasing committee. Insufficient time for solicitation of bids is not sufficient reason to justify a sole source procurement. Price, terms and conditions shall be negotiated to obtain the best purchase terms for the city.

(5) **Continuity of professional services:** A professional service contract may be extended beyond the expiration of the contract if it would be in the best interest of the city to extend the contract based on uniformity of results or history of services. Contracts that are extended that exceed the threshold amount shall require the prior approval of the city council.

(6) **Emergency purchases:** With the mutual concurrence of the city manager and administrative officer of an operating department, a purchase may be made to alleviate a situation in which there is a threat to health, welfare, or safety, or to address an immediate regulatory mandate, or is necessary to the continuation of the work of the department that does not allow time for normal competitive purchasing procedures. This method may not follow required purchasing methods as previously described due to the immediate need, but shall be made with such competition as is practicable under the circumstances. Such purchases and the emergency causing them shall be reported in detail to the director of finance and purchasing agent immediately at the time the costs are incurred or purchased.

(7) **Cooperative purchasing:** It shall be the policy of this city to engage in those cooperative purchasing efforts for goods and services with other governmental agencies, such as MiDeal or MITN, whenever such activity is feasible and economically advantageous to the city. All cooperative purchasing conducted under this article shall be consistent with the methods of this section. If the purchasing agent or other officer has engaged in cooperative purchasing bids of goods and services with another government or governments or other similar agency where joint bids have been taken and are advantageous to the city, such bids will be deemed to conform with the city’s purchasing procedures.

(8) **Life cycle costs as determination of selection:** Life cycle cost analysis shall be used where it is the most appropriate method of determining the benefit to the city. Life cycle costs are defined as the sum of all recurring and one-time (non-recurring) costs over the full life span or a specified period of a good, service, structure or system. It includes purchase price, installation cost, operating costs, maintenance and upgrade costs and remaining (residual or salvage) value at the end of ownership or its useful life.

(9) **Reverse on-line auctions:** When it is determined that the bidding methods prescribed in this section will not result in the best value for the city, the purchasing agent may use a third form of competitive selection known as reverse auction. A reverse auction is a real-time purchasing event that is conducted over the internet. Interested bidders submit responses in a manner similar to those in an invitation to bid, with the exception that no prices are included. Those bidders whose products or services meet the specifications are invited to the reverse auction event. These bidders will then be provided with instructions for the reverse on-line auction. During the event, bidders may submit multiple prices electronically over a short time period, with the lowest cost winning. Reverse auctions are often advantageous for items of definite quantity and definite delivery. Price is a primary factor in the award.

(10) The following purchasing method exemptions may apply:

a. **No advantage to bid:** The purchase of goods and services is other than a public work or improvement and the product or material contracted for is not competitive in nature and no advantage to the city would result from requiring competitive bidding. Prior city council approval shall be required for purchases above the threshold amount.

b. **Recurring expenses of goods and services:** The finance director, or designated representative, shall be authorized to purchase and/or make payment for repetitive contractual obligations incurred by the city, without regard to threshold amount limitations, competitive bidding and without city council approval, provided such expenditures are within the approved budget and funds are available for such expenditures. Such repetitive contractual obligations include, but are not limited to, debt payments, utility billings, legal or other professional billings, lease agreements, payments of property taxes to other taxing jurisdictions, fuel expenses, payroll, payroll taxes and employee benefit expenses, etc.

**Sec. 2-795. Bid evaluation – purchasing committee**

Purchases of goods and services which require prior approval of the city council shall be evaluated by the purchasing committee, consisting of the director of finance, public works director, purchasing agent and city clerk, or their designated representatives. Bid evaluation shall be based on the requirements set forth in this ordinance and in the invitation to bid, which may include criteria to determine acceptability such as, quality, references, workmanship, delivery, inspection, testing, suitability for a particular purpose and recommendations by city consultants. Upon reviewing the bids, the purchasing committee shall transmit the tabulation to the city manager and to the city council with its recommendation.

**Sec. 2-796. Council action on bids**

Upon receipt of the bid tabulation and recommendation of the purchasing committee for purchases of goods and services requiring prior city council approval, the city council shall retain the right to reject bids or take any of the following actions in awarding a bid:

1. The ability, capacity and skill of the bidder to perform the contract to provide the services required.

2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
4. The quality of performance of previous contracts or services.
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services.
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
7. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
9. The number and scope of conditions attached to the bid.

b. **Definition of responsive bidder**: A responsive bidder is herein defined as a person or firm that has submitted a bid which conforms in all material respects to the descriptions, specifications, terms, conditions and other factors called for in the invitation to bid.

(2) Waive any inconsequential informality or defect in the bids.

(3) Award a contract to a bidder other than the low bidder in accordance with section 2-797 (Preference for local bidders section).

(4) Award a contract by division among two or more vendors if such alternatives are duly indicated in the original invitation to bid.

(5) If two or more bidders are the lowest bidder, and determined to be a responsible and a responsive bidder, the successful bidder may be determined by lot.

### Sec. 2-797. Preference for local bidders/city-based businesses

(a) **Purpose**: The city believes that its purchasing practices should encourage local vendors to provide goods and/or services to the city, resulting in increased economic activity through more local jobs, tax revenues, and expenditures to entice businesses to be located in the city.

(b) **Definition of City-based business**: City-based business means a physical and economic relationship to the City of Port Huron determined by a verifiable business address (not a temporary location, such as a post office box or construction trailer, etc.) within the corporate boundaries of the city, activities carried out in the City of Port Huron are substantial enough to consider it a city-based business and the filing of a city income tax or personal property tax return for the calendar year prior to the date of the bid submittal.

(c) **Exceptions**: The following purchases of goods and services shall be exempt from local bidder preference provisions: emergency purchases, sole source purchases, cooperative purchases, request for proposals, bid solicitations that utilize federal funding that prohibit awards based on local preference criteria and bid solicitations that utilize "life cycle cost" as the basis of award in place of submitted bid price.

(d) **Preference**: When bids are received, the following shall apply:

1. The person or business submitting the lowest bid who is determined to be a responsible and a responsive bidder as provided for in section 2-796(1), shall be deemed the lowest bidder. If the lowest bidder is not a city-based business, the lowest city-based bidder with a bid within three percent (3%) of the lowest bid on any contract bid in an amount of $100,000.00 or less and within one percent (1%) on any bid amount in excess of $100,000.00, shall be deemed the lowest bidder if it agrees to reduce its bid to match the bid of the lowest bidder. A lowered bid by a city-based business which is premised upon, in whole or in part, changes to or variances to the bid specifications, contract requirements or scope of work shall be considered non-responsible and will not be considered.

2. If such a city-based business does not reduce its bid to match the lowest bid, then the next lowest bidder that is a city-based business with a bid within the applicable lowest bid threshold amounts in 2-797(d)(1) shall be deemed the lowest bidder, if it agrees to reduce its bid to match the bid amount of the lowest bidder.

3. If no responsive and responsible city-based business within the applicable bid threshold amounts in 2-797(d)(1) agrees to reduce its bid, then the contract shall be awarded to the person or business with the lowest bid who is determined to be a responsible and a responsive bidder.

4. No contract awarded pursuant to this section shall be sublet in any matter that permits fifty (50%) percent or more of the dollar value of the contract to be performed by a subcontractor or subcontractors who do not meet the definition of city-based business or where the City determines the goods and/or services provided will not provide an economic benefit to a city-based business.

(e) **Rights of city**: This section shall not waive or constrain, in any manner, the right and prerogative of the city to reject any and all bids or proposals, to reject a bid not accompanied by required bid security or other documentation or data required by the bidding documents, or to reject a bid which is in any way incomplete, irregular, not responsible or not responsive.

### Sec. 2-798. Execution of contracts

(a) Upon the award of a contract by the city council for goods and services as provided for in section 2-796 (Council action on bids), the council may, at the same time, authorize by resolution the appropriate city officials to execute the necessary contract documents. An executed counterpart of each contract shall be filed with the city clerk and copies shall be distributed as may be determined by the city manager.

(b) After approval by city council and execution of the contract, the city manager shall direct the implementation of public contracts.

(c) If a contract is necessary for a purchase of goods and services below the threshold amount, administrative officers, or their designee, may, in consultation with the finance department and/or legal counsel, execute appropriate contracts or agreements.

### Sec. 2-799. Modification in contracts

Pursuant to Chapter 10, section 10-4, of the Charter, modifications, amendments or changes in contracts to which the city is a party which required city council approval, in accordance with ordinances establishing contract procedures for the purchase, sale, lease or services by the city, become effective upon approval of the city council. However, notwithstanding the above, when it becomes necessary in the completion of any public work or public improvement done under a public works contract to make an alteration or modification in such contract, such alteration or modification shall be made by a change order agreed upon in writing and signed by the city manager, the city engineer and the contractor. Authorization for the making of a change order in a public works contract as described above shall be provided for in the original public works contract approved by the city council.

### Sec. 2-800. Real property

(a) Transactions involving the purchase, sale, gift or lease of real property shall be authorized by city council resolution, except as provided for in the Charter and section 2-800 (c), and such transaction shall be handled in accordance with state law, the Charter and this article.

(b) The city council may, in its discretion, determine by resolution that, for compelling reasons, a transaction involving real property is in the best interest of the public and may be purchased, sold, gifted or leased without solicitation of bids or to a bidder other than the high or low bidder.
(c) As provided for in section 9-2 of the Charter, the following properties shall not be sold, disposed of or vacated as shown below unless approved by a majority of the electorates voting thereon at a regularly scheduled or special election:

1. Park or cemetery properties that have been officially dedicated by ordinance
2. Waterfront property or property contiguous to the waterfront
3. Streets or public places leading to waterfront property shall not be vacated

Sec. 2-801. Surplus or obsolete personal property
Whenever any goods or personal property owned by the city is no longer needed or becomes obsolete, the purchasing agent, or designated representative, is authorized to sell, trade in, lease, transfer or dispose of surplus goods or personal property by public or electronic auction, competitive sealed bidding, donation to another governmental entity or the scrapping of items which have no resale value, have security-related disposal issues, or the cost of handling exceeds the estimated proceeds. The proceeds from such transactions shall be recorded as a revenue item in the applicable fund based upon the original purchase or current usage of the personal property.

Sec. 2-802 – 2-825. Reserved.

ADOPTED: 03/14/11
PUBLISHED: 03/19/11
EFFECTIVE: 03/19/11

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.
No: Councilmember Miller and Moeller.
Absent: None.

*O-2. An ordinance introduced February 28, 2011, entitled and reading as follows, was given its third and final reading and enacted:

ORDINANCE NO. 1322

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 PROPERTY LOCATED AT 2313, 2319, 2325 EIGHTH STREET, TWO (2) VACANT PARCELS IN THE 2300 BLOCK OF EIGHTH STREET, AND 815, 809, 805 BEARD STREET FROM C-1 (GENERAL BUSINESS) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL):

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

Lots 1, 2, 3, 4, 5, 6, and 7, Commissioner’s Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, T6N, R17E, Section 15, City of Port Huron, St. Clair County, Michigan.

ADOPTED: 03/14/11
PUBLISHED: 03/19/11
EFFECTIVE: 03/27/11

Adopted by consent.

*O-3. An ordinance introduced February 28, 2011, entitled and reading as follows, was given its third and final reading and enacted:

ORDINANCE NO. 1323

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 PROPERTY LOCATED AT 2320 EIGHTH STREET AND ONE (1) VACANT PARCEL IN THE 2300 BLOCK OF EIGHTH STREET FROM C-1 (GENERAL BUSINESS) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL):

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

Lot 12; and Lots 13, 14 and 15 except the Pierre Marquette Railway right-of-way, Block 2, including half of the vacated alleys adjacent; Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, T6N R17E Section 15, City of Port Huron, St. Clair County, Michigan.

ADOPTED: 03/14/11
PUBLISHED: 03/19/11
EFFECTIVE: 03/27/11

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced the following items:

Crime Free Multi-Housing & Rental Housing seminar hosted by the Port Huron Police Department and the City’s Planning Department will be held on March 21 at the Municipal Office Center.

Port Huron Police Dept. vs. the Port Huron Fire Dept. Charity Hockey Game will be held on March 16 at McMorran Main Arena.

A special City Council meeting has been scheduled prior to the next regular meeting on March 28 at 5 p.m. in Conference Room 408 to discuss budget issues.

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

SUSAN M. CHILDS, CMC
City Clerk
Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 28, 2011, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.

Absent: Councilmember Moeller.

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, commented on abandoning the aquarium project and eliminating funding for the Port Huron Museum and McMorran.

MISCELLANEOUS BUSINESS

Bruce Brown, City Manager, commented about the information to be presented during the meeting and stated that he personally wrote a letter to all employees asking for their input on their suggestions for improvements to City operations.

John Ogden, Finance Director, commented on the City’s current and future financial situation. Some of the areas detailed included the current budget figures, revenue sharing, reductions made to employee healthcare benefits, hybrid plan for new hires. He also commented that the City is continuing to look for ways to share services and consolidate efforts with other communities. Discussion was also held on the Governor’s message regarding local government reform.

Julie Davis, Human Resources Director, commented on expenses that are being reviewed to see if cost savings can be realized. Some of the items mentioned included reviewing possible changes to employee and retiree healthcare plans, hiring an employee benefit specialist to assist with the review and recommend changes to healthcare benefits, possibly increasing employee pension contributions, instituting a wage freeze and implementing a hybrid system for new hires working in public safety.

Chief Eick, Fire Chief, commented on areas that are being considered and/or reviewed for possible service changes. Some of the areas detailed included staff reductions through layoffs, early retirements, consolidation/privatizing services, changes to quarterly meter reading, leaf collection, motor vehicle pool and funding for the Port Huron Museum and McMorran.

Bruce Brown commented that plans are being considered to sell certain buildings, such as the Museum and the tennis house. He also mentioned that the McMorran Authority will end on December 31, 2011, and ongoing expenses are being reviewed. All departments are continuing to be looked at to streamline operations to see if operations can be done better and/or cheaper.

On motion (6:25 p.m.), meeting adjourned.

JANEL K. OSTERLAND
Assistant to the City Clerk
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 28, 2011, 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, Moeller and Ruiz.

Absent: Councilmember Miller

The minutes of the regular meeting of March 14, 2011, were approved.

PRESENTATIONS

1. Proclamation designating April 2011 as Child Abuse Prevention Month was presented to Sally Straffon of the St. Clair County Child Abuse and Neglect Council. It was also mentioned that they will be hosting an open house at their facility on Tuesday, April 12 and everyone is welcome.

2. Vickie Ledsworth, President of the Blue Water Area Chamber of Commerce, gave an update on Chamber activities (see City Clerk File #11-22).

PUBLIC AUDIENCES

1. Margaret Enright commented on the aquarium project, suggested ways to raise funds during the float down and commented that any surplus funds should be put back into City-owned buildings.

2. Ken Harris, Wells Street, commented that the purchasing ordinance hinders local bidders. He also commented about asbestos removal from the former YMCA building and requiring local employees be used by the company demolishing the building.

3. Bernard Ellery, Military Street, commented about the purchase of the former YMCA property and using it for the aquarium project. He also commented that existing buildings should be used for industrial expansion before selling any vacant land.

CONSENT AGENDA

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

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.

No: None.

Absent: Councilmember Miller.

FROM THE CITY MANAGER

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

On March 3, 2011, the City of Port Huron received ten (10) bids for the asbestos abatement and demolition of 700 Fort Street, formerly known as the YMCA with St. Clair County waving tipping fees at the St. Clair County Landfill:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dore &amp; Associates Contracting, Inc.</td>
<td>$230,300.00</td>
</tr>
<tr>
<td>S. A. Torello Demolition</td>
<td>$263,040.00</td>
</tr>
<tr>
<td>Blue Star Inc. (Warren, MI)</td>
<td>$287,400.00</td>
</tr>
<tr>
<td>HOMRICH, Inc. (Carleton, MI)</td>
<td>$288,000.00</td>
</tr>
<tr>
<td>Adamo Group Inc. (Detroit, MI)</td>
<td>$326,300.00</td>
</tr>
<tr>
<td>North American Dismantling Corp.</td>
<td>$455,200.00</td>
</tr>
<tr>
<td>Able Demolition Inc. (Shelby Twp, MI)</td>
<td>$477,150.00</td>
</tr>
<tr>
<td>Den-Man Contractors, Inc. (Warren, MI)</td>
<td>$477,150.00</td>
</tr>
<tr>
<td>Bierlein Companies, Inc. (Midland, MI)</td>
<td>$484,100.00</td>
</tr>
<tr>
<td>TSP Environmental (Livonia, MI)</td>
<td>$640,588.00</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Dore & Associates Contracting, Inc., 900 Harry S. Truman Parkway, Bay City, Michigan 48076 in the amount of Two Hundred Thirty Thousand Three Hundred and 00/100 Dollars ($230,300.00) 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 and Ruiz.

No: Councilmember Moeller.

Absent: Councilmember Miller.

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

On March 17, 2011, the City of Port Huron received two (2) unit price bids for 335 dry tons of aluminum sulfate for use at the Water Filtration Plant and the Wastewater Treatment Plant:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Unit Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Chemical, Inc. (Parsippany, NJ)</td>
<td>$472.00 per dry ton</td>
</tr>
<tr>
<td>USALCO (Baltimore, MD)</td>
<td>$588.41 per dry ton</td>
</tr>
</tbody>
</table>

It is recommended that the unit price bid of General Chemical, Inc., 90 East Halsey Road, Parsippany, New Jersey 07054, in the amount of $472.00 per dry ton, F.O.B., for an annual estimated amount of $158,120.00 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: None.

Absent: Councilmember Miller.
CM-3. Councilmember Archibald moved the adoption of the following City Manager's recommendation, seconded by Councilmember Fisher:

On March 17, 2011, the City of Port Huron received four (4) unit price bids for the estimated annual consumption of 317,000 wet lbs. of sodium hydroxide for the Wastewater Treatment Plant:

Jones Chemicals, Inc. (Riverview, MI) $0.0640 per wet lb.
K. A. Steel Chemical (Lemont, IL) $0.0653 per wet lb.
PVS-Nolwood Chemical (Detroit, MI) $0.0840 per wet lb.
Alexander Chemical
(Downers Grove, IL) $0.0890 per wet lb.

It is recommended that the bid of Jones Chemicals, Inc., 18000 Payne Avenue, Riverview, MI 48192, in the amount of $0.0640 per wet lb., F.O.B., for an annual estimated amount of $20,288.00 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: None.
Absent: Councilmember Miller.

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

On March 17, 2011, the City of Port Huron received four (4) bids for estimated annual consumption of 205,000 gallons of sodium hypochlorite for use at the Water Filtration Plant and the Wastewater Treatment Plant:

Jones Chemicals, Inc. (Riverview, MI) $0.6535 per gallon
K. A. Steel Chemical (Lemont, IL) $0.7800 per gallon
PVS-Nolwood Chemical (Detroit, MI) $0.9200 per gallon
Alexander Chemical
(Downers Grove, IL) $0.9700 per gallon

It is recommended that the bid of Jones Chemicals, Inc. 18000 Payne Avenue, Riverview, MI 48192, in the amount of $0.6535 per gallon, F.O.B., for an annual estimated amount of $133,865.00 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: None.
Absent: Councilmember Miller.

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

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 2010-2011 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following funds in order to implement From the City of Manager #1 and Resolution #4 from March 28, 2011 with regard to the purchase and demolition of the former Blue Water YMCA:

<table>
<thead>
<tr>
<th>LAND PURCHASE FUND:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Means of financing:</td>
</tr>
<tr>
<td>Estimated designated fund balance $1,710,186</td>
</tr>
<tr>
<td>Investment income 125,000</td>
</tr>
<tr>
<td>Rents 185,000</td>
</tr>
<tr>
<td>Other income 10,000</td>
</tr>
<tr>
<td>Transfer from other funds 1,309,000</td>
</tr>
<tr>
<td>$3,339,186</td>
</tr>
</tbody>
</table>

Estimated requirements:

Ordinary recurring expenses:
- Engineering and other professional services $25,000
- Transfer to:
  - General fund – capital projects 770,000
  - Water fund 1,550,000
  - Wastewater fund 700,000
  - Parking fund 88,563
  - Marina fund:
    - River Street 130,623
    - Bank DDA Tax increment fund 250,000
- Capital outlay 25,000

As currently Adopted $3,339,186
Per Proposed Amendment $3,589,186
Increase (Decrease) $250,000

<table>
<thead>
<tr>
<th>As currently Adopted</th>
<th>Per Proposed Amendment</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND PURCHASE FUND:</td>
<td>3,339,186</td>
<td>3,589,186</td>
</tr>
<tr>
<td>Estimated designated fund balance $1,710,186</td>
<td>$1,960,186</td>
<td>$250,000</td>
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<tr>
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<td>125,000</td>
<td></td>
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<td></td>
</tr>
<tr>
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<td>$25,000</td>
<td>$0</td>
</tr>
<tr>
<td>Transfer to:</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>River Street 130,623</td>
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<td></td>
</tr>
<tr>
<td>Bank DDA Tax increment fund 250,000</td>
<td>250,000</td>
<td></td>
</tr>
<tr>
<td>Capital outlay 25,000</td>
<td>25,000</td>
<td></td>
</tr>
<tr>
<td>$3,339,186</td>
<td>$3,589,186</td>
<td>$250,000</td>
</tr>
</tbody>
</table>
BANK DDA TAX INCREMENT FUND:
Means of financing:
- Estimated designated fund balance
- Property taxes
- Transfer from Land purchase fund

Estimated requirements:
- Ordinary recurring expenses:
  - Contractual services:
    - Commercial development services
    - Professional and other services
  - Capital outlay – YMCA Purchase and Demolition

Motion adopted by the following vote:
Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

RESOLUTIONS

*R-1. WHEREAS, City Administration has been notified by the City's Building Official that the following properties located within the City of Port Huron, St. Clair County, Michigan, are in a state of disrepair:

<table>
<thead>
<tr>
<th>Code</th>
<th>Case#</th>
<th>Addresses</th>
<th>Legal Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-031</td>
<td>807-809 Stanton Street</td>
<td>Lot 7, Block 9, Subdivision of the Fort Gratiot Military Reservation</td>
<td></td>
</tr>
<tr>
<td>10-035</td>
<td>1122 Church Street</td>
<td>East 11 feet Lot 25 and West 28 feet Lot 26, Christina Schultz's Subdivision of Lot 4, McNeil Tract Village of Fort Gratiot</td>
<td></td>
</tr>
<tr>
<td>11-002</td>
<td>444 - 12th Street</td>
<td>Lot 11, Block 2, Fl. L. Wells' Plat</td>
<td></td>
</tr>
<tr>
<td>11-003</td>
<td>1414 Chestnut Street</td>
<td>Lot 3, Block 209, White Plat</td>
<td></td>
</tr>
<tr>
<td>11-004</td>
<td>929 Court Street</td>
<td>East 1/2 Lot 12 and West 10 feet Lot 13, Block 165, White Plat</td>
<td></td>
</tr>
<tr>
<td>11-005</td>
<td>917 Howard Street</td>
<td>West 31 feet of South 97 feet Lot 3, Block 102, White Plat</td>
<td></td>
</tr>
</tbody>
</table>

WHEREAS, it appears to City Administration that the condition of the properties described above may constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the City of Port Huron Code of Ordinances, justifying abatement by the City pursuant to the powers granted in Chapter II, §2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, §10-211, and Chapter 40, §40-19 and 40-20, of the City of Port Huron Code of Ordinances; and

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations 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 at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on April 25, 2011, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall 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 and 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.

BE IT FURTHER RESOLVED that a notice shall be published in the Times Herald newspaper at least ten (10) days in advance of said hearing and the notice 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, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

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

WHEREAS, Automotive Properties of New York, L.L.C., has four facilities in Port Huron with a combined square footage of 204,279 and over 200 existing jobs; and
WHEREAS, Automotive Properties of New York, L.L.C. would like to expand their business located at 3150 Dove Street and the City owns approximately 4.5 acres of vacant land immediately east of and adjacent to their property; and

WHEREAS, Automotive Properties of New York, L.L.C., has approached the City with an offer to purchase this 4.5 vacant parcel for $60,000.00, which the City believes is appropriate given the continuous high unemployment rate the City continues to experience, because their proposed 100,000 square foot addition would be a great investment and it would be in the City’s best interest to assist companies whenever possible to help spur job creation and to promote future economic development

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the sale of a portion of vacant, City-owned land immediately east of and adjacent to 3150 Dove Street to Automotive Properties of New York, L.L.C., for $60,000.00 and authorizes the appropriate City officials to execute said agreement (see City Clerk File #11-23)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

AT THIS POINT, Julie Samson and Tom Bane of Automotive Properties (a/k/a SMW) spoke about the building expansion project.

R-3. Councilmember Archibald 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 #11-01)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

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

WHEREAS, the City of Port Huron and St. Clair County are working cooperatively to demolish various buildings across the City; and

WHEREAS, it is necessary to perform asbestos abatement inspection services for the YMCA demolition project; and

WHEREAS, Huron Consultants is the appropriate engineering firm to provide these services because they are providing the same services for St. Clair County; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Huron Consultants for asbestos abatement inspection services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Huron Consultants for asbestos abatement inspection services for the YMCA demolition project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-24).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

*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 single lot special assessments in the total amount of $1,476.09 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 #11-25).

Adopted by consent.

*R-6. WHEREAS, the Board of Review has completed the review, correction and certification of the 2011 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 2011 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #11-26).

Adopted by consent.

R-7. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the City of Port Huron Supervisory Unit has formed a union to be represented by the Utility Workers Union of America, AFL-CIO, and its Local 223; and

WHEREAS, an inaugural collective bargaining agreement between the City and the Port Huron Supervisory Unit, Local 223 has been negotiated and ratified;
NOW, THEREFORE, BE IT RESOLVED that the attached collective bargaining agreement with the Supervisory Unit, Local 223 for the period March 28, 2011, through June 30, 2011, is hereby approved and authorizing the appropriate City officials to execute said agreement. (See City Clerk File #11-27).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

TABLED ITEMS

1. Councilmember Lewandowski moved to remove from the table the Rules and Procedure tabled at the March 14, 2011, meeting, seconded by Councilmember Ruiz:

   WHEREAS, a revised City Charter was approved by the voters and became effective on January 1, 2011; and

   WHEREAS, Section 2-7(e) of the revised Charter requires the City Council to determine its rules and order of business to provide for common rules and procedures to facilitate the transaction of business at City Council meetings; and

   WHEREAS, due to changes in the revised City Charter, it is necessary to amend the current Rules of Procedure, which were originally adopted in 1978 and amended several times throughout the years; and

   WHEREAS, it was determined that since several amendments to the rules would be necessary, a complete review and rewrite would be appropriate at this time; and

   WHEREAS, attached is a copy of the Rules of Procedure which is being proposed to replace the current set of rules, if adopted; and

   WHEREAS, currently, Rule 30 (Amendment or Repeal of Council Rules) provides that to accomplish the repeal of the current rules and adopt replacement rules, it will be necessary for the City Council to table consideration of this resolution until a subsequent meeting; and

NOW, THEREFORE, BE IT RESOLVED that the current Rules of Procedure for City Council are hereby repealed and the attached Rules of Procedure are hereby adopted and given immediate effect upon their adoption (see City Clerk File #11-28).

Motion to remove the resolution from the table adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

Councilmember Archibald moved to adopt the Rules of Procedure, seconded by Councilmember Fisher.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher commented on his recent trip to Cleveland, Ohio, and how you don’t always see the opportunities you have right in your own town. He also commented that our area has many unique and beautiful things to see and do.

2. Councilmember Moeller commented that two other boat races will be taking place in Michigan City, Indiana, the same weekend in August as the City’s planned power boat race.

On motion (7:40 p.m.), meeting adjourned.

JANEL K. OSTERLAND
Assistant to the City Clerk
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 11, 2011, 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 special and regular meeting of March 28, 2011, were approved.

PUBLIC AUDIENCES

1. Ken Harris, Wells Street, commented about Resolution #4 and that the City needs to proceed cautiously with the health care issue.

2. Mike Taylor commented that he wanted to introduce himself and that he will be opening Fuel Woodfire Grill restaurant at 213 Huron Avenue soon.

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 #11-01)

Motion adopted unanimously.

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

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 single lot special assessments in the total amount of $1,099.38 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 #11-29).

Motion adopted unanimously.

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

WHEREAS, the City of Port Huron has been informed that their application to the 2011 DTE Energy Foundation Tree Planting Grant Program administered through the Department of Natural Resources (DNR), Urban Forestry Program, has been approved; and

WHEREAS, the principal objective of this grant agreement is to increase the number and variety of trees planted in right-of-ways in communities impacted by the Emerald Ash Borer (EAB); and

WHEREAS, the amount awarded is Three Thousand and 00/100 Dollars ($3,000.00), which will be matched by the City, toward the total project cost to replace these trees;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the 2011 DTE Energy Foundation Tree Planting Grant Program Agreement administered by the Department of Natural Resources (DNR), Urban Forestry Program for the City of Port Huron and does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports with the State of Michigan; and
2. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that Robert W. Eick, Director of Parks/Forestry, be appointed as project coordinator and authorized representative for all aspects of the grant agreement; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City (see City Clerk File #11-30).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

R-4. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the City currently provides healthcare and other benefits for current employees and retirees; and

WHEREAS, as part of an effort to qualify for the Economic Vitality Incentive Program directed by Governor Snyder, it is imperative that the City of Port Huron identify short-term and long-term savings for employee and retiree healthcare and other benefits; and

WHEREAS, requests for information were solicited from companies specializing in the evaluation of employee benefits that could assist the City in designing creative plans to help reduce employee and retiree healthcare costs; and
WHEREAS, five companies submitted information, including presentations to a four-member committee, which evaluated each company’s expertise relating to employee fringe benefits, experience with other governmental clients and their experience providing labor negotiation support; and

WHEREAS, it has been determined that Public Employee Benefits Solutions, LLC (PEBS) is the appropriate firm to provide professional services and act as the City’s Agent of Record; and

WHEREAS, the County of St. Clair and the City of Marysville are also working with PEBS and this provides the City with a unique opportunity to partner with these other governmental units to identify short-term and long-term savings on healthcare coverage and other employee benefits as required in the Governor’s message; and

WHEREAS, an agreement between the City and PEBS has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Public Employee Benefits Solutions, LLC (PEBS) to provide professional services in the area of employee benefits programs and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #11-31)

BE IT FURTHER RESOLVED that Julie A. Davis, Human Resources Director, is hereby appointed as the project coordinator and authorized representative to administer all other aspects of the program, including the processing of payments, and execution of additional agreements and/or documents, on behalf of the City.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller and Ruiz.
No: Councilmember Lewandowski and Moeller.
Absent: None.

On motion (7:30 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 25, 2011, 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 (arrived at 7:10 p.m.) and Ruiz.

The minutes of the regular meeting of April 11, 2011, were approved.

PRESENTATIONS

1. Recognizing April 29, 2011, as Arbor Day in the City of Port Huron was presented to Fire Chief Robert Eick.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on Code Case #10-031, 807-809 Stanton Street, to 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.

   Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

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

   WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as Lot 7, Block 9, Subdivision of the Fort Gratiot Military Reservation, also known as 807-809 Stanton Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-031 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-32); and

   WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 March 28, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: None.
Absent: Councilmember Moeller.

2. The Mayor announced that this was the time to hear comments on Code Case #10-035, 1122 Church Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: East 11 feet Lot 25 and west 28 feet Lot 26 Christina Schultz's Subdivision of Lot 4, McNeil Tract Village of Fort Gratiot, also known as 1122 Church Street, has been brought to the attention of the City Council by the Building Official as Code Case #10-035, claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-33); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 March 28, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;
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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:  

   [X] Building  
   [X] Electrical  
   [X] Plumbing  
   [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted by the following vote:

Yes:  Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.

No: None.

Absent: Councilmember Moeller.

AT THIS POINT (7:10 p.m.), Councilmember Moeller arrived.

3. The Mayor announced that this was the time to hear comments on Code Case #11-002, 444 - 12th Street, to 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.

   Kathleen McCready, 14th Street, commented about blighted conditions and the detriment it has on the landlord, tenants, and neighborhoods. She stated that a work agreement is in place for a home at 13th & Young Streets and that it has not been adhered to and that Council should proceed with caution if a work agreement is to be entered into for this property.

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

   WHEREAS, the condition of the property located at 444 - 12th Street, within the City of Port Huron, St. Clair County, Michigan, legally described as Lot 11, Block 2, F. I. Well's Plat, has been brought to the attention of the City Council by the Building Official as Code Case #11-002 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-34); and

   WHEREAS, repeated correspondence was sent notifying the previous owner of record of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and there had been no compliance regarding said notices and requests; and

   WHEREAS, on April 5, 2011, the property was sold and on April 19, 2011, the new property owner entered into a Work Agreement with the City to abate the nuisance at subject property, with all work to be completed by July 19, 2011; and

   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  
      [X] Electrical  
      [X] Plumbing  
      [X] Heating

   2. That in the event of a default on the Work Agreement dated April 19, 2011, the City Manager is hereby 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 is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

Motion adopted unanimously.

4. The Mayor announced that this was the time to hear comments on Code Case #11-003, 1414 Chestnut Street, to 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.

   Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.
Janetta Pittman commented that she is an attorney retained by Citimortgage, who is a lien holder of the property, and that a foreclosure sale date is scheduled for May 5. They have been out to the property to secure the home and cut the grass. They would like to be given more time to assess the situation and obtain a list of violations to determine if they want to repair the building. The company will be able to get into the property after a May 5 sale date and will make a determination then whether to fix or demolish the home.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: Lot 3, Block 209, White Plat, also known as 1414 Chestnut Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-003 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-35); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 March 28, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

**Councilmember Moeller** moved to **postpone** consideration of the resolution until the May 23, 2011, regular meeting, seconded by Councilmember Miller. Motion adopted unanimously.

5. **The Mayor** announced that this was the time to hear comments on Code Case #11-004, 929 Court Street, to 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.

Kim Harmer, Planning Director, gave a brief history and an overview of the property conditions.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: East one-half Lot 12 and west 10 feet Lot 13, Block 16, White Plat, also known as 929 Court Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-004 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-36); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 March 28, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances; and

WHEREAS, the property is located within the state-designated Old Towne Historic District and review and approval from the State Historic Preservation Office (SHPO) and Port Huron Historic District Commission is required prior to abatement of the nuisance; and

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager, subject to approval from the State Historic Preservation Office and the Port Huron Historic District Commission, is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, §40-19 and §40-20 of the City of Port Huron Code of Ordinances.
4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Moeller and Ruiz.
No: Councilmembers Fisher and Miller.
Absent: None.

6. The Mayor announced that this was the time to hear comments on Code Case #11-005, 917 Howard Street, to 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.

Kim Harmer, Planning Director, gave a brief history and an overview of the property conditions.

Michael Beem, former owner of the property, commented that he lost the home to bankruptcy and that Wells Fargo took back the property and that he kept the grass cut last summer to avoid potential tickets. He cannot afford to demolish the property and would need time to make the repairs to the property.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: West 31 feet of south 97 feet Lot 3, Block 102, White Plat, also known as 917 Howard Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-005, claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-37); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 March 28, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-described property, including detached garage, is of such condition as to constitute a nuisance within the meaning and definition of Chapter 10, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition of the structure and the detached garage and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Councilmember Moeller moved to postpone consideration of this resolution until the May 9, 2011, regular meeting, seconded by Councilmember Miller.

Motion rejected by the following vote:

No: Mayor Repp; Councilmembers Archibald, Fisher and Lewandowski.
Yes: Councilmembers Miller, Moeller and Ruiz.
Absent: None.

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

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Miller.
No: Councilmember Moeller and Ruiz.
Absent: None.

PUBLIC AUDIENCES

1. Margaret Enright gave accolades to Randy Fernandez for the work he has done at McMorran Place and wished him the best in his new position in Marysville. She also mentioned the Neighborhood Watch meeting at 6 p.m. at the Seaway Terminal on April 26.

2. Ken Harris, Wells Street, commented that investment in downtown businesses should be done at the owner’s own risk and should not involve a risk to the City. He also mentioned a May 1 event by the SCC Central Labor Council on the anniversary of the OSHA Act and that the state was discussing eliminating MIOSHA.

3. Jason Sawyer, downtown business owner, mentioned the Art on the River event sponsored by the Citizens for a Vibrant Community to be held on June 11-12, 2011, on Quay Street by the Black River and stated that there will be art vendors, music, food, etc., and that spaces for vendors was still available.

4. Angela Kelley commented that the DDA budget should be sent to every business owner or renter in the downtown area, that more clarification was needed for some of the expenses and that only $5,000 was set aside for advertising and promotions.

5. John Moldowan commented about the peddling ordinance and asked about the changes and if he would be treated fairly.
6. Paul Schultz commented about running for City Council and that more food carts are needed along the river.

7. Robert Jollie commented that he is a peddler and that the extra money earned from his peddling business is either put back into the business operations or used to take trips with his family.

8. Don Dudas, representing the Lions Club operations in Pine Grove Park, commented that they have been operating at this location for over 30 years and that they would like everyone treated equally and for everyone to follow the same rules.

9. Jeff Diggins, 11th Street, commented that he is trying to start a small business with a mobile hot dog unit and wants peddlers to be allowed to sell in the parks.

CONSENT AGENDA

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

FROM THE CITY MANAGER

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

On April 11, 2011, the City of Port Huron received six (6) bids for weekly lawn mowing services of six (6) City parks: 16th Street, Lighthouse, Lincoln, Palmer, Pine Grove, and River Street marina:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Product Type</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawn Pro, LLC (Kimball, MI)</td>
<td></td>
<td>$614.00</td>
</tr>
<tr>
<td>Van Dyke Lawn &amp; Landscape</td>
<td></td>
<td>$780.00</td>
</tr>
<tr>
<td>St. Clair Lawn Care (Marysville, MI)</td>
<td></td>
<td>$817.50</td>
</tr>
<tr>
<td>Clean Cut (Port Huron, MI)</td>
<td></td>
<td>$860.00</td>
</tr>
<tr>
<td>Precision Care (East China, MI)</td>
<td></td>
<td>$873.00</td>
</tr>
<tr>
<td>Kemp’s Outdoor Services (Port Huron, MI)</td>
<td></td>
<td>$1,021.12</td>
</tr>
</tbody>
</table>

It is recommended that the bid from Lawn Pro, LLC, 302 Burns Road, Kimball, MI 48074, in the amount of Six Hundred Fourteen and 00/100 Dollars ($614.00) per week (adjusted as services are provided) be accepted and that the appropriate City officials be authorized to execute the necessary documents. (See City Clerk File #11-38)

Motion adopted unanimously.

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

On April 6, 2011, the City of Port Huron Utilities Division received a bid from a single-source supplier for a Power Flex 400 variable frequency drive for a tower fan of the odor control scrubber at the Wastewater Treatment Plant:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Product Type</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>McNaughton-McKay Electric Company (Madison Heights, MI)</td>
<td></td>
<td>$5,326.00</td>
</tr>
</tbody>
</table>

It is recommended that the bid from McNaughton-McKay Electric Company, 1357 E. Lincoln Avenue, Madison Heights, Michigan 48071-4126, in the amount of Five Thousand Three Hundred Twenty-Six and 00/100 Dollars ($5,326.00) 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, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

CM-3. Councilmember Archibald moved the adoption of the following City Manager's recommendation, seconded by Councilmember Lewandowski:

The City of Port Huron Utilities Division received bids for (3) three different types of air scrubber media for the Wastewater Treatment Plant odor control system:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Product Type</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lantec Products, Inc. (Agoura Hills, CA)</td>
<td>Lanpac Q-Pac</td>
<td>$17,279.00</td>
</tr>
<tr>
<td>Lantec Products, Inc. (Agoura Hills, CA)</td>
<td>Lanpac-XL</td>
<td>$20,909.00</td>
</tr>
<tr>
<td>Jaeger Products, Inc. (Houston, TX)</td>
<td>2”JaegerTri-Packs–PP</td>
<td>$23,315.26</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Lantec Products, Inc., 5302 Derry Avenue, #G, Agoura Hills, CA 91301, for the Lanpac Q-Pac media in the amount of Seventeen Thousand Two Hundred Seventy-Nine and 00/100 Dollars ($17,279.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the Port Huron Recreation Department organizes the annual Rockin’ on the River family-oriented music event held on Thursday evenings during the month of August on the lawn north of the Municipal Office Center; and

WHEREAS, it is necessary to contract with a company to provide event production services, including staging, lighting and sound and technical operations; and

WHEREAS, since the event’s inception, several companies have been contacted to ascertain their proposals to provide the technical support and equipment and it has been determined that Signature Professional Group is the appropriate company to provide the event production services; and

WHEREAS, there has been an agreement prepared with Signature Professional Group in the amount of $10,000.00, with the cost being paid for through event sponsorship dollars;

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Signature Professional Group to provide event production services during the 2011 Port Huron Rockin’ on the River music event, with no direct cost to the City, and authorizes the appropriate City officials to execute the agreement.  (See City Clerk File #11-39)

Motion adopted unanimously.

*R-2. WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 9, 2011, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year 2010 (04/01/10 - 03/31/11); and

WHEREAS, the Community Development Division must report to the U. S. Department of Housing and Urban Development (HUD) all Community Development Block Grant (CDBG) and HOME activities performed during the year; and

WHEREAS, the CAPER will be available at the City Clerk’s office and the St. Clair County Main Library as of Thursday, April 28, 2011, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to HUD after City Council approval on Monday, May 23, 2011, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Monday, May 9, 2011, to hear comments on the Consolidated Annual Performance Evaluation Report.

Adopted by consent.

*R-3. WHEREAS, City Administration has been notified by the City's Building Official that the following properties located within the City of Port Huron, St. Clair County, Michigan, are in a state of disrepair:

<table>
<thead>
<tr>
<th>Case#</th>
<th>Addresses</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-006</td>
<td>722 - 12th St.</td>
<td>South 36.2 feet Lots 6 and 7, Block 141, White Plat</td>
</tr>
<tr>
<td>11-007</td>
<td>1814 - 17th St.</td>
<td>Lot 7, Block 2, Assessor's Plat of the Weyer's Land</td>
</tr>
<tr>
<td>11-008</td>
<td>1819 Kern St.</td>
<td>Lots 9, 12, and 13, except southeast 140 feet, except southwest 70 feet, and except northeast 70 feet thereof, and except southwest 83 feet of northwest 74 feet of the southeast 214 feet Lot 12, except the northeast 40 feet of the northwest 74 feet of the southeast 214 feet of Lot 13, except southwest 55 feet of northeast 95 feet of northwest 49 feet of southeast 189 feet Lot 13, Boynton's Plat</td>
</tr>
<tr>
<td>11-009</td>
<td>1915 Division St.</td>
<td>Lot 9, Block 3, Cyrus M. Stockwell Estate</td>
</tr>
<tr>
<td>11-010</td>
<td>2862 Mason Ave.</td>
<td>Lot 13 and northeasterly one-half of Lot 14, Block 1, Richland Subdivision of a part of Outlot C Avery Farm Plat</td>
</tr>
<tr>
<td>11-011</td>
<td>724 Ontario St.</td>
<td>Lot 8, Block 21, Butler Plat</td>
</tr>
</tbody>
</table>

WHEREAS, it appears to City Administration that the condition of the properties described above may constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the City of Port Huron Code of Ordinances, justifying abatement by the City pursuant to the powers granted in Chapter II, §2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, §10-211, and Chapter 40, §40-19 and 40-20, of the City of Port Huron Code of Ordinances; and

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations 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 at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on May 9, 2011, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall 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 and 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.

BE IT FURTHER RESOLVED that a notice shall be published in the Times Herald newspaper at least ten (10) days in advance of said hearing and the notice 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, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

*R-4. 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 commission;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Jeff Wine to the Planning Commission for a term to expire August 11, 2011, is hereby confirmed.

Adopted by consent.
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 with two members of the first construction board of appeals; and

WHEREAS, there is currently one (1) vacancy on the board for a master mechanical contractor;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints Richard C. Welser, master mechanical contractor, to the Construction Board of Appeals with a term to expire June 30, 2012.

Adopted by consent.

WHEREAS, the City Council has created a Brownfield Redevelopment Authority consistent with the provisions of Act No. 381 of the Public Acts of 1996; and

WHEREAS, Act 381 states that the members of the Authority will be appointed by the Mayor of the municipality subject to the approval of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's re-appointments of Donna Klune, Mike Rossow, and Lynne Secory to the Brownfield Redevelopment Authority for terms to expire April 14, 2014, are here confirmed.

Adopted by consent.

"(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 Jenny Bulgrien for a term to expire April 25, 2015, is hereby approved and confirmed.

Adopted by consent.

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 created by Bernard Ellery for an at-large member;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and approves the City Manager’s appointment of Trina Avedisian on the Quality of Life Commission for a term to expire September 28, 2012.

Adopted by consent.

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

WHEREAS, the City has been awarded a BEDI grant from the U.S. Department of Housing and Urban Development (HUD) in the amount of One Million Dollars ($1,000,000.00) to facilitate the purchase and renovation of the Sperry Building at 301 Huron Avenue by Landmark Development, LLC (Developer); and

WHEREAS, as required by the BEDI grant, the City also submitted to HUD an application for a Section 108 Guarantee Loan in the amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) on behalf of Developer for renovations to the Sperry Building; and

WHEREAS, Developer has received approval on additional funding for the project including Federal and State Historic Tax Credits and Brownfield Tax Credit; and

WHEREAS, upon completion, the project will eliminate blighting conditions, renovate a historic structure within an historic district, and provide economic redevelopment with both temporary, part-time, and full-time job opportunities; and

WHEREAS, the project has created opportunities for collaboration between private and public entities, including federal, state, and local partnerships; and

WHEREAS, it is the City's desire to have a Memorandum of Understanding with Developer regarding the scope of the project;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the attached Memorandum of Understanding between the City and Landmark Development, LLC regarding the Sperry Building project (see City Clerk File #11-40).

AT THIS POINT, Tom Johnson and David White, the project developers, addressed the City Council regarding the planned project.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.
*R-10. WHEREAS, on February 28, 2011, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license for nonpayment of taxes, utility payments and/or income tax reporting/payments:

Military Street Music Café (SJP Enterprises, Inc.),
1102 Military Street

WHEREAS, all payments have been made by Military Street Music Café (SJP Enterprises, Inc.);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby recommends approval of Military Street Music Café’s (SJP Enterprises, Inc.) Class C/SDM license for the 2011-12 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to remove the City’s objection by notifying the Michigan Liquor Control Commission, Licensing and Enforcement Division.

Adopted by consent.

11-13. Councilmember Fisher moved the adoption of the following resolutions, seconded by Councilmember Ruiz:

WHEREAS, the City determines water usage by measuring flow from over 12,000 meters of various sizes and approximately 50% of these meters are more than 25 years old and are in need of replacement; and

WHEREAS, it is the City’s goal to remain current with its critical infrastructure to assure reliable service to its customers; and

WHEREAS, replacing the meters and installing an automated meter reading system could allow the City the flexibility of providing its water customers with monthly billings, which would reduce the amounts billed to the customers at any one time; and

WHEREAS, the City Council on October 25, 2010 authorized a project development agreement with Johnson Controls, Inc. to evaluate the feasibility of improving the City’s water meter system through a performance contract; and

WHEREAS, based on the results of the project development plan it has been determined that sufficient savings will be realized by completing the proposed improvements to the water meter system to repay the cost of these improvements;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Johnson Controls, Inc., for the performance contract at a cost of $4,947,968.00 (which is expected to be absorbed by the net operational savings of the water meter replacement project) and that the appropriate City officials are hereby authorized to execute the agreement (see City Clerk File #11-41).

R-12. WHEREAS, the City of Port Huron (the "City") has agreed to enter into a Performance Contract with Johnson Controls, Inc. (the "Seller") for the purchase of certain property to be used for energy conservation improvement measures (the "Property"); and

WHEREAS, Bank of America, N.A. has presented a proposal to the City to finance the acquisition of the Property by an installment purchase contract under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended ("Act 99"), and the indicative interest rate for the installment purchase contract as of April 5, 2011 was 4.92%; and

WHEREAS, it is determined to be necessary and desirable and in the best interest of the City that the acquisition of the Property be financed by installment purchase authorized under the provisions of Act 99, and more specifically by the acquisition of the Property pursuant to an installment purchase contract with the Seller and Bank of America, N.A. (the "Bank") to be dated the date of delivery thereof (the "Contract"); and

WHEREAS, the aggregate outstanding balance, exclusive of interest, of all purchases made by the City pursuant to Act 99, including the Contract, does not exceed 1-1/4% of the taxable value of the real and personal property in the City.

NOW, THEREFORE, BE IT RESOLVED that:

1. It is hereby found to be necessary and desirable for the City to finance the acquisition of the Property by the City in the aggregate principal amount of not to exceed $4,947,968 pursuant to the terms and conditions of the Contract; and the City hereby pledges its full faith and credit for the payment of its obligations thereunder.

2. The City Council shall include in its budget and pay the sum or sums necessary each year to meet the payments due pursuant to the provisions of the Contract.

3. The Contract shall be dated the date of delivery thereof to the Bank. The interest rate on the outstanding principal balance of the Contract shall not exceed 5.25% per annum, to be determined by the Mayor and the Director of Finance at the time of entering into the Contract. Principal of the Contract shall be payable in fifteen annual installments on the dates and in the amounts approved by the Mayor and the Director of Finance; provided, however, that the final payment shall not be later than the fifteenth anniversary date of the Contract. Interest on the unpaid principal of the Contract shall be due and payable annually on each principal payment date. The approvals of the principal installment dates and principal amounts by the Mayor and the Director of Finance required in this paragraph shall be conclusively evidenced by their signatures on the Contract.

4. The Mayor and the Director of Finance are hereby authorized to enter into the Contract in the form approved by them and consistent with the terms of this resolution. The approval of such form shall be conclusively evidenced by their signatures on the Contract. Each Contract may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

5. The City Council covenants to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to maintain the exclusion of interest on the Contract from gross income for federal income tax purposes.

6. The Mayor, the Director of Finance and the City Manager and other officers of the City as may be necessary are each hereby authorized to execute and deliver such documents, instruments and certificates as are necessary or desirable to consummate the described transactions and to maintain the exclusion of the interest on the Contract from gross income for federal income tax purposes.
7. The useful life of the Property is determined to be 15 years and upwards.

8. The financing contract shall be subject to approval by the City Attorney.

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

**R-13.** WHEREAS, the City Council on October 25, 2010 authorized a project development agreement with Johnson Controls, Inc., to evaluate the feasibility of improving the City’s water meter system through a performance contract; and

WHEREAS, replacing the meters and installing an automated meter reading system would allow the City the ability to remotely read meters on an almost continuous basis, reduce operating expenses, improve monitoring of leaks and provide flexibility to change from a quarterly to a monthly billing process; and

WHEREAS Johnson Controls, Inc., determined that utility billing software would be an integral part of the project; and

WHEREAS, an evaluation was conducted of City’s current water billing software, which has been in service for more than 20 years, and it was determined that it would require extensive modification to be compatible with the proposed meter system improvements; and

WHEREAS, Johnson Controls, Inc. provided various software solutions and determined that the Utility Billing Software .Net from BS&A Software best met the project requirements; and

WHEREAS, the City currently uses other software applications from BS&A and the Information Technology Department supports this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the purchase of the Utility Billing .Net Software from BS&A Software at a cost of $49,725.00 (which is expected to be absorbed by the net operational savings of the water meter replacement project); and

BE IT FURTHER RESOLVED that the Information Technology Director is hereby authorized to sign any necessary agreements relating to the purchase and maintenance of this software and to annually pay the required fee for the software maintenance while the City is using this software.

**AT THIS POINT,** Dan Mack from Johnson Controls provided a brief overview of the project (see City Clerk File #46 for a copy of his presentation).

Motion to adopt Resolutions 11, 12 and 13 adopted unanimously.

**R-14.** 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 single lot special assessments in the total amount of $697.96 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 #11-42).

 Adopted by consent.

**R-15.** 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 has received a tentative budget for the 2011-2012 fiscal year in the amount of $1,927,000 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 2011-2012 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 9, 2011. (See City Clerk’s File #11-43)

 Adopted by consent.

**R-16.** WHEREAS, the tentative budget for 2011-2012 has been prepared (see City Clerk File #11-44);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 9, 2011, 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 9, 2011.

 Adopted by consent.

**R-17.** WHEREAS, the Capital Improvement Program for 2011-2012 through 2016-2017 has been prepared (see City Clerk File #11-45);

WHEREAS, a draft of this Capital Improvement Program will be reviewed by the City’s Planning Commission; and
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 9, 2011, 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 9, 2011.

Adopted by consent.

ORDINANCES

O-1. Councilmember Lewandowski moved, seconded by Councilmember Ruiz that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE X, PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS OR VENDORS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CLARIFYING BUSINESS ACTIVITIES.

Motion to give the ordinance its first reading was rejected unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Moeller commented about placement of school board candidate signs in the right-of-way.

2. Councilmember Fisher mentioned that the first game of the Welkin Base Ball season will begin on Saturday, May 7, and will be held at a new site, St. Mary’s Church and School, located at 12th Avenue and Ballentine Street.

On motion (8:30 p.m.), meeting adjourned.
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 9, 2011, 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 April 25, 2011, were approved.

PRESENTATIONS

1. Proclamation recognizing May 14, 2011 as National Association of Letter Carriers Food Drive Day was presented to Michelle Young, Food Drive Coordinator.

2. Proclamation recognizing May 15-21, 2011 as Police Week and May 15, 2011 as Peace Officers Memorial Day was presented to Chief Michael Reaves, Port Huron Police Department.

3. John Ogden provided information on the City of Port Huron’s proposed budget. (See City Clerk File 11-47 for a copy of his presentation.)

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the proposed operating budget for fiscal year 2011-2012.

Ken Harris, Wells Street, commented that items are missing in the budget and that a line-by-line review of the budget should occur. He also commented that two entities receive City funding and that the services are used by out-of-town citizens and that they should be charged more than City residents.

Donna Klune commented about blight conditions and inappropriate behavior of residents in her neighborhood and that rental housing has ruined her area. She also commented that her neighborhood has been ignored and that it takes months to get issues corrected.

Margaret Enright commented in jest that the City should raise property and income taxes since we are continuing to lose residents anyways and commented about not interfering with the floatdown.

Darrin Rushing commented that the budget presentation lacked sufficient information regarding staff reductions and accounting information and that the water rate comparisons with other cities was not an equal comparison.

The Mayor declared the hearing closed.

2. The Mayor announced that this was the time to hear comments on the proposed Capital Improvement Program for fiscal years 2011-2012 through 2016-2017.

No one appeared to be heard.

The Mayor declared the hearing closed.

3. The Mayor announced that this was the time to hear comments on the proposed Port Huron Downtown Development Authority budget for fiscal year 2011-2012.

Ken Harris, Wells Street, commented that the DDA budget was too vague and that there were too many unexplained items.

The Mayor declared the hearing closed.

4. The Mayor announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Division

No one appeared to be heard.

The Mayor declared the hearing closed.

5. The Mayor announced that this was the time to hear comments on Code Case #11-006, 722 – 12th Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: South 36.2 feet Lots 6 and 7, Block 141, White Plat also known as 722 - 12th Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-006 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-48); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 April 25, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building [X] Electrical [X] Plumbing [X] Heating
2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

6. The Mayor announced that this was the time to hear comments on Code Case #11-007, 1814 – 17th Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: Lot 7, Block 2, Assessor’s Plat of the Weyers Land; also known as 1814 - 17th Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-007 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-49); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 April 25, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

7. The Mayor announced that this was the time to hear comments on Code Case #11-008, 1819 Kern Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

Ken Harris commented that the home experienced a fire several years ago and that the home should be demolished as soon as possible.

The Mayor declared the hearing closed and Councilmember Moeller 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, 12, and 13, except southeast 140’ except southwest 70’ and except northeast 70’ thereof and except southwest 83’ of northwest 74’ of the southeast 214’ Lot 12 except the northeast 40’ of the northwest 74’ of the southeast 214’ of Lot 13 except southwest 55’ of northeast 95’ of northwest 49’ of southeast 189’ Lot 13, Boynton’s Plat, also known as 1819 Kern Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-009 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-50); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 April 25, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;
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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

8. The Mayor announced that this was the time to hear comments on Code Case #11-009, 1915 Division Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: Lot 9, Block 3, Cyrus M. Stockwell Estate; also known as 1915 Division Street has been brought to the attention of the City Council by the Building Official as 11-009 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-51); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 April 25, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

9. The Mayor announced that this was the time to hear comments on Code Case #11-010, 2862 Mason Avenue, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: Lot 13 and northeasterly one-half of Lot 14, Block 1, Richland Subdivision of a part of Outlot C, Avery Farm Plat, also known as 2862 Mason Avenue, has been brought to the attention of the City Council by the Building Official as Code Case #11-010 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-52); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 April 25, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;
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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

10. The Mayor announced that this was the time to hear comments on Code Case #11-011, 724 Ontario Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: Lot 8, Block 21, Butler Plat, also known as 724 Ontario Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-011 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-53); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

PUBLIC COMMENT

1. Margaret Enright commented about the floatdown and that she would like to see it turned into a three-day event.

2. Angela Kelley, Community Liaison for the Citizens for a Vibrant Community, commented in support of their request to receiving funding from the City to assist with costs of sponsoring the Art on the River event in June.

3. John Moldowan commented about the City’s handling of his hot dog vending operation.

4. Marie Rushing mentioned the Harrison Neighborhood Watch group will be holding a meeting on May 12 from 6 to 8 p.m. and invited Councilmembers and interested citizens to attend.

5. Jeremy Ruiz, Florida Avenue, commented regarding vending on the parkway and that the selling of kites along the parkway is a nice idea.

6. Robert Jollie commented about peddling on the boardwalk.

7. Paul Schultz commented about the floatdown event and people should be asking what they can do for the City.

CONSENT AGENDA

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

*C-1. Letter from Terryn Duckworth, 3139 Gratiot Avenue, requesting permission to remove the sidewalk on the Hollis Street side of his property.

Received and filed by consent and referred to administration for a report and recommendation.

FROM THE CITY MANAGER

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

On April 21, 2011, the City of Port Huron received five (5) bids for one complete mow and trim of City-owned vacant lots:

- TLC Landscaping LLC (Kimball, MI) $ 300.00
- Kevin’s Lawn Care (St. Clair, MI) $ 755.00
- D & J Cleaning, LLC (Burtchville, MI) $ 990.00
- Knowlton Landscaping (North Street, MI) $1,410.00
- St. Clair Lawn Care, Inc. (Marysville, MI) $1,485.00

It is recommended that the bid of TLC Landscaping LLC, 2050 Ditty Road, Kimball, Michigan 48074 in the amount of Three Hundred and 00/100 Dollars ($300.00) per mow/trim be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On April 21, 2011, the City of Port Huron received five (5) bids for one complete mow and trim at the City’s Wastewater Treatment Plant and the Water Filtration Plant:

- Kevin’s Lawn Care (St. Clair, MI) $ 295.00
- St. Clair Lawn Care, Inc. (Marysville, MI) $ 340.00
- Knowlton Landscaping (North Street, MI) $ 420.00
- TLC Landscaping LLC (Kimball, MI) $ 450.00
- D & J Cleaning, LLC (Burtchville, MI) $ 460.00

It is recommended that the bid of Kevin’s Lawn Care, 1347 South Range Road, St. Clair, Michigan 48074 in the amount of Two Hundred Ninety-Five and 00/100 Dollars ($295.00) per mow/trim 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 Miller:

On April 21, 2011, the City of Port Huron Utilities Division received four (4) bids for Wastewater Treatment Plant aeration blowers and diffusers phase III:

- Process Piping & Equipment, Inc. (Milford, MI) $745,800.00
- Watson Brothers Company (Port Huron, MI) $763,000.00
- Reliance Building Company (Novi, MI) $839,000.00
- Franklin Holwerda Company (Wyoming, MI) $878,800.00

It is recommended that the bid of Process Piping & Equipment, Inc., 435 Union Street, Milford, Michigan 48381, in the amount of Seven Hundred Forty-Five Thousand Eight Hundred and 00/100 Dollars ($745,800.00) 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, Lewandowski, Miller and Ruiz.
No: Councilmembers Fisher and Moeller.
Absent: None.

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

On April 28, 2011, the City of Port Huron received one (1) unit price bid for City pavement markings. Based on estimated annual quantities, the following is a comparative summary of the bid received:

- M & M Pavement Marking, Inc. (Grand Blanc, MI) $ 8,249.50

It is recommended that the unit price bid of M & M Pavement Marking, Inc, P. O. Box 530, Grand Blanc, Michigan 48480, in the estimated amount of Eight Thousand Two Hundred Forty-Nine and 50/100 Dollars ($8,249.50) 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, Miller and Ruiz.
No: Councilmembers Fisher, Lewandowski and Moeller.
Absent: None.

CM-5. Councilmember Lewandowski moved to receive and file the Quarterly Financial Report, seconded by Councilmember Archibald:

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, 2011. (See City Clerk File # 11-54).

Motion adopted unanimously.

CM-6. Councilmember Fisher moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:
On February 24, 2011, the City of Port Huron received eight (8) bids for one (1) four door passenger vehicle for use in the MOC Pool system:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>YEAR/MODEL</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northgate Ford</td>
<td>2012/Ford Focus</td>
<td>$13,190.00</td>
</tr>
<tr>
<td>(Port Huron, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Taylor Ford</td>
<td>2012/Ford Focus</td>
<td>$13,325.61</td>
</tr>
<tr>
<td>(Taylor, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Fairlane Ford</td>
<td>2012/Ford Focus</td>
<td>$13,822.61</td>
</tr>
<tr>
<td>(Dearborn, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Gorno Ford, Inc.</td>
<td>2011/Ford Focus</td>
<td>$13,934.00</td>
</tr>
<tr>
<td>(Woodhaven, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Signature Ford</td>
<td>2011/Ford Focus</td>
<td>$13,622.00</td>
</tr>
<tr>
<td>(Owosso, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Signature Ford</td>
<td>2011/Ford Focus SE</td>
<td>$14,101.00</td>
</tr>
<tr>
<td>(Owosso, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Slingerland</td>
<td>2011/Dodge Avenger</td>
<td>$15,742.00</td>
</tr>
<tr>
<td>(Corunna, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Slingerland</td>
<td>2011/Dodge Caliber</td>
<td>$16,396.00</td>
</tr>
<tr>
<td>(Corunna, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Berger Chevrolet</td>
<td>2011/Chevy Malibu</td>
<td>$17,136.00</td>
</tr>
<tr>
<td>(Grand Rapids, MI)</td>
<td></td>
<td>each</td>
</tr>
<tr>
<td>Heidebreicht Chevrolet</td>
<td>2011/Chevy Cruz</td>
<td>$17,269.61</td>
</tr>
<tr>
<td>(Washington, MI)</td>
<td></td>
<td>each</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Thirteen Thousand One Hundred Ninety and 00/100 Dollars ($13,190.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion rejected by the following vote:

No: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Moeller.
Yes: Councilmembers Miller and Ruiz.
Absent: None.

CM-7. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Ruiz:

On February 24, 2011, the City of Port Huron received six (6) bids for one (1) 8 passenger van for use in the Recreation Department:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>YEAR/MODEL</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northgate Ford</td>
<td>2011 Ford E-150XL</td>
<td>$19,701.00</td>
</tr>
<tr>
<td>(Port Huron, MI)</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Signature Ford</td>
<td>2011 Club Wagon E-150</td>
<td>$19,701.00</td>
</tr>
<tr>
<td>(Owosso, MI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taylor Ford</td>
<td>2011 Ford E-150 XL</td>
<td>$20,063.00</td>
</tr>
<tr>
<td>(Taylor, MI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gorno Ford, Inc.</td>
<td>2011 Ford E-150 XL</td>
<td>$20,109.00</td>
</tr>
<tr>
<td>(Woodhaven, MI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Michigan Ford</td>
<td>2011 Ford E-150 XL</td>
<td>$20,111.22</td>
</tr>
<tr>
<td>(Lansing, MI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jefferson Chevrolet</td>
<td>2011 GMC Savana</td>
<td>$22,215.00</td>
</tr>
<tr>
<td>(Detroit, MI)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Bid adjusted - qualified under City Code, Section 2-797, Preference for local bidders/City-based business – original bid $19,739.00

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan 48060, in the amount of Nineteen Thousand Seven Hundred One and 00/100 Dollars ($19,701.00) 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, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

CM-8. Councilmember Miller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Lewandowski:

The City entered into a contract with the Michigan Department of Transportation (MDOT) in 2010 to provide $100,000.00 per year for 10 years in mitigation funding to the City to offset potential economic hardships due to the Blue Water Bridge Plaza improvements and to implement the Economic Development Plan.

In February 2011, the City Council adopted a resolution to establish the process for the City Council to review funding requests and to also establish a list of ten (10) economic development categories to be used to ensure that expenditures of these funds will be in accordance with the contract with MDOT. MDOT has received the City’s proposed list and has agreed in principal with the standards set by the City Council.

In the meantime, Citizens for a Vibrant Community (CVC), a local community group, has submitted a request to receive mitigation funding dollars in the amount of $9,212.00 to assist them with financing two “Historical Downtown Central Business District” events as listed below:

- Arts on the River, June 11-12, 2011
  An arts and crafts event to help promote the arts in our community
  $4,362.00
- Happy Apple Days, October 1-2, 2011
  Fall festival to welcome the new fall season and to promote our downtown merchants and our apple industry
  $4,850.00

Citizens for a Vibrant Community is to be commended for taking the lead to support our community and local businesses by organizing these local events to bring visitors to our city.

IT IS RECOMMENDED that the City Council approve the allocation of $2,000.00 to Citizens for a Vibrant Community’s Arts on the River event, with funds being allocated from the Michigan Department of Transportation mitigation funding dollars.

IT IS FURTHER RECOMMENDED that consideration of the allocation of funds for Happy Apple Days in October be delayed until after the start of the next fiscal year beginning July 1, 2011.

Motion rejected by the following vote:

No: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
Yes: Councilmember Miller.
Absent: None.
RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.

*R-2. 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 . . .”

WHEREAS, the terms of Louise Baumann, Armstead Diggs and Frederick “Scott” Fernandez expired in April and it is their desire to continue serving on this commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the reappointments of Louise Baumann, Armstead Diggs and Frederick “Scott” Fernandez to the Sister City Commission for three-year terms to expire April 12, 2014.

Adopted by consent.

*R-3. WHEREAS, Southeast Michigan Council of Governments (SEMCOG) will name Mayor Pauline M. Repp as a member of its Executive Committee; and

WHEREAS, in order to serve on this Committee, Mayor Repp must be a member of the General Assembly; and

WHEREAS, City Manager Bruce Brown was voted the designated alternate of the General Assembly on August 23, 2010 and has agreed to vacate this position so that Mayor Repp may serve both as a member of the General Assembly and the Executive Committee;

NOW, THEREFORE, BE IT RESOLVED that Pauline M. Repp is hereby designated as the alternate member of the General Assembly of SEMCOG.

Adopted by consent.

*R-4. WHEREAS, the City Council of the City of Port Huron has created a Tax Increment Finance Authority consistent with the provisions of Act 450, Public Acts of 1980; and

WHEREAS, in accordance with the provisions of Act 450, the Authority is under the supervision and control of a board appointed by the Mayor for four-year terms, subject to the confirmation and approval of the City Council; and

WHEREAS, there is currently one (1) vacancy on the board;

NOW, THEREFORE, BE IT RESOLVED that the Mayor’s appointment of William Kaufman to the Tax Increment Finance Authority to fill the unexpired term of September 14, 2014, is hereby confirmed.

Adopted by consent.

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

WHEREAS, as a municipal corporation, the City of Port Huron is responsible for enforcing municipal ordinances within the City and is required to prosecute any violations of City ordinances committed within the municipal limits; and

WHEREAS, as the City’s legal department has been eliminated, it is necessary to contract with other entities to perform the duties and responsibilities typically handled by an in-house legal department; and

WHEREAS, the Michigan Attorney General has determined that a county prosecuting attorney may act as counsel for the City for the purpose of prosecuting City ordinance cases; and

WHEREAS, it has also been determined that it would be in the best interest of the citizens of Port Huron that the City contract with the St. Clair County Prosecuting Attorney, through the County of St. Clair, to prosecute violations of City ordinances and an agreement has been prepared detailing the cooperative arrangement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with St. Clair County and the St. Clair County Prosecuting Attorney to provide prosecution services for misdemeanor crimes, traffic offenses, ordinance violations and other miscellaneous legal services and authorizes the appropriate City officials to execute the agreement.
(See City Clerk File #11-55)

Motion adopted unanimously.

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

WHEREAS, the City of Port Huron is a participating municipality or court in the Municipal Employees’ Retirement System of Michigan (“MERS”); and

WHEREAS, under the Standard Rules, all transfers to a new division are covered under the active employee plan in the new division; where the defined benefit plan in the new division is closed to entrants, the accrued defined benefit (based on benefits, service and wages as of transfer date) of transferees is frozen as of transfer date; and
WHEREAS, pursuant to Retirement Board action on November 10, 2010, the employing municipality or court will be allowed, on a one-time irrevocable and uniform basis, to adopt for all its MERS divisions (present and future) an alternate policy which allows all transferred employees an individual choice at the time of transfer to either be placed in: (1) the division’s open plan, or (2) the closed plan if it is the same plan type, provided there are active employees remaining in the plan type; and

WHEREAS, this alternate transfer provision applies to transferred employees only; rehired employees will continue to be enrolled into the active plan;

NOW, THEREFORE, BE IT RESOLVED, that effective June 1, 2011, all transferred employees shall be given the individual choice to either be placed in the open plan or the closed division if it is the same plan type (in the division from which the employee is transferred from) provided there are active employees remaining in the closed plan type.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to certify the necessary form(s) required by MERS to adopt the alternate transfer pension.

Motion adopted unanimously.

R-7. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, temporary employees who are employed in positions normally requiring less than 6 or more whole months, not to exceed 12 months of work, may be excluded by resolution of the governing body from membership in the Municipal Employees’ Retirement System (MERS); and

WHEREAS, bridge tenders and other such non-permanent employees, who work as temporary (seasonal) employees, are not intended to be covered by the City’s pension plan;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 3(2) of the Municipal Employees’ Retirement System (MERS) Plan Document, the City Council of the City of Port Huron does hereby formally elect to exclude effective June 1, 2011, all temporary (seasonal) employees who are employed in positions requiring less than ten (10) or more whole months from membership in MERS; and

BE IT FURTHER RESOLVED that the City of Port Huron will notify these temporary (seasonal) employees, in writing, that they are excluded from membership in the Municipal Employees’ Retirement System as required; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to certify the necessary form(s) required by MERS to exclude these temporary employees from membership.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Moeller, Miller and Ruiz.
No: Councilmember Lewandowski.
Absent: None.

R-8. AT THIS POINT, a motion by Councilmember Miller to authorize the Zoning Administrator to issue a special approve use permit to allow multiple-family dwellings at 512/514 and 516/518 Glenwood Avenue failed for lack of a second.

R-9. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, there has been a Contract #11-5176 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the installation or upgrading of sidewalk and sidewalk ramps at various locations along westbound Highway I-69BL (Griswold Street) between 24th Street and Highway I-69BL (Main Street, also known as Military Street); all together with necessary related work, located within the corporate limits of the City; and

WHEREAS, the MDOT is upgrading its sidewalk ramps to comply with current Americans with Disabilities Act requirements; and

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

WHEREAS, the total estimated cost of $165,600 is to be shared as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Aid</td>
<td>$135,600</td>
</tr>
<tr>
<td>State</td>
<td>27,400</td>
</tr>
<tr>
<td>City</td>
<td>2,600</td>
</tr>
</tbody>
</table>

$165,600 Total

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the installation or upgrading of sidewalk and sidewalk ramps at various locations along westbound Highway I-69BL (Griswold Street) between 24th Street and Highway I-69BL (Main Street, also known as Military Street); together with necessary related work, and authorizes the appropriate City officials to execute said contract. (See City Clerk File #11-56)

Motion adopted unanimously.

ORDINANCES

O-1. Councilmember Moeller moved, seconded by Councilmember Archibald, that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 32, LAW ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING A NEW ARTICLE TO REQUIRE REIMBURSEMENT FOR MEDICAL SERVICES RECEIVED BY THOSE INDIVIDUALS WHO ARE IN THE CITY’S CUSTODY.

Motion adopted unanimously and ordinance given its first reading.
MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced the following:

The City will provide one written notice per address for violation of the grass ordinance and no further written notices will be provided prior to action being taken by the City, which may include private grass cuts that are billed to the property, administrative fees and citations.

The Harrison Neighborhood Watch group will be holding a meeting on May 12 at Harrison School beginning at 6 p.m.

The City Council will be holding a budget workshop meeting on Monday, May 16, at 5 p.m. in Room 408.

2. Councilmember Lewandowski mentioned that the Little League is selling pizza kits as a fundraiser to raise money to help pay for scholarships for children to participate in ball program.

On motion (9:30p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 16, 2011, at p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller (left at 6:10 p.m.) and Ruiz.

Absent: Councilmember Moeller.

PUBLIC COMMENT

1. Ken Harris commented regarding the ability to capture a portion of the hotel tax and questioned the future funding of McMorran and associated expenditures.

2. Trina Avedisian commented on the high cost of the ongoing sewer separation and that all discretionary funds should be used for CSO repayment. Additionally, she commented on the original intent of the income tax.

3. Kathleen McCready commented about the water rate increase and stated support for the sewer separation project to help ensure clean water. She also commented that the rental certification program should be given more funding.

4. Margaret Enright commented against the proposed water rate increase.

5. Richard Frazier commented about vehicle use.

DISCUSSION ITEMS

1. Update on revenue and revenue sharing and recent legislative actions related to municipalities: John Ogden, Finance Director, provided an overview of the revenue sources anticipated in the City’s budget. Included in the discussion was an update on the status of various legislation and how some of the provisions will affect the City, including the replacement of the small business tax with the corporate business tax, the taxation of retiree pensions, the passage of the emergency manager act, and some of the provisions for receiving future statutory revenue.

2. Discussion of health care and benefit concessions: Julie Davis, Human Resources Director, commented that built into the proposed budget are benefit concessions that the City will be working to obtain through contract negotiations. The Vice President from PEBS, Dan Skiver, was introduced, and reviewed some of the health care areas that the company has been evaluating. He discussed the two philosophies regarding cost sharing of health care costs by employees -- point of service versus percentage of premium. He stated that our point of service model has been working very well in keeping down costs. In his experience, point of service is more effective and urged us to continue that model.

3. Review of departmental changes: Department heads provided a review of departmental changes as follows:

   Police: Elimination of several positions, reorganizing processes for better service delivery and using more civilians and volunteers for activities previously assigned to uniformed officers. The goal is to get more patrol officers on the street. Also mentioned was the need for a new records management system to decrease paperwork and increase efficiencies; reviewing and revising ordinances to provide more revenues being returned to the City from fines; increased use of officers assisting with blight enforcement; increasing motor carrier inspections and meetings have been held with the Prosecuting Attorney and judges regarding blight complaints and public nuisances. The department has also been collaborating on special SRT response with other police agencies.

   NOTE: Councilmember Miller left at 6:10 p.m.

   Fire and Cemetery/Parks/Forestry: Staffing reductions in the Fire Department began in 2003 and the proposed budget includes a reduction of one position and the reorganization of supervisory roles. Collaborations with the Marysville Fire Department and affected stakeholders is occurring. Cemetery, parks & forestry divisions are continuing to improve efficiencies through job sharing and multitasking.

   Department of Public Works/Engineering: Staff and operational reductions also are continuing to occur in DPW. Five positions are proposed to be eliminated and reorganization and sharing of responsibilities is planned. Various options for providing solid waste services will be a part of this year’s bid process to offer the City an opportunity to see if cost reductions can be obtained. No staff reductions are planned in the engineering budget.

   Planning/Inspection/Community Development: Discussed using more online training to reduce travel expenses, the realignment of staff, use of nonpaid interns and the loss of an employee in Community Development. Commented on future staff realignments, in particular within the inspection and rental inspection areas, and the collaboration with the police department to assist with blight enforcement.

   Finance: Several staff reductions have occurred in past years and looking at reorganizing and adjusting several positions in the proposed budget. Also mentioned was the effort to realign the first floor service counters to provide better continuity and more efficiencies between various departmental functions.

   Information Technology: Overview of services provided to the various departments and staff reductions that are included in the budget. An interest by members of Council to provide wireless service in the marina and downtown area was discussed to promote boating and the tourism industries.

   Human Resources/Recreation: There are no staff reductions proposed in the HR budget. The department is responsible for current employees, including six bargaining units, retirees, as well as the hiring of all seasonal employees. The Recreation Department has implemented cost reductions in the swimming pool program and new partnerships with other municipalities are being considered. Sponsorship dollars are being sought when possible to offset the cost of providing various programs and events.
City Clerk/BPIC: One employee will be retiring next year, however, no staff reductions are proposed. The State may pay for some of the ongoing maintenance costs for election equipment which will reduce the budget slightly. Reductions in operational costs are continuing to be implemented when available.

4. Discussion of proposed budget: Some of the general areas discussed included reinstating the Port Huron Museum subsidy for repairs and maintenance at the Lightship, the reduction of the McMorran subsidy and the McMorran Authority agreement expiring at the end of the year and an explanation of the revenue and expenses shown in the DDA budget.

Regarding water rates, discussion was held about the original intent of the City income tax. Research has been done and it was evident that there was no intent that income tax was established for sewer separation. It was pointed out that in the 1960’s when the income tax was established, sewer separation was not even being considered as a future project. Operational costs for both the water and wastewater plants have been reduced in an effort to keep increases down. However, the commodity cost to produce water remains a fixed cost regardless of usage.

In addition, the debt service for system replacement must be paid for by rates and not by other formulas. The bond covenants clearly state that rates should pay back the bonds. Difficulties with additional borrowings is anticipated because of the City’s low water rates. Also it was mentioned that failure to raise rates to pay this debt could result in the need for the state to require us to be assigned an Emergency Financial Manager (EFM). Although the state has determined a list of triggers for the insertion of an EFM, at this point the City does not qualify. But again, it was stressed, failure to pay this debt with water rate increases could result in EFM action.

On motion (9:30 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
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 May 9, 2011, and the special meeting of May 16, 2011, were approved.

PRESENTATIONS

1. Mark Bessette, Chairperson of the McMorran Civic Center Authority, and Randy Fernandez, General Manager, gave a status report on McMorran Place (see City Clerk File #11-57 for a copy of the presentation). Rob Churchill, the newly appointed interim General Manager, was also introduced. Accolades were expressed to Randy Fernandez for his efforts to reduce costs at McMorran. Best wishes were also extended to Mr. Fernandez as he leaves for a new job with the City of Marysville.

2. LeeAnn Peart, Director of Downtown Port Huron, presented a brief overview of the 2011 Chilly Fest and a video of the event, prepared by students from St. Clair County RESA, was shown and a brief overview of the 2011 Chilly Fest and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event, prepared by students from St. Clair County RESA, was shown and a video of the event. Ashley Caswell, Robyn Myers, Melissa Flood, Mike McManaman, Cheyenne Kniffen, Anthony Stahl, Josh McKenna, Steve Rhein, Shelby Gulette, Melissa Ahlgren, Jacque Brettin, Patrick Palmateer, Mark Maliskey, Alex Gasparetto and teacher Keely Baribeau.

PUBLIC AUDIENCES

1. Jerry Shaw commented that his request to obtain a special use permit for the property at 512-518 Glenwood Avenue to change the zoning was submitted as the building is better suited for residential living rather than having commercial businesses on the bottom level. (Resolution #1).

2. Ken Harris complimented Randy Fernandez on his performance while serving as McMorran’s General Manager. He also commented that non-mandated services should be cut before mandated services and questioned the revenues/expenses of Blue Water Fest.

3. John Moldowan commented about canceling a meeting with the City Manager regarding the peddling ordinance and mentioned the passing of George Cavis, downtown restaurant owner.

4. Donald Forton commented that he was available to address any questions about his request to remove a portion of sidewalk on the side yard of his property at 3139 Gratiot Avenue.

5. Marie Rushing expressed thanks to Councilmembers, the Police Chief and various members of the police department for their involvement with the Harrison neighborhood watch meeting.

6. Kathleen McCready read Margaret Enright’s comment, who was unable to attend the meeting, expressing opposition to a water rate increase and questioned the status of Mrs. Enright’s request to vacate an alley by her home.

CONSENT AGENDA

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

UNFINISHED BUSINESS

1. Item postponed from April 25, 2011, regular meeting:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: Lot 3, Block 209, White Plat, also known as 1414 Chestnut Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-003 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-35); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 March 28, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building [X] Electrical [X] Plumbing [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.
Councilmember Moeller moved to postpone consideration of the resolution until the June 27, 2011, regular meeting, seconded by Councilmember Miller.

Motion rejected by the following vote:

No: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.

Yes: Councilmembers Miller and Moeller.

Absent: None.

Motion to adopt the resolution as presented adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.

No: Councilmember Moeller.

Absent: None.

COMMUNICATIONS & PETITIONS

*C-1. Letter from the Liquor Control Commission that they have received an application from Margaret Enright requesting to transfer ownership of 2011 SDM licensed business located at 1236 Water Street from Christina J. Lunsford.

Received and filed by consent.

FROM THE CITY MANAGER

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

On May 3, 2011, the City of Port Huron received four (4) unit price bids for the 2011 Annual Sidewalk contract. Based on estimated annual quantities, the following is a comparative summary of the bids received:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connin Cement (Cottrellville, MI)</td>
<td>$93,575.85</td>
</tr>
<tr>
<td>McKenzie Concrete, Inc. (North Street, MI)</td>
<td>$93,925.70</td>
</tr>
<tr>
<td>Hinojosa Construction (Croswell, MI)</td>
<td>$99,453.25</td>
</tr>
<tr>
<td>C &amp; L Enterprises (Shelby Twp, MI)</td>
<td>*</td>
</tr>
</tbody>
</table>

* bid voluntarily withdrawn

It is recommended that the bid of Connin Cement, 6425 Marsh Road, Cottrellville, Michigan 48039, in the estimated amount of Ninety-Three Thousand Five Hundred Seventy-Five and 85/100 Dollars ($93,575.85) 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, Miller and Ruiz.

No: Councilmember Moeller.

Absent: None.

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

On May 11, 2011, the City of Port Huron received three (3) bids for a hot patcher to be used by the Streets Division for repairing pot holes:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Falcon Road Maintenance Equipment (Midland, MI)</td>
<td>$14,740.00</td>
</tr>
<tr>
<td>Spaulding Manufacturing, Inc. (Saginaw, MI)</td>
<td>$23,305.00</td>
</tr>
<tr>
<td>K M International (North Branch, MI)</td>
<td>$25,730.25</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Falcon Road Maintenance Equipment, 120 Waldo Avenue, Midland, Michigan, 48642, in the amount of Fourteen Thousand Seven Hundred Forty and 00/100 Dollars ($14,740.00) 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, Lewandowski, Miller, Moeller and Ruiz.

No: Councilmember Fisher.

Absent: None.

CM-3. Councilmember Miller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On May 12, 2011, the City of Port Huron received two (2) bids for the Water Filtration Plant low service pumps system improvements:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trojan Development Co., Inc. (Oxford, MI)</td>
<td>$189,000.00</td>
</tr>
<tr>
<td>Northern Pump &amp; Well Company (Lansing, MI)</td>
<td>$220,257.00</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Trojan Development Co., Inc. P. O. Box 534, Oxford, Michigan, 48371-0534 in the amount of One Hundred Eighty-Nine Thousand and 00/100 Dollars ($189,000.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

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

On May 11, 2011, the City of Port Huron received two (2) bids for the purchase of a 20 cubic yard dewatering dumpster for the Utilities Division:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thumb Welding &amp; Repair LLC (Fort Gratiot, MI)</td>
<td>$12,800.00</td>
</tr>
<tr>
<td>Contract Welding &amp; Fabricating, Inc. (Belleville, MI)</td>
<td>$13,655.00</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Thumb Welding & Repair LLC, 4131 Norman Road, Fort Gratiot, Michigan, 48059, in the amount of Twelve Thousand Eight Hundred and 00/100 Dollars ($12,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.
CM-5. **Councilmember Lewandowski** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

> On May 11, 2011, the City of Port Huron Utilities Division received eight (8) bids for the Wastewater Treatment Plant thickener system improvements consisting of removing and replacing the existing thickener tank rake-arm mechanisms, weirs, baffles, and troughs in all four (4) tanks, replacing drive mechanisms in three (3) of the tanks, and constructing all necessary concrete roof and tank repairs; and

- Davis Construction, Inc. (Grand Rapids, MI) $1,957,524.00
- Weiss Construction Co. LLC (Detroit, MI) $2,098,800.00
- Pipe Systems, Inc. (Lake Orion, MI) $2,165,364.00
- Trojan Development Co., Inc. (Oxford, MI) $2,223,000.00
- J. F. Cavanaugh Company (Farmington Hills, MI) $2,264,400.00
- Reliance Building Company (Novi, MI) $2,272,000.00
- AZ Shmina, Inc. (Brighton, MI) $2,290,000.00
- Detroit Contracting, Inc. (Detroit, MI) $2,456,364.00

> It is recommended that the bid of Davis Construction, Inc., 456 Plymouth NE Suite B, Grand Rapids, Michigan 49505, in the amount of One Million Nine Hundred Fifty-Seven Thousand Five Hundred Twenty-Four and 00/100 Dollars ($1,957,524.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

CM-6. **Councilmember Miller** moved the adoption of the following City Manager's recommendation, seconded by Councilmember Moeller:

> The City Council is authorized under City Code to require owners of lots and premises to install and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises. When a request to remove a sidewalk is received, the City Council has the ability to authorize its removal.

At the May 9, 2011, regular meeting, the City Council referred to administration for a report and recommendation a communication that was received from Terryn Duckworth, owner of 3139 Gratiot Avenue, requesting permission to remove the sidewalk located on the south side of her property adjacent to Hollis Street.

The Department of Public Works has conducted a review of the matter and has no objection to approving the request to remove approximately 120 linear feet of public sidewalk along Hollis Street at 3139 Gratiot Avenue for the following reasons:

- An inspection was done to determine if there was an existing sidewalk system in place. Hollis Street extends east and west between Gratiot Avenue and Stone Street. There are no other existing sidewalks on either side of Hollis Street except at 3139 Gratiot Avenue.
- There are no sidewalks or crosswalks existing on the east side of Stone Street at the Hollis Street intersection which we would be concerned with.
- Gratiot Avenue has a public sidewalk on the west side only with no crosswalks to the east side at the Hollis Street intersection.
- This area is a walking route for the postal carriers. The mailbox for 3139 Gratiot Avenue is on the Gratiot Avenue side and is accessed with a service walk.

It is City Administration’s recommendation that the request of Terryn Duckworth for the removal of that section of the sidewalk along Hollis Street only adjacent to 3139 Gratiot Avenue be approved at no expense to the City since this portion of the sidewalk is not a part of an existing sidewalk system and is essentially a sidewalk to nowhere.

It is further recommended that the right-of-way permit required to be obtained by Ms. Duckworth for the removal of this sidewalk include language that in the future should the City Council order a sidewalk to be reinstalled that it will be done at no cost to the City of Port Huron.

Motion adopted unanimously.

**RESOLUTIONS**

R-1. **Councilmember Miller** 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 allow multiple-family dwellings in a CBD (Central Business) zoning district at 512/514 and 516/518 Glenwood Avenue; and

WHEREAS, on May 3, 2011, 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; 3 absent; 0 abstained), subject to the following conditions:

1. Structures cannot be used as rooming/boarding houses.
2. Only two (2) units per structure are allowed for a total of four (4) units.
3. Only two (2) bedrooms are allowed in each unit.
4. Eight (8) parking spaces must be provided.
5. Bedroom must be removed from basement.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special approval use permit to allow multiple-family dwellings at 512/514 and 516/518 Glenwood Avenue, subject to the stipulations listed above.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Miller, Moeller and Ruiz.
No: Councilmember Lewandowski.
Absent: None.
R-2. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, on May 9, 2011, the City Council adopted From the City Manager #1 which awarded the bid to TLC Landscaping LLC to mow and trim City-owned vacant lots; and

WHEREAS, the contractor has notified the City they are unable to proceed with the mow and trim of City-owned vacant lots and have withdrawn their bid; and

WHEREAS, the second low bidder, Kevin’s Lawn Care, has been contacted and is willing to undertake the mow and trim of City-owned vacant lots at their bid price of $755.00;

NOW, THEREFORE, BE IT RESOLVED that From the City Manager #1 dated May 9, 2011, is hereby rescinded and the mow and trim of City-owned vacant lots is hereby awarded to the second low bidder, Kevin’s Lawn Care, in the amount of $755.00 per mow and trim and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

*R-3. 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 single lot special assessments in the total amount of $259.51 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 #11-58).

Adopted by consent.

*R-4. WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 9, 2011, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the Program Year 2010 (April 1, 2010 through March 31, 2011); and

WHEREAS, the Community Development Division of the City has provided a copy of the CAPER for public viewing at the City Clerk’s office and the St. Clair County Public Library for a period of at least 15 days; and

WHEREAS, any comments heard and/or received will be incorporated into the CAPER for review by the U.S. Department of Housing and Urban Development (HUD); and

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 (April 1, 2010 through March 31, 2011), 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 #11-59)

Adopted by consent.

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

**GENERAL FUND:**

Means of financing:
- Property taxes $7,355,000
- Income tax 5,775,000
- Business licenses and permits 345,000
- Nonbusiness licenses and permits 300,000
- Grants 545,000
- State shared revenues 2,840,000
- Charges for services 805,000
- Fines and forfeits 145,000
- Investment income 200,000
- Rents 335,000
- Sale of assets 6,282
- Charges to other funds 1,843,346
- Transfer from other funds 405,000 $20,899,628

Estimated requirements:
- Ordinary recurring expenses $19,986,578
- Transfers 3,300
- Capital outlay 900,750 $20,899,628

**MAJOR STREETS FUND:**

Means of financing:
- Estimated designated fund balance $12,821
- State shared revenues 1,663,000
- Trunkline maintenance 227,943
- State grants 895,000
- Transfer from Municipal streets to Major streets 900,000 $3,698,764

Estimated requirements:
- Ordinary recurring expenses $1,878,764
- Capital outlay and street improvements 1,820,000 $3,698,764

**LOCAL STREETS FUND:**

Means of financing:
- Estimated designated fund balance $15,516
- State shared revenues 509,000
- Transfer from Major streets to Local streets 430,000
- Transfer from Municipal streets to Local streets 1,150,000 $2,104,516

Estimated requirements:
- Ordinary recurring expenses $799,516
- Capital outlay and street improvements 1,305,000 $2,104,516

**MUNICIPAL STREETS FUND:**

Means of financing:
- Estimated designated fund balance $1,850,414
- Taxes - Street millage 1,710,000
Investment income $25,000  $3,585,414
Estimated requirements:
Ordinary recurring expenses $3,585,414

CEMETARY FUND:
Means of financing:
Estimated designated fund balance $1,010
Foundations 18,000
Graveside interments 40,000
Chapel interments 50,000
Other services 10,000
Transfer from Cemetery perpetual care fund 250,000 $369,010
Estimated requirements:
Ordinary recurring expenses $357,210
Capital outlay 11,800 $369,010

GARBAGE AND RUBBISH COLLECTION FUND:
Means of financing:
Estimated designated fund balance $518,795
Taxes 1,770,000 $2,288,795
Estimated requirements:
Ordinary recurring expenses $2,288,795

RENTAL CERTIFICATION FUND:
Means of financing:
Estimated designated fund balance $12,458
Charges for services 169,064 $181,522
Estimated requirements:
Ordinary recurring expenses $181,522

DOMESTIC PREPAREDNESS FUND:
Means of financing:
Grants $85,000
Estimated requirements:
Ordinary recurring expenses $5,000
Capital outlay 10,000 $15,000

O.U.I.L. FUND:
Means of financing:
Fines and forfeits $15,000
Estimated requirements:
Ordinary recurring expenses $46,000
Capital outlay 10,000 $46,000

DRUG LAW ENFORCEMENT FUND:
Means of financing:
Charges for services $5,000
Estimated requirements:
Ordinary recurring expenses $5,000

LAW ENFORCEMENT FUND:
Means of financing:
Estimated designated fund balance $107,500
Estimated requirements:
Ordinary recurring expenses $107,500

ENHANCED 911 FUND:
Means of financing:
Estimated designated fund balance $107,500
Estimated requirements:
Ordinary recurring expenses $107,500

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:
Means of financing:
Grants $900,000
Estimated requirements:
Ordinary recurring expenses $180,000
Capital outlay 720,000 $900,000

NEIGHBORHOOD REHABILITATION FUND:
Means of financing:
Grant $700,000
Estimated requirements:
Ordinary recurring expenses $70,000
Capital outlay 630,000 $700,000

HOME PROGRAM FUND:
Means of financing:
Grants $280,000
Estimated requirements:
Ordinary recurring expenses $28,000
Capital outlay 252,000 $280,000

STREETSACLE MAINTENANCE FUND:
Means of financing:
Estimated designated fund balance $22,500
Charges for services 25,175
Transfer from TIF districts 22,325 $70,000
Estimated requirements:
Ordinary recurring expenses $46,000
Capital outlay 24,000 $70,000

BEAUTIFICATION 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:
Estimated designated fund balance $1,430,000
Investment income 105,000
Rents 240,000
Other income 10,000
Transfer from tax increment funds 1,100,000 $2,885,000
Estimated requirements:
Ordinary recurring expenses $194,005
Capital outlay 55,000 $249,005

LAND PURCHASE FUND:
Means of financing:
Estimated designated fund balance $1,100,000
Investment income 280,000
Rents 25,000 $2,885,000
Estimated requirements:
Ordinary recurring expenses $2,860,000
Capital outlay 25,000 $2,885,000
PARKING FUND:
Means of financing:
- Estimated designated fund balance $2,451
- Street meters 27,000
- Parking lots 5,000
- Annual permits 20,000
- Transfer from Land Purchase fund 60,000
Estimated requirements:
- Ordinary recurring expenses $114,451

WATER FUND:
Means of financing:
- Sale of water $6,032,336
- Charges for services 136,040
- Investment income 5,000
- Proceeds from long-term revenue bonds 4,830,000
- Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund 465,146
- Transfer from Land purchase fund 1,025,000
Estimated requirements:
- Ordinary recurring expenses 4,126,822
- Debt service 3,526,000
- Capital outlay 4,840,700

WASTEWATER FUND:
Means of financing:
- Estimated designated fund balance $2,225,000
- Charges for services 7,742,145
- Other income 30,000
- Investment income 50,000
- Grants 1,000,000
- Proceeds from long-term revenue bonds 6,825,000
- Transfer from governmental funds 1,000,000
- Transfer from Land purchase fund 1,225,000
Estimated requirements:
- Ordinary recurring expenses 6,791,145
- Debt service 7,116,000
- Capital outlay 7,840,000

CENTRAL STORES FUND:
Means of financing:
- Charges for services $113,009
Estimated requirements:
- Ordinary recurring expenses 113,009
- Capital outlay 5,000

DATA PROCESSING FUND:
Means of financing:
- Estimated designated fund balance $49,406
- Charges for services 614,939
Estimated requirements:
- Ordinary recurring expenses 619,345
- Capital outlay 45,000

MOTOR VEHICLE FUND:
Means of financing:
- Estimated designated fund balance $912,522
- Charges for services 1,720,000
Estimated requirements:
- Ordinary recurring expenses 1,933,434
- Capital outlay 699,088

INSURANCE AND FRINGE BENEFIT FUND:
Means of financing:
- Estimated designated fund balance $925,000
- Charges for services 9,628,000
Estimated requirements:
- Ordinary recurring expenses $1,129,000

INDUSTRIAL PARK TAX INCREMENT FUND:
Means of financing:
- Estimated designated fund balance $350,000
- Taxes 415,000
Estimated requirements:
- Ordinary recurring expenses
- Taxes not captured 415,000
- Contractual services 125,000

PAPER COMPANY TAX INCREMENT FUND:
Means of financing:
- Estimated designated fund balance $25,000
- Taxes 530,000
Estimated requirements:
- Ordinary recurring expense
- Taxes not captured 530,000

KRAFFT-HOLLAND TAX INCREMENT FUND:
Means of financing:
- Estimated designated fund balance $25,000
- Taxes 530,000
Estimated requirements:
- Ordinary recurring expenses
- Taxes not captured 530,000
- Capital outlay 25,000

PEERLESS SITE TAX INCREMENT FUND:
Means of financing:
- Estimated designated fund balance $60,000
- Taxes 75,000
Estimated requirements:
- Ordinary recurring expense
- Capital outlay 15,000

DOWNTOWN DEVELOPMENT AUTHORITY (DDA) OPERATING FUND:
Means of financing:
- Estimated designated fund balance $150,000
- Taxes 72,000
Downtown Port Huron activity:
- Dues 15,000
- Promotions and fees 75,000
- Blue Water Fest 400,000

DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REIMBURSEMENT FUND:
Means of financing:
- Estimated designated fund balance $150,000
- Taxes 72,000
Downtown Port Huron activity:
- Dues 15,000
- Promotions and fees 75,000
- Blue Water Fest 400,000
Estimated requirements:
  Ordinary recurring expenses $ 202,000
  Downtown Port Huron activities 510,000 $ 712,000

WATER STREET DDA TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expense $ 446,000
  Capital outlay 15,000 $ 461,000

BANK DDA TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expense $ 30,000
  Capital outlay 27,000 $ 57,000

HARRINGTON HOTEL DDA TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expense $ 25,000
  Capital outlay 100,000 $ 125,000

EDISON REDEVELOPMENT DDA TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expenses $ 430,000
  Capital outlay 15,000 $ 445,000

MAIN STREET DDA TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expenses $ 30,000
  Capital outlay 97,000 $ 127,000

INDUSTRIAL PARK EXPANSION LOCAL DEVELOPMENT FINANCE TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expenses $ 254,000
  Capital outlay 75,000 $ 329,000

BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:
Estimated requirements:
  Ordinary recurring expenses $ 381,000

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

<table>
<thead>
<tr>
<th>Summary of Estimated Requirements by Budget Classes</th>
<th>2011-2012</th>
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<td>General Government:</td>
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Total: $ 3,242,726
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<th></th>
<th>Personal Services</th>
<th>Supplies and Materials</th>
<th>Contractual Services</th>
<th>Total Recurring Expenses</th>
<th>Capital Outlay</th>
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<td>Subtotal</td>
<td>15,046,946</td>
<td>602,856</td>
<td>4,336,776</td>
<td>19,986,578</td>
<td>129,750</td>
<td>20,116,328</td>
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</table>
SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES

2011-2012

<table>
<thead>
<tr>
<th>Personal Services</th>
<th>Supplies and Materials</th>
<th>Contractual Services</th>
<th>Total Recurring Expenses</th>
<th>Capital Outlay</th>
<th>Total</th>
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<tbody>
<tr>
<td>Public Improvements:</td>
<td></td>
<td></td>
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<tr>
<td>Parks and recreation projects</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
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<tr>
<td>Other public improvements</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Subtotal</td>
<td>15,046,946</td>
<td>602,856</td>
<td>4,336,776</td>
<td>19,986,578</td>
<td>909,750</td>
</tr>
<tr>
<td>Transfer to other funds:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Beautification commission fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL GENERAL FUND</td>
<td>15,046,946</td>
<td>602,856</td>
<td>4,340,076</td>
<td>19,989,878</td>
<td>909,750</td>
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</tbody>
</table>

SPECIAL REVENUE FUNDS

Street funds:
- Major streets 814,821 251,801 812,142 1,878,764 1,820,000 3,698,764
- Local streets 486,701 110,849 201,966 799,516 1,305,000 2,104,516
- Municipal streets 34,962 20,220 3,530,232 3,585,414 3,585,414
- Subtotal 1,336,484 382,870 4,544,340 6,263,694 3,125,000 9,388,694

- Cemetery fund 238,926 23,658 94,626 357,210 11,800 369,010
- Garbage and rubbish collection fund 274,407 8,400 2,005,988 2,288,795 2,288,795
- Rental certification fund 156,413 4,500 20,609 181,522 181,522
- Domestic Preparedness 5,000 5,000 10,000 75,000 85,000
- 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 82,500 82,500 25,000 107,500
- Community development block grant 156,905 1,200 21,895 180,000 720,000 900,000
- Neighborhood rehabilitation fund 50,207 740 19,053 70,000 630,000 700,000
- Home program fund 27,263 737 28,000 252,000 280,000
- Streetscape maintenance 1,640 350 44,010 46,000 24,000 70,000
- Beautification commission fund 6,500 800 7,300 7,300
- Subtotal 2,242,245 446,718 6,842,058 9,531,021 4,912,800 14,443,821

ENTERPRISE FUNDS

| Marina fund | 9,040 | 3,635 | 181,330 | 194,005 | 55,000 | 249,005 |
| Land purchase fund | | 2,860,000 | 2,860,000 | 25,000 | 2,885,000 |
| Parking fund | 28,222 | 7,320 | 78,909 | 114,451 | | 114,451 |
### SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
#### 2011-2012

<table>
<thead>
<tr>
<th>Budget Class</th>
<th>Personal Services</th>
<th>Supplies and Materials</th>
<th>Contractual Services</th>
<th>Total Recurring Expenses</th>
<th>Capital Outlay</th>
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<tr>
<td><strong>Water fund:</strong></td>
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<tr>
<td>Treatment plant</td>
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<td>$184,303</td>
<td>$971,928</td>
<td>$4,830,000</td>
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<td>156,169</td>
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<td>126,816</td>
<td>151,204</td>
<td>679,335</td>
<td>679,335</td>
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<tr>
<td>Debt service</td>
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<td></td>
<td>3,526,000</td>
<td>3,526,000</td>
<td>3,526,000</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,953,723</td>
<td>496,488</td>
<td>5,202,611</td>
<td>7,652,822</td>
<td>4,840,700</td>
<td>12,493,522</td>
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</tbody>
</table>

| **Wastewater fund:**       |                   |                        |                      |                          |                |       |
| Treatment plant            | 1,930,020         | 465,685                | 2,228,258            | 4,623,963                | 9,280,577      |       |
| Collection, general        | 888,959           | 134,761                | 1,071,857            | 2,095,777                | 7,185,000      |       |
| Collection system no. 1    |                   |                        | 217                  | 217                      |                |       |
| Collection system no. 2    | 3,836             | 6,000                  | 20,025               | 29,861                   | 29,861         |       |
| Collection system no. 3    | 3,674             | 1,469                  | 36,384               | 41,527                   | 41,527         |       |
| Debt service               |                   |                       | 7,116,000            | 7,116,000                | 7,116,000      |       |
| **Total**                  | 2,826,489         | 607,915                | 10,472,741           | 13,907,145               | 7,840,000      | 21,747,145 |

| **TOTAL ENTERPRISE FUNDS** | 4,817,474         | 1,115,358              | 18,795,591           | 24,728,423               | 12,760,700     | 37,489,123 |

| **INTERNAL SERVICE FUNDS** |                   |                        |                      |                          |                |       |
| Central stores fund        | 12,743            | 33,200                 | 67,066               | 113,009                  | 5,000          | 118,009 |
| Data Processing fund       | 386,686           | 70,800                 | 161,859              | 619,345                  | 45,000         | 664,345 |
| Motor vehicle fund         | 649,419           | 450,145                | 833,870              | 1,933,434                | 699,088        | 2,632,522 |
| Insurance and fringe benefit fund | 9,782,500 | 500 | 770,000 | 10,553,000 | 10,553,000 |       |
| **TOTAL INTERNAL SERVICE FUNDS** | 10,831,348 | 554,645 | 1,832,795 | 13,218,788 | 749,088 | 13,967,876 |

| **TAX INCREMENT FUNDS**    |                   |                        |                      |                          |                |       |
| Industrial park tax increment fund | 1,179,000 | 1,179,000 | 300,000 | 1,479,000 |       |
| Paper Company tax increment fund | 540,000 | 540,000 |       | 540,000 |       |
| Krafft-Holland tax increment fund | 530,000 | 530,000 | 25,000 | 555,000 |       |
| Peerless site tax increment fund | 60,000 | 60,000 | 15,000 | 75,000 |       |
| Downtown development authority operating fund | 712,000 | 712,000 |       | 712,000 |       |
| Water Street tax increment fund | 446,000 | 446,000 | 15,000 | 461,000 |       |
| Bank tax increment fund     | 30,000           | 30,000                 | 27,000               | 57,000                   | 57,000         |       |
| Harrington Hotel tax increment fund | 25,000 | 25,000 | 100,000 | 125,000 |       |
| Edison redevelopment tax increment fund | 430,000 | 430,000 | 15,000 | 445,000 |       |
| Mainstreet tax increment fund | 30,000 | 30,000 | 97,000 | 127,000 |       |
| Industrial park expansion tax increment fund | 254,000 | 254,000 | 75,000 | 329,000 |       |
| Brownfield redevelopment tax increment fund |       |       |       |       |       |
| **TOTAL TAX INCREMENT FUNDS** | 381,000 | 381,000 |       | 381,000 |       |

<table>
<thead>
<tr>
<th>TOTAL ALL FUNDS</th>
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<th>$2,719,577</th>
<th>$36,427,520</th>
<th>$72,085,110</th>
<th>$20,001,338</th>
<th>$92,086,448</th>
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May 23, 2011
## SCHEDULE OF ESTIMATED EXPENDITURES
### 2011-2012

<table>
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<tr>
<th>GENERAL FUND</th>
<th>Actual</th>
<th>Budget</th>
<th>Increase</th>
<th>Decrease</th>
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<tr>
<td><strong>General Government:</strong></td>
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<td>58,818</td>
<td>54,437</td>
<td>66,588</td>
<td>72,251</td>
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<td>3,353</td>
<td>23,510</td>
<td>23,510</td>
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<td>256,384</td>
<td>260,179</td>
<td>268,280</td>
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<td>77,900</td>
<td>93,844</td>
<td>98,404</td>
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<td>652,722</td>
<td>652,080</td>
<td>661,865</td>
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<td>Income tax</td>
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<td>320,229</td>
<td>308,874</td>
<td>306,371</td>
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<td>Assessor</td>
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<td>345,306</td>
<td>350,982</td>
<td>292,461</td>
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<td>135,516</td>
<td>116,000</td>
<td>170,000</td>
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<td>Clerk</td>
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<td>213,667</td>
<td>222,032</td>
<td>225,508</td>
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<td>3,258,917</td>
<td>3,242,726</td>
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<td>42,828</td>
<td>60,000</td>
<td>45,000</td>
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<td><strong>Public Safety:</strong></td>
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<tr>
<td>Police administration</td>
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<td>1,092,251</td>
<td>926,535</td>
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<td>1,022,672</td>
<td>1,025,775</td>
<td>989,712</td>
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<td>5,389,711</td>
<td>5,477,377</td>
<td>5,038,611</td>
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<td>Communications</td>
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<td>108,627</td>
<td>103,030</td>
<td>112,414</td>
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<td>5,409,897</td>
<td>5,274,447</td>
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<td></td>
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<tr>
<td>Inspection</td>
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<td>275,250</td>
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<td>14,274</td>
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<td>200,766</td>
<td>203,900</td>
<td>205,959</td>
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<td>Engineering</td>
<td>244,378</td>
<td>262,032</td>
<td>321,579</td>
<td>322,229</td>
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<td>Street lighting</td>
<td>689,763</td>
<td>689,366</td>
<td>768,075</td>
<td>827,463</td>
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<tr>
<td>Blight</td>
<td>124,592</td>
<td>130,205</td>
<td>92,738</td>
<td>93,854</td>
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<tr>
<td><strong>Senior Citizens:</strong></td>
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<td></td>
</tr>
<tr>
<td>Wastewater and water discounts</td>
<td>1,739</td>
<td>1,182</td>
<td>4,000</td>
<td>3,000</td>
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<tr>
<td>Senior citizens transportation</td>
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<td>12,102</td>
<td>11,531</td>
<td>11,531</td>
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<td><strong>Recreation, Parks and Culture:</strong></td>
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<td></td>
</tr>
<tr>
<td>Parks and Forestry</td>
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<td>1,009,344</td>
<td>1,000,753</td>
<td>988,042</td>
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<tr>
<td>Boat Launch Ramps</td>
<td>43,200</td>
<td>62,198</td>
<td>460,249</td>
<td>18,998</td>
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<tr>
<td>Recreation</td>
<td>591,424</td>
<td>607,109</td>
<td>447,242</td>
<td>13,007</td>
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<td>Rockin the rivers</td>
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<td>42,605</td>
<td>6,643</td>
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<td>20th and Court pool</td>
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<td>101,772</td>
<td>67,108</td>
<td>11,149</td>
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<td>127,594</td>
<td>104,537</td>
<td>107,550</td>
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<td>Lighthouse park</td>
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<td>2,006</td>
<td>4,088</td>
<td>2,684</td>
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<td>Lakeside park</td>
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<td>9,766</td>
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<td>11,698</td>
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<td>Palmer park recreation center</td>
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<td>132,081</td>
<td>118,069</td>
<td>122,555</td>
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<tr>
<td>Lightship</td>
<td>11,094</td>
<td>7,349</td>
<td>13,703</td>
<td>13,703</td>
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<td>McMorran complex</td>
<td>414,000</td>
<td>285,000</td>
<td>320,000</td>
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</tbody>
</table>
## SCHEDULE OF ESTIMATED EXPENDITURES
### 2011-2012

<table>
<thead>
<tr>
<th></th>
<th>2008-2009</th>
<th>2009-2010</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>Increase</th>
<th>Decrease</th>
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</thead>
<tbody>
<tr>
<td><strong>Library</strong></td>
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<td>$8,000</td>
<td>$8,000</td>
<td>$8,000</td>
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<td>$0</td>
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<td><strong>Museum</strong></td>
<td>113,212</td>
<td>102,241</td>
<td>110,400</td>
<td>105,326</td>
<td>$5,074</td>
<td>$104,239</td>
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<td><strong>Total</strong></td>
<td>2,514,336</td>
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<td>2,286,097</td>
<td>2,232,056</td>
<td>50,198</td>
<td>104,239</td>
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### Other Functions:

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<td>Planning</td>
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<td>94,593</td>
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<td>Blue Water Bridge Economic Study</td>
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<td>100,000</td>
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<td>40,000</td>
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<td>Insurance, health and safety</td>
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<td>136,720</td>
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<td>133,650</td>
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<td>Taxes written off</td>
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<td>15,000</td>
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<td>Demolitions</td>
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<td>150,000</td>
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<td><strong>Subtotal</strong></td>
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<td>346,701</td>
<td>420,490</td>
<td>546,267</td>
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### Public Improvements:

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<tr>
<td>Parks and recreation projects</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<td>1,073,000</td>
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<td>460,000</td>
<td>753,000</td>
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### Transfer to other funds:

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<tbody>
<tr>
<td>Beautification commission fund</td>
<td>3,300</td>
<td>3,300</td>
<td>3,300</td>
<td>3,300</td>
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<tr>
<td>Wastewater fund</td>
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<td>1,900,000</td>
<td>500,000</td>
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<td>500,000</td>
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<td><strong>Subtotal</strong></td>
<td>1,942,793</td>
<td>1,903,300</td>
<td>503,300</td>
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<td>500,000</td>
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### TOTAL GENERAL FUND

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<tr>
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<th>2009-2010</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10,561,304</td>
<td>10,980,614</td>
<td>8,865,760</td>
<td>9,388,694</td>
<td>1,044,469</td>
<td>521,535</td>
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## SPECIAL REVENUE FUNDS

### Street funds:

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<th></th>
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<th></th>
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<th></th>
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<tbody>
<tr>
<td>Major streets</td>
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<td>4,220,299</td>
<td>3,698,764</td>
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<tr>
<td>Local streets</td>
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<td>933,358</td>
<td>1,421,290</td>
<td>2,104,516</td>
<td>683,226</td>
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<tr>
<td>Municipal streets</td>
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<td>2,018,664</td>
<td>3,224,171</td>
<td>3,585,414</td>
<td>361,243</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10,561,304</td>
<td>10,980,614</td>
<td>8,865,760</td>
<td>9,388,694</td>
<td>1,044,469</td>
<td>521,535</td>
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<tbody>
<tr>
<td>Cemetery fund</td>
<td>355,937</td>
<td>354,516</td>
<td>376,095</td>
<td>369,010</td>
<td>7,085</td>
<td></td>
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<tr>
<td>Garbage and rubbish collection fund</td>
<td>2,208,792</td>
<td>2,176,852</td>
<td>2,513,146</td>
<td>2,288,795</td>
<td>224,351</td>
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<tr>
<td>Rental certification fund</td>
<td>168,635</td>
<td>161,178</td>
<td>182,253</td>
<td>181,522</td>
<td>731</td>
<td></td>
</tr>
<tr>
<td>Domestic preparedness fund</td>
<td>100,000</td>
<td>85,000</td>
<td></td>
<td></td>
<td>15,000</td>
<td></td>
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<tr>
<td>OUIL fund</td>
<td>16,915</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug law enforcement fund</td>
<td>63,023</td>
<td>46,000</td>
<td>46,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law enforcement fund</td>
<td>3,143</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Enhanced 911 fund</td>
<td>18,180</td>
<td>110,000</td>
<td>107,500</td>
<td>2,500</td>
<td></td>
<td></td>
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<tr>
<td>Community development block grant fund</td>
<td>459,050</td>
<td>1,049,195</td>
<td>942,742</td>
<td>900,000</td>
<td>42,742</td>
<td></td>
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<tr>
<td>Neighborhood rehabilitation fund</td>
<td>2,900</td>
<td>837,507</td>
<td>875,907</td>
<td>700,000</td>
<td>175,907</td>
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<tr>
<td>Home program fund</td>
<td>151,213</td>
<td>201,923</td>
<td>288,903</td>
<td>280,000</td>
<td>8,903</td>
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## SCHEDULE OF ESTIMATED EXPENDITURES
### 2011-2012

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<thead>
<tr>
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<tr>
<td>Streetscape maintenance fund</td>
<td>$55,414</td>
<td>$43,559</td>
<td>$75,000</td>
<td>$70,000</td>
<td>$5,000</td>
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<tr>
<td>Beautification commission fund</td>
<td>3,297</td>
<td>4,302</td>
<td>7,300</td>
<td>7,300</td>
<td></td>
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<tr>
<td><strong>TOTAL SPECIAL REVENUE FUNDS</strong></td>
<td>14,067,803</td>
<td>15,809,646</td>
<td>14,403,106</td>
<td>14,443,821</td>
<td>1,044,469</td>
<td>1,003,754</td>
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### ENTERPRISE FUNDS

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Marina fund</td>
<td>239,128</td>
<td>197,960</td>
<td>180,623</td>
<td>249,005</td>
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<td>68,382</td>
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<tr>
<td>Senior citizens housing fund</td>
<td>76,498</td>
<td>1,530</td>
<td>704,186</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land purchase fund</td>
<td>2,587,370</td>
<td>2,641,252</td>
<td>3,589,186</td>
<td>2,885,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking fund</td>
<td>189,812</td>
<td>116,788</td>
<td>155,705</td>
<td>114,451</td>
<td></td>
<td>41,254</td>
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<tr>
<td><strong>Water fund:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treatment plant</td>
<td>1,934,691</td>
<td>2,441,943</td>
<td>2,326,708</td>
<td>2,020,614</td>
<td>306,094</td>
<td></td>
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<tr>
<td>Collection, general</td>
<td>2,018,442</td>
<td>2,432,956</td>
<td>2,353,852</td>
<td>2,110,577</td>
<td>243,275</td>
<td></td>
</tr>
<tr>
<td>Collection system no. 1</td>
<td>14</td>
<td>215</td>
<td>216</td>
<td>217</td>
<td></td>
<td></td>
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<tr>
<td>Collection system no. 2</td>
<td>17,471</td>
<td>26,570</td>
<td>30,040</td>
<td>29,861</td>
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<td>Collection system no. 3</td>
<td>34,236</td>
<td>33,194</td>
<td>43,162</td>
<td>41,527</td>
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<tr>
<td>Debt service</td>
<td>2,870,243</td>
<td>3,025,000</td>
<td>3,303,000</td>
<td>3,526,000</td>
<td>223,000</td>
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<tr>
<td>Capital outlay</td>
<td>2,316,940</td>
<td>5,135,000</td>
<td>5,035,000</td>
<td>4,830,000</td>
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<tr>
<td><strong>TOTAL ENTERPRISE FUNDS</strong></td>
<td>28,479,334</td>
<td>39,690,572</td>
<td>44,174,171</td>
<td>37,489,123</td>
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<tbody>
<tr>
<td>Central stores fund</td>
<td>122,691</td>
<td>131,574</td>
<td>122,313</td>
<td>118,009</td>
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<td>4,304</td>
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<tr>
<td>Data Processing fund</td>
<td>695,717</td>
<td>690,034</td>
<td>768,681</td>
<td>664,345</td>
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<td>104,336</td>
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<tr>
<td>Motor vehicle fund</td>
<td>2,442,353</td>
<td>2,315,099</td>
<td>2,774,113</td>
<td>2,632,522</td>
<td></td>
<td>141,591</td>
</tr>
<tr>
<td>Insurance and fringe benefit fund</td>
<td>8,519,200</td>
<td>10,024,708</td>
<td>10,538,000</td>
<td>10,553,000</td>
<td></td>
<td>15,000</td>
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<tr>
<td><strong>TOTAL INTERNAL SERVICE FUNDS</strong></td>
<td>11,779,961</td>
<td>13,161,415</td>
<td>14,203,107</td>
<td>13,967,876</td>
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### TAX INCREMENT FUNDS

<table>
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<tbody>
<tr>
<td>Industrial park tax increment fund</td>
<td>1,658,870</td>
<td>1,572,346</td>
<td>1,398,000</td>
<td>1,479,000</td>
<td>81,000</td>
<td></td>
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<tr>
<td>Paper Company tax increment fund</td>
<td>493,902</td>
<td>613,462</td>
<td>536,000</td>
<td>540,000</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Krafft-Holland tax increment fund</td>
<td>672,843</td>
<td>592,900</td>
<td>588,000</td>
<td>555,000</td>
<td></td>
<td>33,000</td>
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<tr>
<td>Peerless site tax increment fund</td>
<td>103,933</td>
<td>22,891</td>
<td>109,000</td>
<td>75,000</td>
<td></td>
<td>34,000</td>
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<tr>
<td>Downtown development authority operating fund</td>
<td>390,457</td>
<td>274,150</td>
<td>714,000</td>
<td>712,000</td>
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<td>2,000</td>
</tr>
<tr>
<td>Water Street tax increment fund</td>
<td>543,247</td>
<td>539,719</td>
<td>507,000</td>
<td>461,000</td>
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<td>46,000</td>
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**SCHEDULE OF ESTIMATED EXPENDITURES**

2011-2012

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Bank tax increment fund</td>
<td></td>
<td>$22,190</td>
<td>$315,000</td>
<td>$57,000</td>
<td>$258,000</td>
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<tr>
<td>Harrington Hotel tax increment fund</td>
<td>7,316</td>
<td></td>
<td>150,000</td>
<td>125,000</td>
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<td>25,000</td>
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<tr>
<td>Edison redevelopment tax increment fund</td>
<td>581,190</td>
<td>588,576</td>
<td>548,000</td>
<td>445,000</td>
<td></td>
<td>103,000</td>
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<tr>
<td>Mainstreet tax increment fund</td>
<td>30,181</td>
<td>42,486</td>
<td>93,000</td>
<td>127,000</td>
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<td>34,000</td>
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<tr>
<td>Industrial park expansion tax increment</td>
<td>393,570</td>
<td>444,587</td>
<td>345,000</td>
<td>329,000</td>
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<td>16,000</td>
</tr>
<tr>
<td>Brownfield redevelopment tax increment</td>
<td></td>
<td>256,230</td>
<td>492,000</td>
<td>381,000</td>
<td></td>
<td>111,000</td>
</tr>
</tbody>
</table>

**TOTAL TAX INCREMENT FUNDS**

5,312,780  4,532,266  5,795,000  5,286,000  119,000  628,000

**TOTAL ALL FUNDS**

$82,517,989  $96,540,063  $100,915,696  $92,086,448  $2,697,616  $11,526,864

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

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 2011-12 Motor Vehicle Highway Distribution revenue from the Major Street Fund to the Local Street Fund as provided for in Section 13d of Public Act 51 of 1951; and

BE IT FURTHER RESOLVED that, in accordance with Chapter 48, Water and Sewer Service Charges, Section 48-154, Water Rates and Charges, and Section 48-156, Sewer Rates Generally, which allow for water and sewer rates to be adjusted by resolution of the City Council from time to time, the commodity rates for water and sewer services are hereby increased to $12.86 and $30.60 per 1,000 cubic feet, respectively, and that the quarterly readiness to serve charge for a 5/8 inch meter for water and sewer services be increased to $22.40 and $53.20, respectively; and

BE IT FURTHER RESOLVED that the other commodity and quarterly readiness to serve charges for water and sewer services, including for the various meter sizes, for City users and users outside the City, will be in accordance with the attached Schedule of Water and Sewer Rates (see City Clerk File #11-60); and

BE IT FURTHER RESOLVED that the increased water and sewer rates shall become effective with all billing on or after June 30, 2011; 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:

<table>
<thead>
<tr>
<th>Permits</th>
<th>No rate changes, McMorran and Majestic lot permits issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Meters</td>
<td>No rate changes, installed meters in the 200 block of Beers and the 600 block of Merchant</td>
</tr>
<tr>
<td>Metered Off Street Lots</td>
<td>No changes</td>
</tr>
</tbody>
</table>

(A schedule of parking fees, rates and charges is attached as City Clerk File #11-61); and

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, 2011; 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, 2011, with penalty as follows:

1. Taxes shall be collected without additional charge through July 31, or thirty (30) days after the mailing of the tax bill, whichever is later.
2. A penalty of one (1%) percent on the unpaid tax will be added on the first day of August, and on the first day of each month thereafter in the succeeding months.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to grant non-union employees a general salary adjustment, and

BE IT FURTHER RESOLVED, that the required employee contribution for all non-union employees participating in the Municipal Employees Retirement System of Michigan (MERS) Group #10 will be 6% effective for all wages paid after July 1, 2011, (an increase of 3 percentage points) and 8% for all wages paid after July 1, 2012, (an increase of 2 percentage points), and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute necessary employment agreements with key personnel;

BE IT FURTHER RESOLVED, that the Capital Improvement Program for the 2011-2012 through 2016-2017 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski and Ruiz.
No: Councilmembers Fisher, Miller and Moeller.
Absent: None.

R-6. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the Capital Improvement Program for 2011-2012 through 2016-2017 has been prepared;

WHEREAS, a draft of this Capital Improvement Program was reviewed by the City's Planning Commission and they recommended approval of the plan at their May 3, 2011 meeting; and

WHEREAS, City Council hereby conducted a public hearing on Monday, May 9, 2011, 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;

BE IT FURTHER RESOLVED that the Capital Improvement Program for the 2011-2012 through 2016-2017 fiscal years be adopted as a guide for capital expenditures during this period. (See City Clerk File #11-62)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Moeller.
No: Councilmember Moeller.
Absent: None.

ORDINANCES

O-2. The following ordinance introduced May 9, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1324

AN ORDINANCE TO AMEND CHAPTER 32, LAW ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING A NEW ARTICLE TO REQUIRE REIMBURSEMENT FOR MEDICAL SERVICES RECEIVED BY THOSE INDIVIDUALS WHO ARE IN THE CITY’S CUSTODY.

THE CITY OF PORT HURON ORDAINS:

That Chapter 32, Law Enforcement, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding a new article to require reimbursement for medical services received by those individuals who are in the City’s custody as follows:

CHAPTER 32. LAW ENFORCEMENT

ARTICLE III. MEDICAL COST RECOVERY FROM INDIVIDUALS IN CUSTODY

Sec. 32-51. Purpose.

In order to protect the City from extraordinary expenses resulting from the medical services required by individuals who are in custody, this Article authorizes the recovery of actual costs from said individuals.


Sec. 32-52. Definitions.

As used in this ordinance:

Individuals who are in custody means any person(s) held in custody, confined or incarcerated by the City, including but not limited to individuals who are i) under arrest, ii) incarcerated, iii) imprisoned iv) escaped from confinement v) under supervised release vi) on medical furlough vii) residing in a mental health facility or halfway house, viii) living under home detention, ix) or confined completely or partially in any way under a penal statute or rule.

Medical services means services provided to individuals who are in custody including, but not limited to, transportation to and from a medical treatment facility, equipment costs, cost of materials, wages, administrative costs, and any treatment deemed necessary by his or her treating physician, whether or not requested by the individual in custody.

User means any person who has received medical services.

Sec. 32-53. Responsibility for cost of medical services provided.

(a) Individuals who are in custody solely responsible.

Users shall be solely responsible for payment of costs for medical services rendered to, and received by, that user during the course of his or her confinement with the City, or at the City’s or Court’s direction.

(b) Reimbursement of the City for cost of medical services.

Users shall reimburse the City, in full, for any fees or charges incurred for medical services, if not paid directly to the medical facility or practitioner by the individual in custody or his or her insurance carrier.

Sec. 32-54. Cost recovery procedure.

(a) Statement of services to users.

The chief of police or the chief's designee shall maintain a record of all users. Within fourteen (14) days of receiving any bill for the costs of medical services, the chief of police or the chief's designee shall mail to each user a statement showing the services rendered, and a bill for the same.
Users with insurance coverage. If it appears that any such user has a policy of insurance that would pay for such service, the statement may be mailed directly to the insurance company involved, in accordance with the billing practices of that company.

Collection records. The chief of police or the chief’s designee shall maintain appropriate records indicating all persons to whom such statements were mailed and the amount collected.

Delinquent accounts. Any such user who does not pay the bill within thirty (30) days of the date of billing shall have his account forwarded to a third party collection agency for appropriate legal action.

ADOPTED: 05/23/11
PUBLISHED: 05/28/11
EFFECTIVE: 05/28/11

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced that City offices will be closed on Monday, May 30, in observance of Memorial Day.

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, June 13, 2011, 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 June 13, 2011, were approved.

PUBLIC AUDIENCES

1. Margaret Enright, Port Huron, extended accolades to the organizers of the Art on the River event and clarified that she supports a Saturday Floatdown with a Saturday night event to encourage visitors to stay in the area for three days.

2. Marie Rushing, Port Huron, mentioned the First Annual CAPTURE 5K run and 2K walk fundraiser being held on Saturday, June 25, to benefit the program.

3. John Moldowan mentioned an event he is planning on the boardwalk in recognition of June 14 being Flag Day and commented about his vending operations.

4. Armstead Diggs commented about his proposal for the establishment of the “Friendship Training Academy” as an alternative to incarceration for minor offenders and requested Council’s consideration of donations and offering a vacant building for their use for this proposal.

5. Donna Klune commented about the ineffectiveness of the Blue Water Bridge plaza project, studies undertaken by the City water rate increases and about spending general fund dollars. She also commented about the positives of keeping the police department intact and the department’s excellent leadership.

CONSENT AGENDA

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

FROM THE CITY MANAGER

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

On June 1, 2011, the City of Port Huron solicited bids from four (4) companies and received one (1) bid for the purchase of Flexline total station equipment, including software and training, to be used by the Police Department during major crime scene reconstruction and accident investigation:

VS Visual Statement Inc. (Kamloops, BC, Canada) $17,300.30

It is recommended that the bid from VS Visual Statement Inc., 900 – 175 2nd Avenue, Kamloops, British Columbia, Canada, V2C 5W1, in the amount of Seventeen Thousand Three Hundred and 30/100 Dollars ($17,300.30) be accepted, with funding being used from the Edward Byrne Memorial Justice Assistance Grant, and that the appropriate City officials be authorized to execute the necessary documents.

It is further recommended that the appropriate Police Department official is authorized to sign any necessary agreements relating to the purchase and maintenance of this equipment and to annually pay the required fee for the software maintenance while the City is using this software.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

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

On June 1, 2011, the City of Port Huron received six (6) unit price bids for the sewer lining project. Based on estimated quantities, the following is a comparative summary of the bids received:

Liquiforce Services, Inc. (Romulus, MI) $228,216.00
Lanzo Lining Services, Inc. (Deerfield Beach, FL) $234,660.00
Utility Services Authority, LLC (Belleville, MI) $248,308.00
Reynolds Inliner, LLC (Hilliard, OH) $250,502.00
Insituform Technologies USA, Inc. (Chesterfield, MO) $283,031.00
Inland Waters Pollution Control, Inc. (Detroit, MI) $300,190.50

It is recommended that the unit price bid of Liquiforce Services, Inc., 28529 Goddard Road, Ste 106, Romulus, Michigan 48174, in the estimated amount of Two Hundred Twenty Eight Thousand Two Hundred Sixteen and 00/100 Dollars ($228,216.00) 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, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

CM-3. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Miller:

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 2010-2011 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

<table>
<thead>
<tr>
<th>LOCAL STREETS FUND:</th>
<th>As currently</th>
<th>Per Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adopted</td>
<td>Amendment</td>
<td>(Decrease)</td>
</tr>
<tr>
<td>Mean of financing:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated designated fund balance</td>
<td>$ 26,290</td>
<td>$ 26,290</td>
<td>$ 0</td>
</tr>
<tr>
<td>State shared revenues</td>
<td>500,000</td>
<td>500,000</td>
<td>0</td>
</tr>
<tr>
<td>Transfer from Major Streets to Local Streets</td>
<td>420,000</td>
<td>420,000</td>
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<tr>
<td>Transfer from Municipal Streets to Local Streets</td>
<td>475,000</td>
<td>775,000</td>
<td>300,000</td>
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<tr>
<td>Total</td>
<td>$ 1,421,290</td>
<td>$ 1,721,290</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>Estimated requirements:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ordinary recurring expenses</td>
<td>$ 826,290</td>
<td>$ 826,290</td>
<td>$ 0</td>
</tr>
<tr>
<td>Capital outlay and street improvements</td>
<td>595,000</td>
<td>895,000</td>
<td>300,000</td>
</tr>
<tr>
<td>Total</td>
<td>$ 1,421,290</td>
<td>$ 1,721,290</td>
<td>$ 300,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>MUNICIPAL STREETS FUND:</th>
<th>As currently</th>
<th>Per Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean of financing:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated designated fund balance</td>
<td>$ 1,399,171</td>
<td>$ 1,699,171</td>
<td>$ 300,000</td>
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<tr>
<td>Taxes - Street millage</td>
<td>1,340,000</td>
<td>1,340,000</td>
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<tr>
<td>Taxes - BWATC</td>
<td>460,000</td>
<td>460,000</td>
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<tr>
<td>Investment income</td>
<td>25,000</td>
<td>25,000</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$ 3,224,171</td>
<td>$ 3,524,171</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>Estimated requirements:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ordinary recurring expenses</td>
<td>$ 182,253</td>
<td>$ 247,253</td>
<td>$ 65,000</td>
</tr>
<tr>
<td>Total</td>
<td>$ 3,224,171</td>
<td>$ 3,524,171</td>
<td>$ 300,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RENTAL CERTIFICATION FUND:</th>
<th>As currently</th>
<th>Per Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean of financing:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated designated fund balance</td>
<td>$ 16,999</td>
<td>$ 77,253</td>
<td>$ 60,254</td>
</tr>
<tr>
<td>Charges for services</td>
<td>165,254</td>
<td>170,000</td>
<td>4,746</td>
</tr>
<tr>
<td>Total</td>
<td>$ 182,253</td>
<td>$ 247,253</td>
<td>$ 65,000</td>
</tr>
<tr>
<td>Estimated requirements:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ordinary recurring expenses</td>
<td>$ 182,253</td>
<td>$ 247,253</td>
<td>$ 65,000</td>
</tr>
<tr>
<td>Total</td>
<td>$ 182,253</td>
<td>$ 247,253</td>
<td>$ 65,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMUNITY DEVELOPMENT BLOCK GRANT FUND:</th>
<th>As currently</th>
<th>Per Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean of financing:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants</td>
<td>$ 942,742</td>
<td>$ 1,300,000</td>
<td>$ 357,258</td>
</tr>
<tr>
<td>Estimated requirements:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ordinary recurring expenses</td>
<td>$ 170,000</td>
<td>$ 170,000</td>
<td>$ 0</td>
</tr>
<tr>
<td>Capital outlay</td>
<td>772,742</td>
<td>1,130,000</td>
<td>357,258</td>
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<tr>
<td>Total</td>
<td>$ 942,742</td>
<td>$ 1,300,000</td>
<td>$ 357,258</td>
</tr>
</tbody>
</table>

Motion adopted unanimously.

RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.

WHEREAS, 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 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 (with no Headlee rollback required) 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, 2011, 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 2011 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, 2011, through June 30, 2012;

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, 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, 2011, through June 30, 2012; and

BE IT FURTHER RESOLVED that said 0.6214 mills be levied on July 1, 2011; and

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer of the City of Port Huron by delivering to said City Treasurer a certified copy of this resolution.

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

Adopted by consent.

*R-3. 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 $124.88 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 #11-63).

Adopted by consent.

*R-4. WHEREAS, the following costs have been incurred by the City of Port Huron for demolition proceedings of structures on the following described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Code</th>
<th>Case #</th>
<th>Property #</th>
<th>Property Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-022</td>
<td>74-06-743-1304-000</td>
<td>812 - 12th Street</td>
<td>$3,218.25</td>
<td></td>
</tr>
<tr>
<td>10-038</td>
<td>74-06-204-0010-000</td>
<td>716 – 11th Street</td>
<td>$3,318.25</td>
<td></td>
</tr>
<tr>
<td>10-039</td>
<td>74-06-204-0012-000</td>
<td>732 – 11th Street</td>
<td>$4,018.25</td>
<td></td>
</tr>
</tbody>
</table>

$21,291.25

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $21,291.25 for demolition proceedings of structures on the above-described properties.

Adopted by consent.

*R-5(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 2011-2012 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.

Adopted by consent.

*R-5(b). WHEREAS, in accordance with the City Council resolution dated June 13, 2011, 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 2011-2012 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 #11-64).

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 City of Port Huron Downtown Development Authority has determined that a portion of the cost of maintaining the streetscape improvements is a necessary cost of the applicable tax increment plan and the City Council tentatively approves that determination.

4. The cost of maintaining said public improvements for the 2011-2012 fiscal year is estimated to be $50,000.00, of which $15,900.00 shall be spread over the special assessment district as hereinafter described, $20,000.00 will be provided from accumulated funds, $14,100 will be provided by a tax increment plan and none of which shall be paid as a general expense of the City.

   Adopted by consent.

*R-5(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

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 2011-2012 fiscal year is estimated to be $50,000.00, of which $15,900.00 shall be spread over the special assessment district as hereinafter described, $20,000.00 will be provided from accumulated funds, $14,100 will be provided by a tax increment plan 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.

   Adopted by consent.

*R-5(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 27, 2011, 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 2011-2012 fiscal year, a description 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 27, 2011, 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 composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that objections must be filed in writing at or prior to this hearing with the City Clerk in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. 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 by providing written notice to the City Clerk at or prior to 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.

*R-6(a). WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintaining 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 2011-2012 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.

Adopted by consent.

*R-6(b). WHEREAS, in accordance with the City Council resolution dated June 13, 2011, 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; and

2. The estimated cost of maintaining streetscape improvements for the 2011-2012 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 #11-65).

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 City of Port Huron Downtown Development Authority has determined that a portion of the cost of maintaining the streetscape improvements is a necessary cost of the applicable tax increment plan and the City Council tentatively approves that determination.

4. The cost of maintaining said public improvements for the 2011-2012 fiscal year is estimated to be $20,000.00, of which $9,275.00 shall be spread over the special assessment district as hereinafter described, $2,500.00 will be provided from accumulated funds, $8,225.00 will be provided by tax increment plans and none of which shall be paid as a general expense of the City.

Adopted by consent.

*R-6(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 2011-2012 fiscal year is estimated to be $20,000.00, of which $9,275.00 shall be spread over the special assessment district as hereinafter described, $2,500.00 will be provided from accumulated funds, $8,225.00 will be provided by tax increment plans 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.

Adopted by consent.

*R-6(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 benefited 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 27, 2011, 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 before 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 2011-2012 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 27, 2011, 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 objections must be filed in writing at or prior to this hearing with the City Clerk in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. 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 by providing written notice to the City Clerk at or prior to 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.

R-7. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the City of Port Huron owns the following described alley:

that portion of Alley #2 adjacent to Lots 1, 2, 3, 8, 9, and 10, Block 3, White Plat, being the north 158.4 feet of the alley located within the block bound by Division, Sixth, Minnie, and Seventh Streets, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, on June 13, 2011, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended the City Council approve the vacation (vote: 5 ayes; 0 nays; 4 absent; 0 abstained); and

WHEREAS, it is the judgment of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above-described alley is hereby vacated with the reservation of a full-width public utility easement.

Motion adopted unanimously.

R-8. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the City of Port Huron owns the following described alley:

the east 50 feet of the east/west alley adjacent to 620 Division Street, more accurately described as the east 50 feet of the south 10 feet of Lot 2, which was used for alley purposes, Block 3, White Plat, located within the block bound by Division, Sixth, Minnie, and Seventh Streets, City of Port Huron, St. Clair County, Michigan; and

WHEREAS, on June 13, 2011, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended the City Council approve the vacation (vote: 5 ayes; 0 nays; 4 absent; 0 abstained); and

WHEREAS, it is the judgment of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above-described alley is hereby vacated with the reservation of a full-width public utility easement.

Motion adopted unanimously.

R-9. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

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 $240.00 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 #11-66).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

*R-10. 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, 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, the four-year term for Douglas Alexander has expired;

NOW, THEREFORE, BE IT RESOLVED that the City Manager’s appointment of Daniel Casey to the Local Development Finance Authority for a term to expire June 11, 2015, is hereby confirmed.

Adopted by consent.

*R-11. 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
NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby re-appoints James Watson, Master Plumber, and Jim Yu, Licensed Tradesman, to the Construction Board of Appeals with terms to expire June 30, 2014.

Adopted by consent.

*R-12. WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Section 10-167(b), Appeal Process, 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 Bill Vogan (licensed tradesman) to the Rental Housing Board of Appeals for terms to expire June 10, 2014, is hereby confirmed.

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced the following:

The City is conducting a survey to assist the Parks and Recreation Department in updating their master plan and to help prepare for the future. Visit the City’s website at www.porthuron.org to take the survey.

Thanks were extended to the Community Foundation of St. Clair County, and specifically the Cleland Youth Fund and the Youth Advisory Council, for their donation to the City’s Recreation Department to assist with offering free swimming to area children.

On motion (7:45 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 27, 2011, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.

Absent: Councilmembers Fisher and Moeller.

MISCELLANEOUS BUSINESS

1. **Councilmember Archibald** moved to enter into a closed session for the purpose of discussing collective bargaining, pursuant to Section 8(c) of the Open Meetings Act, seconded by Councilmember Miller:

   Motion adopted by the following vote:

   Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.
   No: None.
   Absent: Councilmembers Fisher and Moeller.

   On motion (6:10 p.m.), the Council adjourned from closed session into the special meeting.

2. **Councilmember Miller** mentioned that he would like to see the Council not hold the second meetings in July and August. Bob Clegg, City Engineer, mentioned that the bids for the Fort Gratiot Lighthouse restoration work are being accepted on July 12 and asked if a brief special meeting could be scheduled soon thereafter to accept the bids for the project. Administration will follow-up on this.

   On motion (6:20 p.m.), meeting adjourned.
(Page intentionally left blank)
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 27, 2011, 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, Lewandowski, Miller, Moeller and Ruiz.

Absent: Councilmember Fisher.

The minutes of the regular meeting of June 13, 2011, were approved.

PRESENTATIONS

1. Julie Davis, Human Resources Director, gave a presentation regarding union contracts and employee wage and benefit concessions (see City Clerk File #11-67).

2. David Wespizer from Hotel Development Services, LLC, provided a status on the progress to date of the development of the former Water Street Marina property, the financial issues they have been confronted with has led to their request to extend the post-closing contingency requirement for development of the property. (See City Clerk File #11-68 for a copy of the letter requesting the extension).

3. David Brown, Acheson Ventures, presented a $44,000 check for the City’s portion of profits for the marina operations and extended accolades to key players of the cooperative partnership. He also provided a brief review of the survey conducted of marina guests and members. (See City Clerk File #11-69 for a copy of the review.)

4. Joe Denczek from Waste Management provided details about how the change in recycling services to an every other week schedule will be conducted.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments from all persons interested in the maintenance costs of the Huron Avenue streetscape project (from the north side of the Black River to the south side of McMorran Boulevard) and for the purpose of reviewing said special assessment roll and estimated maintenance costs.

   No one appeared to be heard.

   The Mayor declared the hearing closed and Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

   WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district’s share of the maintenance for the streetscape project described as follows:

   Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

   WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

   WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

   NOW, THEREFORE, BE IT RESOLVED THAT:

   1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

   2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the 2011-2012 fiscal year, determines the estimated cost of maintaining said streetscape project to be $50,000.00, of which $15,900.00 shall be specially assessed, $20,000.00 will be provided from accumulated funds, $14,100.00 will be provided by a tax increment plan and none of which shall 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 $15,900.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0001 (See City Clerk File #11-64).

   5. Payments on said special assessment roll shall be due and payable on or before August 31, 2011.

   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 Repp; Councilmembers Archibald, Lewandowski, Miller, Moeller and Ruiz.

No: None.

Absent: Councilmember Fisher.

2. The Mayor announced that this was the time to hear comments from all persons interested in the maintenance costs of the Military Street streetscape project (from the south side of the Black River to the north side of Court Street) and for the purpose of reviewing said special assessment roll and estimated maintenance costs.

   No one appeared to be heard.

   The Mayor declared the hearing closed and Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:
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 benefited 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 2011-2012 fiscal year, determines the estimated cost of maintaining said streetscape project to be $20,000.00, of which $9,275.00 shall be specially assessed, $2,500.00 will be provided from accumulated funds, $8,225.00 will be provided by tax increment plans and none of which shall 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 $9,275.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0002 (See City Clerk File #11-65).

5. Payments on said special assessment roll shall be due and payable on or before August 31, 2011.

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 Repp; Councilmembers Archibald, Lewandowski, Miller, Moeller and Ruiz.
No: None.
Absent: Councilmember Fisher.

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. Ken Harris, Wells Street, commented about the City’s lower investment performance compared to McMorran Place, that Pine Grove Avenue needs better timing of the traffic signals and the lack of funding information for the convention and visitors bureau.

2. Paul Schultz commented about running for City Council.

3. John Moldowan, Rawlins Street, commented about inconveniences he encountered during the car show held last weekend and an incident with the St. Clair County Drug Task Force. He also commented about a sidewalk needing repairs along the Thomas Edison Parkway.

CONSENT AGENDA

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

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller, Moeller and Ruiz.
No: None.
Absent: Councilmember Fisher.

FROM THE CITY MANAGER

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

The City entered into a contract with the Michigan Department of Transportation (MDOT) in 2010 to provide $1 million in mitigation funding to the City to offset potential economic hardships due to the Blue Water Bridge Plaza improvements and to implement the Comprehensive Economic Development Strategic Plan (EDSP).

In February 2011, the City Council adopted a resolution to establish the process for the City Council to review funding requests and to also establish a list of ten (10) economic development categories to be used to ensure that expenditures of these funds will be in accordance with the contract with MDOT.

The City of Port Huron, through the Downtown Development Authority, has partnered in the past with the Blue Water Convention and Visitors Bureau (BWCVB) to help with funding the “Discover the Blue” campaign, which is a marketing campaign to create a strong branding image of the region in order to promote the abundance of tourism opportunities along the Eastern Shores of Michigan. The BWCVB has submitted a request for assistance in the amount of $10,000 to help them with promoting the region through this campaign. A community video and a “Save the Date” postcard along with many updates to bluewater.org are planned for this year’s promotion.

One of the seven (7) goals listed in the EDSP was to grow tourism and the Blue Water Area Convention and Visitors Bureau was specifically mentioned as the lead organization to assist with improving and expanding the Discover the Blue campaign. In addition, one of the categories established in the City Council’s 2011 policy for funding distribution including marketing programs and materials intended to promote economic development in the City.
IT IS, THEREFORE, RECOMMENDED that the City Council approve the allocation of $10,000.00 to the Blue Water Area Convention and Visitors Bureau to improve and expand the Discover the Blue campaign for 2011, with funds being allocated from the Michigan Department of Transportation mitigation funding dollars.

Councilmember Lewandowski moved to postpone consideration until the next regular meeting on July 11, 2011, seconded by Councilmember Archibald.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski and Ruiz.
No: Councilmember Miller and Moeller.
Absent: Councilmember Fisher.

RESOLUTIONS

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

WHEREAS, the City of Port Huron entered into a Purchase and Sale Agreement with Hotel Development Services, L.L.C., (HDS) on December 8, 2008, for the sale of 2021 Water Street, which was commonly known as the former Water Street Marina; and

WHEREAS, the purchase agreement provided that substantial progress be made on the development of the site within a two-year time frame, or by June 30, 2011, or the City would have the option to buy the property back at the original purchase price; and

WHEREAS, HDS has invested substantial money in the new hotel construction project to date in engineering and architectural plans and the plans have been submitted to and approved by the City; and

WHEREAS HDS fully expected to have the project financed, constructed and opened before the two-years, however, due to financial challenges, HDS has not been able to meet the purchase contingency and have requested a two-year extension to the contingency provision; and

WHEREAS, an agreement to extend the post-closing contingency provision two (2) years has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attachment amendment to the Purchase and Sale Agreement for the Water Street Marina Property with Hotel Development Services, LLC, to extend the post-closing contingency provision two (2) years and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #11-70)

Councilmember Miller moved to amend the resolution and agreement to provide for a six (6) month extension instead of two (2) years. The motion failed due to a lack of a second.

Councilmember Moeller moved to amend the resolution and agreement to provide for an eighteen (18) month extension instead of two (2) years, seconded by Councilmember Ruiz.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Miller, Moeller and Ruiz.
No: Councilmember Lewandowski.
Absent: Councilmember Fisher.

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

Yes: Mayor Repp; Councilmembers Archibald, Miller, Moeller and Ruiz.
No: Councilmember Lewandowski.
Absent: Councilmember Fisher.

**R-2.** WHEREAS, City Administration has been notified by the City's Building Official that the following properties located within the City of Port Huron, St. Clair County, Michigan, are in a state of disrepair:

<table>
<thead>
<tr>
<th>Code Case #</th>
<th>Addresses</th>
<th>Legal Descriptions</th>
<th>Code Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-014</td>
<td>1128 Garfield St.</td>
<td>Lots 8 and 9, Fraser and Fish’s Subdivision of Lot 9, McNeil Tract, including entire vacated alley adjacent</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
<tr>
<td>11-016</td>
<td>801 10th St.</td>
<td>North 35 feet of east 80 feet Lot 1, Block 117, White Plat</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
<tr>
<td>11-017</td>
<td>1615 Griswold St.</td>
<td>North 32.7 feet Lot 8, Lot 9 except south 72 feet of east 22 feet, and all of Lot 10, Block 1, White and Sherman’s Griswold Street Plat</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
<tr>
<td>11-018</td>
<td>1126 Center Ave.</td>
<td>East 50 feet Lot 1 and north 40 feet of east 50 feet Lot 2, Block 3, Avery Farm Plat</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
<tr>
<td>11-019</td>
<td>3211 28th St.</td>
<td>Lot 1, Block 1, Landschoot Plat</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
<tr>
<td>11-021</td>
<td>1026 10th Ave.</td>
<td>North 32 feet Lot 4, Block 84, Addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
<tr>
<td>11-023</td>
<td>1011 Minnie St.</td>
<td>South 39 feet, Lot 5, except west 16 feet for alley and except east 70 feet, Block 127, White Plat</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
</tbody>
</table>
WHEREAS, it appears to City Administration that the condition of the properties described above may constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the City of Port Huron Code of Ordinances, justifying abatement by the City pursuant to the powers granted in Chapter II, §2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, §10-211, and Chapter 40, §40-19 and 40-20, of the City of Port Huron Code of Ordinances; and

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations 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 at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on July 11, 2011, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall 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 and 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.

BE IT FURTHER RESOLVED that a notice shall be published in the Times Herald newspaper at least ten (10) days in advance of said hearing and the notice 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, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

*R-3. Resolution to consider adoption of proposed changes to existing collective bargaining agreements was removed from the agenda by Administration and will be considered by the City Council at a special meeting to be held on Wednesday, June 29, 2011, at 4 p.m. in Conference Room 408.

*R-4. 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 (MDNR) to assist with the estimated cost of $125,000.00 to repair the River Street Marina concrete along the walkway and seawall cap; and

WHEREAS, the MDNR has authorized and has prepared an agreement for the City to receive reimbursement of up to 50% of the total project cost, which is $62,500.00, less the project management fee of $1,875.00, for a net reimbursement of $60,625.00; and

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 River Street Marina concrete repair along the walkway and seawall cap and authorizing the appropriate City officials to execute said agreement (see City Clerk File #11-71);

BE IT FURTHER RESOLVED that the City does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum up to $62,500.00 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 ensure 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.

Adopted by consent.

*R-5. 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, 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 July 11, 2011, 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:
WHEREAS, the City of Port Huron has established two Special Revenue funds, the Cemetery Fund to account for the direct revenues and expenditures related to the operation of the cemeteries administered by the City and the Beautification Commission Fund to account for private donations and their revenues that are used for Beautification Commission projects throughout the City; and

WHEREAS, GASB 54 defined Special Revenue funds as those funds used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects; and

WHEREAS, GASB 54 defines committed funds as amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government’s highest level of decision making authority; and

WHEREAS, the City’s auditors, Plante and Moran PLLC, have reviewed the City’s various Special Revenue funds, have met with City staff to discuss such funds, and the auditors and staff have determined that action by City Council to formally commit Cemetery and Beautification funds will allow financial accounting and reporting to continue on a basis consistent with prior years; and

WHEREAS, it is the intention of the City of Port Huron that revenues received by the Cemetery Fund for cemetery services be committed for use only within the Cemetery Fund and that revenues and transfers received by the Beautification Commission Fund be committed only for Beautification Commission projects throughout the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby commits revenues and transfers received by the Cemetery Fund for cemetery services for use only within the Cemetery Fund and revenues and transfers received by the Beautification Commission Fund for use only for beautification projects.

Adopted by consent.

WHEREAS, at the February 28, 2011, regular meeting, the City Council adopted a policy to establish a list of economic development funding categories to be used to determine the distribution of this mitigation funding; and

WHEREAS, MDOT has prepared Amendatory Contract No. 11-5143 in order to include the City’s established list of economic development funding categories and to clarify the responsibilities of the City and MDOT regarding distribution of the funding;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the amendment to the Michigan Department of Transportation’s Contract #10-5482 for the Blue Water Bridge Plaza improvements to include the City’s established list of economic development funding categories and to clarify the responsibilities of the City and MDOT regarding distribution of the funding; and

BE IT FURTHER RESOLVED that as provided for in Section 10-1 of the 2011 City Charter, the Mayor, City Manager, City Clerk, the Director of Finance and the City’s Attorney are hereby authorized to sign this contract on behalf of the City. (See City Clerk File #11-72)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: 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 (MDNR) to assist with last year’s costs of $103,975.00 to dredge the City’s marina system; and

WHEREAS, the MDNR has authorized and has prepared an agreement for the City to receive reimbursement of up to 50% of the total project cost, which is $51,987.00, less the project management fee of $1,560.00, for a net reimbursement of $50,427.00; and

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 2010 dredging of the City’s marina system and authorizing the appropriate City officials to execute said agreement (see City Clerk File #11-73);

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 $51,987.00 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 ensure 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.

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced that the City offices will be closed on Monday, July 4th in observance of Independence Day.

2. Councilmember Moeller expressed condolences on the passing of Police Detective Clarence Daniels.

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

SUSAN M. CHILD, CMC
City Clerk
Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, June 29, 2011, at 4:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.

Absent: Councilmember Fisher and Moeller.

CLOSED SESSION

1. Councilmember Archibald moved to enter into a closed session for the purpose of discussing collective bargaining, pursuant to Section 8(c) of the Open Meetings Act, seconded by Councilmember Ruiz.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.

No: None.

Absent: Councilmembers Fisher and Moeller.

On motion (4:04, p.m.), the Council adjourned from closed session into the special meeting.

PUBLIC COMMENT

No one appeared to be heard.

RESOLUTIONS

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

WHEREAS, the collective bargaining agreements between the City and the six (6) unions will be expiring on June 30, 2011; and

WHEREAS, the City and the six (6) unions have negotiated new collective bargaining agreements that are acceptable to all parties; and

WHEREAS, in order to also bring the non-union employee pension concessions in line with these new collective bargaining agreements, it will be necessary to adjust the pension provision in the 2011-12 budget resolution adopted May 23, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes (see City Clerk File #11-74) to the existing collective bargaining agreements for the following six (6) unions:

Local 354 of the Port Huron Fire Fighters Association, AFL-CIO
Port Huron Police Clerical Association
Police Officers Association of Michigan
Command Officers Association of Michigan
Utility Workers Union of America, AFL-CIO and its Local 532
Utility Workers Union of America, AFL-CIO and its Local 223, Supervisory Unit

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to prepare and execute new, three-year collective bargaining agreements with these unions for the period July 1, 2011, through June 30, 2014; and

BE IT FURTHER RESOLVED that the paragraph in the 2011-2012 budget resolution adopted on May 23, 2011, pertaining to non-union employees pension contributions is hereby amended to require employee pension contributions for all non-union employees participating in the Municipal Employees Retirement System of Michigan (MERS) Group #10 to be 6% effective for all wages paid after July 1, 2011, (an increase of 3 percentage points) and 7% for all wages paid after July 1, 2012, (an increase of 1 percentage point) and 8% for all wages paid after July 1, 2013, (an increase of 1 percentage point); and

BE IT FURTHER RESOLVED that healthcare for non-union employees will be modified to be consistent with changes being implemented in the collective bargaining agreements.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.

No: None.

Absent: Councilmembers Fisher and Moeller.

FROM THE CITY MANAGER

CM-2. Councilmember Ruiz, moved the adoption of the following City Manager’s recommendation, seconded by Councilmember Miller:

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 2010-2011 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

<table>
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<tr>
<th></th>
<th>As Currently Adopted</th>
<th>Per Proposed Amendment</th>
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<td>BEAUTIFICATION COMMISSION:</td>
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<td>Means of financing:</td>
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<td>14,000</td>
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</tr>
<tr>
<td>Ordinance recurring</td>
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</tbody>
</table>

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.

No: None.

Absent: Councilmembers Fisher and Moeller.

On motion (4:08 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 11, 2011, 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 special and regular meetings of June 27, 2011, and the special meeting of June 29, 2011, were approved.

AT THIS TIME, Councilmember Fisher moved to add Resolution #5 to the agenda, seconded by Councilmember Archibald. Motion adopted unanimously.

PRESENTATIONS

1. Marci Fogal, President of the Blue Water Area Convention and Visitors Bureau, addressed the Council relative to the Discover the Blue campaign and their request for funding (Unfinished Business #1). See City Clerk File #11-81 for a copy of the presentation slides.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate (machinery, equipment, furniture and fixtures).

Jennifer King-Elsner, representing Domtar Industries, commented that the company’s investment was made to improve safety and quality control and to help maintain current business operations.

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

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 July 11, 2011, 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., 1700 Washington Avenue, Port Huron, Michigan, 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: 12/31/11 to 12/30/17 (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.

2. The Mayor announced that this was the time to hear comments on Code Case #11-014, 1128 Garfield Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Lewandowski 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: Lots 8 and 9, Fraser & Fish’s Subdivision of Lot 9, McNeil Tract, including entire vacated alley adjacent, also known as 1128 Garfield Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-014 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-75); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:


2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.
3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 40, §40-19 and §40-20 of the City of Port Huron Code of Ordinances.

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

3. The public hearing for Code Case #11-016, 801 - 10th Street, was rescheduled for August 8, 2011, as it was determined that the owner may not have received proper notification (see Resolution #5).

4. The Mayor announced that this was the time to hear comments on Code Case #11-017, 1615 Griswold Street, to determine whether it constitutes a nuisance by as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as North 32.7 feet Lot 8, Lot 9 except south 72 feet of east 22 feet, and all of Lot 10, Block 1, White and Sherman's Griswold Street Plat, also known as 1615 Griswold Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-017 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-76); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

5. The Mayor announced that this was the time to hear comments on Code Case #11-018, 1126 Center Avenue, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

Paul Santi, from Trott & Trott, representing Federal Home Loan Mortgage Company, commented that they are requesting additional time, either 30 or 60 days, to obtain a better idea of how much work will be necessary to make the repairs to the structure. After the inspection, if it is determined that the home should be demolished, they will work with the City to get bids and move forward with taking the home down.

T. J. Gaffney, 2747 Military Street, commented that he lives by this property and the surrounding neighbors have been revitalizing the area. This property is blighted and he does not want to see the blighted conditions continue to be allowed.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: East 50 feet Lot 1 and north 40 feet of east 50 feet Lot 2, Block 3, Avery Farm Plat, also known as 1126 Center Avenue, has been brought to the attention of the City Council by the Building Official as Code Case #11-018 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-77); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.
2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition** and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

6. **The Mayor** announced that this was the time to hear comments on Code Case #11-019, 3211 – 28th Street, to 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.

Leo Jones, owner of the home, commented that deaths of immediate family members has caused a delay in repairing the home and that it was his intent to bring the home up to code and move his grandson into it. He requested 45 to 60 days to make the necessary repairs.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

Devin Jones, grandson of Leo Jones, commented that he was surprised that there were complaints made about this property.

**The Mayor** declared the hearing closed.

**Councilmember Miller** moved to give Mr. Jones an opportunity to enter into a six (6) month work agreement with the City to make the necessary repairs, seconded by Councilmember Moeller. Following discussion, the motion was withdrawn.

**Councilmember Miller** moved to give Mr. Jones an opportunity to enter into a ninety (90) day work agreement with the City to make the necessary repairs, seconded by Councilmember Moeller.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Lewandowski, Miller, Moeller and Ruiz.

No: Councilmembers Archibald and Fisher.

Absent: None.

7. **The Mayor** announced that this was the time to hear comments on Code Case #11-023, 1011 Minnie Street, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as South 39 feet, Lot 5, except west 16 feet for alley and except east 70 feet, Block 127, White Plat, also known as 1011 Minnie Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-023 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-78); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:


2. That the City Manager is directed to cause the abatement of such conditions and nuisance by **immediate demolition** and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

8. **The Mayor** announced that this was the time to hear comments on Code Case #11-021, 1026 – 10th Avenue, to 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.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

Lauralee LaCroix, owner of the property, commented that she is trying to save the home and that 50% of the roof work is complete and the debris inside has been removed. She would like to continue with the repairs.
Angela Kelley commented that the City should offer grants or funding to assist people with making repairs during these tough economic times.

The Mayor declared the hearing closed and Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the condition of the property located at 1026 - 10th Avenue within the City of Port Huron, St. Clair County, Michigan, legally described as North 32 feet Lot 4, Block 84, Addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation, has been brought to the attention of the City Council by the Building Official as Code Case #11-021 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-79); 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, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, 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
   - [X] Electrical
   - [X] Plumbing
   - [X] Heating

2. As property owner has entered into a Work Agreement dated June 27, 2011, with the City to abate the nuisance at subject property, with specific completion dates, if said dates are not met in accordance with the Work Agreement, the City Manager is hereby 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 is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

Councilmember Fisher moved to postpone consideration of the resolution until August 8, 2011, seconded by Councilmember Lewandowski.

Motion adopted by the following vote:
Yes: Mayor Repp; Councilmembers Fisher, Lewandowski, Miller and Ruiz.
No: Councilmembers Archibald and Moeller.
Absent: None.

PUBLIC AUDIENCES

1. John Moldowan, Rawlins Street, commented about the allocation of money to the Blue Water Convention & Visitors Bureau (BWCVB) and an incident he had with the BWCVB when he was asked to relocate his peddling operations along the Thomas Edison Parkway.

2. Angela Kelley commented that the criteria to receive mitigation funding dollars should be made clear to the public.

3. T. J. Gaffney, Military Street, expressed concern with the McMorran-Murphy paintings being sold by the Port Huron Museum and that they should not be sold based on economic reasons but rather because they no longer fit into the Museum’s mission.

4. Margaret Enright, Port Huron, commented about the various repair issues she has encountered with purchasing the small party store near her home and that available grant funding should be made available to small businesses rather than multi-million dollar businesses.

5. Marci Fogal, Blue Water Convention & Visitors Bureau refuted the comments made earlier about the incident involving the peddler being asked to move to another parking bay during their permitted special event.

CONSENT AGENDA

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

UNFINISHED BUSINESS

1. Item postponed from June 27, 2011, meeting:

   The City entered into a contract with the Michigan Department of Transportation (MDOT) in 2010 to provide $1 million in mitigation funding to the City to offset potential economic hardships due to the Blue Water Bridge Plaza improvements and to implement the Comprehensive Economic Development Strategic Plan (EDSP).

   In February 2011, the City Council adopted a resolution to establish the process for the City Council to review funding requests and to also establish a list of ten (10) economic development categories to be used to ensure that expenditures of these funds will be in accordance with the contract with MDOT.

   The City of Port Huron, through the Downtown Development Authority, has partnered in the past with the Blue Water Area Convention and Visitors Bureau (BWCVB) to help with funding the “Discover the Blue” campaign, which is a marketing campaign to create a strong branding image of the region in order to promote the abundance of tourism opportunities
along the Eastern Shores of Michigan. The BWCVB has submitted a request for assistance in the amount of $10,000 to help them with promoting the region through this campaign. A community video and a “Save the Date” postcard along with many updates to bluewater.org are planned for this year’s promotion.

One of the seven (7) goals listed in the EDSP was to grow tourism and the Blue Water Area Convention and Visitors Bureau was specifically mentioned as the lead organization to assist with improving and expanding the Discover the Blue campaign. In addition, one of the categories established in the City Council’s 2011 policy for funding distribution including marketing programs and materials intended to promote economic development in the City.

IT IS, THEREFORE, RECOMMENDED that the City Council approve the allocation of $10,000.00 to the Blue Water Area Convention and Visitors Bureau to improve and expand the Discover the Blue campaign for 2011, with funds being allocated from the Michigan Department of Transportation mitigation funding dollars.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.

R-2. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, Section 2-31 of the Port Huron Code of Ordinances prescribes the days and place of regular meetings and provides for the rescheduling of these meetings; and

WHEREAS, it is anticipated that there will be no need to hold the second meetings in the months of July and August;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby:

1. Reschedule the regular meeting of July 25, 2011, to August 8, 2011. This meeting will be held concurrently with the August 8, 2011, regular meeting and all agenda items will be heard at this time.

2. Reschedule the regular meeting of August 22, 2011, to September 12, 2011. This meeting will be held concurrently with the September 12, 2011, regular meeting and all agenda items will be heard at this time.

BE IT FURTHER RESOLVED that the City Clerk shall post a notice on the bulletin board in the lobby of the Municipal Office Center and also publish a public notice in the newspaper as required by law.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

*R-3. 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 totaling $1,959.00 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 #11-80).

Adopted by consent.

R-4. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, on December 4, 1979, the McMorran/Murphy Collection of 32 paintings was given to the Museum of Arts and History (also known as the Port Huron Museum) by the City of Port Huron; and

WHEREAS, the Port Huron Museum has been responsible for the possession, display and/or storage of these paintings, as well as maintaining proper insurance over the years, and it is their desire to auction or sell “Peasant Girl Herding Ducks”, “Tree Trunks of a Forest”, “Landscape with Water”, and “Woodland Scene” with the proceeds being used to help offset the Museum’s operational costs; and

WHEREAS, in order for this to occur, it has been determined that both the McMorran Civic Center Authority and the Port Huron City Council must authorize the sale of these four (4) paintings and allow the Museum to use the proceeds from the sale for the Museum’s operational costs; and

WHEREAS, at the McMorran Civic Center Authority’s June 28, 2011 meeting, the Authority adopted a motion to authorize the sale and allow the Museum to use the proceeds from the sale for the Museum’s operational costs;
NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby authorize the Port Huron Museum to sell four (4) paintings known as “Peasant Girl Herding Ducks” by J.F. Millet; “Tree Trunks of a Forest” by Gustave Courbet; “Landscape with Water” by Jean Baptiste Camille; and “Woodland Scene” by Marcesse Vergellie Diaz de la Pena, with the proceeds of the sale of these paintings being used to assist the Museum with their operational costs.

AT THIS POINT, Susan Bennett was asked to respond to questions from Councilmembers.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

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

WHEREAS, City Administration has been notified by the City's Building Official that the following property located within the City of Port Huron, St. Clair County, Michigan, is in a state of disrepair:

<table>
<thead>
<tr>
<th>Code Case #</th>
<th>Address</th>
<th>Legal Description</th>
<th>Code Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-016</td>
<td>801 - 10th Street</td>
<td>North 35 feet of east 80 feet Lot 1, Block 117, White Plat</td>
<td>Building, Electrical, Mechanical and Plumbing</td>
</tr>
</tbody>
</table>

WHEREAS, it appears to City Administration that the condition of the property described above may constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the City of Port Huron Code of Ordinances, justifying abatement by the City pursuant to the powers granted in Chapter II, §2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, §10-211, and Chapter 40, §40-19 and 40-20, of the City of Port Huron Code of Ordinances; 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 at this property;

WHEREAS, on June 27, 2011, a public hearing was scheduled for July 11, 2011, to hear comments on said conditions, and the legal property owner has notified the City’s corporation counsel they did not receive notice and further stated their desire to enter into a work agreement;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall reschedule a public hearing on this matter for August 8, 2011, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the above-listed property for the purposes and according to the procedures referred to above and provide for the recording of such hearing.

BE IT FURTHER RESOLVED that the City Clerk shall 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 and 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.

BE IT FURTHER RESOLVED that a notice shall be published in accordance with the City’s Rules of Procedure and the notice 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, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced that two meetings on July 14 at 3 p.m. and 6 p.m. have been scheduled to receive public input and comment on the City’s proposed Transition Plan to bring City-owned facilities and programs into compliance with the Americans with Disabilities Act. A short informational presentation will begin the meeting, followed by open discussion and interaction with the attendees.

2. Councilmember Fisher mentioned that the Welkin Base Ball team was invited to participate in vintage games on Mackinac Island at the end of June. He also mentioned that their local games are now being played at St. Mary’s Church and School.

3. Councilmember Archibald thanked Jim Acheson for providing the firework displays for the last ten years and stated that the City should consider sponsoring a “Buck a Boom” fundraiser, similar to the City of St. Clair’s fundraiser, to raise the necessary funds to bring fireworks back next year.

On motion (8:50 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, July 18, 2011, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.

Absent: Councilmember Moeller.

PUBLIC AUDIENCES

No one appeared to be heard.

FROM THE CITY MANAGER

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

On July 12, 2011, the City of Port Huron received eight (8) bids for the Fort Gratiot Light Station Tower Restoration project:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Restoration (Keego Harbor, MI)</td>
<td>$332,900.00</td>
</tr>
<tr>
<td>Mark One Limited (Detroit, MI)</td>
<td>$410,961.00</td>
</tr>
<tr>
<td>Chez Core (Detroit, MI)</td>
<td>$450,707.49</td>
</tr>
<tr>
<td>Grunwell-Cashero (Detroit, MI)</td>
<td>$446,835.00</td>
</tr>
<tr>
<td>Enberg Mold &amp; Tool (Yulee, FL)</td>
<td>$521,500.00</td>
</tr>
<tr>
<td>DC Byers, Co. (Detroit, MI)</td>
<td>$559,470.00</td>
</tr>
<tr>
<td>MIHM Enterprises (Hamilton, MI)</td>
<td>$635,688.00</td>
</tr>
<tr>
<td>DRV Contractors (Shelby Twp., MI)</td>
<td>*</td>
</tr>
</tbody>
</table>

* Did not meet bid specifications

The City’s architectural firm reviewed the bids. Quinn Evans Architects provided the attached recommendation that National Restoration be awarded the bid (see City Clerk File #11-82).

It is recommended that the bid of National Restoration, 2306 Hester Court, Keego Harbor, Michigan 48320 in the amount of Three Hundred Thirty-Two Thousand Nine Hundred and 00/100 Dollars ($332,900.00) 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, Miller and Ruiz.
No: None.
Absent: Councilmember Moeller.

RESOLUTIONS

R-1. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the St. Clair County Parks and Recreation Commission and the City of Port Huron have entered into an agreement that specifies how the City will administer a federal grant the City has received to preserve the County’s Fort Gratiot Light Station; and

WHEREAS, the St. Clair County Parks and Recreation Commission and the City of Port Huron have agreed that Quinn Evans Architects is the appropriate firm to provide architectural services for the oversight of preservation work and restoration since they assisted the City with the initial historic structures report and concurrence has been received from the National Park Services on this decision;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Quinn Evans Architects for professional architectural services to inspect the rehabilitation and restoration work of the Fort Gratiot Light Station Tower and authorizes the appropriate City officials to execute the agreement (see City Clerk File #11-83).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: None.
Absent: Councilmember Moeller.

On motion (5:06 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
Regular meeting of August 8, 2011, and the rescheduled July 25, 2011, meeting of the City Council of the City of Port Huron, Michigan, were held concurrently on Monday, August 8, 2011, 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 July 11, 2011, and the special meeting of July 18, 2011, were approved.

PRESENTATIONS

1. Stephen Metzer gave a presentation regarding the Americans with Disabilities Act requirements/plan. (See City Clerk File #11-84 for a copy of the presentation).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on Code Case #11-016, 801 – 10th Street, to 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.

Jessie Barj, representing the property owner, stated that they do no have any objections at this time. Kim Harmer, Planning Director, commented that she reviewed the material with Mr. Barj and that they both concurred with the discussions.

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

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as: North 35 feet of east 80 feet Lot 1, Block 117, White Plat, also known as 801 - 10th Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-016 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-85); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building [X] Electrical [X] Plumbing [X] Heating

2. That the City Manager is directed to cause the abatement of said conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Darlene Peterson, Port Huron, commented on past City successes, approval of the IFT request and that future studies should be conducted using City employees.

2. The following individuals commented about the Blue Water Fest: Barbara Dubay, Susan Dykstra, Robert Richards, Wing Thiele, Tim Ainsworth, Carol Cataldo, Ruth Krafft, Jason Quinn, Michael Scott, David Ellingwood, Nancy Gladwish, Monica Mercurio, John Moldowan, Chris Donovan, Ken Berish, Bruce Carleton, Margaret Enright, John Roach, Mike McCauley, Tom Pellerito, Melissa Kimball, Angela Kelly, Chris Goerlich and Councilmember Brian Moeller.

Some of the areas of concern mentioned included opposition to hiring outside promoter, confused with $1 donation if it was mandatory, taxpayers dollars should not be used to fund the event, lack of local vendors, accessibility issues with fences and bathroom facilities, charge admission for bands but not for viewing boats and the cost of beverages.

Some of the items mentioned in support of the event included agree with hiring of outside promoter, enjoyed variety of bands, $1 donation was acceptable, festival and offshore boat racing are great tourist events.

3. Angela Huff and Bea Castillo from the Blue Water Center for Independent Living commented about the ADA transition plan and the need to continue the discussions and working toward improving accessibility. They also mentioned some of the services the Center provides to the community.

4. Ken Harris commented about conflicts of interest, ethics and ADA.

5. Paul Schultz commented about Grant School, concerts at McMorran and the soup kitchen.
Councilmember Fisher commented about Port Huron being a vibrant community and businesses needing to provide their own marketing plan.

CONSENT AGENDA

Councilmember Miller moved to adopt the Consent Agenda items, seconded by Councilmember Lewandowski (items are indicated with an asterisk). 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, 2011. 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.

COMMUNICATIONS & PETITIONS

*C-1. Letter from the owners of Golden Crest Apartments requesting their service charge in lieu of taxes (PILOT) percentage of 10% be abated back to the 6.5% retro to 2009 with no increase.

Received and filed and referred to Administration for a report by consent.

UNFINISHED BUSINESS

1. At the July 11, 2011, Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Miller. During this meeting, Councilmember Miller requested to withdraw his second and Councilmember Lewandowski offered a substitute second for the item.

WHEREAS, the condition of the property located at 1026 - 10th Avenue within the City of Port Huron, St. Clair County, Michigan, legally described as North 32 feet Lot 4, Block 84, Addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation, has been brought to the attention of the City Council by the Building Official as Code Case #11-021 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-79); 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, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, 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 [X] Electrical [X] Plumbing [X] Heating

2. As property owner has entered into a Work Agreement dated June 27, 2011, with the City to abate the nuisance at subject property, with specific completion dates, if said dates are not met in accordance with the Work Agreement, the City Manager is hereby 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 is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

Councilmember Lewandowski moved to postpone consideration of the resolution until October 12, 2011, seconded by Councilmember Archibald.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski and Ruiz.
No: Councilmembers Fisher, Miller and Moeller.
Absent: None.

AT THIS POINT, Lewandowski left the meeting at approximately 8:50 p.m.

FROM THE CITY MANAGER

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

On July 27, 2011, the City of Port Huron received three (3) bids for the Union Street Pavement Reconstruction project:

- Teltow Contracting, Inc. (Casco Twp., MI) $340,534.80
- DLF, Inc. (Romeo, MI) $368,117.09
- Raymond Excavating Co. (Marysville, MI) $374,079.38
It is recommended that the bid of Teltow Contracting, Inc., 4678 Meldrum Road, Casco Twp., Michigan, 48064, in the amount of Three Hundred Forty Thousand Five Hundred Thirty-Four and 80/100 Dollars ($340,534.80) 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, Miller, Moeller and Ruiz.
No: None.
Absent: Councilmember Lewandowski.

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

On July 27, 2011, the City of Port Huron received three (3) bids for the Pedestrian Signal Upgrade project:

J. R. Howell Airport Lighting, LLC (Luther, MI) $ 61,489.33
Rauhorn Electric (Macomb, MI) $ 91,834.00
J. Ranck Electric (Mt. Pleasant, MI) $102,018.31

It is recommended that the bid of J. R. Howell Airport Lighting, LLC, 6320 N. State Road, P. O. Box 210, Luther, Michigan 49656, in the amount of Sixty-One Thousand Four Hundred Eighty-Nine and 33/100 Dollars ($61,489.33) 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, Miller and Ruiz.
No: Councilmember Moeller.
Absent: Councilmember Lewandowski.

AT THIS POINT, Councilmember Lewandowski returned to the meeting.

CM-3. Councilmember Ruiz moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On July 21, 2011, the City of Port Huron received seven (7) bids for the Riverbank Restoration project:

Malcolm Marine, Inc. (St. Clair, MI) *$648,003.00
Angelo Iafrate (Warren, MI) $657,858.20
Dan's Excavating (Shelby Twp., MI) $663,883.50
E. C. Korneffel Co. (Trenton, MI) *$688,308.45
Teltow Contracting, Inc. (Casco Twp., MI) $694,914.70
Anlaan Corporation (Spring Lake, MI) $698,653.85
Raymond Excavating Co. (Marysville, MI) $793,153.80

It is recommended that the bid of Malcolm Marine, Inc., P. O. Box 177, St. Clair, Michigan, 48079, in the amount of Six Hundred Forty-Eight Thousand Three and 00/100 Dollars ($648,003.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

AT THIS POINT, Councilmember Miller left the meeting at approximately 8:55 p.m.

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

On July 21, 2011, the City of Port Huron received two (2) bids for 1,500 cyd of Class II sand delivered to 1808 Bancroft Street.

S. A. Torello, Inc. (Port Huron Township, MI) $8,100.00
Raymond Excavating Company (Marysville, MI) $8,250.00

It is recommended that the bid of S. A. Torello, Inc., 3500 Dove Road, Port Huron Township, Michigan, 48060 in the amount of Eight Thousand One Hundred and 00/100 Dollars ($8,100.00) 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 Moeller.
Absent: Councilmember Miller.

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

On April 28, 2011, the City of Port Huron received three (3) unit price bids for City pavement markings (crosswalks, arrows, and onlys). Based on estimated annual quantities, the following is a comparative summary of the bids received:

Zebra Striping (Troy, MI) $14,288.00
M & M Pavement Marking (Grand Blanc, MI) $20,735.00
Hart Pavement Striping (Milford, MI) $45,490.00

It is recommended that the unit price bid of Zebra Striping, 236 Lyon Street, Troy, Michigan 48083, in the estimated amount of Fourteen Thousand Two Hundred Eighty-Eight and 00/100 Dollars ($14,288.00) 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 and Ruiz.
No: Councilmember Moeller.
Absent: Councilmember Miller.

AT THIS POINT, Councilmember Miller returned to the meeting.

CM-6. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On July 21, 2011, the City of Port Huron received three (3) bids for the delivery of rock salt for ice and snow control:

S. A. Torello, Inc. (Port Huron Township, MI) $8,100.00
Raymond Excavating Company (Marysville, MI) $8,250.00

It is recommended that the bid of S. A. Torello, Inc., 3500 Dove Road, Port Huron Township, Michigan, 48060 in the amount of Eight Thousand One Hundred and 00/100 Dollars ($8,100.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.
motion for Early Salt Delivery of 3,000 tons:

- Detroit Salt Company (Detroit, MI): $42.98 per ton
- Cargill Deicing Technology (North Olmstead, OH): $48.53 per ton
- Morton Salt (Chicago, IL): $57.16 per ton

Combined with a bid of:

- Backup Salt Delivery of 2,000 tons:
  - Cargill Deicing Technology (North Olmstead, OH): $48.53 per ton
  - Detroit Salt Company (Detroit, MI): $49.53 per ton
  - Morton Salt (Chicago, IL): $57.16 per ton

It is recommended that the bid of Detroit Salt Company, 12841 Sanders Street, Detroit, MI, 48217 at $42.98 per ton for early salt delivery and the bid of Cargill Deicing Technology, 24950 Country Club Drive, North Olmstead, OH, 44070-5333 at $48.53 per ton for backup salt delivery 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, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.

*R-2. WHEREAS, the Municipal Employees Retirement Act (MERS) 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, at a secret ballot election conducted by the City Clerk on July 12, 2011, the City Clerk has certified that Ryan Porte was elected as the employee delegate to serve at the 2011 MERS Annual Meeting and Bruce Fielder was elected to serve as the alternate delegate, if necessary; and

WHEREAS, the City Manager recommends that John H. Ogden serve as the officer delegate to serve at the 2011 MERS Annual Meeting and Julie A. Davis as the alternate to serve in place of the officer delegate, if necessary;

NOW, THEREFORE, BE IT RESOLVED that John H. Ogden, Director of Finance, is hereby certified as the officer delegate to serve at the 2011 MERS Annual Meeting in accordance with the provisions of the Municipal Employees Retirement Act of 1984, as amended, and Julie A. Davis as the officer alternate.

Adopted by consent.

*R-3. BE IT RESOLVED that the following taxi cab licenses for 2011-12 (November 1, 2011, through October 31, 2012) 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-4. WHEREAS, recreational boating is a vital economic component of tourism to the City of Port Huron; and

WHEREAS, the Michigan Department of Natural Resources Parks and Recreation Division provides a Central Reservation System whereby boaters can reserve and pay for boat slip rentals up to six months in advance via telephone or the Internet; and

WHEREAS, the Central Reservation System is designed to provide the boating community with a fast and reliable method of reserving boat slips throughout Michigan and it is anticipated that continued participation in this reservation system will increase the visitors to Port Huron via the waterways of the State; and

WHEREAS, an agreement has been prepared by the Michigan Department of Natural Resources Parks and Recreation Division to provide continued centralized reservations and collection of boating fees for the transient boaters utilizing the City’s marina slips;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Michigan Department of Natural Resources Parks and Recreation Division to provide centralized reservations and for payments for transient boat slip revenue collected by a Centralized Reservation System at the Port Huron Marina, a/k/a River Street Marina, through October 31, 2016 (see City Clerk File #11-86).

Adopted by consent.

R-5. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, in accordance with Title II of the Americans with Disabilities Act (ADA) as specified in 28 CFR Part 35, the City is required to perform a self-evaluation and develop a transition plan of its services, programs, activities and facilities; and

WHEREAS, 28 CFR Part 35.105 and 35.150 further requires that the public have an opportunity to participate in the self-evaluation process by submitting comments; and

WHEREAS, a copy of the self-evaluation and transition plan were made available for public review in the City Clerk’s office, the Engineering office, the Port Huron branch of the Public Library and on the City’s website beginning July 5, 2011; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Michigan Department of Natural Resources Parks and Recreation Division to provide centralized reservations and for payments for transient boat slip revenue collected by a Centralized Reservation System at the Port Huron Marina, a/k/a River Street Marina, through October 31, 2016 (see City Clerk File #11-86).

Adopted by consent.
WHEREAS, a public notice was published in the Times Herald on July 10, 2011, a press release was sent to the local radio stations on July 5, 2011, and letters were sent to interested residents on June 29, 2011; and

WHEREAS, 28 CFR Part 35.107 requires the designation of an ADA Coordinator and adoption of a grievance procedure; and

WHEREAS, a public hearing was scheduled for July 14, 2011 in order to hear comments on the proposed self-evaluation and transition plan and edits were made to the draft plan based on comments from the public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the final self-evaluation and transition plan required under the Americans with Disabilities Act, appoints the City Manager as the ADA Coordinator and adopts an ADA grievance procedure for the City of Port Huron. (See City Clerk File #11-87)

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 totaling $11,300.75 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 #11-88)

Adopted by consent.

*R-7. WHEREAS, the following costs have been incurred by the City of Port Huron for demolition proceedings of structures on the following described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Case #</th>
<th>Property #</th>
<th>Property Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-047</td>
<td>74-06-365-0106-000 920 St. Clair Street</td>
<td>$4,218.25</td>
<td></td>
</tr>
<tr>
<td>10-049</td>
<td>74-06-743-1054-000 926 11th Street</td>
<td>$4,802.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$9,020.50</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $9,020.50 for demolition proceedings of structures on the above-described properties.

Adopted by consent.

R-8. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the United States Congress, through the enactment of the Dodd-Frank Act of 2010, has authorized the Neighborhood Stabilization Program 3 (NSP 3) for the redevelopment and/or demolition of vacant, abandoned, and/or foreclosed residential properties; and

WHEREAS, NSP 3, administered by the U.S. Department of Housing and Urban Development (HUD), aims to stabilize neighborhoods impacted by foreclosures by removing significant blight from neighborhoods and providing housing for moderate-income households through the acquisition, demolition, or rehabilitation and resale of abandoned and foreclosed properties; and

WHEREAS, the NSP 3 funds are being awarded through an formula allocation process and $1,129,355 has been allocated to the County of St. Clair; and

WHEREAS, HUD regulations allow grantees to enter into sub-recipient agreements for the administration of the NSP 3 grants; and

WHEREAS, the County of St. Clair desires to delegate to the City of Port Huron the authority and administrative funding to implement the NSP 3 grant on behalf of the County for the purposes of carrying out the County’s NSP 3 Abbreviated Action Plan and approved NSP 3 grant agreement with HUD;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Neighborhood Stabilization Program 3 Subrecipient Agreement between the County of St. Clair and the City of Port Huron for administration of the allocated grant funds and authorizes the appropriate City officials to execute the necessary applications, certifications, appropriate documents, and agreements related to the administration of the County of St. Clair’s Neighborhood Stabilization Program allocated funds. (See City Clerk File #11-89)

Motion adopted unanimously.

R-9. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

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 #11-90).

Motion adopted unanimously.
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 $4,644.46 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #11-91).

Adopted by consent.

*R-11. 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 for by state law, a public hearing was scheduled and held on July 11, 2011, 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; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, application for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Port Huron, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

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

All personal property: 12/31/11 to 12/30/17 (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.

BE IT FURTHER RESOLVED that Public Hearing #1 resolution adopted by the Port Huron City Council at their regular meeting held on July 11, 2011, is hereby rescinded.

Adopted by consent.

*R-12. WHEREAS, the Michigan Liquor Control Commission has received a request from Lynch’s Irish Tavern, LLC (Scott C. and Kimberly A. Scandalito) to transfer ownership of an escrowed 2011 Class C licensed business with dance-entertainment permit, located at 210 Huron Avenue from 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.

Adopted by consent.

*R-13. 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

NOW, THEREFORE, BE IT RESOLVED that the Mayor’s reappointments of Jeff Wine for a term to expire August 11, 2013, and Jill Brion, Jeffrey Smith, and Rock Stevens, for terms to expire August 11, 2014, are hereby confirmed.

Adopted by consent.

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

WHEREAS, ALD Thermal Treatment, Inc., currently leases a City-owned building at 2656 - 24th Street in the City’s Industrial Park; and

WHEREAS, ALD wishes to expand the building at their own expense and to extend the terms of the lease through September 30, 2020; and

WHEREAS, it is in the best interest of the City of Port Huron to encourage and assist companies whenever possible to help spur job creation and job retention and to assist in promoting future economic development;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the attached lease modification agreement with ALD Thermal Treatment, Inc., to provide for the expansion of the building at 2656 - 24th Street and to extend the term of the lease through September 30, 2020, and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #11-92)

Motion adopted unanimously.

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

WHEREAS, the St. Clair County Parks and Recreation Commission is in the process of restoring the Fort Gratiot Lighthouse and constructing the surrounding property into a park to be known as “Light Station Park;” and
WHEREAS, the City has received a request from the County Parks Commission to lease a portion of City-owned property at the southern end of Lighthouse Park by Omar Street adjacent to their property in order to create an entrance and expand the park area; and

WHEREAS, Section 9-2 of the City Charter for the City of Port Huron requires that any development, lease or sale of any City-owned waterfront property, or property contiguous to the waterfront, be approved by a majority of the electorate;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City Clerk to make all necessary arrangements in accordance with the law for the placement on the ballot at the City general election to be held on Tuesday, November 8, 2011, the following question:

PROPOSITION NO. 1

Shall the City of Port Huron be authorized to lease not more than two (2) acres of property in the southwest corner of Lighthouse Park along Omar Street at the foot of Garfield Street to create an entrance and expand the park area for the County-owned Light Station Park?

Motion adopted unanimously.

*R-16. WHEREAS, the Michigan Department of State, Bureau of Elections, is offering federal funding through the Help America Vote Act (HAVA) to assist municipalities with making improvements to enhance accessibility at polling locations for voters with disabilities; and

WHEREAS, the City of Port Huron applied for and received grant dollars in 2010 under the “Polling Place Accessibility Improvement Program” administered through the Bureau of Elections to provide various improvements at four polling locations; and

WHEREAS, the City would like to take advantage once again of this 100% funding reimbursement program to provide improvements to walkways, parking lots and building entrances at three more polling locations before the November 2011 election, those being the Elegere Harvey Reinvestment Center, Palmer Park Recreation Center and Colonial Woods Missionary Church; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby authorize the City Clerk to apply to the State of Michigan, Michigan Department of State, Bureau of Elections, for grant funding to make improvements at three polling locations (Elegere Harvey Reinvestment Center, Palmer Park Recreation Center and Colonial Woods Missionary Church); and

BE IT FURTHER RESOLVED that the City Clerk, Susan M. Child, is hereby authorized to accept any offer of grant funding which may be tendered, to execute all of the necessary documents related thereto and to act as the project coordinator and authorized representative.

Adopted by consent.

ORDINANCES

1-5. Councilmember Moeller moved, seconded by Councilmember Miller, that the following ordinances, entitled and reading as follows, be given their first reading:

O-1. AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING VARIOUS STATE LAW MISDEMEANOR OFFENSES TO THE CODE OF ORDINANCES AND TO PROVIDE FOR STATUTORY VIOLATIONS FOR VARIOUS OFFENSES TO COINCIDE WITH STATE LAW.

O-2. AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, ARTICLE II, DOGS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING STATUTORY VIOLATIONS FOR KEEPING UNLICENSED DOGS IN THE CITY TO COINCIDE WITH STATE LAW.

O-3. AN ORDINANCE TO AMEND CHAPTER 38, SOLID WASTE AND RECYCLING, ARTICLE I, IN GENERAL, SECTION 38-13, LITTERING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING A STATUTORY VIOLATION FOR LITTERING WHICH COINCIDES WITH STATE LAW.

O-4. AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING ARTICLE VII, MOTOR VEHICLE AXLE WEIGHT, TO ESTABLISH AXLE WEIGHT REGULATIONS FOR MOTOR VEHICLES OPERATING ON ROADWAYS WITHIN THE CITY OF PORT HURON.

O-5. AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING ARTICLE VIII, COMMERCIAL MOTOR CARRIER SAFETY, TO ESTABLISH SAFETY REGULATIONS FOR OPERATION OF COMMERCIAL VEHICLES ON ROADWAYS IN THE CITY OF PORT HURON CONSISTENT WITH THE PROVISIONS OF MICHIGAN’S MOTOR CARRIER SAFETY ACT.

Motion adopted unanimously to give the five (5) ordinances their first reading.

On motion (9:15 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
Regular meeting of September 12, 2011, and the rescheduled August 22, 2011, meeting of the City Council of the City of Port Huron, Michigan, were held concurrently on Monday, September 12, 2011, 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, Moeller and Ruiz.

Absent: Councilmember Miller.

The minutes of the regular meeting of August 8, 2011, were approved.

PRESENTATIONS

1. Reverend Arnold E. Koontz, Executive Director of the Blue Water Area Rescue Mission, provided a status report on their operations over the past 10 months and requested Council’s consideration to making the rescue mission a permanent part of the community.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the application of Earl Smith Distributing Company, 1717 Beard Street, to transfer their company Industrial Facilities Exemption Certificate #07-522 for real property which was previously issued to Knolls, LC.

Rene Stephan from the Economic Development Alliance and representing Earl Smith Distributing commented that the company has been operating in the City for 78 years and is a store delivery wholesaler of beer, wine and other non-alcoholic beverages. They are expanding into the 1717 Beard Street address and are requesting the transfer of the current IFE issued for this location.

Anthony America, Port Huron, commented against giving the business a tax break.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, Earl Smith Distributing Company, 1717 Beard Street, has filed an application to transfer an existing Industrial Facilities Exemption Certificate #07-522 to them, which certificate was previously issued to Knolls, LC; and

WHEREAS, before acting on said application, the City Council of the City of Port Huron held a public hearing held on September 12, 2011, at the Municipal Office Center, at 7:00 p.m. at which the Applicant, the City Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said Application;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby approve Earl Smith Distributing Company’s application for transfer of the Industrial Facilities Exemption Certificate #07-522 and authorizes the appropriate City officials to sign the necessary documents and agreements and to forward the application to the State Tax Commission (see City Clerk File #11-93); 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 by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.

No: None.

Absent: Councilmember Miller.

2. The Mayor announced that this was the time to hear comments on the application of Earl Smith Distributing Company, 1717 Beard Street, for an Industrial Facilities Exemption Certificate for real property (land and building improvements for twelve (12) years and personal property (machinery, equipment, furniture and fixtures) for six (6) years.

Rene Stephan from the Economic Development Alliance and representing Earl Smith Distributing commented that the company is growing, they are consolidating their two existing facilities and are retaining 51 jobs and transferring 11 positions from their St. Clair Township operations. The company is making a $3.1 million investment.

Anthony America, Port Huron, commented against giving the business a tax break.

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

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on December 27, 1976, the City Council of the City of Port Huron by resolution established an Industrial Development District; and

WHEREAS, Earl Smith Distributing Company, 1717 Beard Street, has filed an application for an Industrial Facilities Exemption Certificate with respect to a rehabilitated facility to be acquired and installed within the Industrial Development District; and

WHEREAS, before acting on said application, the Port Huron City Council held a hearing on September 12, 2011, at the Municipal Office Center at 7:00 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, rehabilitation of the facility had not begun earlier than six (6) months before September 1, 2011, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the rehabilitated facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Port Huron; and
WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Port Huron, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from Earl Smith Distributing Company for an Industrial Facilities Exemption Certificate, with respect to a rehabilitated facility on the following described parcel of real property situated within the Industrial Development District, to wit, be and the same is hereby approved:

ALL THAT PART OF OUTLOT L ASSESSOR'S RAILROAD PLAT AND LOTS 11 & 12 ASSESSOR'S PLAT OF JANE A. WHITE LAND desc AS BEG AT PT DIST N 89-53-00 W 268.09 FT FROM THE INT OF N LINE OF BEARD ST AND W LINE OF SIXTEENTH ST, TH N 89-53-00 W 338.49 FT, TH N 00-01-50 E 20.0 FT, TH N 89-53-00 W 139.10 FT, TH N 00-00-00 751.45 FT, TH S 80-29-00 E 483.86 FT, TH S 00-01-50 E 692.55 FT TO POB INCL VAC PETIT ST THEREIN OWNED & OCCUPIED AS ONE PARCEL (also known as 1717 Beard Street)

BE IT FURTHER RESOLVED that the Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) years for real property and six (6) years on personal property; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission (See City Clerk File #11-94).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.

No: None.

Absent: Councilmember Miller.

PUBLIC AUDIENCES

1. Darlene Peterson, Riverside Drive, commented about the 1-94/I-69 exit route to Pine Grove Avenue.

2. Ken Harris, Wells Street, commented that he is aware of a business owner on Lapeer Avenue that has been maintaining six adjacent properties because the current property owners have not been taking care of them.

3. Jay Costick, Priscilla Court, commented about the downtown area, vacant stores, promotion of industrial park and a housing complex should be built on the former YMCA property.

4. John Moldowan commented on the vendor in Lakeside Beach cleaning the bathrooms and an incident involving a theft of lawn equipment.

5. Mark Gurnsey, Vice President of the Port Huron Tennis House Corporation, commented in support of the extension of the tennis house lease.

6. Garth Gurnsey, from Jaffe Raitt in Southfield and representing the current owners of the Golden Crest Apartments, requested support of the Council to the company’s request for a reduction in the percentage charged for the PILOT (Payment in Lieu of Taxes).

7. Trey Brice, from Jaffe Raitt in Southfield and representing the current owners of the Golden Crest Apartments, requested support of the Council to the company’s request for a reduction in the percentage charged for the PILOT (Payment in Lieu of Taxes).

CONSENT AGENDA

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

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.

No: None.

Absent: Councilmember Miller.

FROM THE CITY MANAGER

Councilmember Moeller moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

Modern law enforcement personnel thrive on accessing timely information in order to perform their duties. Most police work takes place on the streets, but it is almost always based upon some sort of information the officer has or obtains. Carrying out various types of on-the-spot reporting and investigation from patrol vehicles is critical to the City’s policing operations.

Over the years, it has been the goal of the Port Huron Police Department to expand and improve the “mobile work stations” in patrol vehicles. Software and technology for the mobile work stations in patrol vehicles are constantly changing, however further advancement by the department has been slow due to limited budgets, complexity of linking our records management/computer-aided dispatch systems and the requirement to securely link with criminal justice databases. Candidly, we have been and continue to be behind the times in utilizing technology compared to most major metropolitan area departments.

The department’s technology use from a police vehicle standpoint continued to remain constant, with little or no change in how we were collecting information, processing information, or sharing information. Our new police chief initiated the philosophy that the department must continually expand and evolve our use of technology, so as to make this department effective and efficient with the same amount of resources. One of the areas that the Chief of Police required significant upgrades in are the use of the police vehicles as mobile work stations. Although we have been operating on modems that are over ten years old, it has become apparent that the trunk-mounted modem equipment on the patrol vehicles is in dire need of replacement. The antiquated modems have low
connection speeds causing dropped service connections and the in-car software programs are not running efficiently or appropriately. Replacement of this equipment with 3G or 4G mobile broadband connectivity is critical to the department’s push toward mobile offices, where officers literally work out of their vehicles without having to return to the police station to complete reports, documents, download photos or evidence, etc. The inclusion of field based reporting systems in our soon to be proposed joint technology software project with the St. Clair County Sheriff’s department, and other local participating departments, will continue to emphasize mobile operations.

The new proposed modems would allow for end-to-end security and real-time two-way data exchange. The new modems are specifically built for law enforcement use. Their ability to allow for maximum coverage, along with consistent data download capabilities will allow our “mobile vehicle offices” to actively access, process, share/send out data, complete reports, download photos, up-load evidence, and access numerous law enforcement databases that are currently far beyond our current capabilities. The result of the use of this new technology will also push us further toward our quest to become a primarily “paperless” system, thus improving efficiency. Officers will be able to share information directly from their patrol vehicle via a shared server, such as pictures of suspects and critical field intelligence information to other officers, as well as complete and submit reports, print tickets, vehicle tow slips, etc. Future technology upgrade capabilities would be supported by the proposed modem upgrades and will allow future information sharing with law enforcement agencies inside the local area, as well as outside agencies such as Sanilac County to the north and Sterling Heights and Chesterfield to the south.

After a review of available mobile communication systems and discussions with other police agencies who use similar systems, it has been determined that a company that can provide both a wireless modem system and technical support should be chosen. It has been determined that DH Wireless Solutions is a sole source distributor in the State of Michigan that can provide all of the components needed to purchase and maintain new wireless modem equipment. The company is highly recommended among other police agencies across the state and the company will be providing similar modem equipment for a county-wide project through the County’s emergency management division. It is our intention to also utilize St. Clair County’s Emergency Management Division’s UASI grant program to complete the remainder of the needed modems for our fleet use.

The police department has current grant funding available from the Office of Highway Safety Planning (OHSP) to initially purchase eight (8) DX400 modems, which will be 3G and 4G compatible with WiFi capabilities. This grant has been modified from its original request, which was to purchase and pay-for “air time” cards for the modems we currently use in our vehicles. It has already been determined that utilizing our current vehicle modems will not allow us to change our police technology operations in any significant manner, and would actually be a step backward from our current position.

It is therefore recommended that the quote of DH Wireless Solutions, 175 Hill Brady Road, Battle Creek, Michigan in the amount of Eight Thousand Six Hundred Seventy-Five and 80/100 Dollars ($8,675.80) for the purchase of eight (8) DX400 modems be accepted, with funding being used from the Office of Highway Safety Planning grant program.

It is further recommended that the appropriate Police Department officials are hereby authorized to sign any necessary agreements relating to the purchase and maintenance of this equipment and to annually pay any required maintenance fees while the City is using this equipment.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

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

The City Administration does not recommend renegotiation of the existing Payment In Lieu of Taxes (PILOT) agreement for Golden Crest Apartments.

In November 1997, the City Council granted a request by the developers of Golden Crest apartments to enter into a tax exemption ordinance to provide for a service charge in lieu of taxes for a proposed multi-family dwelling project. The project included an allocation to the developer under the Low-Income Housing Tax Credit (LIHTC) Program through the Michigan State Housing Development Authority (MSHDA).

The PILOT agreement that was executed required an annual service fee of 6.5% of the annual shelter rents from the first year in which the housing development was subject to such a service charge, through the tenth year. The annual service charge would then be ten percent (10%) of the annual shelter rents in the eleventh and subsequent years. The service charge is to be paid in the same manner as general property taxes are payable to the city, except that the annual payment is to be paid on or before March 15 of each year.

The PILOT payment for the 2008 year at 6.5% was $37,125.47 and the PILOT payment for the 2009 year at 10% was $54,344.67; the 2010 year has not yet been reported by the property owner. In comparison, the estimated property taxes on a similar apartment complex would result in an estimated annual payment of between $80,000 and $110,000.

The city has seven additional PILOTs in place. The names of the other PILOTs and the percentage of annual shelter rents are listed below:

<table>
<thead>
<tr>
<th>OTHER PILOTS IN PLACE</th>
<th>YEAR PILOT APPROVED</th>
<th>PERCENT OF ANNUAL SHELTER RENT DUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northport</td>
<td>1980</td>
<td>4%</td>
</tr>
<tr>
<td>Glenview Gardens</td>
<td>1985</td>
<td>10%</td>
</tr>
<tr>
<td>Port Haven</td>
<td>1987</td>
<td>4%</td>
</tr>
<tr>
<td>Rivertown Green</td>
<td>1987</td>
<td>10%</td>
</tr>
<tr>
<td>St. Clair Landings</td>
<td>1997</td>
<td>10%</td>
</tr>
<tr>
<td>Arbors at St. Clair</td>
<td>2000</td>
<td>10%</td>
</tr>
<tr>
<td>Grandview Tower</td>
<td>2007</td>
<td>4%</td>
</tr>
</tbody>
</table>

Absent: Councilmember Miller.
In addition, the Golden Crest Apartments were constructed on land the city had assembled over the years in anticipation of future development. The City Council approved the sale of the land (6.7 acres) to the developers for $330,000 in 1997. Golden Crest was constructed to include 100 residential units along with parking, a club house, and outdoor pool. Over the past few years, there has been a marked increase in the number of calls to emergency and police for response. The apartment complex enjoys the services provided by the city, county, and state, and already pays an annual amount that is less than the taxed rate to private housing developers or local investors.

Earlier this year, the city received a request from Boston Capital, co-owners of the complex, to reduce the amount of the PILOT that was agreed to in the previous ordinance as the development was behind in the tax payments for 2010 and are facing an increase from 6.5% to 10% in the service fee for 2011. While there may be a benefit to working with the owners to provide a payment plan that allows them to remain current, it is not the administration’s recommendation to renegotiate the existing PILOT agreements.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

CM-3. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Archibald:

On September 1, 2011, the City of Port Huron received one (1) unit price bid for 200 dry tons of hydrated lime for use at the Wastewater Treatment Plant:

Carmeuse Lime, (Canada), Inc. (Pittsburgh, PA) $187.65 per dry ton

It is recommended that the unit price bid of Carmeuse Lime, (Canada), Inc., c/o Carmeuse North America, 11 Stanwix Street – 21st Floor, Pittsburgh, PA 15222, in the amount of $187.65 per dry ton, F.O.B., for an annual estimated amount of $37,530.00 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: None.
Absent: Councilmember Miller.

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

The City of Port Huron Utilities Division received (3) three bids for a Labconco flaskscrubber laboratory glassware washer for the Wastewater Treatment Plant:

Fisher Scientific Company, LLC (Hanover Park, IL) $6,958.17
VWR International, LLC (Arlington Heights, IL) $7,676.00
Detroit Technical Equipment Co. (Riverview, MI) $8,360.00

It is recommended that the bid of Fisher Scientific Company, LLC, 4500 Turnberry Drive, Hanover Park, IL 60113 in the amount of Six Thousand Nine Hundred Fifty-Eight and 17/100 Dollars ($6,958.17) 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, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

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

On August 4, 2011, the City of Port Huron received one (1) bid for 37,000 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.

PVS-Nolwood Chemicals, Inc. (Detroit, MI) $17,723.00

It is recommended that the bid of PVS-Nolwood Chemicals, Inc., 10900 Harper Avenue, Detroit, Michigan 48213, in the amount of Seventeen Thousand Seven Hundred Twenty-Three and 00/100 Dollars ($17,723.00) 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, Lewandowski, Moeller and Ruiz.
No: Councilmember Fisher.
Absent: Councilmember Miller.

CM-6. Councilmember Lewandowski moved the adoption of the following City Manager's recommendation, seconded by Councilmember Ruiz:

The State of Michigan regulates the operation and maintenance of all elevators used by human occupants in accordance with Public Act 227 of 1967 and Public Act 333 of 1976. The Michigan Department of Labor is responsible for regulating the safe operation of elevators in the State of Michigan. The person who performs regular maintenance, inspection and repairs of the elevator must possess a State license that certifies their knowledge and ability to perform maintenance on elevators in accordance with State law.

The Municipal Office Center currently has three operating elevators. These elevators were originally purchased from and installed by Otis Elevator Company. The City of Port Huron utilizes the services of Otis Elevator Company to assure that our elevators are maintained in compliance with State law.
September 12, 2011

It is therefore recommended that the ongoing service contract charged quarterly by Otis Elevator Company, P. O. Box 73579, Chicago, Illinois in the amount of Ten Thousand Eight Hundred Thirty-Two and 13/100 Dollars ($10,832.13) be accepted.

It is further recommended that the appropriate Public Works Department officials are hereby authorized to sign any necessary agreements relating to the maintenance of elevator equipment and to pay any future required quarterly service contract charges.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.
No: Councilmember Moeller.
Absent: Councilmember Miller.

RESOLUTIONS

R-1. Councilmember Archibald 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 #11-01)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

R-2. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, for over thirty (30) years, the Port Huron Tennis House Corporation (PHTHC), has operated a successful indoor tennis facility located in Sanborn Park providing recreational tennis programs for participants of all ages; and

WHEREAS, the PHTHC Corporation constructed the original Tennis House building, constructed a reception area leading to the tennis courts and provided financing for approximately half the cost of the second building while also assisting the City in obtaining a State grant for most of the balance of the cost of that building so that six (6) of the tennis courts are now covered and useable year round; and

WHEREAS, due to the success of the programs operated by PHTHC, the desire of the City to maintain the programs and the desire of the parties to facilitate further improvements to the leased property and to PHTHC’s facilities, a lease extension agreement has been prepared providing for the lease extension, option to purchase (subject to voter approval), rent payment and conveyance of buildings and tennis courts during the terms of the lease;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease agreement with the Port Huron Tennis House Corporation to continue to provide community-based tennis programs (see City Clerk File #11-95).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski and Ruiz.
No: Councilmember Moeller.
Absent: Councilmember Miller.

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

WHEREAS, the Macomb-St. Clair Workforce Development Board currently leases the sixth floor of the Municipal Office Center; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the Macomb-St. Clair Workforce Development Board for a five-year lease extension for the sixth floor of the Municipal Office Center and authorizing the appropriate City officials to execute said agreement. (See City Clerk File #11-96)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

*R-4. WHEREAS, election canvassing boards officially canvass and certify election results and conduct recounts when necessary; and

WHEREAS, Michigan Election Law states that a four-member board of canvassers must be established in every city having more than five precincts, but the City Council may utilize the services of the County Board of Canvassers to canvass city election returns; and

WHEREAS, in addition, the new City Charter, Section 4-5, Board of Canvassers; Canvass of Vote, also provides for the City Council to use the County Board of Canvassers to canvass the returns after City general or special elections; and

WHEREAS, since the County Board of Canvassers typically convenes after most of the elections to canvass the returns of other municipalities having less than five precincts or after all state and federal elections, it would be cost effective to collaboratively work with the County Board of Canvassers;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby authorizes the City Clerk to make the appropriate arrangements with the County Board of Canvassers to canvass the returns of City general or special elections whenever possible.

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 totaling $6,455.00 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 #11-97)

Adopted by consent.

*R-6. WHERAS, 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 $501.40 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 #11-98).

Adopted by consent.

*R-7. WHEREAS, on August 24, 2011, the property owners of record for 2616 Gratiot Avenue (Garage), 1714 Lyon Street (Garage), and 1129 Wall Street (all structures) were notified by the Building Official that the noted structures located on the premises were Dangerous Structures in accordance with Section 110.1 of the 2009 International Property Maintenance Code; and

WHEREAS, Chapter 10, Buildings and Building Regulations, Article VI, Dangerous Structures, Section 10-211(d) of the Port Huron Code of Ordinances provides that the City Manager may abate any public nuisance without preliminary order of the City Council; and

WHEREAS, the City Manager has authorized the appropriate staff to secure bids to demolish the garages at 2616 Gratiot Avenue, 1714 Lyon Street, and the structures at 1129 Wall Street in accordance with the Building’s Official designation as Dangerous Structures, with the abatement costs to be assessed against the property;

NOW, THEREFORE, BE IT RESOLVED, that in order to facilitate the timely removal of the garage structures at 2616 Gratiot Avenue and 1714 Lyon Street, and the structures at 1129 Wall Street, City Council hereby authorizes costs for asbestos abatement and demolition in an amount not to exceed $20,000.00.

Adopted by consent.

*R-8. WHERAS, the Community Development Division of the City of Port Huron requests a re-allocation of $200,000 in Community Development Block Grant (CDBG) funds from the Union Street Project to the previously approved, existing, and ongoing Erie Street Project; and

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing for September 26, 2011, regarding the re-allocation of Community Development Block Grant (CDBG) funds to the Erie Street Project in the amount of $200,000.

Adopted by consent.

R-9. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Archibald:

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 81.84%; and

WHEREAS, the total estimated project cost of $2,164,200 is to be shared as follows:

<table>
<thead>
<tr>
<th></th>
<th>Eligible</th>
<th>Ineligible</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal aid</td>
<td>$1,280,200</td>
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<td>$1,280,200</td>
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<tr>
<td>City</td>
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<td>$600,100</td>
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<tr>
<td></td>
<td>$1,564,100</td>
<td>$600,100</td>
<td>$2,164,200</td>
</tr>
</tbody>
</table>

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 Water Street from 13th Street to the west City limits, including earthwork, concrete curb, gutter work and all together with necessary related work; authorizes a local match of $884,000.00; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #11-99)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.
ORDINANCES

*O-1. An ordinance introduced August 8, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1325

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING VARIOUS STATE LAW MISDEMEANOR OFFENSES TO THE CODE OF ORDINANCES AND TO PROVIDE FOR STATUTORY VIOLATIONS FOR VARIOUS OFFENSES TO COINCIDE WITH STATE LAW.

THE CITY OF PORT HURON ORDAINS:

That Chapter 34, Offenses, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding various state law misdemeanor offenses to the Code of Ordinances and to provide for statutory violations for various offenses to coincide with state law as follows:

CHAPTER 34. OFFENSES

ARTICLE I. IN GENERAL

Sec. 34-1 through Sec. 34-5.

No changes.

Sec. 34-6. Concealing/harboring a fugitive wanted on a misdemeanor.

(a) A person who knowingly or willfully conceals or harbors for the purpose of concealment from a peace officer a person who has escaped or is escaping from lawful custody in violation of this chapter is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) A person who knowingly or willfully conceals or harbors for the purpose of concealment from a peace officer a person who is the subject of 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both:

1. An arrest warrant for a misdemeanor.
2. A bench warrant in a civil case other than a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
3. A bench warrant in a criminal case if the underlying crime charged is a misdemeanor.

State law reference. MCL 750.199.

Secs. 34-7—34-35. Reserved.

ARTICLE II. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS

Sec. 34-36 through Sec. 34-100.

No changes.

ARTICLE III. OFFENSES AGAINST PROPERTY

Sec. 34-101 through Sec. 34-104.

No changes.

Sec. 34-105. Malicious destruction of personal property less than $200.00.

Any person who willfully and maliciously destroys or injures the personal property of another person, and by doing so causes damage less than $200.00, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.377a(1)(d).

Sec. 34-106. Malicious destruction of real property less than $200.00.

Any person who willfully and maliciously destroys or injures another person's house, barn, or other building or its appurtenances, and by doing so causes damages less than $200.00, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.380.

Sec. 34-107. Illegal dumping.

Any person who shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another, without the specific permission of the owner thereof, shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.552(a).

Sec. 34-108. Arson of personal property less than $200.00.

A person who willfully and maliciously burns any personal property, other than a dwelling house, building within the curtilage of a dwelling house, or other real property, owned by himself or herself or another person, the value of which property is less than $200.00 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the personal property burned or intended to be burned, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.77.

Secs. 34-110—34-135. Reserved.

ARTICLE IV. OFFENSES AGAINST THE PERSON

Sec. 34-136 through Sec. 34-139.

No changes.

Sec. 34-140. Assault and battery.

(a) Any person who assaults or assaults and batters an individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.
Sec. 34-141. Embezzlement less than $200.00.

Any person who commits larceny by stealing any of the following property of another person, which has a value of less than $200.00, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property or money or property embezzled, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.174(2).

Sec. 34-142. Larceny less than $200.00.

Any person who commits larceny by stealing any of the following property of another person, which has a value of less than $200.00, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property, whichever is greater, or both imprisonment and a fine:

(a) Money, goods, or chattels;
(b) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate;
(c) A book of accounts for or concerning money or goods due, to become due, or to be delivered;
(d) A deed or writing containing a conveyance of land or other valuable contract in force;
(e) A receipt, release, or defeasance;
(f) A writ, process, or public record;
(g) Nonferrous metal.

State law reference. MCL 750.356(5).

Sec. 34-143. Breaking and entering without permission.

Any person who breaks and enters or enters without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boat house, hunting or fishing lodge, garage or the out-buildings belonging thereto, or any store, with the intent not to pay for the property or money or property obtained, without first obtaining permission to enter from the owner or occupant, agent, or person having immediate control thereof, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.115(1).

Sec. 34-144. Breaking and entering a motor vehicle less than $200.00.

Any person who enters or breaks into a motor vehicle, house trailer, trailer, or semitrailer to steal or unlawfully remove property from it, the value of which is less than $200.00, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.356a(2)(a).

Sec. 34-145. Retail fraud third degree.

Any person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the third degree, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the difference in price, property stolen, or money or property obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale, if the resulting difference in price is less than $200.00.

(b) While a store is open to the public, steals property of the store that is offered for sale at a price of less than $200.00.

(c) With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store, if the amount of money, or the value of the property, obtained or attempted to be obtained is less than $200.00.

State law reference. MCL 750.356d(4).

Sec. 34-146. Defrauding an innkeeper.

Any person who shall put up at any hotel, motel, inn, restaurant or cafe as a guest and shall procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or, who, with intent to defraud such keeper out of the pay therefor, shall obtain credit at any hotel, motel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. No conviction shall be had under the provisions of this section unless complaint is made within 60 days of the time of the violation hereof.

State law reference. MCL 750.292.

Sec. 34-147. Prescription misuse.

Except as provided in MCL 333.1776d and MCL 333.17780, a person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both:

(a) Obtains or attempts to obtain a prescription drug by giving a false name to a pharmacist or other authorized seller, prescriber, or dispenser.

(b) Obtains or attempts to obtain a prescription drug by falsely representing that he or she is a lawful prescriber, dispenser, or licensee, or acting on behalf of a lawful prescriber, dispenser, or licensee.

(c) Falsely makes, utters, publishes, passes, alters, or forges a prescription.

(d) Knowingly possesses a false, forged, or altered prescription.

(e) Knowingly attempts to obtain, obtains, or possesses a drug by means of a prescription for other than a legitimate therapeutic purpose, or as a result of a false, forged, or altered prescription.

(f) Possesses or controls for the purpose of resale, or sells, offers to sell, dispenses, or gives away, a drug, pharmaceutical preparation, or chemical that has been dispensed on prescription and has left the control of a pharmacist.

(g) Possesses or controls for the purpose of resale, or sells, offers to sell, dispenses, or gives away, a drug, pharmaceutical preparation, or chemical that has been damaged by heat, smoke, fire, water, or other cause and is unfit for human or animal use.

(h) Prepares or permits the preparation of a prescription drug, except as delegated by a pharmacist.
(i) Sells a drug in bulk or in an open package at auction, unless said sale has been approved by all necessary state and/or federal agencies.

State law reference. MCL 333.17766.

Sec. 34-148. Use of inhalants.

No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat or otherwise introduce any chemical agent into his or her respiratory or circulatory system. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 752.272.

Sec. 34-149. Leaving child unattended (no harm).

(a) A person who is responsible for the care or welfare of a child shall not leave a child unattended in a vehicle for a period of time that poses an unreasonable risk of harm or injury to the child or under circumstances that pose an unreasonable risk of harm or injury to the child.

(b) A person who violates this section and where such violations does not result in physical harm, serious physical harm, or death to the child, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(c) As used in this section:

(1) "Child" means an individual less than 6 years of age.
(2) "Physical harm" and "serious physical harm" mean those terms as defined in section MCL 750.136b.
(3) "Unattended" means alone or without the supervision of an individual 13 years of age or older who is not legally incapacitated.
(4) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

State law reference. MCL 750.135a.

Sec. 34-150. Larceny by conversion less than $200.00.

Any person to whom any money, goods or other property, with a value less than $200.00, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money or other property, or any part thereof, shall be deemed by so doing to have committed the crime of larceny and is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.362.

Sec. 34-151. Larceny by false pretenses less than $200.00.

(a) A person who, with the intent to defraud or cheat makes or uses a false pretense to do 1 or more of the following is guilty of a crime punishable as provided in this section:

(1) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an interest in land.
(2) Obtain a person's signature on a forged written instrument.
(3) Obtain from a person any money or personal property or the use of any instrument, facility, article, or other valuable thing or service.
(4) By means of a false weight or measure obtain a larger amount or quantity of property than was bargained for.

(b) If the land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.218.

Sec. 34-152. NSF check less than $100.00.

(a) A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, the value of which is less than $100.00, to apply on account or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository to pay the check, draft, or order in full upon its presentation.

(b) A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, the value of which is less than $100.00, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.131.

Sec. 34-153. Use of FTD to defraud less than $200.00.

A person who knowingly and with intent to defraud uses a financial transaction device to withdraw or transfer funds, in an amount of less than $200.00, from a deposit account in violation of the contractual limitations imposed on the amount or frequency of withdrawals or transfers or in an amount exceeding the funds then on deposit in the account is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of funds withdrawn or transferred, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.157w.

Sec. 34-154. Possession of stolen property less than $200.00.

A person who buys, receives, possesses, conceals, or aids in the concealment of stolen, embezzled, or converted money, goods, or property, the value of which is less than $200.00, knowing, or having reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine.

State law reference. MCL 750.535.

Sec. 34-155. False report of misdemeanor.

A person who intentionally makes a false report of the commission of a misdemeanor, or intentionally causes a false report of a misdemeanor to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.222.

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punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.411a.

Sec. 34-156. Falsely and maliciously accusing another of crime, etc.

Any person who shall falsely and maliciously, by word, writing, sign, or otherwise accuse, attribute, or impute to another the commission of any crime, felony or misdemeanor, or any infamous or degrading act, or impute or attribute to any female a want of chastity, shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.370.

Sec. 34-157. Throwing dangerous object at vehicles.

A person who throws, propels, or drops a stone, brick, or other dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle, which does not result in damage to property, injury, serious impairment or death to a person, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

State law reference. MCL 750.394.

Secs. 34-158—34-170. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE

Sec. 34-171 through Sec. 34-245.

No changes.

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

DIVISION 1. GENERALLY

Sec. 34-246 through 34-250.

No changes.

Sec. 34-251. Engaging a prostitute.

Any person who engages or offers to engage the services of another person, not his or her spouse, for the purpose of prostitution, lewdness or assignation, by the payment in money or other forms of consideration, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.449a.

Sec. 34-252. Permitting a place of prostitution.

A person 16 years of age or older who accosts, solicits, or invites another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.448.

Sec. 34-254—34-270. Reserved.

DIVISION 2. DRUG PARAPHERNALIA

Sec. 34-271 through Sec. 34-277.

No changes.

Sec. 34-278. Counterfeit substances.

(a) As used in this section:

(1) “Distribute” means the actual, constructive, or attempted transfer, sale, delivery, or dispensing from one person to another of an imitation controlled substance.

(2) “Imitation controlled substance” means a substance that is not a controlled substance or is not a drug for which a prescription is required under federal or state law, which by dosage unit appearance including color, shape, size, or markings, and/or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. However, this subsection does not apply to a drug that is not a controlled substance if it was marketed before the controlled substance that it physically resembles.

(3) “Manufacture” means the production, preparation, compounding, conversion, encapsulating, packaging, repackaging, labeling, relabeling, or processing of an imitation controlled substance, directly or indirectly.

(b) In addition to all logically relevant factors, the following factors as related to “representations made” shall be considered in determining whether a substance is an imitation controlled substance:

(1) Any express or implied representation made that the nature of the substance or its use or effect is similar to that of a controlled substance.

(2) Any express or implied representation made that the substance may be resold for an amount considerably in excess of the reasonable value of the composite ingredients and the cost of processing.

(3) Any express or implied representation made that the substance is a controlled substance.

(4) Any express or implied representation that the substance is of a nature or appearance that the recipient of the substance will be able to distribute the substance as a controlled substance.

(5) That the substance's package, label, or name is substantially similar to that of a controlled substance.

(6) The proximity of the substance to a controlled substance.

(7) That the physical appearance of the substance is substantially identical to a specific controlled substance, including any numbers or codes thereon, and the shape, size, markings, or color.

(c) A person shall not use, or possess with intent to use, an imitation controlled substance, except under the direction of a person authorized pursuant to subsection (e). A person who violates this subsection is subject to a municipal civil infraction with a fine of not more than $100.00 and costs. Upon a second or subsequent violation of this subsection, a person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

(d) A default in the payment of a civil fine or costs ordered under subsection (c) or an installment thereof may be collected by any means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.4001 to 600.4065 of the Michigan Compiled Laws, or under chapter 60 of Act No. 236 of
the Public Acts of 1961, being sections 600.6001 to 600.6097 of the Michigan Compiled Laws.

State law reference. MCL 333.7341.

Secs. 34-279—34-310. Reserved.

ARTICLE VII. OFFENSES AGAINST PUBLIC SAFETY

Sec. 34-311. Fireworks.

No changes.

Sec. 34-312. Discharging firearms; transporting airguns, spring guns, and similar devices in vehicles; possessing, showing, displaying toy guns, starter pistols, blank guns or similar devices.

(a) No person shall discharge any firearm, spring gun, airgun, slingshot, bow and arrow or other device capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the city council. Also, bow and arrow instruction will be allowed at an approved site under supervision of a qualified instructor as part of the curriculum of an accredited education system and with appropriate indemnification of the city approved by the city legal department.

(b) No person shall transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel, within the city, any airgun, spring gun or other device capable of or designed to discharge any shot, pellet, or missile likely to inflict bodily injury and/or property damage, unless the device is unloaded and is one or more of the following:

(1) Disassembled.
(2) Enclosed in a case.
(3) Carried in the trunk of the vehicle.
(4) Inaccessible from the interior of the vehicle.

(c) No person shall possess or show or display a gun, toy gun, starter pistol, blank gun or device of similar nature in a nonthreatening manner, but with the intent to convey the impression to a person that the gun, toy gun, starter pistol, blank gun or similar device is actually a lethal weapon capable of causing a reasonable person to believe that the person possessing such object is armed with a dangerous weapon.

(d) No person under 18 years of age shall use or possess any handgun designed and manufactured exclusively for propelling BB's not exceeding 0.177 caliber by means of spring, gas or air, outside the curtilage of his domicile unless he is accompanied by a parent, legal guardian, or their designee.

(e) An individual shall not carry, have in possession or under control, or use in any manner or discharge a firearm under any of the following circumstances:

(1) The individual is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(2) The individual has an alcohol content of 0.08 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(3) Because of the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the individual's ability to use a firearm is visibly impaired.

(f) An individual who violates subsections (a) through (d) of this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. An individual who violates subsection (e) of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days in or a fine of not more than $500.00, or both.

State law reference. MCL 750.222 et. seq. & MCL 750.237.

Sec. 34-313 through Sec. 34-316.

No changes.

Sec. 34-317. Brandishing a firearm.

(a) Except as provided in subsection (b), a person shall not knowingly brandish a firearm in public.

(b) Subsection (a) does not apply to any of the following:

(1) A peace officer lawfully performing his or her duties as a peace officer.
(2) A person lawfully engaged in hunting.
(3) A person lawfully engaged in target practice.
(4) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

State law reference. MCL 750.234e.

Sec. 34-318. Firearm possession in prohibited place.

(a) Except as provided in subsection (b), a person shall not possess a firearm on the premises of any of the following:

(1) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
(2) A church or other house of religious worship.
(3) A court.
(4) A theatre.
(5) A sports arena.
(6) A day care center.
(7) A hospital.
(8) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(b) This section does not apply to any of the following:

(1) A person who owns, or is employed by or contracted by, an entity described in subsection (a) if the possession of that firearm is to provide security services for that entity.
(2) A peace officer.
(3) A person licensed by this state or another state to carry a concealed weapon.
(4) A person who possesses a firearm on the premises of an entity described in subsection (a) if that possession is with the permission of the owner or an agent of the owner of that entity.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

State law reference. MCL 750.234d.

Sec. 34-319. Reckless use of firearm.

Any person who shall recklessly or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 752.863a.

Secs. 34-320—34-350. Reserved.
ARTICLE VIII. OFFENSES INVOLVING MINORS

Sec. 34-351 through Sec. 34-359.
No changes.

Sec. 34-360. Contributing to the delinquency of a minor.
Any person who shall by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of 17 years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.145.

Sec. 34-361. Furnishing tobacco to a minor.
(a) A person shall not sell, give, or furnish a tobacco product to a minor. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $50.00 for each violation.

(b) It is an affirmative defense to a charge under subsection (a) that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of tobacco products to persons under 18 years of age and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the prosecuting attorney. The notice shall be served not less than 14 days before the date set for trial.

(c) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (b) shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than 7 days before the date set for trial and shall contain the name and address of each rebuttal witness.

(d) Subsection (a) does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

State law reference. MCL 722.641.

Sec. 34-362. Possession of tobacco by a minor.
(a) Subject to subsection (c), a minor shall not do any of the following:
(1) Purchase or attempt to purchase a tobacco product.
(2) Possess or attempt to possess a tobacco product.
(3) Use a tobacco product in a public place.
(4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

(b) An individual who violates subsection (a) is guilty of a misdemeanor punishable by a fine of not more than $50.00 for each violation. Pursuant to a probation order, the court may also require an individual who violates subsection (a) to participate in a health promotion and risk reduction assessment program, if available. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this subsection is responsible for the costs of participating in the program. In addition, an individual who violates subsection (a) is subject to the following:
(1) For the first violation, the court may order the individual to do 1 of the following:
   a. Perform not more than 16 hours of community service in a hospice, nursing home, or long-term care facility.
   b. Participate in a health promotion and risk reduction program, as described in this subsection.
(2) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility.
(3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 48 hours of community service in a hospice, nursing home, or long-term care facility.

(c) Subsection (a) does not apply to a minor participating in any of the following:
(1) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
(2) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
(3) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, and with the prior approval of the state police or a local police agency.

(d) Subsection (a) does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

(e) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the violation of subsection (a).

State law reference. MCL 722.642.

Adopted by consent.

*O-2. An ordinance introduced August 8, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1326

AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, ARTICLE II, DOGS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING STATUTORY VIOLATIONS FOR KEEPING UNLICENSED DOGS IN THE CITY TO COINCIDE WITH STATE LAW.
THE CITY OF PORT HURON ORDAINS:
That Chapter 8, Animals, Article II, Dogs, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding statutory violations for keeping unlicensed dogs in the City to coincide with state law as follows:

CHAPTER 8. ANIMALS
ARTICLE II. DOGS

Sec. 8-41 through Sec. 8-46.
No changes.

Sec. 8-47. Unlicensed dog.
It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed as required pursuant to State, County or City law, or to own any dog 6 months old or over that does not at all times wear a collar with a tag approved by the director of agriculture, as required pursuant to Michigan’s Dog Law, except when engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash. Any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 287.262

Sec. 8-48. Vaccination.
The owner of a dog that is required to be licensed pursuant to state, county or city law, shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture. Any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 287.266(8)

Sec. 8-49. Proof of license.
Any person who owns or harbors a dog(s), which is required to be licensed pursuant to state, county or city law, shall produce proof of a valid dog license for said dog(s) upon request from a City of Port Huron Police Officer, a City of Port Huron Animal Control Officer and/or any other law enforcement or animal control officer. Any person who violates this section shall be guilty of a misdemeanor, punishable by up to 90 days in jail or a fine of not more than $100.00, or both.

State law reference. MCL 287.269a

Sec. 8-50. Failure to provide information and leaving the scene of a dog bite.
(a) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall remain on the scene until the requirements of subsection (a) of this section are fulfilled.

(b) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall remain on the scene until the requirements of subsection (a) of this section are fulfilled.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(d) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means a dog used by a law enforcement agency of this state, county or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler.

(e) As used in this section, "dog" means an animal of the species Canis familiaris or Canis lupus familiaris.

(f) As used in this section "wolf-dog cross" means a canid resulting from the breeding of any of the following:

(1) A wolf with a dog.
(2) A wolf-dog cross with a wolf.
(3) A wolf-dog cross with a dog.
(4) A wolf-dog cross with a wolf-dog cross.

State law reference. MCL 750.66

Sec. 8-51—8-60. Reserved.

*O-3. An ordinance introduced August 8, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1327

AN ORDINANCE TO AMEND CHAPTER 38, SOLID WASTE AND RECYCLING, ARTICLE I, IN GENERAL, SECTION 38-13, LITTERING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING A STATUTORY VIOLATION FOR LITTERING WHICH COINCIDES WITH STATE LAW.

THE CITY OF PORT HURON ORDAINS:
That Chapter 38, Solid Waste and Recycling, Article I, Section 38-13, Littering, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding a statutory violation for littering which coincides with state law as follows:

CHAPTER 38. SOLID WASTE AND RECYCLING
ARTICLE I. - IN GENERAL

Sec. 38-1 through 38-12.
No changes.

Sec. 38-13. Littering.
(a) No person shall place, deposit, throw, scatter or leave in any street, alley or public place any tacks, screws, nails, glass, metal scraps, metal shavings or scrap metal in any other form.

(b) No person shall place, deposit, throw, scatter or leave in any street, alley or public place any tacks, screws, nails, glass, metal scraps, metal shavings or scrap metal in any other form.

Adopted by consent.

Susan M. Child, CMC
City Clerk

ADOPTED: 09/12/11
PUBLISHED: 09/17/11
EFFECTIVE: 09/17/11
Sec. 38-14 through Sec. 38-45.
No changes.

A person shall not knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or water other than property designated and set aside for such purposes.

State law reference. MCL 324.8902.

Sec. 38-46. An ordinance introduced August 8, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1328

AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING ARTICLE VII, MOTOR VEHICLE AXLE WEIGHT, TO ESTABLISH AXLE WEIGHT REGULATIONS FOR MOTOR VEHICLES OPERATING ON ROADWAYS WITHIN THE CITY OF PORT HURON.

THE CITY OF PORT HURON ORDAINS:

That Chapter 46, Traffic and Vehicles, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding Article VII, Motor Vehicle Axle Weight, to establish axle weight regulations for motor vehicles operating on roadways within the City of Port Huron as follows:

CHAPTER 46. TRAFFIC AND VEHICLES

ARTICLE VII.

MOTOR VEHICLE AXLE WEIGHT

Sec. 46-296. Motor vehicle axle weight ordinance.

This ordinance shall be known as the City of Port Huron Motor Vehicle Axle Weight ordinance. The purpose of this ordinance is to protect the safety and welfare of the citizens of this City and to protect property in this City, by establishing limits on the axle weights of motor vehicles operating on roadways under the jurisdiction of the City of Port Huron. This ordinance shall apply only to motor vehicles operating on roadways under the jurisdiction of the City of Port Huron. The provisions of this ordinance are not to be construed as being any more or less restrictive than restrictions adopted pursuant to statute by the State of Michigan, including MCL 257.722.

Sec. 46-297. Maximum axle load.

The maximum axle load of a motor vehicle shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles:

(a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(b) If the axle spacing is less than 9 feet but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.

(c) If the axles are spaced less than 3-1/2 feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.

(d) Subsections (a), (b), and (c) shall be known as the normal loading maximum.

Sec. 46-298. Normal loading maximum.

When normal loading is in effect, the restrictions contained in Section 46-297 are subject to any increased weight allowed pursuant to MCL 257.722(2).

Sec. 46-299. Tandem axle assemblies.

On a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.

Sec. 46-300. Tandem axle exceptions.

Notwithstanding Section 46-299, on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This section is not subject to the maximum axle loads of Sections 46-297, 46-298 46-299.

For purposes of this section, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This section does not apply during that period when reduced maximum loads are in effect under Section 46-304.

Sec. 46-301. Agricultural exceptions.

The seasonal reductions described under Section 46-304 to the loading maximums and gross vehicle weight requirement of Section 46-307 do not apply to a person hauling agricultural commodities if the St. Clair County Road Commission issues a permit for the vehicle pursuant to MCL 257.722 (5).

Sec. 46-302. Public utility vehicles.

The seasonal reductions described under Section 46-304 to the loading maximums and gross vehicle weight requirements of Section 46-307 do not apply to public utility vehicles under the following circumstances:

(a) For emergency public utility work on restricted roads, as follows:

(i) If required by the St. Clair County Road Commission, the public utility or its subcontractor must notify the St. Clair County Road Commission, as soon as practical, of the location of the emergency public utility work as provided in MCL 257.722(6)(a)(i). Further, the public utility vehicle may only travel to and from the site of the emergency public utility work, while on a restricted road, at a speed not greater than 35 miles per hour.

(b) For nonemergency public utility work on restricted roads, if a permit is issued by the St. Clair County Road Commission pursuant to MCL 257.722(6)(b).
Sec. 46-303. Normal size of tires.

The normal size of tires on a Commercial Motor Carrier shall be the rated size as published by the manufacturer, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

Sec. 46-304. Seasonal reduction of maximum axle load.

Except as provided in this section and Section 46-305, during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this ordinance, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified by this ordinance. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period seasonal road restrictions are in effect. Subject to Section 46-301, this section does not apply to vehicles transporting agricultural commodities or, subject to Section 46-302, public utility vehicles.

Sec. 46-305. Exemptions.

The St. Clair County Road Commission may grant exemptions from seasonal weight restrictions for milk on specified routes when requested, in writing, pursuant to MCL 257.722(9).

Sec. 46-306. Designation of gross vehicle weights and axle weights.

For the purpose of enforcing this ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of Section 46-307, the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

Sec. 46-307. Designation of highways for operation of certain vehicles.

Nothing in this ordinance shall be construed to prohibit the State of Michigan, St. Clair County, or any local authority from designating a highway, or a section of a highway, within its jurisdiction, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

(a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.

(b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(c) An overall gross weight on a group of 2 or more consecutive axles equaling:

\[ W = \frac{500}{N-1} \left( LN + 12N + 36 \right) \]

where \( W \) = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, \( L \) = distance in feet between the extreme of a group of 2 or more consecutive axles, and \( N \) = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of Sections 46-297, 46-298 and 46-299. As used in this section, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this section.

Sec. 46-308. Violation.

An owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates this ordinance, is responsible for a municipal civil infraction and shall pay a civil fine in an amount determined as follows:

(a) If the court determines the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court shall impose a fine as follows: equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds.

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of $200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subsection does not apply to a vehicle subject to the maximum loading provisions of Section 46-307.

Sec. 46-309. Definitions.

(a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, beets and beet products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

(b) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company.

(c) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility.

(d) "Transmission company" means either an affiliated transmission company or an independent transmission company as those terms are defined in Section 46-297 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

Sec. 46-310. Enforcement of the act.

This act shall be enforced by the City of Port Huron Police Department.
Sec. 46-311. Severability.
The phrases, sentences, sections and provisions of this ordinance are severable; if any portion of this ordinance is found to be unconstitutional or otherwise unenforceable, the remaining sections of the ordinance shall remain in full force and effect.

Sec. 46-312. Repeal.
All other ordinances, parts of ordinances or amendments to such ordinances which conflict with this ordinance are repealed to the extent of such conflict.

Susan M. Child, CMC
City Clerk

ADOPTED: 09/12/11
PUBLISHED: 09/17/11
EFFECTIVE: 09/17/11

Adopted by consent.

*O-5. An ordinance introduced August 8, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1329

AN ORDINANCE TO AMEND CHAPTER 46, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING ARTICLE VIII, COMMERCIAL MOTOR CARRIER SAFETY, TO ESTABLISH SAFETY REGULATIONS FOR OPERATION OF COMMERCIAL VEHICLES ON ROADWAYS IN THE CITY OF PORT HURON CONSISTENT WITH THE PROVISIONS OF MICHIGAN’S MOTOR CARRIER SAFETY ACT.

THE CITY OF PORT HURON ORDAINS:

That Chapter 46, Traffic and Vehicles, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of adding Article VIII, Commercial Motor Carrier Safety, to establish safety regulations for operation of commercial vehicles on roadways in the City of Port Huron consistent with the provisions of Michigan’s Motor Carrier Safety Act as follows:

CHAPTER 46. TRAFFIC AND VEHICLES

ARTICLE VIII.
COMMERCIAL MOTOR CARRIER SAFETY

Sec. 46-341. Motor carrier safety ordinance.
This ordinance shall be known as the City of Port Huron Commercial Motor Carrier Safety ordinance. This ordinance is adopted pursuant to the authority granted pursuant to the Michigan Motor Carrier Safety Act, MCL 480.11 ct. seq. (the “Act”). All provisions herein are designed to be consistent with the Act and/or rules promulgated pursuant to the Act. Specifically, this ordinance shall not be construed to be more permissive than the Act, more restrictive than the Act, require more action, equipment, or permits than the Act, or prevent or obstruct compliance with the Act. Unless otherwise provided for herein, words and phrases used in this ordinance shall have the same meaning as used in the Act and/or rules promulgated pursuant to the Act. Except as otherwise provided herein or in the Act, this ordinance shall apply to motor vehicles operating in the City of Port Huron.

Sec. 46-342. Adoption of federal regulations; exceptions; definitions; enforcement.
(a) The City of Port Huron adopts all federal regulations adopted by the Act, subject to the limitations and exceptions provided for in the Act. For purposes of this ordinance, references in the Act to the State of Michigan Department of State Police shall mean the City of Port Huron Police Department.

(b) This ordinance does not apply to a bus operated by a public transit agency operating under any of the following:

(1) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359.

(2) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(3) A contract entered into pursuant to 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or, 1951 PA 35, MCL 124.1 to 124.13.

(4) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services.

(5) An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(c) This ordinance shall be enforced by an officer(s) of the City of Port Huron Police Department who satisfies all the requirements contained herein. Said officer(s) shall be referred to herein as the Enforcement Officer(s). An Enforcement Officer must meet all criteria for classification as a motor carrier enforcement officer, pursuant to the Act. An Enforcement Officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police.

Sec. 46-343. Trailers or trailer-vehicle combinations; surge brakes equipment for intrastate operation.

Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intrastate operation as allowed by the Act.

Sec. 46-344. Intrastate transportation; exceptions; applicability to farm vehicle driver, public utility driver, government-owned commercial motor vehicle, certain combination of vehicles, and buses; motor vehicle engaged in seasonal construction-related activities; definitions.

(a) For intrastate transportation, the provisions of this ordinance do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(b) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency, as defined by the Act.

(c) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.

(d) This ordinance does not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except for the following parts of 49 CFR:

(1) Part 382.

(2) Part 391.

(3) Part 392.

(4) Part 393.
(e) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intrastate operation as allowed by the Act. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes for intrastate operation.

(f) This ordinance does not apply to a school bus as defined in the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877, or a bus defined and certified under the motor bus transportation act, 1982 PA 432, MCL 474.101 to 474.141.

(g) A motor carrier operating entirely in intrastate commerce solely within Michigan shall not permit or require a driver of a commercial motor vehicle engaged in seasonal construction-related activities, regardless of the number of motor carriers using the driver's services, to do either of the following:

(1) Drive for any period after having been on duty 70 hours in any 7 consecutive days or having been on duty 80 hours in any period of 8 consecutive days.

(2) Drive more than 12 hours or be on duty more than 16 hours in any day.

Sec. 46-345. Inspection of cargo.

An Enforcement Officer may, without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the seal, then the Enforcement Officer shall give to the driver a signed receipt of inspection and the Enforcement Officer shall be responsible for applying a state of Michigan seal.

Sec. 46-346. Violation of act or rules; penalty.

(a) Except as otherwise provided herein, any person, driver, or motor carrier as defined by the Act, who violates this ordinance is responsible for a municipal civil infraction and may be ordered to pay a fine of not more than $250.00 for each violation.

(b) An Enforcement Officer, upon probable cause to believe that a motor vehicle is being operated in violation of this ordinance may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the Enforcement Officer may issue a notice to appear for that violation.

(c) An Enforcement Officer, upon notification of a valid out-of-service order upon a motor carrier issued by the United States department of transportation, by a state or a political subdivision of a state, by the Canadian or Mexican government, or by the government of a province of Canada, may stop and detain any vehicle operated by the motor carrier and place the vehicle and driver out of service pursuant to the order. A driver or motor carrier operating a vehicle in violation of an out-of-service order is responsible for a municipal civil infraction and shall be assessed a fine of not more than $500.00.

Sec. 46-347. Penalties; "serious safety defect" defined.

(a) A driver, person, or motor carrier as defined by the Act who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this ordinance is responsible for a municipal civil infraction and shall be assessed a fine of not more than $500.00 for each violation.

(b) The fine for operating a vehicle with a serious safety defect ordered to be paid pursuant to this ordinance shall be paid to the county treasurer and shall be allocated as follows:

(1) Seventy percent to City of Port Huron

(2) Thirty percent for library purposes as provided by the Act.

(c) Subsection (b) does not apply to a fine ordered to be paid for a case in which the citation is dismissed pursuant to subsection (d).

(d) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of the Act, this ordinance, or provision of Michigan’s Motor Vehicle Code regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by a township, city, village, county or State for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

As used in this section, "serious safety defect" means a violation of this ordinance relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

Sec. 46-348. Transporting package relating to hazardous material required to be marked or labeled; violation; penalty; owner or user of hazardous materials vehicle inspection or repair facility; violation as misdemeanor.

(a) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this ordinance related to the transportation of hazardous materials if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is responsible for a municipal civil infraction and may be ordered to pay a fine of not more than $500.00 for each violation.

(b) A person or entity identified in subsection (a) who causes injury or death during a violation of this ordinance while a vehicle identified in subsection (a) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is used, is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both, for each violation.

(c) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance is guilty of a misdemeanor punishable as prescribed in this section.

Sec. 46-349. Vehicle combination transporting combustible liquid; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsection (b); transport of flammable liquids, gases, or compressed gases.

(a) A truck tractor pulling a semitrailer and a trailer, or pulling 2 semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:

(1) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semitrailer in a truck tractor, semitrailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.

(2) Pulls 2 semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:
Sec. 46-350. Transfer of hazardous material; prohibitions; exceptions; overfilling container; violation; penalty.

(a) Except as provided in subsection (b), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley in the City.

(b) Subsection (a) does not apply to the following transfer situations:

(1) Fueling machinery or equipment for construction, farm, and maintenance use.

(2) Fueling emergency vehicles.

(3) Under emergency conditions, a transfer may be made provided it is approved by the local fire chief, the bureau of fire services created in title 49 of the code of federal regulations on a publicly maintained route as determined by the department of transportation under title 49 CFR.

(c) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(d) The penalty for violating this section is as prescribed in Section 46-347.

Sec. 46-351. Transporting hazardous materials in amount requiring placard on publicly maintained route; prohibition; violation; penalty.

(a) A person, driver, owner, carrier, lessee, or lessor shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the code of federal regulations or a publicly maintained route as identified on the national hazardous materials route registry as determined by the department of transportation under title 49 CFR.

(b) The penalty for violating this section shall be as prescribed in Section 46-347.

Sec. 46-352. Enforcement of municipal civil infraction.

(a) Municipal civil infractions for violations of this ordinance shall be enforced in the manner provided for enforcement of municipal civil infractions in chapter 87 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8701 to 600.8735.

(b) When a person who is not a resident of this state is stopped for a violation of this ordinance which constitutes a municipal civil infraction, the Enforcement Officer making the stop shall take security for the nonresident's appearance in court. The person stopped may recognize to the Enforcement Officer or to the court for his or her appearance by leaving with the Enforcement Officer or court a guaranteed appearance certificate or a sum of money not to exceed $100.00.

(c) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the Enforcement Officer immediately shall take the nonresident driver before the magistrate to answer to the municipal civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.

(d) The Enforcement Officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.

(e) At or before the completion of his or her tour of duty, the Enforcement Officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation or to the person authorized by the Chief of the Port Huron Police to receive certificates or deposits. The person authorized shall deposit the certificate or the money deposited and the citation with the court.

(f) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered.

(g) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

Sec. 46-353. Prevention of water or road surface substances being thrown from rear wheels.

A truck, truck tractor, trailer, semitrailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22-1/2 degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination.

Sec. 46-354. Enforcement of the Act.

Nothing in this ordinance shall diminish the right of the City of Port Huron Police Department to enforce any provisions of the Act.

Sec. 46-355. Severability.

The phrases, sentences, sections and provisions of this ordinance are severable; if any portion of this ordinance is found to be unconstitutional or otherwise unenforceable, the remaining sections of the ordinance shall remain in full force and effect.
Sec. 46-356. Repeal.

All other ordinances, parts of ordinances or amendments to such ordinances which conflict with this ordinance are repealed to the extent of such conflict.

Susan M. Child, CMC
City Clerk

ADOPTED: 09/12/11
PUBLISHED: 09/17/11
EFFECTIVE: 09/17/11

Adopted by consent.

O-6. Councilmember Moeller moved, seconded by Councilmember Fisher, that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 6, BOARD OF REVIEW, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THE DIVISION TO REFERENCE STATE LAW AND THE CITY CHARTER.

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

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

O-7. Councilmember Archibald moved, seconded by Councilmember Fisher, that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 36, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING AN ARTICLE TO PROVIDE FOR THE CITY’S OFFICIAL LIST OF DEDICATED PARKS AND CEMETERIES AS REQUIRED BY THE 2011 CITY CHARTER.

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

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

O-8. Councilmember Lewandowski moved, seconded by Councilmember Fisher that the following ordinance, entitled and reading as follows, be given its first reading:

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 PROPERTY LOCATED AT 1112 SEDGWICK FROM C-1 (GENERAL BUSINESS) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL).

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

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Moeller and Ruiz.
No: None.
Absent: Councilmember Miller.

On motion (8:25 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, September 26, 2011, 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 September 12, 2011, were approved.

PRESENTATIONS

1. Yard of the Year awards were presented by the Beautification Commission (see City Clerk File #11-100 for a list of winners).

2. Barbara Ernsberger, Blue Water Habitat for Humanity, discussed “Legislators Building Communities” (see City Clerk File #11-101 for a copy of her presentation).

3. Mayor Repp, Councilmember Archibald and Wing Thiele commented about the changes to the 2012 Blue Water Fest. A collaboration of members from the current Blue Water Fest committee, the Blue Water Festival Revival, Inc., group and citizen volunteers will work on next year’s event. Some of the other changes include more community input, more citizen volunteers, hiring local businesses when possible, fundraising efforts to bring back fireworks and that City funds will not be used for this event.

        Mayor Repp also presented Scott Babin of Bridges Church with a $13,063.37 check from the donations received from this year’s festival. Mr. Babin mentioned that every dollar received will be used to feed the hungry in coordination with the Mid-City Nutrition Center.

4. John Ogden, Director of Finance, presented the City’s Economic Vitality Incentive Program Performance Dashboard and Citizens Guide (see City Clerk File #11-102 for a copy of his presentation and explanation of both items).

        John Ogden, Director of Finance, presented the preliminary financial amounts for this year’s festival as follows: Revenues - $283,000; Expenses - $325,000; Estimated loss - $42,000.

AT THIS TIME, Councilmember Fisher moved to add Resolution #4 to the agenda, seconded by Councilmember Archibald. Motion adopted unanimously.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments regarding the reallocation of Community Development Block Grant (CDBG) funds to the Erie Street Project in the amount of $200,000.

        No one appeared to be heard.

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

WHEREAS, the Community Development Division of the City of Port Huron has requested the reallocation of $200,000 in Community Development Block Grant (CDBG) funds from the Union Street Project to the previously approved, existing, and ongoing Erie Street Project; and

WHEREAS, the U.S. Housing and Urban Development’s (HUD) Citizen Participation Plan requires a public hearing be held if a reallocation exceeds more than 10% of the City’s Annual Allocation of CDBG and HOME funding; and

WHEREAS, the Port Huron City Council has held a public hearing to receive comments on the reallocation of CDBG funds to the previously approved, existing, and on-going Erie Street Project in the amount of $200,000;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the reallocation of funds in the amount of $200,000 from the Union Street Project to the Erie Street Project.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Darlene Peterson commented about moving forward with the Blue Water Fest.

2. Shirley Watts commented about the festival and the Confederate flag.

3. Margaret Enright complimented the volunteers assisting with blight cleanup throughout the City and commented on an incident during the floatdown with the U.S. Coast Guard.

4. Trina Avedisian, President, Citizens for a Vibrant Community, announced that their organization was sponsoring a meet and greet for City Council candidates on September 29.

5. Chris Goerlich commented about his desire to renovate 1126 Center Avenue and his request for City Council to reconsider the demolition order so that he may purchase the home and make the necessary repairs in order to sell it to a first-time homebuyer.

6. John Moldowan commented about his candidacy and vending operations.

7. Ken Harris commented that it appears to him that the Water Street construction project has been reduced and that he uses the area frequently. He also asked if Northgate Ford was given an opportunity to bid on the purchase of police vehicles.

CONSENT AGENDA

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

COMMUNICATIONS & PETITIONS

*C-1. Letter from Chris Goerlich, President of Reasonable Roofing, requesting reconsideration of demolition order for 1126 Center Avenue.

Received and filed.
C-2. Letter from Jon Witz, President of Jonathan Witz & Associates, regarding the Blue Water Fest.

Received and filed.

FROM THE CITY MANAGER

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

On September 15, 2011, the City of Port Huron received one (1) bid for three (3) 2011 Ford Crown Victoria Interceptors for use by the police department:

Gorno Ford, Inc. (Woodhaven, MI)  $21,920.00 each

It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Sixty-Five Thousand Seven Hundred Sixty and 00/100 Dollars ($65,760.00) be accepted, and that the appropriate City officials be authorized to execute the necessary documents.

Councilmember Moeller moved to amend the recommendation to authorize the purchase of one (1) additional vehicle if one is available, seconded by Councilmember Miller.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmember Archibald, Fisher, Miller, Moeller and Ruiz.

No: Councilmember Lewandowski.

Absent: None.

Motion to approve the recommendation, as amended, was adopted unanimously.

RESOLUTIONS

*R-1. 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 totaling $2,911.00 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 #11-103)

Adopted by consent.

*R-2. WHEREAS, Resolution #5 was adopted by the Port Huron City Council on September 12, 2011, declaring single lot assessments for the removal of noxious weeds or unlawful growths or blighting factors; and

WHEREAS, it has come to the City’s attention that an incorrect parcel was improperly invoiced and assessed and that in order to correct the matter it is necessary to rescind the declared single lot assessment for the vacant lot located at 2953 - 30th Street (74-06-185-0025-000);

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby rescind the $85.00 single lot assessment for the vacant lot located at 2953 - 30th Street (74-06-185-0025-000), which was declared by Resolution #5 and adopted by the City Council at their September 12, 2011, regular meeting.

Adopted by consent.

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

WHEREAS, on July 11, 2011, the Port Huron City Council authorized the immediate demolition of the structure(s) on the property located at 1126 Center Avenue (Code Case #11-018) within the City of Port Huron, St. Clair County, Michigan, legally described as east 50 feet Lot 1 and north 40 feet of east 50 feet Lot 2, Block 3, Avery Farm Plat, declaring the condition of said property constituted 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; and

WHEREAS, a potential purchaser of the property, Mr. Chris Goerlich, has requested permission to enter into a Work Agreement with the City to correct the code violations at 1126 Center Avenue within 90 days from the date of executing the agreement, and to provide a performance bond in the amount of $5,000 to the City; and

WHEREAS, it is the City Council’s desire to rescind the demolition order to allow Mr. Goerlich to enter into a work agreement;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Port Huron City Council hereby rescinds Public Hearing Resolution #5 dated July 11, 2011.

2. Mr. Goerlich must close on the purchase and provide proof of ownership of 1126 Center Avenue to the City no later than October 26, 2011.

3. Mr. Goerlich must enter into a Work Agreement with the City no later than October 28, 2011.

4. Mr. Goerlich must provide a $5,000 performance bond to the City at the time of executing the Work Agreement.

5. Required repairs must be completed within 90 days of the date of signing the agreement (January 28, 2012).

6. If work is not completed in accordance with the Work Agreement, the City Manager is hereby directed to cause the abatement of such conditions and nuisance by immediate demolition, with the performance bond being used to pay for abatement costs.
7. That any costs incurred in abatement of such conditions and nuisances in excess of the $5,000 performance bond 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 is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

AT THIS POINT, Mr. Goerlich responded to questions from the City Council regarding his intentions to complete the project, the timeline and the end usage of the property.

Motion adopted unanimously.

R-4. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, Landmark Development LLC has applied for an Obsolete Property Rehabilitation Exemption Certificate (OPREC) for the property at 301 Huron 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 October 10, 2011, to hear comments on the application of Landmark Development 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:

Landmark Development LLC
Sperry Development 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.

Motion adopted unanimously.

ORDINANCES

*O-1. An ordinance introduced September 12, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1330

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 6, BOARD OF REVIEW, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THE DIVISION TO REFERENCE STATE LAW AND THE CITY CHARTER.

THE CITY OF PORT HURON ORDAINS:

That Chapter 2, Administration, Article IV, Boards and Commissions, Division 6, Board of Review, of the Code of Ordinances of the City of Port Huron for the purpose of updating the division to reference state law and the City Charter is hereby amended as follows:

CHAPTER 2. ADMINISTRATION
ARTICLE IV. BOARDS AND COMMISSIONS
DIVISION 6. BOARD OF REVIEW

Sec. 2-536. Meetings.
The city’s board of review shall meet as established by state law and city charter.

ADOPTED: 09/26/11
PUBLISHED: 10/01/11
EFFECTIVE: 10/01/11

Adopted by consent.

*O-2. An ordinance introduced September 12, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1331

AN ORDINANCE TO AMEND CHAPTER 36, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING AN ARTICLE TO PROVIDE FOR THE CITY’S OFFICIAL LIST OF DEDICATED PARKS AND CEMETERIES AS REQUIRED BY THE 2011 CITY CHARTER.

THE CITY OF PORT HURON ORDAINS:

That Chapter 36, Parks and Recreation, of the Code of Ordinances of the City of Port Huron for the purpose of adding an article to provide for the City’s official list of dedicated parks and cemeteries as required by the 2011 City Charter, is hereby amended as follows:

CHAPTER 36. PARKS AND RECREATION
ARTICLE I. GENERAL

Sec. 36-1 through 36-17.
No changes.
ARTICLE II. DEDICATED PARKS AND CEMETERIES

Sec. 36-50. Dedicated parks and cemeteries.

Pursuant to section 9-2(b) of the city charter, the city council shall designate by ordinance all property which is an officially dedicated park or cemetery. Once property is so dedicated, no park, cemetery or any part thereof, shall thereafter be sold unless approved by a majority of the electors voting thereon at a regularly scheduled or special election. The following is the official list of dedicated parks and cemeteries:

Kiefer Park: The area generally bound by the north right-of-way line of Glenwood Avenue, southerly by the northerly right-of-way line of McMorran Boulevard, between Merchant Street and the St. Clair River.

Lakeside Cemetery: The area generally bound by Krafft Road on the north, Holland Avenue to the south, 10th Avenue if extended to the west and Gratiot Avenue to the east.

Pine Grove Park: The area generally bound by Prospect Place to the north, Lincoln Avenue to the south, Pine Grove Avenue to the west and the St. Clair River to the east excluding the property leased to the U.S. Coast Guard.

Sanborn Park & Nature Area: The area generally bound by Pine Grove Shopping Plaza, Crimson Court Condominiums and Hazelwood Lane on the north, Sanborn Street to the south, Pine Grove Avenue to the west and Appomattox Avenue on the east, and including the Sanborn Nature Area generally located to the east of the baseball diamond and playground area.

Thomas Edison Park: The area generally bound by the scenic turnout property north of the International Flag Plaza to the north, Prospect Place if extended to the river to the south, the Thomas Edison Parkway on the west and the St. Clair River on the east excluding the paper company’s pump station.

ADOPTED: 09/26/11
PUBLISHED: 10/01/11
EFFECTIVE: 10/01/11

Adopted by consent.

*O-3. An ordinance introduced September 12, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO. 1332

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 PROPERTY LOCATED AT 1112 SEDGWICK FROM C-1 (GENERAL BUSINESS) TO R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL)

THE CITY OF PORT HURON ORDAINS:

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

North 100 feet Lot 2, Block 47, Subdivision of the Fort Gratiot Military Reservation, also known as 1112 Sedgwick Street, City of Port Huron, St. Clair County, Michigan.

ADOPTED: 09/26/11
PUBLISHED: 10/01/11
EFFECTIVE: 10/09/11

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Archibald mentioned that the Port Huron Falcons hockey team will be playing their home opener at McMorran Place this weekend and she encouraged the community to show their support by attending.

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 Monday, October 10, 2011, at 5:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.

Absent: Councilmember Moeller.

PRESENTATIONS

1. Councilmember Fisher gave a presentation on the Blue Water Area Transportation Commission’s (BWATC) proposal for a downtown transit center. The proposal includes building and maintaining a transfer center facility in the south McMorran parking lot and will also include a 500 space parking deck with public restrooms. Adjacent public green space is planned with Wi-Fi access to provide a gathering area for college students, boaters and visitors. A portion of the green space has the potential to include future development of retail stores by private developers. The estimated project cost is $13 million and the BWATC plans to apply for a $10 million Transportation Income Generating Economic Recovery (TIGER) grant, with a State match of $1.6 million and the BWATC paying the remaining $667,000 to complete the project. (See City Clerk File #11-104 for a copy of the presentation slides.)

Following the presentation, members of the Downtown Development Authority and audience members were given an opportunity to ask questions and express concerns regarding the proposal. Some of the items mentioned included security at the facility; if there are other viable sites for the facility; ownership of the facility and who will be the responsible party for future maintenance and capital improvements; loss of revenue to McMorran Place; elimination of future tax base on the site; and if grant funding can be used to pre-pay a lease to make up the parking revenue loss from McMorran Place.

A special meeting has been scheduled for 7 p.m. in the Public Meeting Room on Monday, October 17, 2011, to receive public comment and to consider a resolution of support for the project to be submitted with the grant application.

On motion (6:45 p.m.), the meeting was adjourned.

SUSAN M. CHILD, CMC
City Clerk
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 September 6, 2011, were approved.

PRESENTATIONS

1. Jim Fisher, Chairman of the Blue Water Area Transportation Commission provided a slide presentation regarding the proposed downtown transit center (see City Clerk File #11-104). A special meeting to receive public comment on the project will be held on Monday, October 17, 2011, at 7 p.m.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the approval of an Obsolete Property Rehabilitation Act exemption for the property located in the Sperry's Building OPRA District at 301 Huron Avenue for a period of twelve (12) years.

   Donna Klune commented that the Brownfield Board should be brought up to date on this project.

   Tom Johnson and Dave White, Landmark Development, expressed thanks for the City’s support and stated that the closing has taken place, that clearing up lien issues held the project up and that they now can begin aggressively pursuing tenants.

   Anthony America commented against giving the company this tax abatement.

   Ken Harris asked about the tax implications for the taxpayers and asked if other property owners will receive the same deal.

   Garth Gurnsey commented in support of the Blue Water Transit Center.

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

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 September 27, 2010, the City legally established the Sperry's Building OPRA District for property located at 301 Huron Avenue, 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 4.68%; and

WHEREAS, Landmark Development LLC has submitted an application to the City Clerk for an OPRA Exemption Certificate and it is found that:

   ▷ Landmark Development LLC is not delinquent in any taxes related to the facility
   ▷ Landmark Development 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 September 27, 2010, the date the Sperry's Building 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 October 10, 2011, as provided by Section 4(2) of P.A. 146 of 2000, as amended, allowing a period of twelve (12) months for completion of the rehabilitation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Huron that Landmark Development LLC is hereby granted an Obsolete Property Rehabilitation Act exemption for the real property located in the Sperry's Building OPRA District at 301 Huron Avenue, for a period of twelve (12) years, beginning December 31, 2011, and ending December 30, 2023, pursuant to the provisions of P.A. 146 of 2000, as amended.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.
No: Councilmember Moeller.
Absent: None.

PUBLIC AUDIENCES

1. Donna Klune commented about ongoing criminal and blight activities occurring at rental homes in her neighborhood. A copy of her prepared comments was provided to Councilmembers.

2. Laura LaCroix commented that family issues have prevented her from completing all of the necessary repairs at 1026 - 10th Avenue and asked for additional time to complete the work.

3. Wayne Harbor commented that his mother is requesting additional time to complete the necessary work at 1026 - 10th Avenue and that family issues and funding have prevented them from getting the work done.

4. Tiffany Gamble commented that she is also helping with the repair work at 1026 - 10th Avenue and family issues, funding and weather conditions have prevented them from completing the work.
5. Darlene Peterson, Riverside Drive, commented that residents should donate used clothes to local charities rather than through out-of-state companies. She also stated support for the bus transit center; however, was not sure about the site location.

6. Ken Harris, Wells Street, commented about neighborhood conditions mentioned by Donna Klune, the lack of police patrols and that there are issues with the business on the corner of 11th and Lapeer.

7. David Ellingwood commented that he is legally blind and that disabled individuals rely on the bus system to get around.

8. John Moldowan, Rawlins Street, commented about several issues.

9. Kathleen McCready, 14th Street, commented about the McMorran north lot being used instead for the bus transit center and blight conditions in her neighborhood. She also mentioned that a candidates’ forum will be held at Harrison School on Thursday, October 13, at 6:30 p.m.

CONSENT AGENDA

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

UNFINISHED BUSINESS

1. Item postponed from August 8, 2011, meeting:

WHEREAS, the condition of the property located at 1026 - 10th Avenue within the City of Port Huron, St. Clair County, Michigan, legally described as North 32 feet Lot 4, Block 84, Addition to the City of Port Huron, being a subdivision of a portion of Fort Gratiot Military Reservation, has been brought to the attention of the City Council by the Building Official as Code Case #11-021 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-79); 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, to date, there has been no compliance regarding said notices and requests; and

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted June 27, 2011, 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:


2. As property owner has entered into a Work Agreement dated June 27, 2011, with the City to abate the nuisance at subject property, with specific completion dates, *if said dates are not met in accordance with the Work Agreement, the City Manager is hereby 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 is in a position to move promptly to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

Councilmember Fisher moved to postpone the resolution until January 9, 2012, seconded by Councilmember Miller. Motion adopted unanimously.

COMMUNICATIONS & PETITIONS

1. Letter from Vickie Ledsworth, President of the Blue Water Area Chamber of Commerce, indicating support for the proposed downtown transit center.

2. Letter from Patti Samar, Chair of the McMorran Authority Commission, indicating opposition for the proposed downtown transit center.

3. Letter from Mark Meserve expressing accolades for the efficient, user-friendly Blue Water Area Transit System.

4. Letter from Jeff Wine expressing support for Blue Water Transit’s grant request for a transit center in McMorran’s south parking lot.

5. Letter from Lisa M. Adams expressing concern with the raising of the 10th Street Bridge for boats during rush hour traffic and proposes limiting the bridge openings between 4:45 p.m. and 6 p.m., Monday through Friday.

Motion to receive and file Communications 1 through 5 adopted unanimously.

RESOLUTIONS

R-1. Councilmember Miller 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 #11-01)

Motion adopted unanimously.
R-2. Councilmember Miller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the Blue Water Area Transportation Commission (the “Commission”) is composed of two local units of government, the City of Port Huron and the Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, Section 4(a)(1) of the current Interlocal Agreement adopted in 1983 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...”; and

WHEREAS, Councilmember James Fisher has been the City’s representative on the Commission since 2006 and he is currently serving as the Chairperson of the Commission; and

WHEREAS, Councilmember Fisher is not seeking re-election to the City Council and his appointment to this board was for a term to expire on November 24, 2012, or until the end of his City Council term whichever occurs first; and

WHEREAS, Councilmember Fisher would like to continue to serve the community as a member of this board and the Commission has also expressed a desire to have him continue his exemplary service; and

WHEREAS, the City Council has the authority to appoint the City’s representative of their choosing as long as the representative’s residence or place of work is within the City; and

WHEREAS, it is the City Council’s desire to have Councilmember Fisher continue to serve this community as the City’s representative on this Commission beyond his term of office as a City Councilmember;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby appoint James Fisher to serve as the City’s representative on the Blue Water Area Transportation Commission through November 24, 2012.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Lewandowski, Miller and Ruiz.

No: Councilmember Moeller.

Abstained: Councilmember Fisher.

Absent: None.

R-3. 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 totaling $1,810.00 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 #11-105)

Adopted by consent.

R-4. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, on October 25, 2010, the Council adopted Resolution #7 issuing a one-year, temporary special approval use permit to allow a homeless shelter/rescue mission at 1920 - 24th Street, subject to the following conditions:

1. Limited to 20 beds (single beds with occupancy of one individual only).
2. Clientele is limited to males aged 18 or older.
3. Clients must be residents of St. Clair County.
4. Permit expires on October 26, 2011; and

WHEREAS, it appears the shelter continues to meet the conditions of the temporary permit as set forth; and

WHEREAS, it is the desire of the City Council to issue a special approval use permit, subject to the same conditions of operation, but with no expressed expiration date;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Zoning Administrator to issue a special use permit for a homeless shelter/rescue mission at 1920 - 24th Street, limited to 20 beds (single beds with occupancy of one individual only), limited to males 18 years of age or older, occupants must be residents of St. Clair County, and facility must be conducted in accordance with all state and local codes.

Motion adopted unanimously.

*R-5. WHEREAS, City Administration has been notified by the City's Building Official that the following properties located within the City of Port Huron, St. Clair County, Michigan, are in a state of disrepair:

<table>
<thead>
<tr>
<th>Code Case #</th>
<th>Addresses</th>
<th>Legal Descriptions</th>
<th>Code Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-030</td>
<td>1130 Young Street</td>
<td>Lot 6, Block 4, Charles A. Ward’s Subdivision of a part of the north-west fractional quarter of Section Ten</td>
<td>Building, Electrical, Mechanical &amp; Plumbing</td>
</tr>
<tr>
<td>11-031</td>
<td>1906 Stone Street</td>
<td>South 20 feet of Lot 6 and north 12 feet Lot 7, Block 4, P.H. &amp; N.W. RY. Plat of a portion of the Fort Gratiot Military Reservation</td>
<td>Building, Electrical, Mechanical &amp; Plumbing</td>
</tr>
</tbody>
</table>
WHEREAS, it appears to City Administration that the condition of the properties described above may constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the City of Port Huron Code of Ordinances, justifying abatement by the City pursuant to the powers granted in Chapter II, §2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, §10-211, and Chapter 40, §40-19 and 40-20, of the City of Port Huron Code of Ordinances; and

WHEREAS, the City Council believes it is warranted in conducting public hearings and investigations 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 at these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct separate public hearings on October 24, 2011, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for each of the above-listed properties for the purposes and according to the procedures referred to above and provide for the recording of such hearings.

BE IT FURTHER RESOLVED that the City Clerk shall 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 and 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.

BE IT FURTHER RESOLVED that a notice shall be published in accordance with the City’s Rules of Procedure and the notice 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, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Adopted by consent.

ORDINANCES

O-1. Councilmember Lewandowski moved, seconded by Councilmember Miller, that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CORRECTING CERTAIN MISDEMEANOR PENALTIES PREVIOUSLY PROVIDED FOR IN ORDINANCE #1325.

Motion adopted unanimously and ordinance given its first reading.

O-2. Councilmember Lewandowski moved, seconded by Councilmember Miller, that the following ordinance, entitled and reading as follows, be given its first reading:

AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, ARTICLE II, DOGS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CORRECTING MISDEMEANOR PENALTIES PREVIOUSLY PROVIDED FOR IN ORDINANCE #1326.

Motion adopted unanimously and ordinance given its first reading.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced the following:

The Port Huron Police Department and Radio First will be holding their annual C.A.P.T.U.R.E. fundraiser (Cops & Jocks Spaghetti Dinner) on October 11.

Leaf pick up begins the week of October 17.

A special City Council meeting will be held at 7:00 p.m. on Monday, October 17, 2011 in the Public Meeting Room to hear public comments on the proposed downtown transit center.

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 Monday, October 17, 2011, at 7 p.m. in the Public Meeting Room, Municipal Office Center.

The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Moeller.

Absent: Councilmember Ruiz.

PUBLIC HEARING

1. Councilmember Fisher stated that the Blue Water Area Transportation Commission (BWATC) was planning to apply for a TIGER federal grant to assist with the transit center funding. Notice has recently been received that Senator Levin and Senator Stabenow have secured an approximately $7 million grant for the transit center.

2. Marie Armbruster, Conger Street, questioned where the local funding will come from and wondered if other sites, such as the Quay Street parking lot by Zebra Bar, were considered. She supports the concept but opposes the location.

3. David Ellingwood commented that he is legally blind and that disabled individuals rely on the bus system and that the location must be accessible.

4. Jean Webb, Port Huron, commented that the bus terminal is a great opportunity for the City and wondered if a TIGER grant could be used to install electrical outlets for automobiles to use.

5. Garth Gurnsey, Port Huron, commented that the terminal is a great opportunity for the City and wondered if McMorran’s parking revenue loss would be replaced.

6. Bonnie Davis commented that she has been riding the bus for 35 years, that she supports the facility in the downtown area and wondered if McMorran’s north parking lot or the former Art Van building sites have been considered.

7. Randy Maiers, Community Foundation, commented that he hopes good business rationale is considered when determining the final location. He also hopes the community college is involved in the discussions for the location of the transit center to ensure that a connection between the college students and downtown is maintained.

8. John Robbins, downtown business owner, commented that a key component for the site location is maintaining the college and downtown connection and that all of the issues should be examined before a site is determined.

9. John Moldowan, Port Huron, commented that the funding should be used for jobs and fighting the war on drugs and that the citizens should vote on the site location.

10. Sharon Bender, Port Huron, referenced a 2010 newspaper article that addressed issues experienced at the Detroit bus station with homeless people and panhandlers and wondered how this would be addressed at a new transit facility. She also wondered how the dynamics of the facility will change with the reduction in funding.

11. Kevin Cates questioned the long-term plan or goal for the bus terminal if the ridership increases or decreases in the future, wondered who would be responsible for the security at the facility, what the gain or loss would be to the City taxpayers and what are the plans for the additional space.

12. Dennis Kautzman, East Village Lane, questioned if the property would be leased to BWATC and how parking revenue shortfalls for McMorran Place would be addressed.

AT THIS POINT, some of the issues/concerns that were raised by audience members were addressed by Councilmember Fisher including (not necessarily listed in the order in which they were stated):

• Current transfer site is already located downtown on Quay Street; however, BWATC believes this prime waterfront property is better suited for condos or other residential development.

• BWATC believes the McMorran parking lot site is the better site location as it will help to provide a safer transfer location for riders and vehicles, it provides more convenient downtown parking for passengers and other visitors, it enhances the downtown lofts and it provides green space for college students migrating across campus to the downtown area.

• This site addresses the Downtown Development Authority’s goal of “pedestrializing” McMorran Boulevard, eliminates the future repairs of the lot by City taxpayers and other sites are not as centrally located.

• The folks from the Sperry’s project believe the location would enhance their project to have covered parking behind their building and the tenants of the loft apartment are excited to have some parking problems addressed that occur during the winter months.

• Additional parking and public green space is planned. Future retail can occur if the need arises. Future growth in the downtown can be addressed by adding additional levels to the parking structure.

• Parking fees will go to the BWATC to pay for the parking structure and cash reserves will be used to make up any shortages.

• Parking revenues would be eliminated from McMorran’s budget, along with the annual taxpayer obligation to maintain the parking lot. The intent is not to harm McMorran and issues will need to be worked out.

• The final design of the project will be based on the available funding.

• Mechanical work will not be done at this facility.

• Construction workers will be necessary to build the structure thereby creating jobs.

• A future City Council will determine if the site will be leased or sold.

A resolution in support of the idea of a bus transit center will be presented at the next regular meeting for City Council consideration.

On motion (8:10 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 24, 2011, 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 special and regular meeting of October 10, 2011, and the special meeting of October 17, 2011, were approved.

PRESENTATIONS

1. Lonnie Stevens, Executive Director of the United Way, gave a presentation on the services provided by the United Way and encouraged individuals and businesses to give during their fundraising drive.

2. Kim Harmer, Planning Director, updated the Council on the “Pride in Port Huron” program (see City Clerk File #11-106).

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on MAG IAS, LLC’s, request for an Industrial Facilities Exemption Certificate.

Dan Casey, Executive Director of the Economic Development Alliance, and Sam Serra, MAG IAS Plant Manager, commented about MAG’s application for a $3 million personal property tax abatement. Their initial application is to develop a process technology to manufacture spar cap components for wind turbine blades with a minimum of ten new jobs and a potential for significantly more to be added in the future. The long-term application is to grow into a production facility supplying wind blade components. The technology can also be used to develop and manufacture components for the Aerospace industry.

Anthony America, Port Huron, commented that tax breaks should be given to citizens and verification of the new jobs stated should be made.

Darlene Peterson, Riverside Drive, commented in support of the tax abatement as it is in an area that may allow her son to return to the area.

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

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing on December 27, 1976, the City Council of the City of Port Huron by resolution established an Industrial Development District; and

WHEREAS, MAG IAS, LLC, 2555 - 20th Street, has filed an application for an Industrial Facilities Exemption Certificate with respect to a rehabilitation facility to be acquired and installed within the Industrial Development District; and

WHEREAS, before acting on said application, the Port Huron City Council held a public hearing on October 24, 2011, at the Municipal Office Center, 100 McMorran Boulevard, Port Huron, Michigan, in the Public Meeting Room, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than six (6) months before October 14, 2011, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Port Huron; and

WHEREAS, the aggregate SEV of real and personal property exemption from ad valorem taxes within the City of Port Huron, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron; and

BE IT FURTHER RESOLVED that the application from MAG IAS, LLC, for an Industrial Facilities Exemption Certificate, with respect to a rehabilitated facility on the following described parcel of real property situated within the Industrial Development District, to wit, be the same is hereby approved:

LOT 32 & OUTLOT C ASSESSOR’S TWENTY-FOURTH STREET PLAT & THAT PART OF BLKS 5 & 6 WAKEHAM & SCHOOLCRAFTS TUNNEL DEPOT SUBDIVISION LYING S OF A LINE 360’ S OF & PARALLEL WITH S LINE OF BEARD ST & THAT PART OF BLKS 1 & 2 NORWOOD PLAT LYING N OF A LINE 6.56’ N OF & PARALLEL WITH N LINE VAC LORRAINE ST INCL ALL VAC ST & ALLEYS THEREIN & INCL ALL VAC 22ND ST ADJ OWNED & OCCUPIED AS ONE PARCEL

BE IT FURTHER RESOLVED that the Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) years for personal property.

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to sign the necessary documents and agreements and to forward the application to the State Tax Commission.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Fisher, Lewandowski, Miller and Ruiz.

No: Councilmember Moeller.

Absent: None.
2. The Mayor announced that this was the time to hear comments on Code Case #11-034, 1414 – 7th Street, to 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:

   Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

   Ken Harris, Wells Street, commented that the City is moving in the right direction with the demolitions and that the entire block of Pearl Street should be looked at for blighted conditions.

   The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Miller:

   WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as South 46 feet Lot 3, Block 45, White Plat, also known as 1414 - 7th Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-034, claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-107); and

   WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 10, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

   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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building   [X] Electrical   [X] Plumbing   [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

3. The Mayor announced that this was the time to hear comments on Code Case #11-035, 1307 Scott Avenue, to 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:

   Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

   The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

   WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as Lot 9, Block 67, Subdivision of the Port Gratiot Military Reservation, including south one-half of vacated alley adjacent also known as 1307 Scott Avenue, has been brought to the attention of the City Council by the Building Official as Code Case #11-035 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-108); and

   WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 10, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

   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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building   [X] Electrical   [X] Plumbing   [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.
4. The Mayor announced that this was the time to hear comments on Code Case #11-037, 2319 - 8th Street, to 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:

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as Lot 4, Block 3, Commissioners Plat of that part of the estate of Simon Petit, deceased, lying and being in Section 15, T6NR17E, Section 15, also known as 2319 - 8th Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-037 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-109); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 10, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

5. The Mayor announced that this was the time to hear comments on Code Case #11-039, 1911 Oak Street, to 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:

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as Lot 10, Block 2, Cyprus M. Stockwell Estate, also known as 1911 Oak Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-039 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-110); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 10, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.
6. The Mayor announced that this was the time to hear comments on Code Case #11-030, 1130 Young Street, to 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:

Kathleen McCready, 14th Street, commented about the lack of home ownership on this block.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as Lot 6, Block 4, Charles A. Ward’s Subdivision of a part of the northwest fractional quarter of Section 10, also known as 1130 Young Street, has been brought to the attention of the City Council by the Building Official as Code Case #11-030 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-111); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, 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 10, 2011, 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, §10-211 and Chapter 34, §34-3 of the Port Huron Code of Ordinances;

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations: [X] Building  [X] Electrical  [X] Plumbing  [X] Heating

2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Donna Klune questioned the reasoning for presenting a Charter amendment (Resolution #6) so soon after a new Charter was adopted.

2. Shaker Samman, Port Huron Northern Junior and President of Junior State of America Club, encouraged attendance at their mayoral debate on November 1 at 7 p.m. in the Performing Arts Center. He also mentioned that all questions will be asked by high school students.

3. Darlene Peterson, Riverside Drive, commended the United Way, questioned the proposed location, financing and continued maintenance of the Blue Water Transit Station and commented about a dance studio being a nonprofit.

4. Donna Klune commented that her neighborhood should be considered for the Pride in Port Huron program next year.

5. Ken Harris, Wells Street, commented about the disadvantage placed on local bidders to meet the purchasing ordinance’s low bid match condition.

6. Shirley Watts commented about honoring various individuals, the downtown and providing jobs for people.

7. Monica Mercurio questioned the proposed McMorran parking lot location for the Blue Water Transit Station and whether in the future it can be self-sustaining.

8. John Moldowan, Rawlins Street, commented about the sidewalk repair on the Thomas Edison Park boardwalk and garbage trucks that pass through our area from Canada.

9. Margaret Enright commented that the Blue Water Transit Station should not be located on waterfront property and concerns with parking rates and policing of the facility.

10. Larry Jones, downtown investor, expressed support of the bus transit station in McMorran’s south parking lot, which will help grow the downtown area.

11. Anthony America, Port Huron, commented in support of the federal grant dollars for the bus transit station, votes and service by certain Councilmembers and the increased community involvement by the Police Chief and the police department.

12. David Ellingwood, Port Huron, commented in support of the bus transit station and the necessity for this facility by the disabled individuals.

13. Sharon Bender, South Boulevard, commented in support of the bus transit station and hopes to see in the future a hotel built adjacent to McMorran Place.

CONSENT AGENDA

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

R-1. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Miller:

WHEREAS, the Blue Water Area Transportation Commission (BWATC) is the area’s largest public transportation provider; and

WHEREAS, to continue to provide quality, timely services to the public, the BWATC is desirous of expanding their operations and facilities to provide a more efficient method of transferring from one bus route to another; and

WHEREAS, it has been announced that the BWATC has been awarded a federal grant to build a bus transfer facility in the City of Port Huron, which will include a parking structure and public green space; and

WHEREAS, it is the City Council’s understanding that it is BWATC’s intention to provide all funding for capital, operations and maintenance of the bus transfer facility, parking structure and adjacent public green space;

WHEREAS, it is the City Council’s understanding that it is BWATC’s intention to provide all funding for capital, operations, maintenance, daily cleaning and policing of the bus transfer facility, parking structure and adjacent public green space;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports the concept of the Blue Water Area Transportation Commission’s bus transfer facility project with the BWATC providing all funding for capital, operations, maintenance, daily cleaning and policing of the bus transfer facility, parking structure and adjacent public green space, and subject to the following conditions:

1. Final design concept
2. Final agreement relating to the use of City-owned lands for this purpose.

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 totaling $2,920.00 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 #11-112)

Adopted by consent.

*R-3. WHEREAS, as required by Chapter 12, Businesses, Article XIII, Vehicles for Hire, of the Code of Ordinances of the City of Port Huron, on August 8, 2011, the Port Huron City Council authorized Dennis Cooper, majority owner of City Cab of Port Huron, Inc., to operate up to ten (10) taxicabs in the City of Port Huron; and

WHEREAS, there has been a change in the name of this business from City Cab of Port Huron, Inc., to Blue Water City Cab, Inc.; and

WHEREAS, there has also been a change in the ownership structure with Eric Umbreit as the President and majority owner of the business and Dennis Cooper as the Vice President and minority owner of the business;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby acknowledge City Cab of Port Huron’s name change and ownership restructure to Blue Water City Cab, Inc.

Adopted by consent.

*R-4. WHEREAS, Starlites Parent 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 Starlites Parent Club as a nonprofit organization in the City of Port Huron.

Adopted by consent.

*R-5. 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

NOW, THEREFORE, BE IT RESOLVED that the Mayor’s reappointment of Robert J. Funk to the Tax Increment Finance Authority with a term to expire September 14, 2015, is hereby confirmed;

BE IT FURTHER RESOLVED that the Mayor's reappointment of Tim Ward for a term to expire September 14, 2015, is hereby confirmed.

Adopted by consent.

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

WHEREAS, the City Charter currently provides that no member of the City Council shall be eligible for appointment as City Manager until two (2) years subsequent to the termination of his or her service on the City Council; and
WHEREAS, Councilmember Lewandowski has requested that a Charter amendment be prepared to also provide that no member of the City Council shall be eligible for employment with the City of Port Huron as an administrative officer until two (2) years subsequent to the termination of his or her service on the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby proposes to submit to the electorate a proposal to amend the Charter of the City of Port Huron, Section 5-4, Administrative officers and employees, by adding Section 5-4(d) which, if adopted by the electorate, will read as follows:

CHARTER LANGUAGE FOR PROPOSITION NO. 1

Section 5-4(d). No member of the City Council shall be eligible for employment with the City of Port Huron as an administrative officer until two (2) years subsequent to the termination of his or her service on the City Council.

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Port Huron and printed on the ballot in the following form:

PROPOSITION NO. 1

Shall the Port Huron City Charter be amended to provide that no member of the City Council shall be eligible for employment with the City of Port Huron as an administrative officer until two (2) years subsequent to the termination of his or her service on the City Council?

BE IT FURTHER RESOLVED that the City Clerk shall forthwith transmit a copy of the proposed Charter amendment to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot designation of such proposed Charter amendment to the Attorney General of the State of Michigan for approval as required by law; and

BE IT FURTHER RESOLVED that the amendment proposal shall be submitted to the qualified electors of the City of Port Huron at the election to be held on February 28, 2012, or the next available election after approval by the Governor, and the City Clerk is directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things necessary to submit such Charter amendment to the vote of the electors as required by law; and

BE IT FURTHER RESOLVED that the proposed Charter amendment, together with the question, shall be published in full online on the City’s web site and copies made available at the City Clerk’s office; and

BE IT FURTHER RESOLVED that the canvass and determination of the votes on said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Port Huron.

Motion rejected by the following vote:

No: Mayor Repp; Councilmembers Archibald, Fisher, Miller, Moeller and Ruiz.

Yes: Councilmember Lewandowski

Absent: None.

OR cinances

O-1. Councilmember Archibald moved, seconded by Councilmember Ruiz, to amend the following ordinance to revise the title for Sec. 34-140 to read “Assault, Assault and battery; Domestic violence” and that the ordinance, as amended, be given its second reading and enacted:

ORDINANCE NO.1333

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CORRECTING CERTAIN MISDEMEANOR PENALTIES PREVIOUSLY PROVIDED FOR IN ORDINANCE #1325.

THE CITY OF PORT HURON ORDAINS:

That Chapter 34, Offenses, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of correcting certain misdemeanor penalties previously provided for in Ordinance #1325 as follows:

CHAPTER 34. OFFENSES

ARTICLE I. IN GENERAL

Sec. 34-1 through Sec. 34-35.

No changes.

ARTICLE II. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS

Sec. 34-36 through Sec. 34-100.

No changes.

ARTICLE III. OFFENSES AGAINST PROPERTY

Sec. 34-101 through Sec. 34-106.

No changes.

Sec. 34-107. Illegal dumping.

Any person who shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another, without the specific permission of the owner thereof, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.552(a).

Sec. 34-108 through 34-135.

No changes.

ARTICLE IV. OFFENSES AGAINST THE PERSON

Sec. 34-136 through Sec. 34-139.

No changes.

Sec. 34-140. Assault; Assault and battery; Domestic violence

(a) Any person who assaults or assualts and batters an individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.
(c) As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affective involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

State law reference. MCL 750.81.

Sec. 34-141 through Sec. 34-142.
No changes.

Sec. 34-143.  Breaking and entering without permission.
Any person who breaks and enters or enters without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boat house, hunting or fishing lodge, garage or the out-buildings belonging thereto, any ice shanty with a value of $100.00 or more, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, or person having immediate control thereof, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.115(1).

Sec. 34-144 through Sec. 34-145
No changes.

Sec. 34-146.  Defrauding an innkeeper.
Any person who shall put up at any hotel, motel, inn, restaurant or cafe as a guest and shall procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or, who, with intent to defraud such keeper out of the pay therefor, shall obtain credit at any hotel, motel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. No conviction shall be had under the provisions of this section unless complaint is made within 60 days of the time of the violation hereof.

State law reference. MCL 750.292.

Sec. 34-147.  Prescription misuse.
Except as provided in MCL 333.17766d and MCL 333.17780, a person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both:

(a) Obtains or attempts to obtain a prescription drug by giving a false name to a pharmacist or other authorized seller, prescriber or dispenser.

(b) Obtains or attempts to obtain a prescription drug by falsely representing that he or she is a lawful prescriber, dispenser, or licensee, or acting on behalf of a lawful prescriber, dispenser, or licensee.

(c) Falsely makes, utters, publishes, passes, alters, or forges a prescription.

(d) Knowingly possesses a false, forged, or altered prescription.

(e) Knowingly attempts to obtain, obtains, or possesses a drug by means of a prescription for other than a legitimate therapeutic purpose, or as a result of a false, forged, or altered prescription.

(f) Possesses or controls for the purpose of resale, or sells, offers to sell, dispenses, or gives away, a drug, pharmaceutical preparation, or chemical that has been dispensed on prescription and has left the control of a pharmacist.

(g) Possesses or controls for the purpose of resale, or sells, offers to sell, dispenses, or gives away, a drug, pharmaceutical preparation, or chemical that has been damaged by heat, smoke, fire, water, or other cause and is unfit for human or animal use.

(h) Prepares or permits the preparation of a prescription drug, except as delegated by a pharmacist.

(i) Sells a drug in bulk or in an open package at auction, unless said sale has been approved by all necessary state and/or federal agencies.

State law reference. MCL 333.17766.

Sec. 34-148.  Use of inhalants.
No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat or otherwise introduce any chemical agent into his or her respiratory or circulatory system. This shall not prohibit the inhalation of any anesthetia for medical or dental purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

State law reference. MCL 752.272.

Sec. 34-149 through Sec. 34-155.
No changes.

Sec. 34-156.  Falsely and maliciously accusing another of crime, etc.
Any person who shall falsely and maliciously, by word, writing, sign, or otherwise accuse, attribute, or impute to another the commission of any crime, felony or misdemeanor, or any infamous or degrading act, or impute or attribute to any female a want of chastity, shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.370.

Sec. 34-157 through Sec. 34-170.
No changes.

ARTICLE V.  OFFENSES AGAINST PUBLIC PEACE

Sec. 34-171 through Sec. 34-245.
No changes.

ARTICLE VI.  OFFENSES AGAINST PUBLIC MORALS
DIVISION 1.  GENERALLY

Sec. 34-246 through 34-250.
No changes.

Sec. 34-251.  Engaging a prostitute.
Any person who engages or offers to engage the services of another person, not his or her spouse, for the purpose of prostitution, lewdness or assignation, by the payment in money or other forms of consideration, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.449a.

Sec. 34-252 through Sec. 34-270.
No changes.

DIVISION 2.  DRUG PARAPHERNALIA

Sec. 34-271 through Sec. 34-310.
No changes.
ARTICLE VII. OFFENSES AGAINST PUBLIC SAFETY

Sec. 34-311. Fireworks.

No changes.

Sec. 34-312. Discharging firearms; transporting airguns, spring guns, and similar devices in vehicles; possessing, showing, displaying toy guns, starter pistols, blank guns or similar devices.

(a) No person shall discharge any firearm, spring gun, airgun, slingshot, bow and arrow or other device capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the city council. Also, bow and arrow instruction will be allowed at an approved site under supervision of a qualified instructor as part of the curriculum of an accredited education system and with appropriate indemnification of the city approved by the city legal department.

(b) No person shall transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel, within the city, any airgun, spring gun or other device capable of or designed to discharge any shot, pellet, or missile likely to inflict bodily injury and/or property damage, unless the device is unloaded and is one or more of the following:

(1) Disassembled.
(2) Enclosed in a case.
(3) Carried in the trunk of the vehicle.
(4) Inaccessible from the interior of the vehicle.

(c) No person shall possess or show or display a gun, toy gun, starter pistol, blank gun or device of similar nature in a nonthreatening manner, but with the intent to convey the impression to a person that the gun, toy gun, starter pistol, blank gun or similar device is actually a lethal weapon capable of causing a reasonable person to believe that the person possessing such object is armed with a dangerous weapon.

(d) No person under 18 years of age shall use or possess any handgun designed and manufactured exclusively for propelling BB's not exceeding 0.177 caliber by means of spring, gas or air, outside the curtilage of his domicile unless he is accompanied by a parent, legal guardian, or their designee.

(e) An individual who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00.

State law reference. MCL 752.222 et. seq.

Sec. 34-313 through Sec. 34-318.

No changes.

Sec. 34-319. Reckless use of firearm.

Any person who shall recklessly or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

State law reference. MCL 752.863a.

Section 34-320. Liquor or controlled substance; possession or use of firearm by person under influence

(a) An individual shall not carry, have in possession or under control, or use in any manner or discharge a firearm under any of the following circumstances:

(1) The individual is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(2) The individual has an alcohol content of 0.08 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(3) Because of the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the individual's ability to use a firearm is visibly impaired.

(b) A person who carries and/or possess a firearm in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(c) A person who uses and/or discharges a firearm in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.237.

Secs. 34-321—34-350. Reserved.

ARTICLE VIII. OFFENSES INVOLVING MINORS

Sec. 34-351 through Sec. 34-359.

No changes.

Sec. 34-360. Contributing to the delinquency of a minor.

Any person who shall by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of 17 years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

State law reference. MCL 750.145.

Sec. 34-361 through Sec. 34-362.

No changes.

ADOPTED: 10/24/11
PUBLISHED: 11/04/11
EFFECTIVE: 11/04/11

Motion adopted unanimously.

*O-2. An ordinance introduced October 10, 2011, entitled and reading as follows was given its second reading and enacted:

ORDINANCE NO.1334

AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, ARTICLE II, DOGS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CORRECTING MISDEMEANOR PENALTIES PREVIOUSLY PROVIDED FOR IN ORDINANCE #1326.

THE CITY OF PORT HURON ORDAINS:

That Chapter 8, Animals, Article II, Dogs, of the Code of Ordinances of the City of Port Huron is hereby amended for the purpose of correcting misdemeanor penalties previously provided for in Ordinance #1326.

CHAPTER 8. ANIMALS

ARTICLE II. DOGS

Sec. 8-41 through Sec. 8-46.

No changes.
Sec. 8-47. Unlicensed dog.

It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed as required pursuant to State, County or City law, or to own any dog 6 months old or over that does not at all times wear a collar with a tag approved by the director of agriculture, as required pursuant to Michigan’s Dog Law, except when engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash. Any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00 or both.

State law reference. MCL 287.262

Sec. 8-48. Vaccination.

The owner of a dog that is required to be licensed pursuant to state, county or city law, shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture. Any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00 or both.

State law reference. MCL 287.266(8)

Sec. 8-49 through Sec. 8-60.

No changes.

ADOPTED: 10/24/11
PUBLISHED: 11/04/11
EFFECTIVE: 11/04/11

Adopted by consent.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Miller expressed gratitude to City administration for their support and professional services and thanked the community for their support and the opportunity to serve.

2. Councilmember Fisher thanked the community for the opportunity to serve.

On motion (8:45 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 14, 2011, 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 October 24, 2011, were approved.

FROM BOARDS & COMMISSIONS

1. Councilmember Fisher offered and moved to receive and file the following report, seconded by Councilmember Miller:

The Canvass Board of St. Clair County, Michigan, did on Wednesday, November 9, 2011, meet in the County Clerk’s Office, 201 McMorran Boulevard, Port Huron, Michigan, to publicly canvass the results of the City of Port Huron election held on Tuesday, November 8, 2011. The results of the canvass of said election are as follows:

Total number of voters: ............................ 3,681

Office of Mayor:

Pauline M. Repp ............................. 2,008
Garth G. Gurnsey .............................. 1,212
John M. Moldovan ........................... 385

City Councilmember:

Ken Harris .................................. 2,254
Brian J. Moeller .............................. 2,225
Sherry L. Archibald .......................... 2,131
Alan Lewandowski ............................ 1,904
Domingo A. Ruiz ............................... 1,753
Rachel Cole .................................. 1,646
Timothy R. Keller .............................. 1,631
David Castillo ................................ 1,535
Richard N. Brettin ............................ 854
Jeremy Ruiz ................................. 738
Alphonso Amos ............................... 667
Thomas Grambau ............................ 419

Proposition #1 - Lease a portion of Lighthouse Park:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,920</td>
<td>619</td>
</tr>
</tbody>
</table>

Candidate Pauline M. Repp having received the highest number of votes cast was declared elected to the Office of Mayor of the Port Huron City Council. Pursuant to the provisions of the 2011 City Charter, Section 4-3, candidate Pauline M. Repp will serve a 2-year term.

Candidates Ken Harris, Brian J. Moeller, Sherry L. Archibald, Alan Lewandowski, Domingo A. Ruiz and Rachel Cole having received the highest number of votes cast were declared elected as Councilmembers of the Port Huron City Council. Pursuant to the provisions of the 2011 City Charter, Section 12-7(3)(i), candidates Ken Harris, Brian J. Moeller and Sherry L. Archibald will serve 4-year terms. Pursuant to the provisions of the City Charter, Section 12-7(3)(ii), candidates Alan Lewandowski, Domingo A. Ruiz and Rachel Cole will serve 2-year terms.

Proposition #1 having received the highest number of “yes” votes cast was hereby approved.

Motion adopted unanimously.

AT THIS POINT, Councilmember Fisher and Mayor Pro-tem Miller gave departing remarks.

On motion (7:10 p.m.), Council adjourned.

A subsequent meeting of the City Council was immediately convened by the City Clerk for the installation of the newly-elected Mayor and Councilmembers and the conduct of regular business.

INSTALLATION OF NEW COUNCIL

The City Clerk administered the Oath of Office to Mayor Pauline M. Repp. At this time, the Mayor assumed the role of Presiding Officer of the meeting.

The City Clerk administered the Oath of Office to the newly elected City Councilmembers.

The roll call of the newly elected City Council was taken at this time:

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

APPOINTMENT OF MAYOR PRO-TEM

Councilmember Moeller nominated Councilmember Harris for appointment to the Office of Mayor Pro Tem for the City of Port Huron. Councilmember Ruiz nominated Councilmember Archibald for appointment to the Office of Mayor Pro Tem. Nominations were closed and a ballot was prepared and distributed to City Councilmembers.

The City Clerk announced the results: Five (5) votes for Sherry Archibald (Mayor Repp; Councilmembers Archibald, Cole, Lewandowski and Ruiz); Two (2) votes for Ken Harris (Councilmembers Harris and Moeller). Councilmember Archibald was appointed to the Office of Mayor Pro Tem.

AT THIS POINT, the City Clerk administered the Oath of Office to the newly appointed Mayor Pro Tem Archibald.
PRESENTATIONS

1. Kathleen Swantek of Blue Water Developmental Housing and Jenny McCready of Safe Horizons gave a presentation about homelessness (see City Clerk File #11-113). A proclamation recognizing November 12-20, 2011, as Homeless Awareness Week was also presented at this time.

PUBLIC AUDIENCES

1. Anthony America commented against giving companies tax breaks and eliminating the City income tax.

2. Councilmember Harris commented about the election and whether the members were going to stay the same or move forward.

3. Bernard Ellery, Military Street, commented about the reduction made to the EDA membership cost, increasing property values, reducing the crime rate and working to bring a casino to Port Huron.

4. David Castillo thanked the voters and individuals who helped on his campaign.

5. Jeff Wine commented in support of the Blue Water Bus Transit Center being located in the south McMorran parking lot.

6. Margaret Enright commented against the Council’s decision to not appoint the highest vote getter to the Mayor Pro Tem’s position.

7. Shirley Watts commented about honoring various individuals.

8. John Moldowan commented about the sidewalk gaps along the Thomas Edison Parkway and provided photos of various sections with gaps.

9. Roy Stevens, Lakeshore Road, commented in support of the Bus Water Bus Transit Center being located in the south McMorran parking lot.

10. Bill Vogan, LaSalle Boulevard, commented in support of the Bus Water Bus Transit Center being located in the south McMorran parking lot.

11. Trina Avedisian, 15th Street, commented against the Council’s decision to not appoint the highest vote getter to the Mayor Pro Tem’s position.

CONSENT AGENDA

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

RESOLUTIONS

R-1. Councilmember Archibald 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 #11-01)

Motion adopted unanimously.

*R-2. WHEREAS, the following costs have been incurred by the City of Port Huron for demolition proceedings of structures on the following described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Code Case #</th>
<th>Property #</th>
<th>Property Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-035</td>
<td>74-06-638-0026-000</td>
<td>1122 Church Street</td>
<td>$5,463.96</td>
</tr>
<tr>
<td>11-006</td>
<td>74-06-743-1327-000</td>
<td>722 12th Street</td>
<td>$5,305.13</td>
</tr>
<tr>
<td>11-009</td>
<td>74-06-666-0032-000</td>
<td>1915 Division Street</td>
<td>$8,290.44</td>
</tr>
<tr>
<td>11-010</td>
<td>74-06-588-0010-000</td>
<td>2862 Mason Avenue</td>
<td>$4,854.12</td>
</tr>
</tbody>
</table>

$23,913.65

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $23,913.65 for demolition proceedings of structures on the above-described properties.

Adopted by consent.

*R-3. WHEREAS, Toys for Kids, 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 Toys for Kids, Inc., as a nonprofit organization in the City of Port Huron.

Adopted by consent.

*R-4. WHEREAS, at the regular meeting of September 12, 2011, the City Council approved the application of Earl Smith Distributing, 1717 Beard Street, to transfer an existing Industrial Facilities Exemption Certificate; and

WHEREAS, the State of Michigan, Department of Treasury Division, Property Services Division, has notified the City that the State now requires certain statements to be included in resolutions approving the transfer of Industrial Facilities Exemption Certificates and that an amendment to the previously adopted resolution is necessary;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the previously adopted resolution as follows:

Adopted by consent.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron, does hereby amend Public Hearing Resolution #1, dated September 12, 2011, to include the following information as required by the State of Michigan:

1. Pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on December 27, 1976, the Port Huron City Council by resolution established an Industrial Development District; and

2. The Port Huron City Council approved an application from Knolls, LLC requesting an Industrial Facilities Exemption Certificate #07-522 for real property investments located at 1717 Beard Street; and

3. Earl Smith Distributing Company has filed an application for a transfer of Industrial Facilities Exemption Certificate #07-522 with respect to real property in the amount of $1,007,297 of a Rehabilitated Facility located within this Industrial Development District; and

4. Before acting on said application, the Port Huron City Council held a hearing on September 12, 2011, in the Public Meeting Room at the Municipal Office Center at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

5. Earl Smith Distributing Company has substantially met all the requirements under Public Act 198 of 1974 for the transfer of Industrial Facilities Exemption Certificate #07-522; and

6. The aggregate SEV of real and personal property exempt from ad valorem taxes within the Port Huron City Council, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and

7. The Port Huron City Council finds and determines that the granting of the transfer of an Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Port Huron, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Port Huron.

8. The application from Earl Smith Distributing Company for a transfer of Industrial Facilities Exemption Certificate #07-522 with respect to a rehabilitated facility on the following described parcel of real property situated within the Industrial Development District, to wit, be and the same is hereby approved:

Legal Description
ALL THAT PART OF OUTLOT L ASSESSOR’S RAILROAD PLAT AND LOTS 11 & 12 ASSESSOR’S PLAT OF JANE A. WHITE LAND DESC AS BEG AT PT DIST N 89-53-00 W 268.09 FT FROM THE INT OF N LINE OF BEARD ST AND W LINE OF SIXTEENTH ST, TH N 89- 53-00 W 338.49 FT, TH N 00-01-50 E 20.0 FT, TH N 89-53- 00 W 139.10 FT, TH N 00-00-00 751.45 FT, TH S 80-29-00 E 483.86 FT, TH S 00-01-50 E 692.55 FT TO POB INCL VAC PETIT ST THEREIN OWNED & OCCUPIED AS ONE PARCEL (also known as 1717 Beard Street)


Adopted by consent.

*R-5. WHEREAS, pursuant to the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan 1996, as amended, Landmark Port Huron, LLC has submitted a Brownfield Pan for the Huron-Main Revitalization Project at the following locations:

202/204 Huron Avenue / 411/415 Quay Street (Parcel #: 74-06-298-0081-000); 208 Huron Avenue / 107 Michigan Street (Parcel #: 74-06-298-0082-000); 203 Michigan Street (Parcel #: 74-06-298-0083-000); 230 Huron Avenue (Parcel #: 74-06-298-0084-000); 217 Michigan Street (Parcel #: 74-06-298-0087-000); 220 Huron Avenue (Parcel #: 74-06-298-0092-000); 218 Huron Avenue (Parcel #: 74-06-298-0093-000); 216 Huron Avenue (Parcel #: 74-06-298-0094-000); 206 Huron Avenue (Parcel #: 74-06-298-0097-100); 311/313/313-1/2 / 315 Huron Avenue /310/312 Superior Street Mall (Parcel #: 74-06-298-0129-000); 321 Huron Avenue (Parcel #: 74-06-298-0130-000); and 319 Huron Avenue (Parcel #: 74-06-298-0131-000), Port Huron, Michigan; and

WHEREAS, the City of Port Huron Brownfield Redevelopment Authority met on November 3, 2011, to review the Landmark Port Huron LLC Brownfield Plan and make a recommendation to the City Council regarding the plan;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby authorizes the City Clerk to schedule a public hearing for November 28, 2011, in order to hear comments on the Brownfield Plan and to publish notice of the public hearing according to the Act, and further authorizes the City Clerk to notify all taxing jurisdictions which are affected by adoption of the Plan about the fiscal and economic implications of the proposed financing plan.

Adopted by consent.

*R-6. WHEREAS, the City of Port Huron’s existing five-year Parks and Recreation Plan will expire this year; and

WHEREAS, to begin the process of updating a new five-year plan, a survey was randomly sent to City residents to receive their views and opinions of the parks and recreation facilities and programs; and

WHEREAS, City Administration has prepared a draft of a new Parks and Recreation Plan taking into consideration the survey results and staff recommendations for changes and improvements; and

WHEREAS, the Michigan Department of Natural Resources (MDNR) offers communities that have a comprehensive parks and recreation plan approved by the agency in various state and federal recreation grant funding opportunities; and

WHEREAS, before adoption of the five-year Parks and Recreation Plan, the MDNR requires that the City hold a public hearing to receive input and comments from citizens on the proposed plan and requires a 30-day review and comment period;
NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby schedules a public hearing for January 9, 2012, to receive input and comments from citizens on the draft 2012-2016 Parks and Recreation Plan;

BE IT FURTHER RESOLVED that the City Clerk shall publish notice of said public hearing in the Times Herald at least one week prior to the date of the public hearing and shall have copies of the plan available in the City Clerk’s Office and other applicable locations for public review.

Adopted by consent.

*R-7. 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 totaling $1,490.00 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 #11-114)

Adopted by consent.

*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 $8,577.27 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #11-115).

Adopted by consent.

*R-9. WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for removal of right-of-way obstructions due to improperly maintained landscaping; and

WHEREAS, the costs of removal of right-of-way obstructions due to improperly maintained landscaping shall be assessed to the property owner(s) pursuant to City Ordinance 22-52 (8); 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 $94.68 for removal of right-of-way obstructions due to improperly maintained landscaping upon the lots and premises described in the attached special assessment report (see City Clerk File #11-116).

Adopted by consent.

R-10. Councilmember Lewandowski moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, there has been a contract (#11-5563) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for reconstruction work along Dove Street from 24th Street to 16th Street, including water main, concrete pavement, concrete sidewalk, and sidewalk ramp; and

WHEREAS, the City of Port Huron has been awarded a Grant under the Transportation Economic Development Fund (TED Funds); and

WHEREAS, the total estimated project cost of $1,141,300 is to be shared as follows:

<table>
<thead>
<tr>
<th>Eligible Street</th>
<th>Ineligible Utilities</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>TED Funds $375,000</td>
<td>$375,000</td>
<td></td>
</tr>
<tr>
<td>City $501,400</td>
<td>$264,900</td>
<td>$766,300</td>
</tr>
<tr>
<td>$876,400</td>
<td>$264,900</td>
<td>$1,141,300</td>
</tr>
</tbody>
</table>

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 reconstruction work along Dove Street from 24th Street to 16th Street, including watermain, concrete pavement, concrete sidewalk, and sidewalk ramp; and authorizes a local match of $766,300.00; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #11-117)

Motion adopted unanimously.

R-11. Councilmember Harris moved the adoption of the following resolution, seconded by Councilmember Archibald:

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 $7,684.96 to the Michigan Department of Environmental Quality for the community public water supply annual fee.

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced that City Offices will be closed November 24 and 25 in observance of Thanksgiving.

2. Councilmember Moeller asked why the post office, which was purchased by an Indian Tribe, was removed from the tax rolls and asked if all properties owned by a tribe are tax exempt. Legal counsel will research and follow-up with a response.

3. Mayor Repp asked Bob Clegg, City Engineer, to briefly respond to the sidewalk gap issue along the Thomas Edison Parkway. Mr. Clegg commented that recent caulking repairs were made to decrease the gaps between the sidewalks. This is a temporary repair for the moment and that there are no authorized funds for the larger repairs. Alternative repairs options are being researched and will be brought back to Council for consideration in the future.

On motion (8:05 p.m.), meeting adjourned.
Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 28, 2011, 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, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meeting of November 14, 2011, were approved.

PRESENTATIONS

1. Thomas Navarro, Project Consultant, presented the City of Port Huron with the Silver Award from the Michigan Fitness Foundation’s 2011 Promoting Active Communities Program.

2. Patti Samar, Chair of the McMorran Civic Center Authority, gave a final report on McMorran’s status. (See City Clerk File #11-118)

3. Dan Casey, Executive Director of the Economic Development Alliance, gave a presentation on the I-69 Corridor program. (See City Clerk File #11-119)

4. Lee Stevens of Stevens Architects and Jim Wilson, General Manager of Blue Water Area Transit reported on the plans for the downtown Bus Transit Center and displayed a conceptual drawing of the facility without a parking structure. (See City Clerk File #11-120)

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on the Main Street Revitalization Project Brownfield Plan.

   No one appeared to be heard.

2. The Mayor declared the hearing closed and Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Lewandowski:

   WHEREAS, the City's Brownfield Redevelopment Authority (the "Authority"), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), met on November 3, 2011, and recommended for approval by the City Council a Brownfield Plan (the "Plan") submitted to it by Landmark Port Huron, LLC for the Huron-Main Revitalization Project at the following locations: 202/204 Huron Avenue / 411/415 Quay Street (Parcel #: 74-06-298-0081-000); 208 Huron Avenue / 107 Michigan Street (Parcel #: 74-06-298-0082-000); 203 Michigan Street (Parcel #: 74-06-298-0083-000); 230 Huron Avenue (Parcel #: 74-06-298-0086-000); 217 Michigan Street (Parcel #: 74-06-298-0087-000); 220 Huron Avenue (Parcel #: 74-06-298-0092-000); 218 Huron Avenue (Parcel #: 74-06-298-0093-000); 216 Huron Avenue (Parcel #: 74-06-298-0094-000); 206 Huron Avenue (Parcel #: 74-06-298-0097-100); 311/313/313-1/2 / 315 Huron Avenue /310/312 Superior Street Mall (Parcel #: 74-06-298-0129-000); 321 Huron Avenue (Parcel #: 74-06-298-0130-000); and 319 Huron Avenue (Parcel #: 74-06-298-0131-000), Port Huron, Michigan, pursuant to and in accordance with Section 13 of the Act; and

   NOW, THEREFORE, BE IT RESOLVED that should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid and all resolutions or parts of resolutions in conflict with any provisions of this Resolution are hereby repealed.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Wing Thiele, Riverside Drive, mentioned that the 2012 Blue Water Fest fundraiser calendars are available for purchase and acknowledged individuals and businesses who have contributed/helped with the calendar.

2. Larry Jones, Port Huron, expressed thanks to those responsible for the lights and decorations downtown. He also commented about the lack of a more definitive plan for the Bus Transit Center facility and that more parking should be considered rather than less parking.

WHEREAS, the City Clerk, on behalf of the City Council has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the City Council as provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13(10) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
5. The amount of captured taxable value estimated to result form the adopt of the Plan is reasonable; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute the appropriate documents and agreements related to the Plan;

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid and all resolutions or parts of resolutions in conflict with any provisions of this Resolution are hereby repealed.

Motion adopted unanimously.
3. Elaine Robb distributed a sheet highlighting her areas of concern with the proposed I-69 agreement, including termination language, debt repayment, representation on the board and eminent domain powers.

4. Margaret Enright commented about the lack of a large Christmas tree downtown.

5. Kimberly Morden, Clyde Township, commented about the proposed I-69 agreement and the lack of defined powers for the corporation and stated that this type of corporation is not necessary to market this area.

6. Joe Belcher, downtown business owner, commented in opposition to the preliminary drawing of the bus transit facility in the south McMorran lot being located directly in front of the businesses facing Superior Mall Street and that the business owners should be consulted regarding placement of this facility in the lot.

7. Trina Avedisian, 15th Street, commented that her personal survey of vehicles using the south McMorran parking lot is higher than what has been stated by others.

8. Rock Stevens asked for the Council’s endorsement of his request to obtain a liquor license for his business (Resolution #4) and commented that a parking structure would be a benefit to the downtown.

9. Paul Murray, Stone Street, commented about playing sports at McMorran during his lifetime, stated that he is opposed to City administration assuming the positions on the Authority and offered to serve as a member.

CONSENT AGENDA

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

COMMUNICATIONS & PETITIONS

*C-1. Letter from the Downtown Development Authority in support of the concept of the Blue Water Area Transportation Commission’s proposed Downtown Transit Center which does not include a parking structure.

Received and filed by consent.

FROM THE CITY MANAGER

CM-1. Councilmember Moeller moved the adoption of the following City Manager’s recommendation, seconded by Councilmember Harris:

On September 15, 2011, the City of Port Huron received three (3) bids for a 2012 Ford F550 cab and chassis aerial truck for use by the DPW, Traffic Section:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northgate Ford Inc.</td>
<td>$102,864.00</td>
</tr>
<tr>
<td>Gorno Ford (Woodhaven)</td>
<td>$103,150.00</td>
</tr>
<tr>
<td>VIP Truck Center</td>
<td>$103,700.00</td>
</tr>
</tbody>
</table>

It is recommended that the bid of Northgate Ford, 3600 Pine Grove Avenue, Port Huron, Michigan, 48060, in the amount of One Hundred Two Thousand Eight Hundred Sixty-Four and 00/100 Dollars ($102,864.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted unanimously.

*CM-2. 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 reappoint William Smith to the Port Huron Housing Commission for a five-year term to expire December 19, 2016.

Adopted by consent.

RESOLUTIONS

R-1. Councilmember Harris moved the adoption of the following resolution, seconded by Councilmember Cole:

WHEREAS, in January 2009, the City Council approved a contract with Michigan Pipe Inspection, Inc., to provide pre-design and emergency sewer cleaning and video inspection services for a three-year period through December 31, 2011; and

WHEREAS, Michigan Pipe Inspection, Inc., has submitted an unsolicited letter offering to extend their current contract with no increase in price for an additional year; and

WHEREAS, it is anticipated that bidding this contract may result in higher bidding prices, so extending this contract for an additional year would benefit the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the amendment to the contract with Michigan Pipe Inspection, Inc., to provide pre-design and emergency sewer cleaning and video inspection services through December 31, 2012 and authorizes the appropriate City officials to execute the amendment (see City Clerk File #11-122).

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Harris and Ruiz.
No: Councilmembers Lewandowski and Moeller.
Absent: None.

*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, the terms of one Republican and one Democrat will expire on December 31, 2011;

NOW, THEREFORE, BE IT RESOLVED that Yvonnie J. Williams (Democrat), 2015 Divisions Street, and Patricia P. Bradley (Republican) 4214 Gratiot Avenue, are hereby reappointed to serve as members of the Board of Canvassers for four-year terms to expire on December 31, 2015.

Adopted by consent.

R-3. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

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 28, 2013, as members of the Traffic Study Committee.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Lewandowski, Moeller and Ruiz.
No: Councilmember Harris.
Absent: None.

R-4. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Harris:

WHEREAS, in 2006, the Michigan Legislature passed Act 501 of the Public Acts of 2006 (“Act”), and more specifically Section 436.1521a(1)(b), establishing the criteria for development area liquor licenses; and

WHEREAS, pursuant to this Act, the City of Port Huron may authorize the approval of certain on-premises liquor licenses, irrespective of the availability of on-premises licenses from quota to applicants within a designated development project area meeting certain established criteria; and

WHEREAS, the Act requires a resolution from the governing body of the community that establishes and certifies certain criteria, including a certification that the community has created a qualifying development area, and approving the applicant at a location within a development area before that applicant may apply to the Michigan Liquor Control Commission for a development area liquor license; and

WHEREAS, the Port Huron City Council adopted Resolution No. 10 on June 25, 2007, establishing the City’s Downtown Development District as a development district for liquor licensing in accordance with the requirements of the Act and the Michigan Liquor Control Commission (“MLCC”); and

WHEREAS, Stevens Gable LLC, d/b/a Atrium Café and Ice Cream Parlor, (“Atrium Café”) has requested City approval and recommendation to the MLCC of issuance of a downtown development district liquor license; and

WHEREAS, Atrium Café has provided evidence that it can document the expenditure to the Michigan Liquor Control Commission of not less than $75,000 in the rehabilitation or restoration of the building that houses the licensed premises over the preceding 5 years as required by the Act; and

WHEREAS, the total amount of private and public investment in real and personal property in the development district totals well over $200,000 for the preceding 5 years; and

WHEREAS, Atrium Café meets the statutory requirements for a development area liquor license as it is engaged in the business of dining, entertainment or recreation, is open to the general public and has a seating capacity of not less than 25 persons; and

WHEREAS, the designated premises, 1519 Military Street, is within the established boundaries of the development district and the type and character of the dining establishment and the service it provides to the downtown community and the general public qualify it as appropriate for designation "above all others" at that specific location; and

WHEREAS, the Port Huron City Council hereby supports and recommends that the Michigan Liquor Control Commission approves “above all others” the application from Stevens Gable LLC, d/b/a Atrium Café and Ice Cream Parlor, 1519 Military Street, Port Huron, Michigan 48060, for a “Class C” license for the reasons stated above and that the application be recommended for issuance of a Development District Liquor License under MCL 436.1521a(1)(b).

Motion adopted unanimously.

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

WHEREAS, the Blue Water Area Transportation Commission (BWATC) has determined that a bus transfer facility in the downtown area would enhance their service to their clients; and

WHEREAS, BWATC has identified the south McMorran parking lot as their desired location for the bus transfer facility and has requested the City Council to concur with this site selection so that the project can move forward; and

NOW, THEREFORE, BE IT RESOLVED, that the Port Huron City Council hereby supports the BWATC resolution of June 25, 2007.
WHEREAS, BWATC has indicated that they have adequate funding to develop, operate and maintain a bus transfer facility in the south McMorran parking lot and will make extensive improvements to the green space and improvements to the remaining unused portion of the parking lot; and

WHEREAS, previous discussions with the BWATC have included that the bus transfer facility would include a 500-space parking structure and it has been decided that a parking structure will not be a part of this project;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports the south McMorran parking lot as the location for the proposed Blue Water Area Transportation Commission’s bus transfer facility project; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to enter into negotiations with the BWATC regarding final design of the facility, replacement of parking revenues for McMorran Place and an agreement relating to the use of City-owned lands with the final agreement subject to City Council approval.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Lewandowski, Moeller and Ruiz.
No: Councilmember Harris.
Absent: None.

R-6. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, the second meeting of December is typically not held due to the holidays; and

WHEREAS, it would be appropriate to reschedule the second meeting for one week earlier and use the December 19, 2011, date in order for Council to meet to discuss and establish goals for the upcoming year;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby reschedule the regular meeting of December 27, 2011, to December 19, 2011, at 7:00 p.m. in Conference Room 408 to discuss and establish goals for 2012;

BE IT FURTHER RESOLVED that the City Clerk shall post a notice of the rescheduled meeting date on the bulletin board in the lobby of the Municipal Office Center and also shall publish a public notice in the newspaper as required by law.

Councilmember Lewandowski moved to change the rescheduled meeting date to be December 5, 2011, seconded by Councilmember Archibald. Motion adopted unanimously.

Motion to adopt the resolution, as amended, was adopted unanimously.

On motion (9:25 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk
The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

RESOLUTIONS

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

WHEREAS, City Administration has been notified by the City's Building Official that the following property located within the City of Port Huron, St. Clair County, Michigan, is in a state of disrepair:

<table>
<thead>
<tr>
<th>Code Case #</th>
<th>Address</th>
<th>Legal Descriptions</th>
<th>Code Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-052</td>
<td>929 Wall Street</td>
<td>Lot 13, Block 17, White Plat</td>
<td>Building, Electrical, Mechanical &amp; Plumbing</td>
</tr>
</tbody>
</table>

WHEREAS, it appears to City Administration that the condition of the property described above may constitute a nuisance as defined by Chapter 10, §10-211, and Chapter 34, §34-3, of the City of Port Huron Code of Ordinances, justifying abatement by the City pursuant to the powers granted in Chapter II, §2, and Chapter VIII of the City Charter and procedures set forth in Chapter 10, §10-211, and Chapter 40, §40-19 and 40-20, of the City of Port Huron Code of Ordinances; 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 at this property;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron shall conduct a public hearing on December 12, 2011, at 7:00 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, 100 McMorran Boulevard, for the above-listed property for the purpose and according to the procedures referred to above and provide for the recording of such hearing.

BE IT FURTHER RESOLVED that the property owner has been notified, by certified and first class mail directed to the last known address, by hand-delivery, and by posting of the structure, at least ten (10) days in advance of the date herein set for such hearing and investigation.

BE IT FURTHER RESOLVED that a notice shall be published in accordance with the City's Rules of Procedure and the notice 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, §10-211, and Chapter 34, §34-3, Code of Ordinances of the City of Port Huron.

Motion adopted unanimously.

DISCUSSION ITEMS

1. Priorities - Bruce Brown, City Manager, reviewed the status of the list of priorities with City Council which were determined in January 2011 (see City Clerk File #11-123). The City Manager then reviewed his suggested priorities for 2012 as follows:

   Annual Priorities:
   • Presentation of an annual balanced budget
   • Consolidation and privatization of services where efficiency and savings can be demonstrated
   • Implementation of the Port Huron Housing Initiative

   High Priority:
   • Create an effective drug enforcement program in the Police Department
   • Create an operational plan for McMorran Place
   • Consolidate the Port Huron/Marysville Fire Departments

   Medium Priority:
   • Assist in the development of a Transit Center in downtown Port Huron
   • Detach Downtown Port Huron from city governmental control
   • Create a plan for the expenditure of MDOT mitigation funds

   Low Priority:
   • Create a focused grant application program
   • Develop Keifer Park as a festival site with an outdoor amphitheater
   • Seek a replacement for the Central Fire Station
   • Market the MOC, YMCA and other city properties

2. Drug Enforcement Program - Chief Michael Reaves, Detective Brian Kerrigan, Officer James Gilbert, Sergeant Joe Platzer, Detective Karen Brisby and Captain Jeff Baker provided a presentation on increased drug activity and related criminal activity and the department’s proposal for a Drug Investigation Criminal Enforcement (D.I.C.E.) program to address the problem (see City Clerk File #11-123 for a copy of their presentation and remarks). Funding for the program is estimated at $600,000 to $700,000.

   Some of the general discussion areas included funding sources for the hiring of additional officers and equipment for the program and if the program will also be coordinated with the County’s drug task force. During the discussion, Prosecutor Mike Wendling and Sheriff Tim Donnellon addressed questions regarding the City’s Major Crimes Unit and the Drug Task Force responsibilities. Don Gillis, Port Huron Township, also questioned if the state police officers could be hired for this program (the response was no they could not).

3. Port Huron and Marysville Fire Department Collaboration - Chief Robert Eick provided an update on the current status of this collaboration. Since May 2011, a series of meetings and discussions with both departments have been held to review and address items, such as the service area, the scope of services, operational issues, station alignment, staff configuration, operational costs and potential savings, etc., to name a few.
The next steps for consideration include meeting with the respective City Managers from each community, refining the organizational structure, hosting public forums, preparation of a resolution and agreement to implement the collaboration and establishing a tentative timeline for beginning the new structure (see City Clerk File #11-124).

Some of the discussion items included if surrounding townships would be included in the collaboration (not at this time) and moving the central fire station off of the waterfront and closing of the south end fire station.

4. Council priorities - Additional priorities mentioned by City Council included development of a succession plan for key employees, consolidation or privatization of the human resources and finance functions, creation of a focused grant application program, creation of a sustainable plan for future water and sewer funding and methods to reduce costs through cooperative purchases. Development of Keifer Park as a festival site will be removed from the list of priorities.

   AT THIS POINT, the City Manager was instructed to prepare an updated list of priorities and redistribute the list to City Council with the members ranking the items from highest to lowest priority. Based on the ranking by the City Council, a list of priorities will be considered for adoption at the first meeting in January 2012.

5. Budget workshop - The Mayor mentioned that unless there are objections to the date, the last Monday in January will be scheduled as a special budget workshop meeting to give City Council and administration an opportunity to meet and discuss the upcoming budget preparations.

PUBLIC COMMENTS

1. Cathy Solomon, Jenkinson Street, commented that priority should be given to the proposed drug enforcement program to address the drug and crime issue in Port Huron.

2. Margaret Enright commented in support of the drug enforcement program proposal to address the drug problem and encouraged neighbors to become involved.

3. David Ellingwood commented that the Council should give the police the tools to get the job done.

4. Craig Matthews commented about the drug activity occurring in his neighborhood and that he is considering renting his home so that he can move to a new location outside of the community.

5. Sgt. Roger Wesch commented that he is a property owner, as well as a police department employee, and the area has declined and stated the police department does not have the available tools to immediately address calls from residents who are reporting drug activity.

6. Marie Rushing commented in support of the drug enforcement program and the decrease of feeling safe in your own neighborhoods.

7. Darrin Rushing commented in support of dedicating officers to address drug and related crime activity and working together to diffuse the activity.

On motion (9:15 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
City Clerk
The meeting was called to order by Mayor Repp.

Present: Mayor Repp; Councilmembers Archibald, Cole, Harris, Lewandowski, Moeller and Ruiz.

The minutes of the regular meetings of November 28 and December 5, 2011, were approved.

PRESENTATIONS
1. City Attorney Gary A. Fletcher discussed the I-69 International Trade Corridor proposal and clarified that planning, zoning and budgetary authority will not be relinquished to the board, Renaissance Zones will still require City Council approval and there is no additional authority provided for in the state law for taking of property.

2. A presentation was given on the “Community Policing” program by the following individuals: Chief Michael Reaves, Corporal Lee Heighten, Officer Dennis Huisman, Officer Laura Phillips, Cathy Solomon, Bev Woolman, Pastor Tom Seppo and Pastor Alex Crittenden. See City Clerk File #11-125 for a copy of their presentation.

3. Chairman of the St. Clair County Board of Commissioners, Jeff Bohm, gave a summary of the project for the Blue Water Area Convention Center, and stated the hotel and restaurant will be privately owned and the convention center and real estate will be publically owned by the County and the City of Port Huron. Marci Fogal, Blue Water Area Convention & Visitors Bureau, also commented about the spinoff of jobs that will be created and the increased interest already from groups wanting to host their convention at this site.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments on Code Case #11-052, 929 Wall Street, as to whether or not it constitutes a nuisance as defined by Chapter 10, Section 1-0-211, and Chapter 34, Section 34-3, of the Port Huron City Code.

Kim Harmer, Planning Director, gave a brief history and overview of the property conditions.

The Mayor declared the hearing closed and Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Harris:

WHEREAS, the condition of the property located within the City of Port Huron, St. Clair County, Michigan, described as Lot 13, Block 17, White Plat also known as 929 Wall Street has been brought to the attention of the City Council by the Building Official as Code Case #11-052 claiming such condition constitutes a nuisance and the property has received repeated inspections by appropriate City Inspection Officials (see City Clerk File #11-126); and

WHEREAS, repeated correspondence has been sent notifying the owner or owners of said property of violations of the Port Huron Code of Ordinances and requesting abatement of these conditions and, to date, there has been no compliance regarding said notices and requests; and

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, §10-211 and Chapter 34, §34-3, Port Huron Code of Ordinances and contains the following code violations:


2. That the City Manager is directed to cause the abatement of such conditions and nuisance by immediate demolition and that the City Manager is hereby authorized to solicit and receive bids to carry out the direction of the City Council as provided herein and that costs for asbestos abatement and demolition are authorized in an amount not to exceed $20,000.00.

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

4. That a certified copy of this resolution shall be sent by certified mail, return receipt requested, to the last known address of the property owner according to the most recent records maintained by the Office of the City Assessor, and that a copy of this resolution shall be posted on the property.

Motion adopted unanimously.

PUBLIC AUDIENCES

1. Donna Klune commented about blight, drugs and crime activity in her neighborhood.

2. Robert Jefferies, Electric Avenue, comment about being a co-captain for his neighborhood watch group and expressed thanks for the police department’s quick responses to calls for service.

3. Don Lee, 11th & Bancroft Street area, commented about the positives occurring in the area because of the neighborhood watch programs.

4. Shirley Watts commented about neighborhood watches, bringing jobs to the area and providing meals seven days a week to those in need.

5. Monica Mercurio commented about the convention center project and the I-69 corridor proposal and the need to review the pertinent studies to ensure accurate information has been received.

6. Garth Gurnsey commented in support of the police department’s community policing program and looking into other available policing models used in other states.
7. Lee Stevens, Huron Avenue, commented that he is working with the Blue Water Area Transportation Commission and meetings are being held with the various stakeholders.

8. Richard Brettin, Poplar Street, commented about subsidizing the convention center project with taxpayer dollars and TIFA funds.

9. Trina Avedisian, 15th Street, commented in support of the efforts of the police department, commented against the use of mitigation funding and TIFA dollars for the convention center and commented about the Blue Water Fest committee.

10. Darrin Rushing commented about his concerns with the I-69 corridor proposal and the distribution of powers, accountability and termination language provided for in the contract.

11. Angela Kelly, 11th Street area, commented about the community policing program, the operational costs proposed for the convention center and the need to support small businesses.

CONSENT AGENDA

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

FROM THE CITY MANAGER

CM-1. Councilmember Archibald moved to receive and file the following City Manager's recommendation, seconded by Councilmember Lewandowski:

In accordance with the requirements of Section 6-16 of the City Charter, the City’s Comprehensive Annual Financial Report for the year ended June 30, 2011, is transmitted herewith (City Clerk File #11-127).

Motion adopted unanimously.

*R-CM-2. In accordance with Section 6-9 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, 2011. (See City Clerk File #11-128).

Received and filed by consent.

RESOLUTIONS

R-1. Councilmember Lewandowski 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 #11-01)

Motion adopted unanimously.

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

WHEREAS, St. Clair County is in the process of installing underground and overhead fiber optic lines at various locations within the City of Port Huron to facilitate the use of the County-wide intranet system; and

WHEREAS, as part of this project, it is necessary that a fiber optic line be installed under the Black River and the City has been working with the County to identify an appropriate river crossing location; and

WHEREAS, it has been determined that this fiber optic line should be installed just east of the 7th Street Bridge and it will be necessary for the City and the County to enter into an easement agreement for use of this City-owned land;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached easement agreement with St. Clair County to install a fiber optic line across City land on the south and north side of the Black River through property commonly known as the West Quay Street Parking Lot and the Southside Dock and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #11-129)

Motion adopted unanimously.

R-3. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, subject to the approval of the Michigan Strategic Fund (MSF) the Next Michigan Development Act, Act 275, 2010 PA 275, MCL 125.2951-125.2159 (Act 275), allows for the creation of a Next Michigan Development Corporation (NMDC) among local governmental parties for economic development purposes; and

WHEREAS, Act 275 provides, in part, that there first be in place an Interlocal Agreement under the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of Michigan, 1967, (Ex Session) MCL 124.501 to 124.512 (Act 7); and

WHEREAS, Act 275 provides, in part, that there first be in place an Interlocal Agreement under the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of Michigan, 1967, (Ex Session) MCL 124.501 to 124.512 (Act 7); and

WHEREAS, the City of Port Huron has been presented with a certain Interlocal Agreement creating the I-69 International Trade Corridor Next Michigan Development Corporation (Act 7 Interlocal Agreement) for economic development purposes and deems it to be in the best interest of the City of Port Huron to approve the Act 7 Interlocal Agreement and become a voting participant in the NMDC; and

WHEREAS, the Interlocal Agreement provides that the City of Port Huron shall appoint one member of the I-69 International Trade Corridor Next Michigan Development Corporation Board (“Corporation Board”).

NOW, THEREFORE, BE IT RESOLVED that the Act 7 Interlocal Agreement be, and hereby is, approved and the City Manager is authorized to execute and deliver it on behalf of the City of Port Huron (see City Clerk File #11-130); and

BE IT FURTHER RESOLVED, that the City Manager is further authorized to consent to non-material adjustments and corrections to the form of the Act 7 Interlocal Agreement submitted to the City of Port Huron as may be required by State of Michigan officers or agencies; and
BE IT FINALLY RESOLVED, that the City Manager is hereby appointed to the Corporation Board to represent the City of Port Huron pursuant to the Interlocal Agreement.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Lewandowski and Ruiz.
No: Councilmembers Harris and Moeller.
Absent: None.

*R-4. WHEREAS, the following costs have been incurred by the City of Port Huron for demolition proceedings of structures on the following described properties and said costs have been reviewed by the City Council:

<table>
<thead>
<tr>
<th>Code</th>
<th>Case #</th>
<th>Property #</th>
<th>Property Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-11</td>
<td>74-007-74-06-198-0019-000</td>
<td>1814 17th Street</td>
<td>$9,382.80</td>
<td></td>
</tr>
<tr>
<td>1-11</td>
<td>74-007-74-06-198-0019-000</td>
<td>1819 Kern Street</td>
<td>$7,032.92</td>
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<tr>
<td>1-11</td>
<td>74-007-74-06-198-0019-000</td>
<td>2616 Gratiot Avenue</td>
<td>$679.67</td>
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<tr>
<td>1-11</td>
<td>74-007-74-06-198-0019-000</td>
<td>1714 Lyon Street</td>
<td>$879.67</td>
<td></td>
</tr>
<tr>
<td>1-12</td>
<td>74-007-74-06-198-0019-000</td>
<td>1714 Lyon Street</td>
<td>$879.67</td>
<td></td>
</tr>
<tr>
<td>1-12</td>
<td>74-007-74-06-198-0019-000</td>
<td>1714 Lyon Street</td>
<td>$879.67</td>
<td></td>
</tr>
</tbody>
</table>

$27,529.72

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments totaling $27,529.72 for demolition proceedings of structures on the above-described properties.

Adopted by consent.

*R-5. 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 522 Huron Avenue (74-06-298-0059-000) legally described as North one-half Lot 5 and Lots 6, 7, and 8, Block 11, Butler Plat, City of Port Huron, St. Clair County;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for January 9, 2012, to hear comments on the establishment of the proposed 522 Huron Avenue 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-6. WHEREAS, L & P Investments, Inc. has applied for an Obsolete Property Rehabilitation Exemption Certificate (OPREC) for the property at 522 Huron 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 January 9, 2012, to hear comments on the application of L & P Investments, Inc. 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:

L & P Investments, Inc.
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-7. 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 totaling $1,870.80 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 #11-131)

Adopted by consent.

*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

Adopted by consent.
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 $3,226.35 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #11-132).

Adopted by consent.

R-9. Councilmember Harris moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, as required by the City Charter with regard to the sale of waterfront property, in 2005 the voters approved the sale, long-term lease or option to sell the property known as the West Quay Street parking lot for mixed use development by a private developer, with a deadline for such transaction to occur before December 31, 2008; and

WHEREAS, it continues to be the intent of the City Council to have the West Quay Street parking lot property developed by a private developer and added to the tax base; and

WHEREAS, David Witt, who has successfully developed numerous downtown properties, has recently expressed an interest in acquiring the West Quay Street parking lot for mixed use development; and

WHEREAS, before Mr. Witt, or any potential developer, can reasonably be expected to make significant monetary commitments towards the development process, there must be certainty of adequate property available for development; and

WHEREAS, it is the desire of the City Council to seek voter approval again without an expiration date in order to sell, long-term lease or option to sell this property to a suitable developer for the purpose of mixed use development, while retaining City ownership of the seawall and walkway along the Black River for use and access by the public;

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 May 8, 2012, election the following question:

PROPOSITION NO. 1

“Shall the City of Port Huron be authorized to sell, long-term lease or option to sell the property known as the West Quay Street parking lot to a qualified developer, as determined by the Port Huron City Council, keeping City ownership of the seawall and walkway along the Black River for use and access by the public?”

Motion adopted unanimously.

R-10. Councilmember Harris moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, the term of the McMorran Civic Center Authority expires on December 31, 2011; and

WHEREAS, the City Council desires to extend the term of the McMorran Civic Center Authority through June 30, 2013, to provide for a 18-month continuation of the Authority to refocus on the plan for the future of this facility and to empower a select group of citizens and interested parties to determine a future use of the building; and

WHEREAS, it is necessary to amend the Articles of Incorporation of the Authority pursuant to Act No. 31 of the Public Acts of 1948 (1st Ex. Sess.), as amended, in order to accomplish these objectives; and

WHEREAS, there has been prepared a Certificate of Amendment to the Articles of Incorporation of the McMorran Civic Center Authority for the purpose of extending the term of the Authority through June 30, 2013, and to provide for Commission members of the Authority to serve for a term of 18-months commencing on January 1, 2012, and ending on June 30, 2013;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the foregoing, the Articles of Incorporation of the McMorran Civic Center Authority, as amended, are hereby amended as follows:

1. Article IV, Section 9, of the Articles of Incorporation, is amended to read as follows: The term of the authority shall be 18 months (January 1, 2012 - June 30, 2013). The term of the authority may be extended by amendment of these Articles as determined by the City Council.

2. Article V, Section 2, of the Articles of Incorporation, is amended to read as follows: Commission members will serve for a term of 18 months commencing on January 1, 2012, and ending on June 30, 2013. The terms may be extended by the City Council.

3. Article V, Section 3, of the Articles of Incorporation, is amended to read as follows: The City Council shall elect commissioners the City Council determines, in its discretion, are best suited to serve the needs of the authority. A designated member of the City Council will serve as a non-voting liaison between the commission and the Council.

4. The remaining provisions of the Articles of Incorporation, as amended, shall remain in full force and effect.

5. This amendment to the Articles of Incorporation shall be conclusively presumed unless questioned in a Court of competent jurisdiction within sixty (60) days after filing of certified copies of this amendment with the Clerk of the St. Clair County and the Secretary of State of the State of Michigan.

BE IT FURTHER RESOLVED that the appropriate City officials are duly authorized to execute said Certificate of Amendment to the Articles of Incorporation of the McMorran Civic Center Authority and to cause same to be published and certified printed copies to be filed as required by the pertinent provisions of Act No. 31 of the Public Acts of 1948 (1st Ex. Sess.), as amended. (See City Clerk File #11-133)

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Harris and Ruiz.

No: Councilmembers Lewandowski and Moeller.

Absent: None.
R-11. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Cole:

WHEREAS, the City Council will consider the adoption of a resolution to extend the Articles of Incorporation for the McMorran Civic Center Authority for an additional 18 months to refocus on the plan for the future of this facility; and

WHEREAS, if the extension of the Authority is approved, it would be appropriate to appoint a select group of citizens and interested parties to determine a future use of the building to serve during the extension; and

WHEREAS, the Articles of Incorporation, if amended, will provide for the election of seven (7) commissioners the City Council determines, in its discretion, are best suited to serve the needs of the Authority;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Ken Harris is hereby appointed as the designated member of the City Council to serve as a non-voting liaison member.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Harris and Ruiz.
No: Councilmembers Lewandowski and Moeller.
Absent: None.

R-12. Councilmember Moeller moved the adoption of the following resolution, seconded by Councilmember Harris:

WHEREAS, this City Council believes that public safety is the number one priority for the residents of our community; and

WHEREAS, in the current 2011-12 budget, three (3) police officer positions were eliminated; and

WHEREAS, the Port Huron Police Department has demonstrated a major influx of drugs, overdoses, assaultive behavior and robberies;

NOW, THEREFORE, BE IT RESOLVED that the City Council believes that it is in the best interest for the residents of this community that the three (3) police officer positions are reinstated and that the appropriate budgetary adjustments are made by the administration.

Councilmember Lewandowski moved to postpone the resolution until January 9, 2012, seconded by Councilmember Cole. Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole, Lewandowski and Ruiz.
No: Councilmembers Harris and Moeller.
Absent: None.

R-13. Councilmember Archibald moved the adoption of the following resolution, seconded by Councilmember Ruiz:

WHEREAS, St. Clair County has been in discussions with the City of Port Huron, the proposed Purchaser/Developer (JB Real Estate Development, LLC) of the Thomas Edison Inn property and Baker College concerning a proposed project to redevelop the Thomas Edison Inn property (the “Project”); and

WHEREAS, the Project, if built, will include a complete restoration of the Thomas Edison Inn to be rebranded as a Hilton Garden Inn or another Hilton product of higher quality (e.g. DoubleTree), a complete renovation of the restaurant at the Thomas Edison Inn to be rebranded a Twisted Rooster, the construction of a Blue Water Area Convention Center and the construction of a culinary institute by Baker College; and

WHEREAS, St. Clair County is planning to fund, construct and own the Convention Center segment of the project through a tax exempt borrowing and St. Clair County has requested a financial commitment from the City of Port Huron, and other entities, to assist with the present and future funding of this Project; and

WHEREAS, it is in the City’s best interest to lend support as much as possible to this development project as it is expected that the project will bring much-needed jobs and economic growth to the community, increase tourism and enhance the revenue base of the City, as well as the region; and

WHEREAS, the Thomas Edison Inn property is located within the City’s Peerless Site Tax Increment Finance Authority Plan district and dollars currently being captured in this TIF district, as well as future increases, could be used for financial assist to the County as such funds are repaid to the City by the Peerless TIF; and

WHEREAS, in addition, the City is receiving mitigation funding from the Michigan Department of Transportation (MDOT) to offset potential economic hardships due to the Blue Water Bridge Plaza improvements and a portion of the annual funding could used to assist this project as this project falls within one of the economic development funding categories;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council does hereby commit the following funding to St. Clair County’s Blue Water Area Convention Center project, if built:

1. Those dollars that are captured in the Peerless Site Tax Increment Finance Plan district (Peerless TIF), along with any increase to such capture as a result of the new construction in the Peerless TIF and repaid to the City, shall be paid to St. Clair County for a period of the lesser of 30 years or as long as such funds can be captured and repaid to the City, commencing with the acquisition of the property at the Thomas Edison Inn where the Convention Center will be located. The City shall take any steps necessary to amend the Peerless TIF plan to include the capture for payment toward the bonded indebtedness for the Convention Center bonds for the 30 year duration of the bonds.

2. One-half of the annual Michigan Department of Transportation (MDOT) mitigation funding dollars, that being $50,000, to the County bond payments for the life of the MDOT mitigation payments which is approximately eight (8) years, in accordance with the City Council’s list of economic development funding categories and, more specifically, the matching incentive grants for economic development projects in the City.
3. The City shall take those steps which are reasonably necessary to improve Harker Street to extend Harker Street from Pine Grove Avenue and to make Harker Street the main access route to the Project which is a Hilton requirement.

BE IT FURTHER RESOLVED that an agreement between the City of Port Huron and St. Clair County will be presented to the City Council with more specific detail in a final agreement to be presented for approval by the City Council in the future.

Motion adopted by the following vote:

Yes: Mayor Repp; Councilmembers Archibald, Cole and Ruiz.
No: Councilmembers Harris, Lewandowski and Moeller.
Absent: None.

R-14. Councilmember Harris moved the adoption of the following resolution, seconded by Councilmember Archibald:

WHEREAS, in 2002, the voters approved the sale of the property commonly known as the Seaway Terminal to the James C. Acheson Foundation ("Acheson Foundation") and the City Council authorized the sale of the property to the Acheson Foundation later that year; and

WHEREAS, one of the covenants in the 2002 sales agreement provided that the City would have the first right to purchase the property back in the event the Acheson Foundation planned to sell the property; and

WHEREAS, the Acheson Foundation will be gifting approximately 5 acres to the Community Foundation of St. Clair County ("Community Foundation") for their River Walk project, which will restore the St. Clair River shoreline along Desmond Landing, naturalize the shoreline and provide public access; and

WHEREAS, approximately 500 feet of this property, which is outside the gates of the Seaway Terminal approximately where the old paper mill foundation to the underpass on Military Street, is former Seaway Terminal property; and

WHEREAS, the Community Foundation has received a federal grant to support the River Walk project, however, clear title to the property is a requirement to receiving the grant funding; and

WHEREAS, it is in the City’s best interest to partially waive and release the City’s Rights of First Refusal Agreement, Reaffirmation of Covenants, Representations and Warranties and Reconveyance agreement to the extent necessary to permit the transfer from the Acheson Foundation to the Community Foundation of this 500 feet of property in order to allow the Community Foundation to proceed with their project;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby partially waive and release its Right of First Refusal and all rights of the City of Port Huron in the portion of former Seaway Terminal property to be gifted to the Community Foundation of St. Clair County for their River Walk project but only to the extent necessary to permit the transfer from the Acheson Foundation to the Community Foundation and to permit the Community Foundation to obtain the grant funding and authorizes the appropriate City officials to execute the necessary documents.

Motion adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Repp announced that City offices will be closed December 23 and 26 for the Christmas Holidays and December 30 and January 2 for the New Year holiday.

On motion (9:25 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC
City Clerk