

**CITY OF PORT HURON**  
**2003**  
**Council-Manager Government**

**MAYOR**

B. Mark Neal

**COUNCIL**

Alan D. Cutcher  
James M. Fisher  
David Haynes

Sally A. Jacobs  
Kimberly C. Prax  
Mark Steinborn

Laurie Sample-Wynn\*  
Clifford E. Schrader\*

\* Term expired 11/10/03

**ADMINISTRATIVE OFFICERS**

**City Manager**

Thomas J. Hutka

**Bureau of Public Information & Complaints**

Pauline M. Repp ..... Director

**City Clerk's Office**

Pauline M. Repp ..... City Clerk

**Community Development**

Kimberly A. Harmer ..... Director

**Finance Department**

John H. Ogden ..... Director

**Fire Department**

Robert W. Eick ..... Chief

**Law Department**

John Livesay ..... City Attorney

**Marinas**

Dan Collins ..... Harbor Division

**Parks, Forestry, Cemetery & Parking Div.**

Robert E. Eick ..... Supervisor

**Personnel Department**

John P. Berry ..... Personnel Director

**Planning Department**

Kimberly A. Harmer ..... Director

**Police Department**

William J. Corbett ..... Chief

**Public Housing**

Gerald E. Schock ..... Director

**Public Works**

Robert E. Clegg ..... City Engineer

**Recreation**

Betty Dunn ..... Director

# BOARDS, COMMISSIONS AND AUTHORITIES

## Beautification Commission

Michael T. Bem  
Joe Bennett  
Wanda J. Collins  
Mary Davis  
Robert J. DeVary  
Kathleen C. Doelle  
Betty Eastin  
Christine Gaffney  
Margaret A. Gibbs  
Mary M. Goschnick  
Katherine Holth  
Norman R. Langolf  
Curt Leahy  
Deborah Lemke  
Alice Mariani  
Carolyn McNeill  
Judy Nowak  
Nancy Rodda  
Evelyn Rogers  
Howard W. Sloan  
Ann L. Stine  
Jane Sturdevant  
Jean S. Webb  
Vacancies - 8

## Board of Review

Timothy P. Kearns  
Judith Novar  
Gary F. Westrick

## Brownfield Redevelopment Authority

Mark Byrne  
Donna Klune  
John H. Ogden  
Alicia M. Sanchez  
Lynne M. Secory  
Jean S. Webb  
Vacancy - 1

## Canvass Board

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

## Construction Board of Appeals

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

## Downtown Development Authority

Thomas C. Barrett  
Mary J. Brooks  
Marshall Campbell  
Laura L. Charron  
Helen David  
Richard C. Engle  
Thomas J. Hutka  
Kenneth Montgomery  
Matthew Wallace

## Economic Development Authority

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

## Historic District Commission

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

# BOARDS, COMMISSIONS AND AUTHORITIES

## Housing Advisory and Appeals Board

E. Jack Harland  
Robert H. Koppel  
Frank J. Sharp  
Vacancies-2

## Housing Commission

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

## Income Tax Board of Review

C. Dale Hoy  
James McCandless  
Rebecca B. McNash

## Local Development Finance Authority

Douglas R. Alexander  
Robert Beedon  
Walter G. Crosby, Jr.  
Troy Feltman  
Kirk A. Kramer  
John H. Ogden  
Stephanie Wilkinson  
Alex D. Yarber  
Vacancies-3

## McMorran Auditorium Authority

James Bridge  
James R. Currier  
Juanita A. Gittings  
John Hill  
B. Scott Nill  
Audrey E. Pack  
Gerald P. Richert  
Donna K. Schwartz  
James R. Shaw, Jr.

## Planning Commission

Sharon Bender  
Robert Clegg  
E. Jack Harland  
Sally Jacobs  
Janice T. Littlefield  
David M. Schwartz  
Haddock C. Snyder  
Jeffrey L. Wine  
Vacancy - 1

## Port Huron Building Authority

Don B. Cole, II  
Vacancies - 2

## Rental Housing Board of Appeals

Kenneth Duncan  
Linda Reichenbach  
Ron Saffee  
Jessica Vega  
Vacancy - 1

## Tax Increment Finance Authority

Randall S. Fernandez  
Donna Klune  
John H. Ogden  
Vacancies - 4

## Traffic Study Committee

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

## Zoning Board of Appeals

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

**A**

**ACHESON VENTURES**

Highlander Sea, designated as City’s official flagship . . . . . 9

Request to rezone and vacate various properties . . . . . 109

Exchange of Desmond Parking Lot for fully developed waterfront walkway, agreement auth . . . . 147

**AGREEMENTS**

Agreement w/Troy & Banks Consultants, LLC, for prof auditing serv of franchise fees being paid by Comcast . . . . . 4

Agreement w/BMJ for prof serv for Tunnel St Area Sewer Proj . . . . . 17

Agreement w/Tetra Tech MPS for marina dredging proj . . 47

Agreement w/Finkbeiner, Pettis & Strout for WWTP O & M Manual Proj prof serv . . . . . 55

Agreement w/Finkbeiner, Pettis & Strout for WWTP Bar Screen Replacement Proj prof serv . . . . . 55

Agreement w/MDOT for reconst along Hancock St from 10th St to Gratiot Av . . . . . 55

Agreement w/USCG for spot in Thos Edison Park for range light . . . . . 55

Agreement w/Edison Shores Condo Assoc to settle claims with respect to the putting green . . . . . 56

Agreement w/MDNR for centralized reservations in marina . . . . . 62,145

Agreement w/St Clr Co Bd of Public Wks amending agmt. for sewage disposal serv for sev townships . . . 63

Agreement w/Tetra Tech MPS for 16th Av sewer sep prof serv . . . . . 80

Agreement w/Hennessey for ind spec bldg for prof serv . . 80

Agreement w/Travelers for property loss coverage & Hanover Insurance for public employee crime & fraud . . . . . 107

Agreement amendment w/USCG for docking at Pine Grove Park . . . . . 108

Agreement w/HNTB Michigan, Inc. for prof serv, 7th St Bridge . . . . . 118

Agreement w/Port Huron Fire Fighters Assoc, changes to collective bargaining agreement . . . . . 119

Agreement w/URS Corp - Great Lakes for prof. serv for sanitary sewer & water main repair, Military from Reid Ave to Water St . . . . . 129

Agreement w/MDOT for reconstruction work along Holland Ave from Stone St to Gratiot Ave . . . . . 130

Operating agreement of Lower Black River Watershed Advisory Group, appvd . . . . . 130

Operating agreement of St Clair River Direct Drainage Watershed Advisory Group, appvd . . . . . 130

Agreement w/BCF Engineers for improvements to Spec 11 . . . . . 131

Agreement w/CSX Transportation for access through ROW’s . . . . . 146

Agreement w/Acheson Ventures for exchange of Desmond Parking Lot for fully developed waterfront walkway . . . . . 147

Agreement w/Huron, Inc. to renew lease of 2347 Dove St . . . . . 149

Agreement w/BMJ Engineers & Surveyors for Holland Ave. reconstruction & watermain proj, Stone St to Pine Grove Ave. . . . . 150

Agreement w/Tetra Tech MPS for Water Treatment Plant Vulnerability Assessment & Emergency Response Plan . . . . . 150

Agreement w/Tetra Tech MPS for implementation of a private inflow & infiltration elimination program . . 163

Agreement w/Tetra Tech MPS for engineering coordination & admin of CSO control program . . . . . 164

Agreement w/Touma, Watson, Whaling, Coury & Castello to provide serv of attorney for prosecution cases during absence of City Attorney . . . . . 164

**AFFORDABLE HOUSING PROGRAM**  
(See "Community Development")

**ALLEYS- VACATED**

Alley No. 143, portion of

Hearing set . . . . . 110

Hearing . . . . . 115

Vacated . . . . . 117

**ASSESSMENTS - GENERAL**

2003 Assessment Roll confirmed . . . . . 62

**ASSESSMENTS - SINGLE LOT**

(Also see "Code Enforcement")

Residential blight/trash cleanup	
Assessment declared 10,54,85,118,131,134,146,153,163	
Sidewalk replacement	
Assessment declared . . . . .	54
Demolition work, assessment declared . . . . .	134,135

**AUDIENCES**

A America, misc items . . . . .	3,15,59,133
D Klune, misc items . . . . .	3,127,147
T Renaker, misc items . . . . .	3,47,151
C Haywood, re Ft Gratiot barracks in Lighthouse Park . . .	15
Dr D Roberts, re infestation of Emerald Ash Borer . . . . .	15
M Landschoot & D Bales, JD's Key Club re changing ord to allow persons under 18 years to be in an alcohol establishment w/o parents to allow for teen nights . . . . .	39
J Relken, re American Red Cross' emerg preparedness . . .	47
D Kredell from Rep Ehardt's office introduced himself . . .	47
Bridgefest Entertainment re holding event on TE Parkway . . . . .	51
G Powell, re unmanned locomotives . . . . .	59
T Hutka response . . . . .	81
D Belair, re Memorial Day Parade . . . . .	75
T Ribble, re blvd restoration . . . . .	75
Councilmember Prax request for adm response . . . . .	81
B Clegg response . . . . .	111
P Schultz, re blvd restoration and lack of attendance at mtg . . . . .	75
G Hancock, thanks for sewer repair . . . . .	75
S Bender, misc. items . . . . .	75,103
K Harris, re Home Improvement Contest . . . . .	85
I Michels, re keeping DARE program . . . . .	85
J Easter, Pres of Fire Fighters Union, re comments made in paper by City Mgr . . . . .	85
Ellery's, re opposition to facility proposed at Griswold & 8th . . . . .	127
Riehl, re thank Council for efforts in preserving neighborhoods . . . . .	127

M Wright, re Stylin Pilings . . . . .	133
D Cummings, misc items . . . . .	147
R Frasier, re voting process at Pct 8 . . . . .	152
I Michaels, re downtown . . . . .	157

**AUDITORIUM AUTHORITY**

(See "Boards &amp; Commissions")

**AWARDS & PRESENTATIONS**

Proc desig Jan 30 as Prematurity Awareness Day . . . . .	9
Cert to graduates of DPW's Mini Academy . . . . .	15
Cert of apprec to RadioFirst, Fogcutter, PHPD employees for volunteering time for Cops & Jocks Spaghetti Dinner . . . . .	39
Presentation by Rep Hager to family of B Seymore . . . . .	51
Proc recognizing SCC Council on Aging for 35 yrs service . . . . .	59
Proc designating April as Parkinson's Awareness Month .	59
Proc designating NALC Food Drive Day . . . . .	69
Proc recognizing Arbor Day & Earth Day . . . . .	69
Proc designating Police Week & recognizing Peace Officers' Memorial Day . . . . .	75
Proc designating P H Hosp Foundation Helmet Safety Week . . . . .	85
Cert of Recognition to students who served on various boards & comm . . . . .	103
Cert of Recognition to Wm Robinson on his retirement .	103
Presentations on Revitalizing Port Huron . . . . .	139
Proc designating Oct 5-11, 2003, as Fire Prevention Week . . . . .	139
Proc designating Oct as Domestic Violence Awareness Month . . . . .	143
Presentation on Rental Certification program . . . . .	143
Presentation on construction program . . . . .	143
Presentation by J Sinclair, President, MML, of Achievement Award for Revitalizing Port Huron . .	151
Presentation on CAPTURE program . . . . .	157

**B**

**BEAUTIFICATION COMMISSION/REQUESTS**

(See "Boards & Commissions")

**BIDS - GENERAL**

Bids accepted:

Malcolm Marine, dredging of marinas . . . . . 60

Scotty's Potty's, portable restrooms . . . . . 61

Raymond Excavating, private inflow correction  
at Museum . . . . . 128

Morton Salt Co, salt . . . . . 144

Earthcom, Inc., towers . . . . . 145

S A Torello, compactable sand for Utilities Div . . . . 152

Sopha Electric, switch gear for Grandview Towers . 162

Prime Office Technology, Kyocera Mita copiers . . . 162

**BIDS -  
PARKING, PAVING, SEWERS, SIDEWALKS, WATER**

Bids accepted:

Liquiforce Serv, Conger St Sewer Lining . . . . . 3

Pamar Enterprises, Tunnel St Area Sewer Sep Proj . . 16

Clark Highway Serv, street striping . . . . . 51

Lakeside Cement, annual sidewalk contract . . . . . 52

Ron Bretz Exc, Hancock St reconstruct proj . . . . . 52

B W Maint, upper riser pipes for bio reactor dist  
headers . . . . . 52

U S Aluminate, aluminum sulfate . . . . . 52

LCI, LTD, sodium silicofluoride . . . . . 127

Raymond Excavating, 16th St sewer separation . . . . 127

Inland Services, belt filter press . . . . . 152

SLC Meter Services, Inc., 12" water meter &  
strainer for PH Twp . . . . . 158

**BIDS - PARKS & RECREATION**

Bids accepted:

Play Environments, Knox Field playscape . . . . . 60

Lakeside Cement, Skate Park Hard Surface &  
Fencing . . . . . 104

Sherman Nursery Farms, trees . . . . . 144

**BIDS - VEHICLES & EQUIPMENT**

Bids accepted:

Motorola, Quantar UHF Repeater Base Station . . . . . 52

Jack Doheny Supplies, truck mounted sewer &  
catch basin cleaner . . . . . 133

Michigan Taser Dist, Taser X26's, etc. . . . . 143

Vance Law Enforcement, Glock 45 caliber semi-  
automatics . . . . . 143

Metropolitan Uniform Co, basket weave  
leather gear . . . . . 144

CMP Products, holsters & magazine pouches for  
Glock 21's . . . . . 144

AIS Continental, 3 cy front-end loader with  
attachments . . . . . 144

Kahmann Mechanical Syst, boiler replacement at  
Sanborn Fire Station . . . . . 147

**BLIGHT**

(Also see "Ordinances")

**BLUE WATER HABITAT**

(See "Land Sales")

Res supporting request to host "Jimmy Carter Work  
Project 2005" . . . . . 98

**BOARDS & COMMISSIONS**

Beautification Commission

M Bem apptd . . . . . 54

R DeVary, K Holth, D Lemke reapptd . . . . . 62

Yard of the Year awards . . . . . 133

N Rodda apptd . . . . . 134

Board of Review

T Keams, J Novar, G Westrick apptd . . . . . 4

2003 Assessment Roll confirmed . . . . . 62

Canvass Board

G Winfield, Dem, & K Jamison, Rep, reapptd . . . . . 164

Construction Board of Appeals

Enacted (No. 1205) . . . . . 71

R Nelson, W Crosby, Jr., R Bular, J Watson,  
and K Todoroff apptd . . . . . 109

Downtown Development Authority	
M Campbell & M Brooks, apptd	17
Historic District Commission	
C Moss, G Saunders apptd	40
Housing Commission	
E Shoulders apptd	10
McMorran Authority	
Joint meeting with City Council	1
J Hill, apptd	76
Planning Commission	
D Schwartz, reapptd	108
Councilmember Jacobs apptd Council rep	155
Rental Housing Board of Appeals	
K Duncan, J Vega, R Saffee, L Reichenbach	
apptd	109,118
Traffic Study Committee	
R Beedon reapptd	149
Zoning Board of Appeals	
S Bannatyne, L Beatty, L McNamara reapptd	119
Report on student participation in various	
boards/commissions	48

#### **BOARD OF REVIEW**

(See "Boards & Commissions")

#### **BONDS**

(Also see "Ordinances")

General Obligation Limited Tax Bonds, Series 1999B	
Disbursement & Debt Service Schedule appvd	17
General Obligation Limited Tax Bonds, Series 2003	
Issuance auth	18
General Obligation Limited Tax Bonds, Series 2003B	
Issuance auth	148

#### **BRIDGES**

7th Street Bridge	
Critical Bridge Application amended	98
Engineering services, agreement with	
HNTB Michigan	118

#### **BROWNFIELD REDEVELOPMENT GRANTS**

(See "Boards & Commissions")

#### **BUDGET**

2003-04 Budget	
Transmitted for review & hearing set	69
Hearing	75
Review	83
Adopted	87-97
2002-03 Budget	
Supplemental appropriations and/or transfers	43,152

#### **BUILDINGS & BUILDING REGULATIONS**

Permit & inspection fees adjusted	77
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#### **BUILDING BOARD OF APPEALS**

(See "Boards & Commissions")

#### **BUSES**

(See "Transportation")

#### **C**

#### **CABLE TV**

Professional auditing services of franchise fees paid	
Troy & Banks Consultants, agreement appvd	4

#### **CANVASS BOARD**

(See "Boards & Commissions")

#### **CAPITAL IMPROVEMENT PROGRAM**

2003-04 thru 2008-09 Capital Improvement Program	
Transmitted for review & hearing set	69
Hearing	75
Adopted	97

#### **CASINO**

(See "Elections")

#### **CEMETERY**

(See "Lakeside Cemetery")

#### **CDBG FUNDS**

(See "Community Development")

#### **CSO'S (Combined Overflows)**

(See "Sewers")

#### **CHARTER**

(See "Elections")

**CITY COUNCIL**  
(Also see "Elections")

Committee of the Whole discussions . . . . . 1,13,67

Executive Sessions  
    Pending litigation . . . . . 7, 41

Rescheduling and/or cancellation of meetings . . . . . 70,153

Misc business . . . 6,12,41,48,57,65,81,102,111,121,132,137  
    . . . . . 141,146,150,156,160,170

Presentation by Councilmember Prax on recent  
    attendance at NLC Conf in Washington, DC . . . . . 51

Presentation by Councilmember Fisher on recent attendance  
    at Michigan Historic Preservation Network Conf . . . 75

Councilmember Prax apptd Council rep on EDA  
    Board . . . . . 111,155

Oath of office administered . . . . . 151

Councilmember Steinborn designated delegate &  
    Councilmember Haynes alternate for SEMCOG . . . 155

Councilmember Jacobs apptd Council rep on Planning  
    Comm . . . . . 155

Councilmember Cutcher apptd Council rep on EOC . . . . 155

Councilmember Fisher apptd BWATC commissioner  
    member & Councilmember Haynes apptd alternate  
    Tabled . . . . . 158  
    Adopted . . . . . 161

**CITY EMPLOYEES**

Marketing director  
    Motion adopted to not hire . . . . . 43

Wage adjustments for unorganized employees  
    & employment agreements authorized . . . . . 97

Insurance coverage for employee crime & fraud  
    Hanover Ins, agreement appvd . . . . . 107

Public employee post employment health care  
    fund estab . . . . . 163

**CITY MANAGER**

Performance evaluation  
    Executive session . . . . . 113

**CODE ENFORCEMENT**

1014 Tenth Street  
    Hearing set . . . . . 5  
    Hearing . . . . . 39  
    Demolition ordered . . . . . 40

1523 - Eighth Street  
    Hearing set . . . . . 56  
    Hearing . . . . . 69  
    Demolition ordered . . . . . 70

2405 Gratiot Avenue  
    Hearing set . . . . . 57  
    Removed from agenda . . . . . 69

**COMMUNICATIONS - MISC.**

D Ball, concern about auto access in Pine Grove Park . . . . . 9

K Harris, grateful to Comm Dev for response on home  
    improvement contest & request public comment  
    on amendments . . . . . 104

Garfield kindergarten teachers, thanking PHPD & PHFD  
    employees for assistance w/class trip . . . . . 115

K Harris expressing gratitude for removal of 2 trees . . . . 147

**COMMUNITY DEVELOPMENT**

(Also see "Rehabilitation Grant Program")

CDBG & HOME Funds  
    Annual Action Plan  
        Hearing for 2003 funds . . . . . 9,15,39  
        Third hearing set . . . . . 27  
        Audience, M Patterson re funds for homeless . . . 51  
        Appvd . . . . . 56  
        Hearing set for 2004 funds . . . . . 164

HOME Funds  
    CHDO funds to Massive Impact Housing Dev, auth . . 56

Nat'l Community Development Week designated . . . . . 64

Proposals accepted for lead testing, risk assessments &  
    clearance on properties funded by CDBG funds  
    St Clr Co Health Dept proposal accepted . . . . . 106

CAPER  
    Hearing set . . . . . 77  
    Hearing . . . . . 85  
    Auth submission . . . . . 108

**CONFERENCES & MEETINGS**

MML  
    Annual Legis Conf, Mar 26, Lansing  
        Council auth to attend . . . . . 3

Region V annual mtg, Marine City,  
    Council auth to attend . . . . . 76

Annual Convention, Sept 16-19, 2003, Detroit  
    Council auth to attend . . . . . 69  
    Designation of A Cutcher delegate and  
        M Neal alt . . . . . 116

National League of Cities  
 Congressional City Conf, Mar 7-11, 2003,  
 Washington, DC, Council auth to attend ..... 3  
 Presentation by Councilmember Prax ..... 51

Congress of Cities & Exposition, Dec 9-13, 2003,  
 Nashville, TN, Council auth to attend ..... 115  
 Designate A Cutcher delegate &  
 L Sample-Wynn alt ..... 139

**CONFLICT OF INTEREST**

Report from Director of Finance, received & filed ..... 128

**D**

**DEMOLITION**

(Also see "Code Enforcement")

**DOWNTOWN DEVELOPMENT**

(Also see "Boards and Commissions" and "Parking")

DDA  
 Ordinance to amend boundaries  
 1st & 2nd reading ..... 12

Budget  
 Transmitted, hearing set ..... 71  
 Hearing ..... 75  
 Adopted ..... 97

Presentation on downtown Economic Study Report  
 by D Mitchell ..... 13

MainStreet Streetscape  
 Special assessment  
 Report from City Mgr declaring spec  
 assessment ..... 86  
 Necessity determination & estimated cost ..... 86  
 Hearing set ..... 87  
 Hearing ..... 103  
 Appvd ..... 106

Commercial Development Action Plan  
 Adopted ..... 70

**E**

**EASEMENTS**

Vacation of public utility easements:

Blk bound by Elk, Florida, Stone & Joann Ct  
 Hearing set ..... 80  
 Hearing ..... 103  
 Vacated ..... 108

Portions of vacated rights-of-way of Alley 142  
 Hearing set ..... 110  
 Hearing ..... 115  
 Vacated ..... 116

Portions of vacated rights-of-way of Alley 144  
 Hearing set ..... 110  
 Hearing ..... 115  
 Vacated ..... 116

Portion of vacated rights-of-way of Alley 183  
 Hearing set ..... 110  
 Hearing ..... 115  
 Vacated ..... 117

Portions of vacated rights-of-way of Petit Street  
 Hearing set ..... 110  
 Hearing ..... 115  
 Vacated ..... 117

**EDISON SHORES**

Settlement agreement re planting of trees in Thomas  
 Edison Park, appvd ..... 46

Agreement w/Condo Assoc re settling claims for  
 putting green ..... 56

**ELECTIONS**

Odd Year General, Canvass Bd report  
 Received & filed ..... 151

**ELECTRICAL BOARD**

(See "Boards & Commissions")

**ELECTRICAL CODE**

(See "Ordinances")

Permit & inspection fees adjusted ..... 78

**EMERGENCY MANAGEMENT**

State Homeland Security Grant Program thru Mi State Police  
 Auth grant agreement ..... 77,146,150  
 Auth to submit grant for preparation of  
 multi-hazard mitigation plan ..... 149

FEMA thru Mi State Police Supplemental Grant  
 Auth grant agreement ..... 97

**F**

**FINANCIAL**

Quarterly Financial Reports transmitted ..... 16,76,162

Comprehensive Annual Financial Report  
 Transmitted, rec & file ..... 162

Policy for use of electronic transactions ..... 119

**FIRE DEPARTMENT**

Introduction of R Eick as new Fire Chief . . . . . 15

Port Huron Fire Fighters Assoc  
 Changes to collective bargaining agreement . . . . . 120

**FRANCHISES**  
 (See "Ordinances")

**G**

**GOALS**  
 (Also see "City Council")

**GRANTS**  
 (Also see "Parks & Recreation")

MDNR/LWCF Grant  
 Sanborn & Court St swimming pool renovation &  
 reconstruct of tennis courts at Sanborn & skate  
 park in Optimist Park  
     Hearing set . . . . . 48  
     Hearing . . . . . 51  
     Auth to apply . . . . . 53

State Homeland Security Grant Program thru Mi State Police  
 Auth grant agreement . . . . . 77,146,150  
 Auth to submit grant for preparation of  
 multi-hazard mitigation plan . . . . . 149

FEMA thru Mi State Police  
 Auth grant agreement . . . . . 98

MDNR  
 Dredging of Marinas, auth grant agreement . . . . . 98

US Dept of Justice law enforcement block grant  
 Hearing set . . . . . 134  
 Hearing . . . . . 139  
 Auth grant agreement . . . . . 140

**H**

**HOUSING COMMISSION**  
 (Also see "Boards & Commissions")

**I**

**INDUSTRIAL DEVELOPMENT**

Black River Plastics, IFEC (2)  
     Hearings set . . . . . 53  
     Hearings . . . . . 59  
     Appvd . . . . . 61-62

Domtar Industries, IFEC  
     Hearing set . . . . . 10,162  
     Hearing . . . . . 15  
     Appvd . . . . . 16

Huron, Inc., IFEC  
     Hearing set . . . . . 119,153  
     Hearing . . . . . 127,157  
     Appvd . . . . . 128,158

Lear Corporation, IFEC  
     Hearing set . . . . . 106  
     Hearing . . . . . 115  
     Appvd . . . . . 116

RAE Mfg, IFEC  
     Hearing set . . . . . 10  
     Hearing . . . . . 15  
     Appvd . . . . . 16

Mueller Brass Co, IFEC  
     Hearing set . . . . . 145  
     Hearing . . . . . 147  
     Appvd . . . . . 148

Mueller Brass Forging Co, IFEC  
     Hearing set . . . . . 145  
     Hearing . . . . . 147  
     Appvd . . . . . 149

**INDUSTRIAL PARK**

Speculative Buildings (future)  
     Hennessey Eng, agreement appvd for prof serv . . . . . 80

Speculative Building No. 11, 3150 Dove Street  
     Sales agreement approved . . . . . 123  
     BCF Enging, agreement appvd for improvements . . 131

Huron, Inc.  
     Lease renewal agreement appvd . . . . . 149

**INTERNATIONAL FLAG PLAZA**

Updates . . . . . 81

**K**

**L**

**LAKESIDE CEMETERY**

Monument at Allied Veterans  
     C Klotz request to install and light flags 24/7 . . . . . 39

Rates adjusted . . . . . 104

**LAKESIDE PARK**  
(See "Parks & Recreation")

**LAND ACQUISITION**  
(Also see "City Council; Industrial Park;  
Thomas Edison Park; Renaissance South Subdivision")

**LAND LEASES**

**LAND SALES**

Vacant prop, former Algonquin Hotel	
Sale to BMJ Eng, \$90,000	9
Vacant lot, Electric Ave & Moak St	
Sale to Yaldo Const, \$10,000	63

**LEGAL OPINION**

Use of waterfront prop for spec events	9
--	---

**LEGISLATIVE INITIATIVES**

Overview to City Council	67
--------------------------	----

**LICENSES**  
(See "Taxi Cabs")

**LIGHTHOUSE PARK**  
(See "Parks & Recreation")

**LINCOLN PARK**  
(See "Parks & Recreation")

**LIQUOR LICENSES - MISC.**

Withhold licenses:	
Hearing set (12 establishments)	5
Hearing (7 establishments)	15

**LIQUOR LICENSES - B-HOTEL**

Victorian Inn	
Hearing set for withholding license	5

**LIQUOR LICENSES - CLASS C or C/SDM**

Big Daddy's	
Hearing set for withholding license	5
Hearing	15
Res objecting to renewal	40
Res recommending appvl	70

Bistro 1882	
New Dance-Entertainment Permit, recommend	
appvl	97

Blue Water Bowl	
Hearing set for withholding license	5

Figaro's Lounge	
Hearing set for withholding license	5

Harrington Inn	
Transfer of license to Agecare, Inc.	159

Headwind's Tavern	
Hearing set for withholding license	5
Hearing	15
Res objecting to renewal	40
Res recommending appvl	48

Huron Athletic Club	
Transfer ownership to Sandwaf Co	63

J.D.'s Key Club	
Temporary outdoor service permit, recommend	
appvl	63

Legendz	
Hearing set for withholding license	5
Hearing	15

Martini Joe's	
Hearing set for withholding license	5
Hearing	15
Res objecting to renewal	40
Res recommending appvl	71

Palms Krystal, Inc.	
Transfer of ownership to M & R Schulz	41

Pilot House	
Hearing set for withholding license	5
Hearing	15

Pizza Hut	
Hearing set for withholding license	5
Hearing	15
Res objecting to renewal	40
Res recommending appvl	140

Pompeii of Port Huron, Inc.	
Transfer of ownership from A & B Alessandro	
(Bravo's)	41,70

Red Shingle Tavern	
Hearing set for withholding license	5

Seekers Lounge	
Hearing set for withholding license	5

Tzas	
Hearing set for withholding license	5
Hearing	15
Transfer to Bar Works	119

Transfers:

Palms Krystal, Inc. to Martha & Russell Schulz . . . . 41  
 Pompeii (Bravos) to D & N Pickelhaupt . . . . . 41,70  
 Huron Athletic Club to Sandwaf Co. . . . . 63  
 Tzas to Bar Works (A Astafin & I Youkhanna) . . . . 119  
 Harrington Inn to Agecare, Inc. . . . . 159

**LOCAL DEVELOPMENT FINANCE AUTHORITY**

(See "Boards & Commissions")

**M**

**MAINSTREET**

Permit fees waived for various events . . . . . 60

**MARINAS**

Marina dredging project  
 Tetra Tech MPS, agreement appvd for prof serv . . . . 47  
 Malcolm Marine, dredging . . . . . 60  
 MDNR grant agreement auth . . . . . 98

Centralized Reservation System  
 Agreement appvd w/MDNR . . . . . 62,145

**MARITIME CAPITAL OF THE GREAT LAKES**

Website  
 Request from J Clary . . . . . 60,75  
 Funds allocated, subj to final appvl by Council . . . . 97  
 Media Access & Design, proposal accepted . . . . . 128

**MASTER PLAN**

**McMORRAN AUDITORIUM**

(See "Boards & Commissions")

**MECHANICAL EQUIPMENT & SYSTEMS**

Permit & inspection fees adjusted . . . . . 78

**MICHIGAN MUNICIPAL EMPLOYEES**

**RETIREMENT SYSTEM**

(See "Retirement Systems")

**MICHIGAN MUNICIPAL LEAGUE**

(See "Conferences & Meetings")

**MISCELLANEOUS**

Mueller Brass noise  
 Report from City Manager . . . . . 6  
 Audience, Mancini's . . . . . 133,139

Highlander Sea  
 Designated as City's official flagship . . . . . 9

Matricular Consular, acknowledged as form of personal  
 identification  
 Audience, A Estrada & others from Consul  
 of Mexico . . . . . 51,59  
 Action postponed . . . . . 53  
 Rejected . . . . . 60

EDA update & request for add'l funding . . . . . 67

County-wide interoperable emergency communications  
 system  
 Presentation by T Feltman . . . . . 125  
 Res supporting creation of system, maintaining  
 existing PH dispatch center . . . . . 141

Power outage report by City Manager . . . . . 133

Res in support of naming Selfridge ANG Base as  
 Midwest Homeland Security Base . . . . . 135

**MUNICIPAL HOUSING COMMISSION**

(See "Boards & Commissions")

**MUNICIPAL OFFICE CENTER**

**MUSEUM**

Fort Gratiot hospital building  
 Lease appvd to place in Lighthouse Park . . . . . 54

Fees waived for Feast of Ste Claire & Pow Wow . . . . . 60

**N**

**NATIONAL LEAGUE OF CITIES**

(See "Conferences & Meetings")

**NEIGHBORHOOD REVITALIZATION**

**NON-PROFIT ORGANIZATIONS**

Blue Water Women's League recognized . . . . . 28

Greater P H Area Chamber of Commerce recognized . . . . 70

**O**

**ORDINANCES**

Enacted:

Amend Chapt 3 to allow possession & consumption of alcoholic liquor on city-owned prop under spec conditions  
 1st & 2nd Reading ..... 6  
 Enacted (No. 1202) ..... 10

Amend Chapt 8 to add property to DDA boundaries  
 1st & 2nd Reading ..... 12  
 Enacted (No. 1203) ..... 28

Provide for acq, const, install...water supply syst; issuance & sale of revenue bonds  
 1st, 2nd, 3rd reading & enacted (No. 1204) ..... 29

Rezoning from "A-1" to "M-1", 1919 Cleveland  
 Hearing set ..... 64  
 Hearing ..... 75  
 1st & 2nd reading ..... 81  
 Enacted (No. 1209) ..... 101

Amend Chapt 2, Div 6-9, to create construction board of appeals  
 1st & 2nd reading ..... 65  
 Enacted (No. 1205) ..... 71

Amend Chapt 10, to update Electrical Regulations  
 1st & 2nd reading ..... 65  
 Enacted (No. 1206) ..... 72

Amend Chapt 27, Swimming Pools, to delete refer to Bldg Bd of Appeals & replace with Const Bd of Appeals  
 1st & 2nd reading ..... 65  
 Enacted (No. 1207) ..... 73

Rezoning from "C-1" to "A-1" prop corner of Electric and Moak  
 Hearing set ..... 79  
 Hearing ..... 103  
 1st & 2nd reading ..... 111  
 Enacted (No. 1212) ..... 120

Rezoning from "A-1" to "R-1", 816 Union St  
 Hearing set ..... 80  
 Hearing ..... 103  
 1st & 2nd reading ..... 111  
 Enacted (No. 1213) ..... 120

Amend Chapt 12, adopt Int'l Fire Code  
 1st & 2nd reading ..... 80  
 Enacted (No. 1208) ..... 99

Amend Chapt 26, Sec 26-3, Lot Splits, to establish fees by res  
 1st & 2nd reading ..... 81  
 Enacted (No. 1210) ..... 101

Amend Chapt 32, Art XXI, Sec 32-515 & Art XXII, Sec 32-538 to establish fees by res  
 1st & 2nd reading ..... 81  
 Enacted (No. 1211) ..... 102

Rezoning from "R-1" to "M-1", area bound by 16th St, 12th St, Beard St & railroad tracks  
 Hearing set ..... 109  
 Hearing ..... 115  
 1st & 2nd reading ..... 120  
 Enacted (No. 1214) ..... 131

Rezoning from "C-1" to "R-1", 1039 Oak St  
 Hearing set ..... 110  
 Hearing ..... 115  
 1st & 2nd reading ..... 121  
 Enacted (No. 1215) ..... 132

Rezoning from "M-1" to "R-1", 1703 Bancroft St  
 Hearing set ..... 131  
 Hearing ..... 133  
 1st & 2nd reading ..... 137  
 Enacted (No. 1217) ..... 141

Amend 2003 bond authorizing ordinance auth issuance of not to exceed \$5,000,000 of water supply system revenue bonds  
 1st, 2nd and 3rd reading and enacted (No. 1216) ..... 135

Amend Chapt 32, Article V, Landscape standards ordinance  
 Hearing set ..... 154  
 Hearing ..... 157  
 1st & 2nd reading ..... 159  
 Enacted (No. 1218) ..... 165

Amend Chapt 32, Article V, Ordinance establishing design guidelines for new const of residential dwellings  
 Hearing set ..... 154  
 Hearing ..... 157  
 1st & 2nd reading ..... 159  
 Enacted (No. 1219) ..... 167

Amend Chapt 32, adding Article XXXIII, Access Management Overlay District ordinance  
 Hearing set ..... 155  
 Hearing ..... 157  
 1st & 2nd reading ..... 159  
 Enacted (No. 1220) ..... 168

Amend Chapt 29, Article III, Vehicle Code to adopt by reference the Uniform Traffic Code  
 1st & 2nd reading ..... 160  
 Enacted (No. 1221) ..... 170

Pending:

Pedestrian Retail Overlay District ordinance  
 Hearing set ..... 155  
 Hearing ..... 157  
 1st & 2nd reading ..... 159

Rejected:

Amend Chapt 3, Sec 3-7, to allow minors under 18 & to be in on-premise consumption establishment w/o parent  
 Rejected ..... 65

Rezoning from "B" to "M-2", prop at Water & Rural Sts  
 Hearing set ..... 64  
 Hearing ..... 75  
 Rejected ..... 81  
 Comm from D Dagg req. reconsideration .. 104,116  
 Audience, several persons asking for reconsideration ..... 115  
 Comm from M Riehl reiterating objection . 115,127

**PALMER PARK**

(See "Parks & Recreation")

**PARKING**

(See "Traffic Orders" & "Zoning Ordinances")

Parking fees established ..... 97

**PARKS & RECREATION**

Court St. swimming pool renovations  
 MDNR/LWCF Grant  
 Hearing set ..... 48  
 Hearing ..... 51  
 Auth to apply ..... 53

Knox Field  
 Play scape & equip  
 Play Environments, bid accepted ..... 60

Pine Grove Park  
 Amendment to lease of docking facilities to USCG . 107

Lighthouse Park  
 Lease appvd w/Museum, placement of Ft Gratiot hosp bldg ..... 54

Optimist Park, Skate Park  
 MDNR/LWCF Grant  
 Hearing set ..... 48  
 Hearing ..... 51  
 Auth to apply ..... 53

Hard Surface & Fencing  
 Lakeside Cement, bid accepted ..... 104

Skate Park Equipment  
 Michigan Skate Parks, Inc., proposal accepted .. 104

Sanborn Park  
 Swimming pool renovations & tennis court reconstr  
 MDNR/LWCF Grant  
 Hearing set ..... 48  
 Hearing ..... 51  
 Auth to apply ..... 53

**PAVING**

(Also see "Streets")

**PLANNING COMMISSION**

(See "Boards & Commissions")

**PLANNING DEPARTMENT**

Site plan review fees adjusted ..... 79

**PLUMBING BOARD & REGULATIONS**

(See "Boards & Commissions")

Permit & inspection fees adjusted ..... 78

**POLICE DEPARTMENT**

AS-400 software maintenance  
 New World Syst Corp, agreement appvd ..... 62

Live-Scan fingerprint syst  
 Identix Empowering Ident, maint agree appvd ..... 70

US Dept of Justice law enforcement block grant  
 Hearing set ..... 134  
 Hearing ..... 139  
 Auth grant agreement ..... 140

Presentation on CAPTURE program ..... 157

**PORT HURON AREA SCHOOL DISTRICT**

Agreement to provide school buses for rec programs ..... 85

**PORT HURON BUILDING AUTHORITY**

(See "Boards & Commissions")

**PUBLIC WORKS**

Permit w/St Clair Co for use of highway ROW for public improvements ..... 5

Cert presented for graduates of Citizens Academy ..... 15

Refuse collection  
 Two-day a week operation  
 Presentation by R Clegg ..... 51  
 Schedule established ..... 65  
 Update ..... 111

Leaf Pickup program  
 Update by M Lewandowski ..... 59

Presentation by R Clegg on construction program ..... 143

Agreement w/CSX for access thru their ROW's ..... 146

**R**

**RECREATION**

(See "Parks & Recreation")

**REHABILITATION GRANT PROGRAMS**

(Also see "Housing")

**RENAISSANCE SOUTH SUBDIVISION**

**RENTAL ORDINANCE**

(Also see "Ordinances")

Presentation by K Harmer, Planning Director . . . . . 143

**RETIREMENT SYSTEMS**

MERS delegates/alternates apptd . . . . . 129

**REVENUE SHARING**

(See "Budget")

**REVITALIZING PORT HURON**

Presentation of 2003 Home Improvement Awards . . . . . 139

Presentation by M Campbell . . . . . 139

Announcement of Superior Innovation Award (MML) . . 139

Presentation by T Hutka & K Harmer on status  
of program . . . . . 139

Presentation by J Sinclair, President, MML, of  
Achievement Award . . . . . 151

**SANBORN PARK**

(See "Parks & Recreation")

**SCHOOL BUSES**

(See "Transportation")

**SCHOOLS**

(Also see "Port Huron Area School District")

**SEAWAY TERMINAL**

(Also see "Elections")

**SESQUICENTENNIAL**

Sesquicentennial Committee  
S Williams, pub audience, pledging support . . . . . 15  
Auth development of committee . . . . . 18  
Presentation by S Williams, Chairperson . . . . . 139

**SEWERS**

CSO Project  
Tunnel St Area Project  
Pamar Enterprises, bid accepted . . . . . 16  
BMJ, prof serv agreement appvd . . . . . 17

Hancock St from 10th to Gratiot, reconstruction  
Agreement w/MDOT, appvd . . . . . 55

Sanitary sewage disposal serv for Ft Gratiot, Kimball  
& Port Huron Townships  
Amended agree appvd w/St Clr Co Bd of  
Public Works . . . . . 63

16th Avenue Sewer Separation Phase I Project  
Tetra Tech MPS, agreement appvd for prof. serv . . . . 80

Sanitary sewer & water main repair, Military from Reid  
to Water St  
URS Corp - Great Lakes, agreement appvd  
for prof serv . . . . . 129

Implementation of a private inflow & infiltration elim prog  
Agreement w/Tetra Tech MPS, appvd . . . . . 163

Engineering coordination & administration of CSO control  
program  
Agreement w/Tetra Tech MPS, appvd . . . . . 164

**SIDEWALKS**

(Also see "Bicycle Paths")

Annual Sidewalk Contract awarded . . . . . 52

**SISTER CITY**

Report from M Steinborn, Chairperson . . . . 59,133,143,157

Recommendation to name Chiquimula, Guatemala  
as sister city . . . . . 159

**SKATEBOARD PARK**

(Also see "Parks and Recreation")

**SOUTHSIDE SUMMER FESTIVAL**

Permit fees waived . . . . . 69

**STREET LIGHTS**

(Also see "Petitions")

**STREETS**

(Also see "Paving")

Transfer funds from Major Street Fund to Local  
Street Fund . . . . . 4,153

Streetscape Improvements, Military from Court to Water St.  
 URS Corp - Great Lakes, prof serv, agmt appvd . . . 129

Reconstruction work, Holland Ave from Stone to Gratiot Ave.  
 MDOT, agreement appvd . . . . . 130

Reconstruction work, Holland Ave from Stone to  
 Pine Grove Ave  
 BMJ Engineers & Surveyors, agreement appvd . 150

**STREET VACATIONS**

White Street, portion of  
 Hearing set . . . . . 79  
 Hearing . . . . . 103

Fourth Street, portion of  
 Hearing set . . . . . 79  
 Hearing . . . . . 103  
 Vacated . . . . . 109

13th Street, portion of  
 Hearing set . . . . . 110  
 Hearing . . . . . 115  
 Vacated . . . . . 117

14th Street, portion of  
 Hearing set . . . . . 110  
 Hearing . . . . . 115  
 Vacated . . . . . 117

15th Street, portion of  
 Hearing set . . . . . 110  
 Hearing . . . . . 115  
 Vacated . . . . . 118

Petit Street, portion of  
 Hearing set . . . . . 110  
 Hearing . . . . . 115  
 Vacated . . . . . 118

Carleton Street, portion of  
 Hearing set . . . . . 154  
 Hearing . . . . . 161  
 Vacated . . . . . 164

**SUBDIVISIONS**

(Also see "Krafft Development, Northern Woods, Renaissance South")

**T**

**TAX EXEMPTION CERTIFICATES**

(See "Industrial Development")

**TAX INCREMENT FINANCING**

(Also see "Boards & Commissions")

**TAXES**

Tax levy for 2003-04 . . . . . 97

**TAXI CABS**

2003-04 licenses auth . . . . . 134

**THOMAS EDISON PARK REDEVELOPMENT AREA**

(Also see "Edison Shores Development" & "Museum")

Range light in Thomas Edison Park  
 Agreement appvd w/US Coast Guard to lease a spot . 55

**TRAFFIC ORDERS**

Parking  
 #1151, Military Street . . . . . 163

**TRAFFIC STUDY COMMITTEE**

(See "Boards & Commissions")

**TRANSPORTATION**

BWATC  
 Tax levy auth . . . . . 106

Councilmember Fisher apptd commissioner member &  
 Councilmember Haynes apptd alternate  
 Tabled . . . . . 158  
 Adopted . . . . . 161

**U**

**V**

**W**

**WASTEWATER TREATMENT PLANT**

Permit w/MDEQ to operate bio-solids program,  
 auth to apply . . . . . 6

Riser pipes for biological reactor aeration dist headers  
 B W Maintenance, bid accepted . . . . . 52

Aluminum sulfate for WWTP & Water Plant  
 U S Aluminate, bid accepted . . . . . 52

Operations & Maintenance Manual Project  
 Finkbeiner, Pettis & Strout, agreement appvd . . . . . 55

Bar Screen Replacement Project  
 Finkbeiner, Pettis & Strout, agreement appvd . . . . . 55

Belt filter press services  
 Inland Services, quote accepted ..... 152

**WATER**

**WATER FILTRATION PLANT**

Vulnerability Assessment & Emergency Response  
 Plan Project  
 Tetra Tech MPS, agreement appvd ..... 150

**Y**

**Z**

**ZONING BOARD OF APPEALS**

(See "Boards & Commissions")

**ZONING ORDINANCE**

(Also see "Ordinances")

Special permits:

Family day care home, 3426 Shenandoah  
 Audience, several citizens ..... 15  
 Denied ..... 27  
 Aud, owners of home (Rogers) requested  
 reconsideration ..... 39  
 Ltr from C Moews opposing spec use permit .... 40  
 Motion to reconsider, rejected ..... 41

Warehouse & distributing area addition, 1420 Thomas St  
 Approved ..... 110

Bed and breakfast facility, 829 Propsect Pl, appvd . 154

Outdoor sales lot, Pine Grove & Hancock, appvd .. 154  
 Audience, C Barrett ..... 151

Request from M Riehl re changing ord to require notice  
 requirements for rezonings, rec & file & refer to  
 Planning Comm ..... 76

Fees adjusted ..... 108

**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 13, 2003, at 2:00 p.m. in the Memorial Room, McMorran Auditorium.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs (arrived at 2:10 p.m.), Prax, Sample-Wynn and Schrader (arrived at 2:15 p.m.).

Jim Currier, Chairman of McMorran Authority, gave welcome and introductions of all present were made.

Tom Hutka, City Manager, made comments about the importance of McMorran to the community.

Larry Krabach, General Manager of McMorran, gave a presentation on the "2001-02 Year in Review" and the "Future of McMorran," followed by round table discussion. (See City Clerk File #03-02 for materials distributed.)

Tom Hutka, City Manager, will arrange meeting with County officials, himself, Mayor, McMorran General Manager and McMorran Authority Chairman to discuss a role the County can play in McMorran's future.

On motion (3:30 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 13, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Chaplain Max Amstutz, Port Huron Hospital, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular and special meeting of December 9, 2002, were approved.

**PUBLIC AUDIENCES**

1. Anthony America, Port Huron, addressed the City Council stating that City and County interests intermingle and everyone should be able to speak no matter what and that he thinks that the Mayor (B. Mark Neal) has a conflict of interest and should be removed.
2. Donna Klune, Port Huron, addressed the City Council in defense of the Port Huron Police Department in the recent shooting and her feelings that the Times Herald was biased.
3. Tiny Renaker, 1307 - 21st Street, addressed the City Council rebutting Mr. America's statements against Mayor Neal and stated his love of Port Huron.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- Silver Stick International Hockey Tournament will be held at McMorran Arena on January 23-26, 2003.
- The 12th Annual Downtown IceFest will be held on January 24-26, 2003.
- The N.A.A.C.P. and Cleveland Elementary School will present "I Have A Dream" A Celebration of the Life and Work of Dr. Martin Luther King, Jr., event at the James R. Leonard Center on January 20, 2003, at 9:30 a.m.
- The Public Works Department will hold its one-day Citizens Academy on Wednesday, January 29, 2003. All facets of public works operations will be addressed. Interested persons wishing to attend this academy should contact the Public Works Department at 984-9730 for further information or to obtain an application. The deadline for submitting applications is January 15, 2003.

- Press release about renovations that have been made at 608 Hancock Street (ready to occupy), 1216 Lapeer Ave., 1218-1220 Lapeer Ave., and 1003 Howard St. These were previous code cases where the owner chose to fix up the home rather than have it demolished. (Kim Harmer, Planning Director, showed before and after pictures of the properties.)

**COMMUNICATIONS & PETITIONS**

**\*C-1.** Notification from the National League of Cities that the Congressional City Conference will be held March 7-11, 2003, in Washington, D.C.

Received and filed and Council authorized to attend.

**\*C-2.** Notification from the Michigan Municipal League that the 37th Annual Legislative Conference will be held March 26, 2003, in Lansing, Michigan.

Received and filed and Council authorized to attend.

**FROM THE CITY MANAGER**

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

On January 2, 2003, the City of Port Huron received (3) three bids for the Conger Street Sewer Lining Project:

Liquiforce Services (USA) Inc.	\$65,000.00
Murray Underground Systems Inc.	\$109,000.00
Lanzo Lining Services, Inc.	\$142,400.00

It is recommended that the bid of Liquiforce Services (USA) Inc., 28781 Goddard Road, Suite 204, Romulus, Michigan 48232, in the amount of Sixty-Five Thousand and 00/100 Dollars (\$65,000.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

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

WHEREAS, Act 51 of P.A. 1951, as amended, provides for the transfer of up to 25% from the Major Street Fund to the Local Street Fund, in accordance with Section 13d of said Act;

NOW, THEREFORE, BE IT RESOLVED that the Finance Director is hereby authorized and directed to transfer 25%, or \$428,080.00 of the 2002 Motor Vehicle Highway Distribution monies from the Major Street Fund to the Local Street Fund.

Adopted unanimously.

**\*R-3.** WHEREAS, it is stated in the Charter of the City of Port Huron, Section 66, VII:

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

NOW, THEREFORE, BE IT RESOLVED that the following are hereby appointed as members of the 2003 Board of Review:

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

BE IT FURTHER RESOLVED that the 2003 Board of Review shall convene on March 10, 2003, and continue in session as follows:

March 10, 2003	9:00 a.m. - 3:00 p.m.
March 12, 2003	6:00 p.m. - 9:00 p.m.
March 13, 2003	9:00 a.m. - Noon

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

Adopted.

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

WHEREAS, the City of Port Huron has a franchise agreement with Comcast Cable Vision of Michigan, LLC in which franchise fees are collected quarterly by the City; and

WHEREAS, it is in the financial interest of the City of Port Huron to verify the accuracy of the franchise fees being paid by Comcast to the City; and

WHEREAS, the consulting firm of Troy & Banks Consultants, LLC, specializes in providing professional auditing services and auditing of whether the appropriate fees have been paid by cable television franchisees and whether utility providers have charged the appropriate fees; and

WHEREAS, the consulting firm of Troy & Banks Consultants, LLC, provides auditing services of cable franchise fee payments on a contingency basis wherein if as a result of their audit no refunds, credits or payments with respect to any franchise fees due and owing the City during the period of 1996 through 2002 are received by the City, no compensation will be due to Troy & Banks Consultants, LLC; and

WHEREAS, there has been prepared an agreement with Troy & Banks Consultants, LLC, to provide professional auditing services of the cable television franchise fees for the City of Port Huron during the period of 1996 through 2002;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Troy & Banks Consultants, LLC, to provide professional auditing services of the franchise fees being paid by Comcast Cable Vision of Michigan, LLC, to the City of Port Huron for the period of 1996 through 2002 and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #03-03)

Adopted unanimously.

**\*R-5.** WHEREAS, the City Council has received and considered a Code Enforcement Report from the City's Chief Inspector relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*1014 Tenth Street, also known as the south 49 feet of Lots 8 and 9, Block 17, White Plat*

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on *February 24, 2003*, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and
2. The City Clerk shall:
  - (a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

- (b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.
- c) Provide for the recording of such hearings.

Adopted.

**\*R-6.** WHEREAS, it is an Order of the Liquor Control Commission that if a local legislative body wishes to object to the renewal of an on-premise license under the provisions of Section 17 of the Liquor Control Act and the Michigan Supreme Court Decisions of Bundo v City of Walled Lake and Bisco's Inc. v Liquor Control Commission decided on January 27, 1976, the following shall concur:

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

WHEREAS, the following list of liquor licensees who are delinquent in payment of taxes, utility payments, income tax reporting/payments and/or non-conformance with City and State fire codes has been prepared and considered:

- Big Daddy's Bar & Grill, 1211 Griswold St.
- Blue Water Bowl, 2419 Lapeer Ave.
- Figaro's Lounge, 1501-03 11th St.
- Headwind's Tavern, 515 Wall St.
- Legendz, 1631 Garfield Street
- Martini Joe's, 3954 24th Ave.
- Pilot House, 3136 Military St.
- Pizza Hut, 1007 Lapeer Ave.
- Red Shingle Tavern, 2831 - 24th St.
- Seekers Lounge, 3301 - 24th St.
- Tzas, 400 Quay St.
- Victorian Inn, 1229 - 7th St.

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 10, 2003, to afford the licensees an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence, and arguments." Said notice shall be mailed at least ten (10) days before said hearing and shall detail the reasons for the proposed administrative action.
- 2) Publish a notice of said hearing once in the Times Herald.

Adopted.

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

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

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

Adopted.

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

WHEREAS the Wastewater Treatment Plant generates bio-solids as an end product for its wastewater treatment process; and

WHEREAS, it has been determined that the most cost effective and environmentally responsible method for proper handling of these bio-solids is to land apply the material on farmer fields; and

WHEREAS the Environmental Protection Agency (EPA) has recognized the City of Port Huron's bio-solid program for its excellence; and

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

WHEREAS the MDEQ requires that the City of Port Huron apply for a permit to operate its bio-solids program;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the appropriate City officials to apply for the Michigan Department of Environmental Quality annual permit to operate its bio-solids program and authorizes the expenditure of \$9,735.00 for same.

Adopted unanimously.

### ORDINANCES

**O-1. Councilmember Prax** moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC LIQUOR, SECTION 3-2, CONSUMPTION IN PUBLIC AND POSSESSION PROHIBITED IN CERTAIN PLACES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ALLOWING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CITY-OWNED PROPERTY UNDER SPECIFIED CONDITIONS AND CIRCUMSTANCES.

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

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.

No: Councilmember Schrader.

Absent: None.

(NOTE: Legal opinion from Tim Lozen about leasing waterfront property to be reviewed and addressed at next meeting prior to acting on this ordinance.)

### MOTIONS & MISCELLANEOUS BUSINESS

**1. Robert Clegg, City Engineer**, gave a response to a previous question regarding American Disabilities Act (ADA) after-hour access to the Municipal Office Center building.

**2. Tom Hutka, City Manager**, gave a report on Mueller Brass noise and stated he and staff met with Mueller officials and three neighbors. Another meeting will be held in February and prior to that time Mueller Brass will work with neighbors to better determine the noise.

**3. Councilmember Schrader** requested an update on issue of footprint question brought up at previous meeting (whether a house can be rebuilt on a non-conforming lot size if it should have a fire, etc.). Kim Harmer, Planning Director, responded that after researching there probably will be no need to rewrite ordinance but there will have to be a few changes in the letters sent to lenders relative to this issue. Additionally, Councilmember Schrader asked for updates on leaf pickup (Bob Clegg, City Engineer, responded); Edison Shores tree lawsuit (Tom Hutka, City Manager, and John Livesay, City Attorney, responded and Mr. Hutka will send an update to Council in the next couple of weeks); and the marketing director's position (Tom Hutka, City Manager, gave a description of what he proposes the emphasis of the person who gets this position will be and responded that he alone will be making the decision on who to hire and not the advisory committee).

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

PAULINE M. REPP, CMC  
City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 27, 2003, at 6:45 p.m. in Conference Room 101, Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs (arrived at 6:50 p.m.), Sample-Wynn and Schrader.

Absent: Councilmember Prax.

**Councilmember Fisher** moved to go into Executive Session to discuss pending litigation.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

Following discussion, **Councilmember Sample-Wynn** moved to resume regular session.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

Tom Hutka, City Manager, announced to the City Council that he had made a decision about who would be the new Fire Chief (Robert Eick).

On motion (7:22 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 27, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

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

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutchner, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular and special meetings of January 13, 2003, were approved.

**PRESENTATIONS**

1. Proclamation designating January 30, 2003, as "Prematurity Awareness Day" was presented to James Carmody and Jim Goldsworthy, representing the March of Dimes. In turn, Jim Goldsworthy presented to the Mayor a "thank you" plaque to Port Huron for hosting the original "Jail and Bail" and for hosting the largest "Jail and Bail" in the United States.
2. Tim Lozen, Outside Legal Counsel, addressed the matter of leasing waterfront property for special events and went over his legal opinion (see City Clerk File No. 03-04).

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments from citizens on the general needs in community development, housing and special services, utilizing Community Development Block Grant and HOME funds for the fiscal year beginning April 1, 2003.

Karen Massaro-Mundt, ARC, 5930 E. Montevista, Fort Gratiot, appeared requesting that persons with disabilities be considered.

Mary Patterson, Executive Director, Safe Horizons, appeared requesting \$35,000 for Safe Horizons. The following persons appeared to support Ms. Patterson's request for funds for Safe Horizons: Alice Reeves, Mid-City Nutrition; Keith Moore, 3314 30th Street, former homeless shelter resident; Greg White, 511 Union Street, resident of homeless shelter; Lonnie Stevens, United Way Executive Director.

Tiny Renaker, 1307 - 21st Street, appeared stating that middle income need help as well because there are things available for low income and high income and nothing for those in the middle.

Kim Harmer, Planning Director, responded to Councilmember Schrader's question about the process and time schedule for applying for CDBG funds.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Paul Maxwell, representing Acheson Ventures, addressed City Council requesting that the City Council acknowledge the S/V Highlander Sea as the City's official flagship. He introduced Robert LaVigne and Pamela and Scott Thomas and answered questions.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The Public Works Department will hold its one-day Citizens Academy on Wednesday, January 29, 2003. All facets of public works operations will be addressed. Interested persons still wishing to attend this academy should contact the Public Works Department at 984-9730 for further information.
- The City's Marina Division is looking for boaters to volunteer to help at the Water Street Marina to work one, 7-day week per month, six weeks per season beginning May 1, 2003. Volunteers work for dockage, no wages. Duties would involve collecting dockage fees, cleaning grounds and facilities and performing minor maintenance work. Boaters with dock handling experience are preferred. For further information, contact Dan Collins in the Marina Division at 984-9744.

**COMMUNICATIONS & PETITIONS**

**C-1. Councilmember Sample-Wynn** moved to receive and file the following communication and honor their request:

From Acheson Ventures, LLC, requesting the S/V Highlander Sea be acknowledged as the official flagship and ambassador for the City of Port Huron.

Adopted unanimously.

**AT THIS POINT**, the representatives from Acheson Ventures presented to the citizens of Port Huron a framed picture of the S/V Highlander Sea to be displayed in the City building.

**\*C-2.** From David Ball expressing concerns about automobile access in Pine Grove Park, traffic flow on 10th Avenue and junk vehicles around the City.

Received and filed.

**FROM THE CITY MANAGER**

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

On October 8, 2002, the City of Port Huron received two (2) proposals for the sale of the vacant property located at 521 Huron Avenue, the former site of the Algonquin Hotel, as follows:

BMJ Engineers and Surveyors, Inc.	\$90,000.00
PCC Community Services	\$50,000.00

It is recommended that the proposal of BMJ Engineers and Surveyors, Inc., 519 Huron Avenue, Port Huron, Michigan 48060, in the amount of Ninety Thousand and 00/100 Dollars (\$90,000.00) be accepted as the best proposal and that the appropriate City officials be authorized to execute the necessary documents. (See City Clerk File #03-05)

Adopted unanimously.

### RESOLUTIONS

**\*R-1.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$716.93 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #03-06).

Adopted.

**\*R-2.** WHEREAS, it is stated in the City Ordinance Code, Sections 2-257 and 2-258, Division 3, Article III, Chapter 2, Administration, 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.... Annually thereafter, one member shall be appointed for a term of five years...”;

NOW, THEREFORE, BE IT RESOLVED that the City Manager’s reappointment of Earl Shoulders for a five-year term to expire December 19, 2007, is hereby confirmed.

Adopted.

**\*R-3.** WHEREAS, RAE Manufacturing Co., 1327-1331 Cedar Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for February 10, 2003, in order to hear comments on the application of RAE Manufacturing Co. for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

**\*R-4.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for February 10, 2003, in order to hear comments on the application of Domtar Industries, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

### ORDINANCES

**O-1. Councilmember Fisher** moved that an ordinance introduced January 13, 2003, entitled and reading as follows, be given its third and final reading and enacted, as amended (change Sec3-2(b)(1)(e) to include reference to within 200 feet of any children’s play equipment such as..... and within 200 feet of any ball diamond or ball field:

#### ORDINANCE NO. 1202

AN ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC LIQUOR, SECTION 3-2, CONSUMPTION IN PUBLIC AND POSSESSION PROHIBITED IN CERTAIN PLACES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ALLOWING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CITY OWNED PROPERTY UNDER SPECIFIED CONDITIONS AND CIRCUMSTANCES.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 3, Alcoholic Liquor, Section 3-2, Consumption in public and possession prohibited in certain places, of the Code of Ordinances of the City of Port Huron, for the purpose of allowing the possession and consumption of alcoholic liquor on city owned property under specified conditions and circumstances is hereby amended as follows:

**CHAPTER 3. ALCOHOLIC LIQUOR****Sec. 3-1. Definitions.**

No changes

**Sec. 3-2. Consumption in public and possession prohibited in certain places.**

(a) No alcoholic liquor shall be consumed on the public streets or in any other public places, including any store or establishment doing business with the public and not licensed to sell alcoholic liquor for consumption on the premises; nor shall anyone who owns, operates or controls any such public establishment or store permit the consumption of alcoholic liquor therein.

(b) No person shall possess or have under his control or custody in any public place any alcoholic liquor in a container of any kind which is open, uncapped or upon which the seal is broken unless such possession, control or custody has been lawfully authorized by lawful authority or unless authorized elsewhere in this Code.

(1) *The prohibitions of section 3-2(b) shall not prohibit the possession or consumption of beer or wine on property owned by the City under the following conditions and circumstances:*

- a. *A nonprofit corporation has obtained a permit for the use of the property from the Special Events Committee by application therefor.*
- b. *The property is fenced as designated or required in any permits issued to use the property through the Special Events Committee.*
- c. *The entity authorized to use the property by the Special Events Committee permit is authorized by law to sell alcoholic beverages on the site.*
- d. *The entity authorized by the Special Events Committee permit to use the property is in compliance with all conditions required by the Special Events Committee permit.*
- e. *The property designated in the permit is not located in a park or other city property within 200 feet of any children's play equipment such as, but not limited to, swings, teeter-totters, slides, or basketball courts, or at any city beach or within 200 feet of any ball diamond or ballfield.*

(c) Establishments in the city licensed to sell alcoholic liquor for consumption on the premises (Class C's and taverns) may make application to the city and the Michigan Liquor Control Commission (MLCC) for a special outdoor consumption license to operate a sidewalk café on public property immediately contiguous to the licensed structure (premises). Establishments in the city that serve only food or nonalcoholic beverages may make application to the city for a special outdoor consumption license to operate a sidewalk café on public property immediately contiguous to the premises.

- (1) No outdoor service of food and/or beverage in the form of a sidewalk café shall be established on public property, except in conformity with an appropriate site plan and after obtaining a license therefore from the city.
- (2) An application shall be obtained from and submitted to the planning department for site plan approval, along with a non-refundable application fee of \$75.00. The application, in general, will require:
  - a. Name and address of individual/business.
  - b. Name and address of property owner if other than applicant. (Written authorization from the owner of the property to submit the application shall be required where the applicant is not the owner of the affected property.)
  - c. Dates of occupancy.
  - d. Hour of occupancy.
  - e. If liquor will be served at outdoor café.
  - f. Capacity of existing establishment.
  - g. Area of consideration.
- (3) The site plan submitted on a eight and one-half-inch by 11-inch sheet and the accompanying application shall show the following:
  - a. The applicant's entire property and adjacent properties on a location map with streets for a distance of at least 25 feet, at a scale of one inch equals ten feet or other scale showing adequate detail.
  - b. A detailed plan showing the design, relevant details and location of all temporary structures such as awnings, chairs, electrical outlet locations, landscaping, lighting, planters, railing, ropes, stanchions, tables, and other equipment.
  - c. All exterior lighting shall be shown on the site plan and shall be of such type and location and shall have such shading as will prevent the source of light from being seen from any adjacent residential property or roadway.
- (4) Outdoor consumption of alcoholic beverages in sidewalk cafes would be prohibited for all "special events" (Administrative Regulation 1-5) unless approved by the special events committee.
  - a. There shall be a minimum of six foot (72 inches) exclusive of the area occupied by the sidewalk café designated to allow adequate pedestrian movement. Cafes shall only be permitted where it is determined that the use will not create a hazard, a site obstruction for motor vehicle operators nor unduly impede pedestrian traffic.

- b. Sidewalk cafes may only be located adjacent to the establishment with which they are associated. This requirement may, however, be waived to allow extension of the sidewalk café to adjacent establishment property if the same is deemed appropriate. Sidewalk café areas must remain clear of litter, food scraps, and soiled dishes at all times.
- c. Outdoor dining areas serving alcoholic beverages shall be continuously supervised by employees of the establishment. A one foot square sign reading "No Food or Beverages Allowed Beyond Railing" shall be posted at a conspicuous location within the perimeter of outdoor cafes serving alcoholic beverages.
- d. The perimeter of the sidewalk café shall be delineated by setting up a barrier such as planters, a railing, or such other barrier as approved in the license, to physically separate patrons from pedestrian traffic. All barriers used for outdoor cafes serving liquor shall also conform to MLCC regulations.
- e. Furnishing of a sidewalk café shall consist solely of readily removable awnings, covers, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that covers and railings, may be secured by means of flush mounted anchors in an approved manner. No objects which are part of a sidewalk café, except lighting fixtures, railing, awning or other non permanent covers, may be attached event in a temporary manner, to any building, or structure on which the sidewalk café abuts. When the associated establishment and the sidewalk café are not open for daily use, all furnishings and fixtures shall be removed from public property or stored inside the establishment.
- f. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk café on public property.
- g. A sidewalk café shall not interfere with any public service facility, such as a telephone, mailbox or bench, located on a sidewalk.
- h. Operation of a sidewalk café shall not adversely impact adjacent or nearby commercial educational, religious or residential properties, and shall be in accordance with all applicable codes and regulations.
- i. All electrical wiring and fixtures associated with or part of the sidewalk café shall be installed and remain in conformance with the appropriate codes of the city.
- j. Tables, chairs, umbrellas and any other objects provided with the sidewalk café shall be of quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.

1. The sidewalk café shall indemnify and hold harmless the city and its affiliated agencies and employees from any liability arising from the existence of the sidewalk café on the public right-of-way and will provide insurance protecting the city and the public from such claims as required by the license.

k. Site plan must adhere to all applicable City Codes and City Ordinances including Historic District overlays.

#### Sec. 3-3 through 3-11.

No changes.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 01/27/03  
PUBLISHED: 02/01/03  
EFFECTIVE: 02/01/03

Motion adopted by the following vote:

Yes: Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
No: Mayor Neal.  
Absent: None.

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

AN ORDINANCE TO AMEND CHAPTER 8, COMMUNITY DEVELOPMENT, ARTICLE III, DOWNTOWN DEVELOPMENT AUTHORITY, DIVISION I, GENERALLY, SECTION 8-67, POWERS, DUTIES AND BOUNDARIES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING PROPERTY TO THE BOUNDARIES.

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

#### MOTIONS & MISCELLANEOUS BUSINESS

**1. Councilmember Schrader** thanked Skip Straffon and Mike Benedict for their many years of service on the Blue Water Area Transportation Commission, 26 and 27 respectively, and stated that they did a great job along with Jim Wilson, Transit Manager, in seeing that the bus system is well run and financially sound.

On motion (9:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 10, 2003, at 5:00 p.m. in the Public Meeting Room of the Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

Following an introduction by Tom Hutka, City Manager, Don Mitchell of Development Concepts gave a power point presentation on the Economic Study Report completed by his company for the downtown area. Questions and answers followed.

On motion (6:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 10, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Mayor B. Mark Neal, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

Absent: Councilmember Prax.

The minutes of the regular and special meetings of January 27, 2003, were approved.

**PRESENTATIONS**

1. Introduction of the City's new Fire Chief, Robert W. Eick by Tom Hutka, City Manager, followed by a presentation of an engraved axe by Fire Chief Eick to Fire Chief Friedland in honor of his serving as Interim Fire Chief.
2. Certificates were presented to graduates of the Department of Public Works Mini Academy by Robert Clegg, City Engineer.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the proposed Community Development 2003 Annual Action Plan for Community Development Block Grant (CDBG) and HOME funds.

The following persons addressed City Council requesting funding for the homeless shelter: Mary Patterson, Executive Director, Safe Horizons; Denise Davis, 1035 Union St. (former resident of homeless shelter); Tim Galloway, 8th Street, (former resident of homeless shelter); George Morgan, 511 Union St., resident of Pathway Shelter; Susan Rutkofske, 14th Street; and Paul Espinoza, 511 Union St., resident of Pathway Shelter. Daniel Sharrard, 402 15th, said thanks to Fire Department and Port Huron;

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments concerning liquor licensees delinquent in payment of personal property taxes, income taxes and/or utility bills or have fire code violations.

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 application of Rae Manufacturing Co., for an Industrial Facilities Exemption Certificate. (See Resolution #2)

Tony Schifano, 3880 Butternut Ct., representing EDA, requesting Council's support of this application

**The Mayor** declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the application of Domtar Industries, Inc., for an Industrial Facilities Exemption Certificate. (See Resolution #3)

Tony Schifano, 3880 Butternut Ct., representing EDA, requesting Council's support of this application

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Dr. Dave Roberts, PhD, Plant Pathologist, Michigan State University, East Lansing, Michigan, addressed the City Council concerning the infestation of the Emerald Ash Borer.
2. Chris Haywood, 820 Rawlins Street, addressed City Council with concerns about the Museum locating the Fort Gratiot barracks in Lighthouse Park and how it will impact the playground.
3. Frank Merchant, 2849 Canal Drive, addressed City Council in opposition to special use permit being granted for a day care at 3246 Shenandoah.
4. Len Moody, St. Clair, addressed City Council in opposition to special use permit being granted for a day care at 3246 Shenandoah. (He owns a duplex next to the property in question.)
5. Steve Williams, Director, Port Huron Museum, addressed City Council on Resolution #7 and pledged their support of a sesquicentennial celebration.
6. Conrad Moews, 3562 Shenandoah, addressed City Council opposed to special use permit being granted for a day care at 3246 Shenandoah.
7. Anthony America, Port Huron, addressed City Council about homelessness, recall election of 2000, conflict of interest, why so much cancer in City hall, against recording of minutes and how they protect people, deceit and dishonesty, how things are put on the agenda, and need to remove B. Mark Neal, Mayor, for conflict of interest.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Prax.

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

- The City’s Marina Division is looking for boaters to volunteer to help at the Water Street Marina to work one, 7-day week per month, six weeks per season beginning May 1, 2003. Volunteers work for dockage, no wages. Duties would involve collecting dockage fees, cleaning grounds and facilities and performing minor maintenance work. Boaters with dock handling experience are preferred. For further information, contact Dan Collins in the Marina Division at 984-9744.

**FROM THE CITY MANAGER**

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

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the six month period ending December 31, 2002. (See City Clerk File # 03-07).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.
- No: None.
- Absent: Councilmember Prax.

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

On January 28, 2003, the City of Port Huron received nine (9) bids for Tunnel Street Area Project for sewer separation, watermain replacement and street paving:

Pamar Enterprises, Inc.	\$5,048,600.05 *
Boddy Construction	\$5,117,975.11 *
Raymond Excavating	\$5,232,574.70
Dan's Excavating	\$5,264,723.56
L. D'Agostini & Sons	\$5,707,908.08
John Carlo, Inc.	\$5,792,681.59
Ron Bretz Excavating	\$6,194,271.65
D. O. C. Contracting	\$7,191,149.36 *
Triangle Excavating	\$8,008,153.30 *

\* As corrected

It is recommended that the bid of Pamar Enterprises, Inc., 58021 Gratiot, New Haven, Michigan 48048, in the amount of Five Million Forty-Eight Thousand Six Hundred 05/100 Dollars (\$5,048,600.05) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.
- No: None.
- Absent: Councilmember Prax.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.
- No: None.
- Absent: Councilmember Prax.

**\*R-2.** WHEREAS, Rae Manufacturing, 1327-1331 Cedar Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facilities expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on February 10, 2003, 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 Rae Manufacturing Co., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/03 to 12/31/09 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 Rae Manufacturing Co. is located.

Adopted.

**\*R-3.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

WHEREAS, the Port Huron City Council held a public hearing on February 10, 2003, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Domtar Industries, Inc., application for an Industrial Facilities Exemption Certificate for 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: 12/31/03 to 12/31/09 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.

Adopted.

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

WHEREAS, on May 10, 1999, the City adopted a resolution authorizing the issuance of the City's General Obligation Limited Tax Bonds, Series 1999B (the "Bond"); and

WHEREAS, the Bond was authorized to be issued in the amount of \$7,775,000, or such lesser amount as shall have been advanced to the City pursuant to the Purchase Contract dated June 10, 1999 between the City and the Michigan Municipal Bond Authority (the "Authority") and the Supplemental Agreement dated June 24, 1999 by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality (the "Supplemental Agreement"); and

WHEREAS, the City has received loan funds pursuant to the Supplemental Agreement in the amount of \$5,288,192; and

WHEREAS, the Authority has proposed a revised repayment schedule of principal payments on the Bond to reflect the final reduced loan amount of \$5,288,192 attached hereto as Exhibit A (see City Clerk File #03-08); and

WHEREAS, it is necessary for the City Council to approve the repayment schedule on the Bond to reflect the revised loan amount;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Disbursement & Debt Service Schedule relating to the Bond attached hereto as Exhibit A is hereby approved.

2. The City Clerk is authorized to submit a certified copy of this resolution to the Authority.

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

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

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

WHEREAS, it is necessary to perform professional engineering services during construction of the Tunnel Street Area Sewer Separation, Water Main Replacement and Street Paving project; and

WHEREAS, BMJ Engineers & 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 & Surveyors, Inc., for professional engineering services for Project No. D02-0020;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services during construction of the Tunnel Street Area Sewer Separation, Watermain Replacement and Street Paving project and authorizes and directs the appropriate City officials to execute the agreement (See City Clerk File #03-09).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

**\*R-6.** WHEREAS, it is stated in the City Ordinance Code, Chapter 8, Division 1 Generally, Downtown Authority, Article III, Section 8-68:

"(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 appointments of Marshall Campbell and Mary J. Brooks for terms to expire February 9, 2007, are hereby approved and confirmed.

Adopted.

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

WHEREAS, in 2007 the City of Port Huron will celebrate 150 years as an incorporated city and over 300 years of existence; and

WHEREAS, the City of Port Huron should start planning now for a year long celebration of its long history; and

WHEREAS, following is a list of events that might be considered for this year long celebration:

- A special event every week during 2007.
- Special homecoming events all year.
- Certificates for every home and business that is over 100 years old.
- A tall ship gathering.
- Street dances in period costumes.
- Neighborhood celebrations throughout the city.
- Historical markers on all buildings over 100 years old in the business district.
- A statue to honor all the immigrants who entered the United States here when Port Huron was the second busiest port city into the U. S.
- A statue in Draper Park to honor our Native American heritage.
- A laser show in honor of Thomas Edison.
- A video of the history of Port Huron; and

WHEREAS, these ideas along with ideas that citizens might suggest will need a community-wide effort in order to develop and coordinate the events and to pursue funding from various organizations and individuals;

NOW, THEREFORE, BE IT RESOLVED that the administration of the City of Port Huron is hereby directed to assist in the coordination and development of a Port Huron Sesquicentennial Committee which will represent all non-profit organizations and interested citizens; and

BE IT FURTHER RESOLVED that the Port Huron Sesquicentennial Committee shall elect their own officers and direct their own activities with the chairperson reporting at a public meeting of the City Council at least quarterly on their ideas and progress in organizing this year-long celebration; and

BE IT FURTHER RESOLVED that the City of Port Huron is authorized to accept donations and properly disburse approved funds for the Port Huron Sesquicentennial Committee for this celebration in order to provide a non-profit donation opportunity for donors; and

BE IT FURTHER RESOLVED that no funds from the City of Port Huron are authorized to be expended by this resolution for this celebration.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

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

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

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

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

WHEREAS, the Project qualifies for the State of Michigan Revolving Fund ("SRF") financing program being administered by the Michigan Department of Environmental Quality ("MDEQ") and the Michigan Municipal Bond Authority ("MMBA"), whereby bonds of the City are sold to the MMBA and bear interest at a fixed rate of two and one-half percent (2.5%) per annum; and

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

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

WHEREAS, the City previously has issued its \$8,000,000 General Obligation Limited Tax Bonds, Series 1999A, dated June 1, 1999, its \$7,775,000 General Obligation Limited Tax Bonds, Series 1999B, dated June 24, 1999, its \$5,230,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000A, dated March 30, 2000, its \$9,470,000 General Obligation Limited Tax

Bonds (State Revolving Fund), Series 2000B, dated June 29, 2000, its \$8,120,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001A, dated March 29, 2001, its \$640,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001B, dated September 28, 2001, its \$10,000,000 General Obligation Limited Tax Bonds, Series 2002, dated June 1, 2002, its \$3,650,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002A, dated March 28, 2002, its \$3,310,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000B, dated September 26, 2002, and its \$10,220,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002C, dated September 26, 2002.; and

WHEREAS, it is the determination of the City Council that at this time one or more series of limited tax general obligation bonds in the aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000) should be issued to pay for current phases of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS (STATE REVOLVING FUND), SERIES 2003** (the "Series 2003 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Twelve Million Dollars (\$12,000,000), as finally determined by orders of the MDEQ, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2003 SRF Bonds. Each Series of Series 2003 SRF Bonds shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2003 SRF Bond, payable in principal installments serially as finally determined by the order of the MDEQ at the time of sale of the Series 2003 SRF Bond and approved by the MMBA and the Director of Finance. Final determination of the Principal Amount of a Series and the payment dates and amounts of principal installments of a Series of Series 2003 SRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MMBA providing for sale of the Series 2003 SRF Bonds, and the City Manager, Director of Finance and City Clerk (the "Authorized Officers") are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each Series of Series 2003 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2003 SRF Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2003 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2003 SRF Bonds or by the MMBA at the time of prepayment.

The Series 2003 SRF Bonds shall bear interest at a rate of two and one-half percent (2.5%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed the rate permitted by law, and the Authorized Officers shall deliver the Series 2003 SRF Bond in accordance with the delivery instructions of the MMBA.

Each Series 2003 SRF Bond principal amount is expected to be drawn down by the City periodically, and interest on principal amount shall accrue from the date such principal amount is drawn down by the City.

The Series 2003 SRF Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2003 SRF Bond shall be payable as provided in the Series 2003 SRF Bond form in this Resolution as the same may be amended to conform to MMBA requirements.

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

Upon payment by the City of all outstanding principal of and interest on a Series 2003 SRF Bond, the MMBA shall deliver the respective Series 2003 SRF Bond to the City for cancellation.

2. In the event that there are Project costs not eligible for SRF financing and not otherwise payable from other available funds of the City, bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2003** (the "Series 2003 Public Sale Bonds") are authorized to be issued in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the principal amount of Series 2003 SRF Bonds issued and to be issued hereunder for the purpose of paying part of the cost of the Project, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Bonds.

The Series 2003 Public Sale Bonds 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, dated as shall be determined by an Authorized Officer. The Series 2003 Public Sale Bonds shall bear interest, mature, and be payable at the times and in the manner set forth in Section 8 hereof and Exhibit A hereto, subject to such revisions by an Authorized Officer as set forth herein. The Director of Finance is authorized and directed to approve of a series designation with respect to the Series 2003 Public Sale Bonds, and to make appropriate changes to the designation hereinbefore set forth.

The Series 2003 Public Sale Bonds are subject to redemption prior to maturity in the manner and at the times and prices set forth in Section 8 hereof and Exhibit A hereto, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed three percent (3%).

The initial purchaser of the Series 2003 Public Sale Bonds may designate any one or more maturities from 2013 or such other date approved by an Authorized Officer (the "Term Bond Year") through the final maturity as term bonds and the consecutive maturities on or after the Term Bond Year which shall be aggregated in the term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption in the years and in the amounts set forth in Section 8 hereof and Exhibit A hereto at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot.

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 2003 Public Sale Bonds shall be payable upon presentation and surrender to the Transfer Agent.

The Authorized Officers are authorized to select a qualified bank or financial institution to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue and to insert the name of the Transfer Agent in the form of notice of sale set forth in Exhibit A hereto before publication. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Series 2003 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

The Series 2003 Public Sale Bonds may be issued in book-entry only form as one fully registered bond per maturity and, if so issued, shall be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. If the Series 2003 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2003 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2003 Public Sale Bonds purchased. If the Series 2003 Public Sale Bonds are issued in book-entry only form, provisions in this Resolution to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2003 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2003 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2003 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2003 Public Sale Bonds to be so issued.

3. The Series 2003 SRF Bonds and the Series 2003 Public Sale Bonds (collectively, the "Bonds," and each a "Series") shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Director of Finance of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. If the Bonds shall bear facsimile signatures, no Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.

4. 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.

5. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2003 WASTEWATER SYSTEM BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series of Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the fiscal year beginning July 1, 2003, the City shall provide in its budget each year until the Bonds are paid, in the manner provided by the provisions of Act 451, an amount sufficient to promptly pay, when due, after taking into account other available funds of the City, the principal of and interest on the Bonds becoming due prior to the next annual tax levy. The limited tax full faith, credit and resources of the City are hereby pledged for the prompt payment of the principal of and interest on the Bonds as they become due, which pledge shall include the City's obligation to pay from its general funds as a first budget obligation said principal and interest and, if necessary, to levy ad valorem taxes on all taxable property in the City, within applicable constitutional, statutory and charter tax rate limitations.

6. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2003 WASTEWATER SYSTEM BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the respective Series of Bonds. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

7. The Series 2003 SRF Bonds shall be in substantially the following form, subject to such modifications which may be required by the Michigan Attorney General and the MMBA and approved by bond counsel:

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

**CITY OF PORT HURON**

**GENERAL OBLIGATION LIMITED TAX BOND  
(STATE REVOLVING FUND), SERIES 2003 \_\_**

REGISTERED OWNER: Michigan Municipal Bond Authority  
PRINCIPAL AMOUNT: \_\_\_\_\_ Dollars (\$\_\_\_\_,000)  
DATE OF ORIGINAL ISSUE: \_\_\_\_\_, 2003

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), for value received, hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality, in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

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

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth in Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$\_\_\_\_,000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of two and one-half percent (2.5%) per annum. Interest is first payable on November 1, 2003, and semiannually thereafter on the first day of November and May of each year, as set forth in the Purchase Contract.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at the corporate trust office of Bank One Trust Company, National Association, in Detroit, Michigan, or other designated office, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

\_\_\_\_ In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

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

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

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

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

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

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

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

By \_\_\_\_\_  
Its Mayor

(SEAL)

By \_\_\_\_\_  
Its Director of Finance

DEQ Project No.  
DEQ Approved Amt: \$

**SCHEDULE I**

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

Principal installment Due on November 1	Amount of Principal Installment
2003	\$
2004	
2005	
2006	
2007	
2008	
2009	
2010	
2011	
2012	
2013	
2014	
2015	
2016	
2017	
2018	
2019	
2020	

2021  
2022  
2023

Interest on the Bond shall accrue on principal disbursed by the Authority to the City from the date principal is disbursed, until paid, at the rate of 2.50% per annum, payable \_\_\_\_\_, 20 \_\_, and semi-annually thereafter.

8. The Series 2003 Public Sale Bonds, if and when issued, shall be in substantially the following form:

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

**CITY OF PORT HURON**

**GENERAL OBLIGATION LIMITED TAX BOND,**  
**SERIES 2003 \_\_**

Interest Rate \_\_\_\_\_ Date of Maturity Date \_\_\_\_\_ Original Issue \_\_\_\_\_ CUSIP \_\_\_\_\_

Registered Owner: \_\_\_\_\_ 1, 2003

Principal Amount: \_\_\_\_\_ Dollars

KNOW ALL MEN BY THESE PRESENTS, that the City of Port Huron, County of St. Clair, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon until paid from the Date of Original Issue specified above or such later date to which interest has been paid, at the Interest Rate per annum specified above, first payable on November 1, 2003 and semiannually thereafter. Principal of this bond is payable at the designated office of \_\_\_\_\_, Detroit, 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 original issue date aggregating the principal sum of \$ \_\_\_\_\_ issued for the purpose of paying the cost of certain modifications to the sanitary sewer collection system and storm drain system of the City and paying [capitalized interest and] costs incidental to the issuance of the bonds, in pursuance of the authority granted under Act 451, Public Acts of Michigan, 1994, as amended, and Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI0023833 and MDEQ Order DFO-SW98-001, as now in force or hereafter amended.

Bonds of this issue maturing in the years 2003 to 2012, 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 2013 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 interest payment date on or after November 1, 2012, at par and accrued interest to the date fixed for redemption, plus a premium expressed as a percentage of par, as follows:

1% of the par value of each bond or portion thereof called for redemption on or after November 1, 2012, but prior to November 1, 20\_\_; and

1/2% of the par value of each bond or portion thereof called for redemption on or after November 1, 20\_\_, but prior to November 1, 20\_\_.

No premium shall be paid on bonds or portions thereof called for redemption on or after November 1, 20\_\_.

[MANDATORY REDEMPTION]

[The bonds maturing on November 1, \_\_\_\_ (the "Term Bonds"), are subject to mandatory redemption in part, by lot, at par, plus accrued interest to the date of redemption without premium on November 1 of each of the years and in the principal amounts set forth in the following schedule:

Term Bonds Due November 1, \_\_\_\_

<u>Redemption Dates</u>	<u>Principal Amounts</u>
November 1, ____	\$ ____,000
November 1, ____	____,000
November 1, ____ (Maturity)	____,000]

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

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

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

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or

bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

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

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

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

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

By \_\_\_\_\_  
Its Mayor

(SEAL)

By \_\_\_\_\_  
Its Director of Finance

Date of Authentication:

CERTIFICATE OF AUTHENTICATION

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

\_\_\_\_\_  
Detroit, Michigan,  
Transfer Agent

By \_\_\_\_\_  
Authorized Representative

[insert form of assignment]

9. If Series 2003 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2003 Public Sale Bonds and publish notice of sale of the Series 2003 Public Sale Bonds in either *The Bond Buyer*, New York, New York, or the *Detroit Legal News*, Detroit, Michigan, which notice of sale shall be in substantially the form attached hereto as Exhibit A, subject to such changes as shall be directed by the Director of Finance and approved by bond counsel as to legal form.

10. The estimated period of usefulness of the portion of the Project to be financed with the proceeds of the Series 2003 Public Sale Bonds and Series 2003 SRF Bonds is hereby declared to be not less than twenty (20) years and its total cost is estimated to be not less than the amount set forth in Section 1 of this Resolution.

11. The City shall not (I) invest, reinvest or accumulate any moneys deemed to be proceeds of the bonds pursuant to Sections 103(a) and 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder, in such a manner as to cause the bonds to be "arbitrage bonds" within the meaning of said Sections 103(a) and 148 and the applicable regulations thereunder or (ii) take or refuse to take any lawful action which would cause the interest on the bonds to be included in gross income for federal income tax purposes.

12. The proposed forms of Purchase Contract between the City and the MMBA and Supplemental Agreement among the City, the MMBA and MDEQ with respect to the Series 2003 SRF Bonds are hereby approved, and the Authorized Officers, or any of them, are authorized and directed to execute such documents with such revisions permitted by law and not materially adverse to the City as may be necessary or advisable to accomplish the sale of the Series 2003 SRF Bonds to the MMBA as contemplated herein.

13. The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the MMBA and MDEQ in connection with sale of the Series 2003 SRF Bonds to the MMBA. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MMBA or MDEQ or as may be otherwise necessary or convenient to effect the approval, sale and delivery of the Bonds.

14. If then required in connection with the issuance and sale of the Series 2003 Public Sale Bonds, the City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2003, (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 2003 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

15. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; 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 Financial Advisor to the City, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

16. The Director of Finance is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of Series, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed eight percent (8%), and the Bonds shall mature in not more than twenty-five (25) years.

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

Yes: Members: \_\_\_\_\_  
No: Members: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

Pauline M. Repp, CMC  
City Clerk

EXHIBIT A

OFFICIAL NOTICE OF SALE

\$ \_\_,000,000

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

GENERAL OBLIGATION LIMITED TAX BONDS,  
SERIES 2003\_\_

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the office of the Director of Finance, City of Port Huron, located at 100 McMorran Boulevard, Port Huron, Michigan 48060, on Monday, the \_\_\_th day of \_\_\_\_\_, 2003, until \_\_\_ o'clock p.m., Eastern \_\_\_\_\_ Time, at which time and place said bids will be publicly opened and read. Sealed bids will also be received on the same date and until the same time by an agent of the undersigned at the office of Bendzinski & Co., Municipal Finance Advisors, One Kennedy Square, 607 Shelby, Detroit, Michigan 48226, when, simultaneously, the bids will be opened and read. The City Council will meet at 7:30 o'clock p.m., on that date to consider the award or rejection of bids.

BOND DETAILS: Said bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated \_\_\_ 1, 2003, numbered in order of registration, and will bear interest from their date payable on November 1, 2003, and semiannually thereafter.

The bonds will mature on the 1st day of November of each of the years, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2003	\$ __,000	2013	__,000
2004	__,000	2014	__,000
2005	__,000	2015	__,000
2006	__,000	2016	__,000
2007	__,000	2017	__,000
2008	__,000	2018	__,000
2009	__,000	2019	__,000
2010	__,000	2020	__,000
2011	__,000	2021	__,000
2012	__,000	2022	__,000

**OPTIONAL REDEMPTION OF BONDS:** Bonds of this issue maturing in the years 2003 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 interest payment date on or after November 1, \_\_, at par and accrued interest to the date fixed for redemption, plus a premium expressed as a percentage of par, as follows:

1% of the par value of each bond or portion thereof called for redemption on or after November 1, \_\_, but prior to November 1, \_\_; and

1/2% of the par value of each bond or portion thereof called for redemption on or after November 1, \_\_, but prior to November 1, \_\_.

No premium shall be paid on bonds or portions thereof called for redemption on or after November 1, \_\_.

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 provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

**TERM BONDS:** The initial purchaser of the bonds may designate any one or more maturities from November 1, 2013, through the final maturity as term bonds and the consecutive maturities on or after the year 2013 which shall be aggregated in the term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on November 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time the bid is submitted.

**INTEREST RATE AND BIDDING DETAILS:** The bonds shall bear interest at a rate or rates not exceeding \_\_% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rates bid shall not exceed 3%. No proposal for the purchase of less than all of the bonds or at a price less than 98% of their par value will be considered.

**BOOK-ENTRY ONLY:** The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. The book-entry-only system is described further in the preliminary Official Statement for the bonds.

**TRANSFER AGENT AND REGISTRATION:** Principal and interest shall be payable at \_\_\_\_, Detroit, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check or draft mailed to the registered owner of record as shown on the registration books kept by the transfer agent as of the 15th day of the month prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

**PURPOSE AND SECURITY:** The bonds are issued pursuant to the provisions of Act 451, Public Acts of Michigan, 1994, as amended, and a resolution of the City for the purpose of paying the cost of certain modifications to the sanitary sewer collection system and storm drain system of the City. The bonds will pledge the limited tax full faith and credit of the City for payment of the principal and interest thereon and will be payable as a first budget obligation from ad valorem taxes which may be levied against all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors’ rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those relating to equitable subordination.

**MICHIGAN TAX REFORM:** Legislation has been proposed in the Michigan Legislature, which, if enacted, could result in either immediate or phased-in exemption of all or some of the personal property located in the jurisdictional boundaries of the City, without making provision for replacement of lost revenues to the City. In addition, the Michigan Department of Treasury approved revisions to the state’s personal property tax tables which were effective in the year 2000 and which may reduce overall personal property tax revenues in some jurisdictions. The State Tax Tribunal has informally indicated that it will allow the new multipliers to be applied retroactively in pending personal property tax appeals. In anticipation of the new multipliers, many personal property taxpayers

filed appeals of their existing tax assessments. The financial impact of the change in multipliers and any appeals, if successful, on the City's operating revenues is unknown. While the ultimate nature, extent and impact of the legislation or administrative action and of other tax and revenue measures which are still under consideration cannot currently be predicted, purchasers of the Bonds offered herein should be alert to the potential effect of such measures upon the Bonds, the security therefor, and the operations of the City.

**GOOD FAITH:** A certified or cashier's check drawn upon incorporated bank or trust company or a Financial Surety Bond, in the amount of \$ \_\_,000 and payable to the order of the Treasurer of the City is required for each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such Financial Surety Bond must be submitted to the City's financial advisor prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the City or its financial advisor in the form of a cashier's check (or wire transfer such amount as instructed by the City or its financial advisor) not later than Noon, Eastern Time, on the next business day following the award. If such good faith deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the Purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by overnight courier service. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

**AWARD OF BONDS:** The bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the bonds from \_\_\_\_ 1, 2003, to their maturity and deducting therefrom any premium or adding thereto any discount.

**TAX MATTERS:** In the opinion of bond counsel, assuming compliance with certain covenants, interest on the bonds is excluded from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

**CERTIFICATE REGARDING ISSUE PRICE:** The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986.

**NOT "QUALIFIED TAX EXEMPT OBLIGATIONS":** The City will not designate the bonds as "qualified tax exempt obligations" for purposes of deduction of interest by financial institutions.

**LEGAL OPINION:** Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, the original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C., for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C., has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

**DELIVERY OF BONDS:** The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser to DTC at New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery. Unless the purchaser furnishes the transfer agent with a list giving the denominations and names in which it wishes to have the certificates issued at least 5 business days prior to the delivery of the bonds, the bonds will be delivered in the form of a single certificate for each maturity registered in the name of the purchaser.

**BOND INSURANCE AT PURCHASER'S OPTION:** If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that, if the City has requested and received a rating on the bonds from a rating agency, the City will pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. **FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.**

**CUSIP NUMBERS:** It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City shall execute a Continuing Disclosure Undertaking to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ended June 30, 2003, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (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.

OFFICIAL STATEMENT: A copy of the Official Statement may be obtained by contacting Bendzinski & Co., Municipal Finance Advisors, 607 Shelby, Detroit, Michigan 48226, telephone (313) 961-8222, fax (313) 961-8220. The Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)1, but is subject to revision, amendment and completion of a final Official Statement. The successful bidder shall supply to the City, within twenty-four hours after the award of the bonds, all pricing information and any underwriter identification determined by the City to be necessary to complete the Official Statement.

The City will furnish to the successful bidder, at no costs, 100 copies of the final Official Statement within seven business days after the award of the bonds. Additional copies will be supplied upon the bidder's agreement to pay the cost of the City for those additional copies. Request for additional copies should be made to Bendzinski & Co. within 24 hours of the date of sale.

FURTHER INFORMATION: Further information may be obtained from Bendzinski & Co., Municipal Finance Advisors, financial consultants to the City, 607 Shelby, Detroit, Michigan 48226, telephone (313) 961-8222.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Wastewater System Bonds."

JOHN H. OGDEN, C.P.A.  
Director of Finance  
City of Port Huron

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Port Huron, County of St. Clair, State of Michigan, at a regular meeting held on February 10, 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Pauline M. Repp, CMC  
City Clerk

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

**\*R-9.** WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City; 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 third public hearing is required to receive comments on the actual draft of 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 low or 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 third public hearing for February 24, 2003, to hear comments on the actual draft of the proposed 2003 Annual Action Plan for Community Development Block Grant (CDBG) and HOME funds.

Adopted.

**R-10.** Councilmember Sample-Wynn offered the following resolution for consideration:

WHEREAS, a request has been received from Angela C. Rogers for a special use permit to run a family day care home (six children or less) in an "R-1" Single- and Two-Family Residential District at:

*Lot 33, Plat No. 3 of Williamsburg Estates, also known as 3426 Shenandoah Avenue, City of Port Huron; and*

WHEREAS, the applicant requested the required rear yard fence height of six feet be reduced to four feet; and

WHEREAS, a public hearing was held by the City Planning Commission on January 7, 2003, to hear comments on the requests and requiring further information, the Planning Commission voted to table the matter to the February 4, 2003, meeting; and

WHEREAS, the Planning Commission, after due consideration at the February 4, 2003, meeting denied the request for a reduction in fence height from six feet to four feet (9 ayes; 0 nays) and recommended approval of the special use permit contingent upon state licensing to operate said family day care home (6 ayes; 3 nays);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit after submission by applicant of proof of a state license and compliance with the requirement of a six foot rear yard fence, or in the case of a negative vote, hereby denies the request for a family day care home at 3426 Shenandoah Avenue.

Motion rejected by the following vote:

No: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs and Schrader.  
 Yes: Councilmember Sample-Wynn.  
 Absent: Councilmember Prax.

**\*R-11.** WHEREAS, Blue Water Women's League has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as non-profit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize Blue Water Women's League as a non-profit organization in the City of Port Huron.

Adopted.

## ORDINANCES

**O-1. Councilmember Schrader** moved that an ordinance introduced January 27, 2003, entitled and reading as follows be given its third and final reading and enacted:

### ORDINANCE NO. 1203

AN ORDINANCE TO AMEND CHAPTER 8, COMMUNITY DEVELOPMENT, ARTICLE III, DOWNTOWN DEVELOPMENT AUTHORITY, DIVISION I, GENERALLY, SECTION 8-67, POWERS, DUTIES AND BOUNDARIES, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING PROPERTY TO THE BOUNDARIES.

### THE CITY OF PORT HURON ORDAINS:

That Chapter 8, Community Development, Article III, Downtown Development Authority, Division I, Generally, Section 8-67, Powers, Duties and Boundaries, of the Code of Ordinances of the City of Port Huron, be and the same is hereby amended to read as follows:

## CHAPTER 8. COMMUNITY DEVELOPMENT

### ARTICLE III.

### DOWNTOWN DEVELOPMENT AUTHORITY

### DIVISION I. GENERALLY

#### Sec. 8-66. Establishment

No changes

#### Sec. 8-67. Powers, duties and boundaries.

(a) The Downtown Development Authority established pursuant to Act No. 197 of the Public Acts of Michigan of 1975 (MCL 125.1651a et seq., 5.3010(1) et seq.), as amended, shall have all powers, duties and authority prescribed in the act's enabling legislation, as amended, and the Downtown Development Authority's boundaries within the city shall be as follows:

Beginning at the intersection of the centerline of Griswold Street and the east right-of-way line of Fourth Street extended south; thence westerly along the centerline of Griswold Street to the centerline of the north/south alley in Block 51, White Plat; thence north on the alley centerline to the centerline of White Street; thence easterly along the White Street centerline to the centerline of the north/south alley in Block 52, White Plat; thence northerly along last such alley centerline to the centerline of Chestnut Street; thence easterly along the Chestnut Street centerline to the centerline of the north/south alley in Block 53, White Plat; thence northerly along last such alley centerline to the centerline of Union Street; thence easterly along the Union Street centerline to the centerline of the north/south alley in Block 54, White Plat; thence northerly along last such alley centerline to the centerline of Court Street; thence westerly along the Court Street centerline to the centerline of Seventh Street; thence northerly along the Seventh Street centerline to the centerline of Lapeer Avenue; thence westerly along the Lapeer Avenue centerline to the centerline of Tenth Street; thence northerly along the Tenth Street centerline, across the Tenth Street Bridge to the centerline of Tenth Avenue; thence continuing north along the Tenth Avenue centerline to the centerline of Glenwood Avenue; thence easterly along the Glenwood Avenue centerline to the west line of Lot 7, Block 4, Fort Gratiot Military Reservation Subdivision extended southerly; thence north 145 feet along the west line of Lot 7; thence east 133 feet to the centerline of Superior Street; thence south 27.66 feet along the centerline of Superior Street; thence north 71° 55' 00" E 74.21 feet; thence north 18° 05' 00" W 2.30 feet; thence north 71° 44' 28" E to the centerline of Pine Grove Avenue; thence northwesterly along the centerline of Pine Grove Avenue to the north right-of-way line of Prospect Street; thence northeasterly along the north right-of-way line of Prospect Street to the east line Lot 12, Washington Place; thence northwesterly along the east line Lot 12 and Lot 13 to the south right-of-way line of Sedgwick Street; thence westerly along the south right-of-way line of Sedgwick Street to the centerline of Pine Grove Avenue; thence northwesterly along such centerline to the east right-of-way line of Stone Street extended; thence north to the intersection of the east line of Stone Street and the north right-of-way line of Whipple Street; thence N 00° 15' 03" W to a point 438.11 feet from the intersection of E line of Stone Street and north line of Whipple Street; thence N 47° 10' 33" E 136.40 feet; thence N 47° 10' 18" E 22.37 feet; thence N 47° 10' 33" E 135.81 feet; thence N 47° 10' 37" E 89.26 feet; thence N 43° 37' 18" E 92.87 feet; thence N 40° 59' 00" E 87.94 feet; thence N 41° 02' 37" E 66.57 feet; thence N 36° 23' 07" E 62.50 feet; thence N 35° 44' 25" E 82.56 feet; thence northerly along centerline of St. Clair Street to the centerline of State Street; thence easterly along the centerline of State Street to the centerline of Gratiot Avenue; thence northerly along the centerline of Gratiot Avenue to the centerline of Elmwood Street; thence easterly along the centerline of Elmwood Street

to the west right-of-way line of Conger Street; thence northeasterly along west right-of-way line of Conger Street to a point distant S 00° 11' 07" E 170.0 feet from the southeast corner of Church Street and Wright Street; thence due east to the St. Clair River; thence southerly along the westerly shoreline St. Clair River to the centerline of Lincoln Avenue; thence westerly along the Lincoln Avenue centerline to the centerline of Superior Street; thence southerly along the Superior Street centerline to the centerline of Rawlins Street; thence easterly along the Rawlins Street centerline to the centerline of Huron Avenue; thence southerly along the Huron Avenue centerline to the centerline of Stanton Street; thence easterly along the Stanton Street centerline to the centerline of Michigan Street; thence southerly along the Michigan Street centerline to the centerline of Glenwood Avenue; thence easterly along the Glenwood Avenue centerline to the westerly shoreline of the St. Clair River; thence southerly along the westerly shoreline of the St. Clair River to the southeast corner of Lot 39, Assessor's Military Street Plat Number 2; thence northwesterly along the south line of Lot 39 to the easterly right-of-way line of Military Street; thence northeasterly along said right-of-way line to the southwest corner of lot 10, Plat of St. Clair Place; thence northerly along the easterly line of said plat to the northeast corner of Lot 1, St. Clair Place; thence continuing northerly along the easterly line of Assessor's Military Plat Number 1 and St. Clair Place to the southeast corner of Lot 24, Assessor's Military Plat Number 1; thence northerly to the southeast corner of Lot 23, Assessor's Military Plat Number 1; thence continuing northeasterly along the easterly line of said plat to a point of intersection with the north line of Lot 11 extended easterly; thence westerly along said north line to the northeast corner of Lot 11, said plat; thence westerly to the southeast corner of Lot 8; thence north to the northeast corner of Lot 8; thence east to the southeast corner of Lot 2; thence north to the northeast corner of Lot 2 on the south right-of-way line of Griswold Street; thence north to point of beginning of this description.

(b) Except:

- (1) Lot 13, Block 52, White Plat;
- (2) East 70 feet of north 15 feet Lot 5 and east 70 feet Lot 6, Block 22, Butler Plat;
- (3) South 1/2 Lot 5, Block 21, Butler Plat;
- (4) North 25 feet of east 75 feet Lot 5 and south 7 3/4 feet of east 75 feet Lot 6, Block 21, Butler Plat;
- (5) North 32 1/2 feet of east 75 feet Lot 6, Block 21, Butler Plat;
- (6) Lot 9, Block 21, Butler Plat;
- (7) Lot 10, Block 21, Butler Plat;
- (8) West 38.33 feet of south 16 feet Lot 11 and west 38.33 feet Lot 12, Block 21, Butler Plat;
- (9) Lot 17 and south 1/2 Lot 18, Block 33, Plat of Village of Fort Gratiot;

(10) Lots 28 and 29, Block 11, Port Huron and Northwestern Railway Plat of a portion of the Fort Gratiot Military Reservation, also west 40 feet of north 57.4 feet of south 382.4 feet of land bounded north by State Street, west by Block 11, Port Huron and Northwestern Railway Plat of a Portion of the Fort Gratiot Military Reservation, south by north line of Scott Avenue extended east, Part of Military Reserve Subdivision of Fort Gratiot Military Reservation;

(11) Lot 1 and north 18 feet Lot 4, Block 12, Subdivision of Fort Gratiot Military Reservation;

(12) South 26 feet Lot 4 and north 8.85 feet Lot 5, Block 12, Subdivision of Fort Gratiot Military Reservation;

(13) South 34.85 feet Lot 5, Block 12, Subdivision of the Fort Gratiot Military Reservation;

(14) North 1/2 Lot 10, Block 22, Butler Plat;

(15) North 1/2 Lot 2, except east 8 feet of south 1/2, Block 2, Subdivision of the Fort Gratiot Military Reservation.

**Sec. 8-68. Downtown development authority board.**

No changes

**Sec. 8-69. Director; bond.**

No changes

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 02/10/03  
EFFECTIVE: 02/15/03  
PUBLISHED: 02/15/03

**O-2. Councilmember Sample-Wynn** moved that an ordinance introduced this date entitled and reading as follows be given its first, second, third and final reading and enacted under emergency status:

ORDINANCE NO. 1204

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

**THE CITY OF PORT HURON ORDAINS:**

Section 1. Title and Purpose. This Ordinance shall be known and cited as the "Series 2003 Water Bond Ordinance." Pursuant to the authority granted under the provisions of Act 94, the Code of the City of Port Huron is hereby amended by adding this Ordinance.

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

(a) "Act 34" means Act No. 34 of the Public Acts of Michigan, 2001, as the same may be amended from time to time.

(b) "Authority" or "MMBA" shall mean the Michigan Municipal Bond Authority.

(c) "Master Ordinance" means Ordinance No. 1 adopted by the City Council on May 10, 1999, authorizing the issuance of the Outstanding Bonds and of Bonds and Junior Lien Bonds.

(d) "MDEQ" means the Michigan Department of Environmental Quality.

(e) "Outstanding Bonds" means the City's outstanding Water Supply System Revenue Bonds (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 24, 1999, authorized as Junior Lien Bonds in the original principal amount of \$10,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, authorized as Junior Lien Bonds in the original principal amount of \$8,945,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, authorized as Junior Lien Bonds in the original principal amount of \$3,930,000; and Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, authorized as Junior Lien Bonds in the original principal amount of \$1,805,000.

(f) "Series 2003 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2003, issued pursuant to this Ordinance.

(g) "Series 2003 DWRP Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2003 (Limited Tax General Obligation), issued pursuant to this Ordinance.

(h) "Series 2003 Bonds" means the Series 2003 Public Sale Bonds and the Series 2003 DWRP Bonds.

Section 3. Necessity; Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the City to acquire and construct the Project in accordance with the plans and specifications prepared by the City's consulting engineers, TetraTech MPS of Ann Arbor, Michigan, which plans and specifications are hereby approved. The Project qualifies in whole or in part for the State of Michigan Drinking Water Revolving Fund financing program ("DWRP") being administered by the MDEQ and the Authority, whereby bonds of the City are sold to the Authority and bear interest at a fixed rate of two and one-half percent (2.5%) per annum.

Section 4. Costs; Useful Life. The cost of the current phase of the Project is estimated to not exceed Five Million Dollars (\$5,000,000), plus the payment of incidental expenses as specified in Section 5 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than twenty (20) years.

Section 5. Payment of Cost; Bonds Authorized. To pay part of the cost of acquiring, constructing and installing the current phase of the Project, including funding all or a part of a bond reserve for the Series 2003 Public Sale Bonds, legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2003 Bonds, the City shall borrow the sum of not to exceed Five Million Dollars (\$5,000,000) and issue the Series 2003 Bonds in one or more series therefor pursuant to the provisions of Act 94. The remaining cost of the Project shall be defrayed from City funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Master Ordinance shall apply to the Series 2003 Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of both equal and senior lien with respect to the Outstanding Bonds to finance the cost of acquiring additions, extensions and improvements to the System, additional bonds of equal and senior standing with the Outstanding Bonds for such purpose being authorized by the provisions of Section 22 of the Master Ordinance (as amended by this Ordinance), upon the conditions therein stated, which conditions have been fully met.

Section 6. Issuance of Series 2003 DWRP Bonds; Details. Bonds of the City, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2003 (LIMITED TAX GENERAL OBLIGATION)**, are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Five Million Dollars (\$5,000,000), as finally determined by order of the MDEQ for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2003 DWRP Bonds. The Series 2003 DWRP Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 9 hereof, provided that said Series 2003 DWRP Bonds shall be subordinate to the prior lien with respect to the Net Revenues of the Series 2003 Public Sale Bonds and of any additional Bonds of equal standing with the Series 2003 Public Sale Bonds hereafter issued. The Series 2003 DWRP Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2003 DWRP Bond, payable in principal installments serially as finally determined by the order of the MDEQ at the time of sale of the Series 2003 DWRP Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2003 DWRP Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the Authority providing for sale of the Series 2003 DWRP Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance shall assign a specific series designation to each respective series of Series 2003 DWRP Bonds pursuant to the authority granted by Section 16 of this Ordinance.

The Series 2003 DWRP Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2003 DWRP Bond contained in this Ordinance or as may be approved by the Authorized Officers at the time of sale of the Series 2003 DWRP Bonds or by the Authority at the time of prepayment.

The Series 2003 DWRB Bonds shall bear interest at a rate of two and one-half percent (2.5%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed the rate permitted by law, and the Authorized Officers shall deliver the Series 2003 DWRB Bond in accordance with the delivery instructions of the Authority.

The Series 2003 DWRB Bond principal amount is expected to be drawn down by the City periodically, and interest on principal amount shall accrue from the date such principal amount is drawn down by the City.

The Series 2003 DWRB Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2003 DWRB Bond shall be payable as provided in the Series 2003 DWRB Bond form in this Resolution.

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

Upon payment by the City of all outstanding principal of and interest on the Series 2003 DWRB Bond, the Authority shall deliver the Series 2003 DWRB Bond to the City for cancellation.

**Section 7. Issuance of Series 2003 Public Sale Bonds; Details.** Bonds of the City, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2003** (the "Series 2003 Public Sale Bonds"), are authorized to be issued in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2003 DWRB Bonds issued hereunder for the purpose of paying part of the cost of the current phase of the Project not eligible for DWRB program financing, including the costs incidental to the issuance, sale and delivery of the Series 2003 Public Sale Bonds. Said Series 2003 Public Sale Bonds shall be of senior standing and priority to the Outstanding Bonds as to the Net Revenues. The Series 2003 Public Sale Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 9 hereof, and shall consist of fully-registered bonds of the denomination of \$5,000 each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as of July 1, 2003, or such other date as determined by an Authorized Officer, numbered in order of registration and shall mature on November 1, or such other date as shall be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance. The Director of Finance shall assign a specific series designation to each respective series of Series 2003 Public Sale Bonds pursuant to the authority granted by Section 16 of this Ordinance.

The Series 2003 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding nine percent per annum (9%) or the maximum rate permitted by law, payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer, commencing as determined by order of an Authorized Officer by check or draft mailed by the transfer agent selected by the City to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the transfer

agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The Series 2003 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2003 Public Sale Bonds shall be payable at the bank or trust company designated by an Authorized Officer as registrar and transfer agent for this issue.

The Series 2003 Public Sale Bonds maturing in or after 2013 may be subject to redemption prior to maturity at the times and prices as approved by order of an Authorized Officer and in the manner and with notice as set forth in the form of Series 2003A Bond in Section 12 of this Ordinance.

The initial purchaser of the Series 2003 Public Sale Bonds may designate any one or more maturities from 2013 through the final maturity as term bonds and the consecutive maturities on or after the year 2013 which shall be aggregated in the term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption in the years and in the amounts set approved by an Authorized Officer at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot.

In case less than the full amount of an outstanding Series 2003 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2003 Public Sale Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Series 2003 Public Sale Bonds contained in Section 12 of this Ordinance.

The Series 2003 Public Sale Bonds may be issued in book-entry only form as one fully registered bond per maturity and, if so issued, shall be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. If the Series 2003 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2003 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2003 Public Sale Bonds purchased. If the Series 2003 Public Sale Bonds are issued in book-entry only form, provisions in this Resolution to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2003 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2003 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2003 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2003 Public Sale Bonds to be so issued.

**Section 8. Execution of Series 2003 Bonds.** The Series 2003 Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the City or a facsimile thereof impressed or imprinted thereon. Except for Series 2003 DWRB Bonds bearing manual signatures of the Mayor and the Director of Finance sold to the Authority, the Series 2003 Bonds shall be delivered to the transfer agent for authentication and thereafter be delivered by the transfer agent to the purchaser thereof



interest has been paid, until paid, at the Interest Rate per annum shown above, payable on November 1, 2003, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the \_\_\_\_\_ office of \_\_\_\_\_, \_\_\_\_\_, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to the date of any interest payment date. Interest on this bond is payable by check or draft mailed to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the transfer agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration, (the "Net Revenues") and a statutory first lien thereon is hereby recognized and created.

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

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

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

[Bonds of this issue are not subject to redemption prior to maturity.]

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

[Bonds or portions of bonds in multiples of \$5,000 maturing in the year \_\_\_\_ and thereafter, inclusive, shall be subject to redemption prior to maturity at the option of the Issuer, in such order of maturity as the Issuer shall determine and within a single maturity by lot, on any interest payment date on or after November 1, \_\_\_\_, at par and accrued interest plus a premium as follows:

\_\_\_\_% of par value of each bond or portion of bond redeemed on or after November 1, \_\_\_\_, but prior to November 1, \_\_\_\_; and

\_\_\_\_% of par value of each bond or portion of bond redeemed on or after November 1, \_\_\_\_, but prior to November 1, \_\_\_\_.

No premium shall be paid on bonds or portions thereof called for redemption on or after November 1, \_\_\_\_.

[MANDATORY REDEMPTION]

[The bonds maturing on November 1, \_\_\_\_ (the "Term Bonds"), are subject to mandatory redemption in part, by lot, at par, plus accrued interest to the date of redemption without premium on November 1 of each of the years and in the principal amounts set forth in the following schedule:

Term Bonds Due November 1, \_\_\_\_

<u>Redemption Dates</u>	<u>Principal Amounts</u>
November 1, ____	\$ _____,000
November 1, ____	_____,000
November 1, ____ (Maturity)	_____,000]

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of \$5,000 and any bond of a denomination of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by \$5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

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

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

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

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

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

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

**CITY OF PORT HURON**

By \_\_\_\_\_  
Mayor

(Seal)

Countersigned:

\_\_\_\_\_  
Director of Finance

Date of Registration:

**CERTIFICATE OF AUTHENTICATION**

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

\_\_\_\_\_  
Transfer Agent

By \_\_\_\_\_  
Authorized Signatory

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

**CITY OF PORT HURON**

**WATER SUPPLY SYSTEM REVENUE BOND  
(JUNIOR LIEN), SERIES 2003  
(LIMITED TAX GENERAL OBLIGATION)**

REGISTERED OWNER: Michigan Municipal Bond Authority  
PRINCIPAL AMOUNT: \_\_\_\_\_ Dollars (\$\_\_\_\_,000)  
DATE OF ORIGINAL ISSUE: \_\_\_\_\_, 2003

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), for value received, hereby promises to pay, but only out of the hereinafter described Net Revenues of the City's Water Supply System (hereinafter defined), to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality, in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

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

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule attached to the Purchase Contract, as such Schedule may be adjusted if less than \$\_\_\_\_,000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of two and one-half percent (2.5%) per annum. Interest is first payable on \_\_\_\_\_ 1, 2003, and semiannually thereafter on the first day of \_\_\_\_\_ and \_\_\_\_\_ of each year, as set forth in the Purchase Contract.

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

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at the designated office of Bank One or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

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

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

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

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

[The bonds of this issue are subordinate in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond, Series 2003\_, dated \_\_\_\_\_, 2003 (the "Outstanding Senior Lien Bonds").]

The bonds of this issue are equally secured and on parity in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 22, 1999, Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, and Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002.1 (the "Outstanding Bonds").

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

Principal installments of this bond are subject to prepayment by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

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

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

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

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

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

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

CITY OF PORT HURON

By \_\_\_\_\_  
Mayor

(Seal)

Countersigned:

\_\_\_\_\_  
Director of Finance

Section 13. Application to MDEQ and Authority. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2003 DWRF Bonds with the Authority. The Authorized Officers are further authorized to execute and deliver such contracts, documents and certificates as are necessary or advisable to qualify the Series 2003 DWRF Bonds for the Drinking Water Revolving Fund. In the event of a sale of the Series 2003 DWRF Bonds to the Authority, an Authorized Officer is hereby authorized to make such changes to the form of Series 2003 DWRF Bond contained in Section 12 of this Ordinance as may be necessary to conform to the requirements of 1985 PA 227 ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227. In the event the Series 2003 DWRF Bonds are sold to the Authority, the taxes collected by the State of Michigan and returned to the City may be pledged for payment of the Series 2003 DWRF Bonds, and an Authorized Officer is further authorized to negotiate, execute and deliver an agreement with the Authority for payment of such taxes to the Authority or to a trustee as provided in Section 23 of Act 227.

Section 14. Covenant Regarding Tax Exempt Status of the Bonds. 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 Series 2003 Bonds from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) 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. If the Series 2003 Public Sale Bonds then qualify for such designation, the City hereby designates the Series 2003 Public Sale Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions under Section 265 of the Code.

Section 15. Continuing Disclosure. The City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ended June 30, 2003, (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 Bonds to meet their obligations under the Rule, and any two of the Authorized Officers are authorized and directed to execute and deliver the Undertaking.

Section 16. Approval of Bond Details. The Director of Finance is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94 and Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, series designations and other matters necessary to complete the transactions authorized by the Master Ordinance and this Ordinance, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Bonds shall not exceed nine percent (9%), and the Bonds shall mature in not more than thirty-five (35) years.

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

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

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

Section 20. Effective Date. This Ordinance shall be effective upon its adoption.

ADOPTED AND SIGNED THIS 10TH DAY OF FEBRUARY, 2003.

Signed \_\_\_\_\_  
Mayor

Signed \_\_\_\_\_  
City Clerk

1. I HEREBY CERTIFY that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Port Huron, County of St. Clair, Michigan, at a regular meeting held on the 10th day of February, 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

2. I further certify that the following Members were present at said meeting: \_\_\_\_\_

and that the following Members were absent: \_\_\_\_\_

3. I further certify that Member \_\_\_\_\_ moved

for adoption of said Ordinance, and that said motion was supported by Member \_\_\_\_\_.

4. I further certify that the following Members voted for adoption of said Ordinance: \_\_\_\_\_ and that the following Members voted against adoption of said Ordinance: \_\_\_\_\_.

5. I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

\_\_\_\_\_  
City Clerk

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 02/10/03  
PUBLISHED: 02/15/03  
EFFECTIVE: 02/10/03

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.  
No: None.  
Absent: Councilmember Prax.

On motion (9:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 24, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Pastor Thomas Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular and special meetings of February 10, 2003, were approved.

### PRESENTATIONS

1. Certificates of Appreciation were presented to Radio First/Liggett Communications and local radio personalities and staff, the Fogcutter Restaurant owners and staff and the employees of the Port Huron Police Department for volunteering their time to the Cops & Jocks Spaghetti Dinner held November 18, 2002, and commending them for their good citizenship and proactive efforts to solve crime in our community.

### PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on Code Case #02-001, 1014 Tenth Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 6, Section 6-46 and Chapter 20, Section 20-3, of the Port Huron City Code. (See Resolution #3)

The City Clerk stated that letters of notification were sent by certified and regular mail to the owners of record and that the property was posted.

Kim Harmer, Planning Director, gave a report on the property.

Fred Ingham, Sarnia, Ontario, owner of property, appeared stating he had an investor who wants the property.

Murray McNeill, Port Huron, appeared requesting that Council postpone action for two weeks so that he can see if he can save the house.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the actual draft of the proposed 2003 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Funds.

Dick Cummings, 8128 Holly Rd., Avoca, appeared on the issue of homelessness and requesting that funds be allocated to assist the homeless shelter.

Laurie Huff, Safe Horizons, appeared requesting funds for the homeless shelter.

**The Mayor** declared the hearing closed.

### PUBLIC AUDIENCES

1. Clarence Klotz, St. Clair County Allied Veterans, addressed City Council requesting permission to install a monument at the cemetery and to light the flags 24 hours a day, 7 days a week.

2. Mark Landschoot, JD's Key Club, addressed the City Council on behalf of owner John DelCampo, who was unable to attend the meeting, requesting that Section 3-7 of the City Code, which prohibits those persons under 18 years of age to be in an establishment that serves alcohol without a parent or guardian, be amended to allow for special approval so that they can hold teen nights.

3. Dennis Bales, JD's Key Club, addressed the City Council stating that his children attended the recent teen night and everything went well and they enjoyed themselves.

4. Angela Rogers, 3426 Shenandoah Avenue, addressed the City Council requesting that the Council reconsider her request for a special use permit to operate a day care center in her home (it was denied at the February 10, 2003, meeting). She distributed a handout including signatures from neighbors in support.

5. Antoine Rogers, 3426 Shenandoah Avenue, addressed the City Council requesting that the Council reconsider his wife's request for the special use permit.

### CONSENT AGENDA

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- Volunteer of the Year Award 2003 was presented to the City of Port Huron by MainStreet Port Huron at its annual dinner on February 18, 2003, in appreciation of the City's outstanding support of MainStreet Port Huron.

- A public kickoff meeting for the Michigan Department of Transportation's (MDOT) Blue Water Bridge Plaza Study will be held on Thursday, March 13, 2003, in the City's Public Meeting Room. The meeting will have afternoon and evening sessions, 4:00 to 5:30 p.m., and 7:00 to 8:30 p.m. Each session will start with a brief presentation by the consultant team about the purpose of the study, the schedule (approximately 2 years) and opportunities for public involvement. There will then be opportunities to speak one-on-one with MDOT and consultant team members about the study and concerns to be addressed in evaluating potential improvements to the plaza to accommodate traffic growth and changing border inspection procedures.

- The City's Marina Division is looking for boaters to volunteer to help at the Water Street Marina to work one, 7-day week per month, six weeks per season beginning May 1, 2003. Volunteers work for dockage, no wages. Duties would involve collecting dockage fees, cleaning grounds and facilities and performing minor maintenance work. Boaters with dock handling experience are preferred. For further information, contact Dan Collins in the Marina Division at 984-9744.

## COMMUNICATIONS & PETITIONS

\***C-1.** From Conrad E. Moews, 3562 Shenandoah Avenue, opposing the special use permit for a family day care home at 3426 Shenandoah Avenue.

Received and filed.

## RESOLUTIONS

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

WHEREAS, on January 13, 2003, the City Council of the City of Port Huron adopted a resolution setting a public hearing to give liquor licensees who were delinquent in payment of taxes and/or utility bills or in violation of the City Code an opportunity to "defend by confronting any adverse witness and by being allowed to present in person witnesses, evidence and arguments;" and

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

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

Big Daddy's Bar & Grill, 1211 Griswold Street, Class C/SDM; (Cheryl/Lester Diepenhorst); Personal property taxes: \$664.55, plus additional penalty, if any; plus City income tax reporting and/or monies due; and

Headwind's Tavern, 515 Wall Street, Class C/SDM (D DenOtter & R Francis); Personal property taxes, \$876.74, plus additional penalty, if any; and

Martini Joe's, 3954 24th Avenue, Class C/SDM (Michelle Anter); Personal property taxes, \$137.36, plus additional penalty, if any; plus City income tax reporting and/or monies due; and

Pizza Hut, 1007 Lapeer Avenue, Class C/SDM (Wolverine Pizza, Inc., LLC); Personal property taxes, \$1,571.46, plus additional penalty, if any; and

WHEREAS, on February 10, 2003 the public hearing was held concerning the above licenses;

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

- 1) Certified copy of resolutions adopted January 13, 2003, and February 24, 2003, concerning aforementioned license;
- 2) Certified copy of notice to licensee;
- 3) Certified copy of notice published in The Times Herald.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.

No: Councilmember Schrader.

Absent: None.

(NOTE: Councilmember Prax requested that administration research whether a fee to cover costs can be charged to those establishments that are repeatedly on this list.)

\***R-2.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 32, Zoning, Article XXX, Historic District, Section 32-733(b):

**"Membership of commission.** 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.

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council appoints the following individuals to the Historic District Commission:

Carl A. Moss - term to expire 03-10-06

Gerald R. Saunders - term to expire 03-10-06

BE IT FURTHER RESOLVED that the Port Huron City Council reappoints the following commissioner to the Historic District Commission:

Michael Artman - term to expire 03-10-06

Adopted.

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

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

*the south 49 feet of Lots 8 and 9, Block 17, White Plat, also known as: 1014 Tenth Street, City of Port Huron*

has been brought to the attention of the City Council by the Building Official, claiming such condition constitutes a nuisance; and

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

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

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

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted January 13, 2003, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City 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 Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Port Huron City Code, 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**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 24, Sections 24-19 and 24-20 of the Port Huron City Code of Ordinances.

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

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

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Jacobs, Prax, Sample-Wynn and Schrader.  
No: Councilmember Fisher.  
Absent: None.

**R-4. Councilmember Sample-Wynn** offered and moved the re-consideration of the following resolution:

WHEREAS, the City Council, at their regularly scheduled meeting of February 10, 2003, considered an application submitted by Angela C. Rogers for a special use permit for a family day care home (six children or less) which had been recommended by the Planning Commission; and

WHEREAS, City Council rejected the application; and

WHEREAS, Councilmember Fisher, a voting member of the prevailing side, has requested reconsideration of this item in accordance with §36 of Roberts' Rules of Order;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby reconsiders the application of Angela C. Rogers, 3426 Shenandoah Avenue for a special use permit to conduct a family day care home (six children or less) and on an affirmative vote authorizes the Zoning Administrator to issue a special use permit after submission by applicant of proof of a state license and compliance with the requirement of a six foot rear yard fence, or in the case of a negative vote hereby denies the request.

Motion *rejected* by the following vote:

No: Mayor B. Mark Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.  
No: Councilmember Sample-Wynn.  
Absent: None.

**\*R-5.** WHEREAS, Palms Krystal, Inc., (Martha and Russell Schulz) has requested transfer of ownership of 2002 Class C-SDM licensed business, located at 1535 Pine Grove Avenue, from Palms Krystal Bar & Restaurant, Inc.;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

**\*R-6.** WHEREAS, Alfred Cardillo and Bruno D'Alessandro have requested transfer of ownership of 2000 Class C-SDM licensed business, located in escrow at 1120 Military Street, from Monschau Enterprises, Inc.;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

**\*R-7.** WHEREAS, Pompeii of Port Huron, Inc., (Debbie and Neil A. Pickelhaupt) has requested transfer of ownership of 2000 Class C-SDM licensed business, located in escrow at 1120 Military Street, from Alfred Cardillo and Bruno D'Alessandro;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Councilmember Cutcher** moved to go into an Executive Session in Conference Room 101 to discuss pending litigation.

Motion adopted unanimously.

**Councilmember Jacobs** moved to reconvene into the Public Meeting Room.

Motion adopted unanimously.

On motion (10:15 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, February 26, 2003, at 3:30 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

Absent: Councilmember Prax.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Sample-Wynn** moved to instruct the City Manager to not hire a marketing director until after the budget session in May.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Jacobs, Sample-Wynn and Schrader.

No: Councilmembers Cutcher and Fisher.

Absent: Councilmember Prax.

**FROM THE CITY MANAGER**

**CM-1. Councilmember Sample-Wynn** offered and moved the adoption of the following City Manager’s recommendation:

It is recommended that the budget for the 2002-2003 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

<b>GENERAL FUND:</b>	<u>As originally Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
Means of financing:			
Fund Balance	\$	\$ 100,000	\$ 100,000
Property taxes	7,225,686	7,225,686	
Income tax	6,475,000	5,475,000	(1,000,000)
Business licenses and permits	244,800	244,800	
Nonbusiness licenses and permits	235,400	235,400	
Grants	100,000	100,000	
State shared revenues	4,797,500	4,572,500	(225,000)
Charges for services	474,940	474,940	
Fines and forfeits	185,000	185,000	
Investment income	375,000	275,000	(100,000)
Rents	170,000	170,000	
Sale of fixed assets	3,000	3,000	
Charges to other funds	1,292,306	1,292,306	
Total	<u>\$ 21,478,632</u>	<u>\$ 20,353,632</u>	<u>\$ (1,125,000)</u>
 Estimated requirements:			
General government	\$ 3,127,776	\$ 3,102,776	\$ (25,000)
Public safety	11,850,643	11,950,643	100,000
Public works	1,696,250	1,636,250	(60,000)
Senior citizens	58,766	58,766	
Recreation, parks and culture	3,170,167	2,970,167	(200,000)
Other functions	614,773	593,773	(21,000)
Public improvements	99,657	34,657	(65,000)
Transfer to other funds	860,600	6,600	(854,000)
	<u>\$ 21,478,632</u>	<u>\$ 20,353,632</u>	<u>\$ (1,125,000)</u>

**STREET FUNDS:**

## Means of financing:

Fund balance	\$ 4,303,599	\$ 3,563,599	\$ (740,000)
Taxes	1,242,886	1,242,886	
State shared revenues	2,196,000	2,150,000	(46,000)
Trunkline maintenance	205,608	205,608	
State grants	2,425,000	2,425,000	
Investment income	50,000	50,000	
Contribution	500,000	500,000	
Transfer from Major streets to Local streets	410,000	410,000	
	<u>\$ 11,333,093</u>	<u>\$ 10,547,093</u>	<u>\$ (786,000)</u>

## Estimated requirements:

Ordinary recurring expenses	\$ 3,250,593	\$ 3,250,593	\$
Capital outlay, street improvements and/or salary adjustments	8,082,500	7,296,500	(786,000)
	<u>\$ 11,333,093</u>	<u>\$ 10,547,093</u>	<u>\$ (786,000)</u>

**GARBAGE AND RUBBISH COLLECTION FUND:**

## Means of financing:

Taxes	\$ 1,768,359	\$ 1,768,359	\$
State shared revenues	65,000		(65,000)
	<u>\$ 1,833,359</u>	<u>\$ 1,768,359</u>	<u>\$ (65,000)</u>

## Estimated requirements:

Ordinary recurring expenses	\$ 1,648,941	\$ 1,648,941	\$
Capital outlay and/or salary adjustments	184,418	119,418	(65,000)
	<u>\$ 1,833,359</u>	<u>\$ 1,768,359</u>	<u>\$ (65,000)</u>

**CEMETERY FUND:**

## Means of financing:

Fund balance	\$	\$ 54,000	\$ 54,000
Foundations	24,500	24,500	
Graveside interments	32,900	32,900	
Chapel interments	75,700	75,700	
Transfer from General fund	54,000		(54,000)
Transfer from Cemetery Perpetual Care fund	264,865	264,865	
	<u>\$ 451,965</u>	<u>\$ 451,965</u>	<u>\$ 0</u>

## Estimated requirements:

Ordinary recurring expenses	\$ 443,465	\$ 443,465	\$
Capital outlay and/or salary adjustments	8,500	8,500	
	<u>\$ 451,965</u>	<u>\$ 451,965</u>	<u>\$ 0</u>

**MARINA FUND:**

## Means of financing:

Fund balance	\$ 77,859	\$ 77,859	\$
Charges for services	353,600	353,600	
Transfer from General fund	100,000		(100,000)
Transfer from Land Purchase fund		100,000	100,000
	<u>\$ 531,459</u>	<u>\$ 531,459</u>	<u>\$ 0</u>

## Estimated requirements:

Ordinary recurring expenses:	\$ 448,459	\$ 448,459	\$
Capital outlay and/or salary adjustments	83,000	83,000	
	<u>\$ 531,459</u>	<u>\$ 531,459</u>	<u>\$ 0</u>

**LAND PURCHASE FUND:**

## Means of financing:

Fund balance	\$ 500,000	\$ 1,410,000	\$ 910,000
Investment income	150,000	150,000	
Rents	225,000	225,000	
Other income	60,000	60,000	
Transfer from tax increment funds	1,177,853	1,177,853	
	<u>\$ 2,112,853</u>	<u>\$ 3,022,853</u>	<u>\$ 910,000</u>

## Estimated requirements:

## Ordinary recurring expenses:

## Contractual services:

Engineering and other professional services	\$ 100,000	\$ 100,000	\$
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## Transfer to:

Water fund	300,000	300,000	
Wastewater fund	900,000	1,600,000	700,000
Marina fund		100,000	100,000

## Capital outlay

	<u>1,300,000</u>	<u>2,100,000</u>	<u>800,000</u>
	<u>812,853</u>	<u>922,853</u>	<u>110,000</u>
	<u>\$ 2,112,853</u>	<u>\$ 3,022,853</u>	<u>\$ 910,000</u>

**WATER FUND:**

## Means of financing:

Fund balance	\$ 275,000	\$ 275,000	\$
Sale of water	4,220,044	4,220,044	
Charges for services	166,040	166,040	
Investment income	100,000	100,000	
Proceeds from long-term revenue bonds	9,330,000	9,130,000	(200,000)
Pro rata share of water administration and meter budget reimbursed from Wastewater fund	324,172	324,172	
Transfer from Land Purchase fund	300,000	300,000	
	<u>\$ 14,715,256</u>	<u>\$ 14,515,256</u>	<u>\$ (200,000)</u>

## Estimated requirements:

Ordinary recurring expenses	\$ 3,640,756	\$ 3,640,756	\$
Debt service	1,374,000	1,374,000	
Capital outlay and/or salary adjustments	9,700,500	9,500,500	(200,000)
	<u>\$ 14,715,256</u>	<u>\$ 14,515,256</u>	<u>\$ (200,000)</u>

**WASTEWATER FUND:**

## Means of financing:

Fund balance	\$ 2,260,000	\$ 2,260,000	\$
Charges for services	6,929,156	6,929,156	
Investment income	150,000	150,000	
Reimbursement from other units of government	1,970,000	1,970,000	
Proceeds from long-term revenue bonds	31,000,000	30,760,000	(240,000)
Transfer from General fund	700,000		(700,000)
Transfer from Land Purchase fund	900,000	1,600,000	700,000
	<u>\$ 43,909,156</u>	<u>\$ 43,669,156</u>	<u>\$ (240,000)</u>

## Estimated requirements:

Ordinary recurring expenses	\$ 6,262,640	\$ 6,262,640	\$
Debt service	3,265,500	3,265,500	
Capital outlay and/or salary adjustments	34,381,016	34,141,016	(240,000)
	<u>\$ 43,909,156</u>	<u>\$ 43,669,156</u>	<u>\$ (240,000)</u>

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Prax.

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

WHEREAS, on or about October 7, 2000, the Edison Shores Condominium Association and various owners of condominiums in the Edison Shores Condominium Project filed a lawsuit in St. Clair County Circuit Court seeking damages and/or injunctive relief regarding the planting of trees or creating or planting other objects or structures in the Thomas Edison Park which would obstruct their view of the St. Clair River; and

WHEREAS, since that time, representatives of the City and the Edison Shores Condominium Association, have been involved in extensive negotiations which have resulted in the attached proposed Consent Judgment to settle the lawsuit and any appeals in order to avoid further costs and expenses and the uncertainties of trial and appeal, and to resolve the dispute without any admission of liability; and

WHEREAS, it is recommended that the lawsuit be resolved according to the terms of the proposed Consent Judgment and that the appropriate City officials are authorized and directed to execute a Consent Judgment in the form attached; and

WHEREAS, it is recommended this approval of the Consent Judgment is expressly conditioned upon it being executed by or on behalf of all Plaintiffs and every other owner of a unit in the Edison Shores Condominium Project and the condition that the Consent Judgment shall not be presented for signature by a St. Clair County Circuit Court Judge and entry unless and until the Consent Judgment is signed by or on behalf of each Plaintiff and each other owner of each condominium unit in the Edison Shores Condominium Project unless this condition is first expressly waived by the City;

NOW, THEREFORE, BE IT RESOLVED the Port Huron City Council approves the proposed settlement as presented by Attorneys Christopher Johnson and Timothy Lozen on February 24, 2003 conditioned upon and subject to the execution of said settlement by all Plaintiffs and every other owner of a unit in the Edison Shores Condominium Project or the express waiver thereof by the City. (See City Clerk File #03-10)

Motion adopted by the following vote:

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

No: Councilmembers Sample-Wynn and Schrader.

Absent: Councilmember Prax.

On motion (4:50 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 10, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Reverend Robert Trask, Grace Episcopal Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

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

Absent: Councilmembers Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of February 24, 2003, and the special meeting of February 26, 2003, were approved.

**PUBLIC AUDIENCES**

1. Jim Relken, Executive Director, St. Clair Co. American Red Cross, addressed the City Council with an update on the emergency preparedness of their organization and the services offered.
2. Dave Kredell introduced himself as the District Director for Representative Stephen Ehardt and encouraged City Council to call if any assistance is needed.
3. Tiny Renaker, 1307 - 21st Street, addressed City Council in support of giving blood at the American Red Cross.

**CONSENT AGENDA**

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

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs.
- No: None.
- Absent: Councilmembers Prax, Sample-Wynn and Schrader.

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

- A public kickoff meeting for the Michigan Department of Transportation’s (MDOT) Blue Water Bridge Plaza Study will be held on Thursday, March 13, 2003, in the City’s Public Meeting Room. The meeting will have afternoon and evening sessions, 4:00 to 5:30 p.m., and 7:00 to 8:30 p.m. Each session will start with a brief presentation by the consultant team about the purpose of the study, the schedule (approximately 2 years) and opportunities for public involvement. There will then be opportunities to speak one-on-one with MDOT and consultant team members about the study and concerns to be addressed in evaluating potential improvements to the plaza to accommodate traffic growth and changing border inspection procedures.
- The annual St. Patrick’s Day Parade will take place downtown on March 15.

- Weather permitting, a special leaf pickup will take place beginning Monday, March 24. The crews will begin at Ravenswood Road and work north until the entire city is completed. There is no set schedule. The routes will vary based on weather and the actual progress of the leaf removal crews. Residents should place leaves at the curb un-bagged and ready for collection by Monday, March 24.
- The City’s Marina Division is looking for boaters to volunteer to help at the Water Street Marina to work one, 7-day week per month, six weeks per season beginning May 1, 2003. Volunteers work for dockage, no wages. Duties would involve collecting dockage fees, cleaning grounds and facilities and performing minor maintenance work. Boaters with dock handling experience are preferred. For further information, contact Dan Collins in the Marina Division at 984-9744.
- The Police Department held their annual awards ceremony prior to the regular Council meeting where civilians and police officers received recognition.
- Personnel from the Detroit Fury arena football team were in town this day and they are sponsoring Port Huron Day Sunday, March 16, 2003, at the Palace. Tickets are available through the Recreation Department, 984-9760.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs.
- No: None.
- Absent: Councilmembers Prax, Sample-Wynn and Schrader.

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

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

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

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the Marina Dredging Project No. P03-0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for engineering services during all phases of the Marina Dredging project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-11).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs.  
 No: None.  
 Absent: Councilmembers Prax, Sample-Wynn and Schrader.

**\*R-3.** WHEREAS, on February 24, 2003, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Headwind's Tavern, 515 Wall Street, Class C/SDM (DenOtter & R Francis)

for non-payment of personal property taxes; and

WHEREAS, payment of personal property taxes has been made by Headwind's Tavern;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2003-04 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

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

WHEREAS, the Land Water Conservation Fund (LWCF), administered by the Michigan Department of Natural Resources (MDNR), provides grants for development of recreation sites to local units of government; and

WHEREAS, the City has received improvement grants from the MDNR for the continuous improvements of its park system; and

WHEREAS, a high priority in the 2001-2006 Recreation Plan is to reconstruct four north tennis courts at Sanborn Park; continued renovations at Sanborn and Court Street swimming pools; and construct a skate park in Optimist Park; and

WHEREAS, the LWCF provides state funding up to a maximum of 50% of project costs;

NOW THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, March 24, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center for the purpose of receiving public input and comment concerning the proposed grant applications to the Michigan Department of Natural Resources, Land Water Conservation Fund, for reconstruction of four north tennis courts at Sanborn Park; continued renovations at Sanborn and Court Street swimming pools; and construction of a skate park in Optimist Park.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs.  
 No: None.  
 Absent: Councilmembers Prax, Sample-Wynn and Schrader.

## MOTIONS & MISCELLANEOUS BUSINESS

**1. Councilmember Cutcher** offered to receive and file the following report:

On January 28, 2002 the City Council requested that a program be developed to encourage student participation in various City boards and commissions. It has been a year since the inception of this program and it has proved to be successful. Following is a report on each appointment:

### Downtown Development Authority

Craig Flemingloss, a senior at Port Huron Northern, has been the representative. He has regularly attended the monthly meetings, including during the summer, and has been an active participant. John Ogden reports that "his presence at the meetings has provided another point of view to an already diverse board." As he graduates in June, he will need to be replaced.

### Housing Commission

Sean Faber, a senior at Port Huron Northern, has been the representative. Jerry Schock indicates that he attended meetings in May, August, September and October. Since October he has been unable to attend. As he graduates in June, he will need to be replaced.

### Traffic Study Committee

Kameel Stanley, a sophomore at Port Huron High School, has been the representative. She has attended all meetings except one and has been an active participant. She would not need to be replaced at this time.

### Zoning Board of Appeals

Sarah Mullins, a senior at Port Huron Northern, was the representative. She did participate; however, she recently resigned because of her schedule. She would need to be replaced.

### McMorran Auditorium

Matt Chapman, a junior at Port Huron High School, has been the representative. His attendance at regularly scheduled meetings and special planning sessions has been excellent. Jim Currier, Chairman, states "Matt has been particularly helpful in our planning sessions as McMorran reviews possible avenues to attract future users of the complex. Matt's personality seems to mesh with the Authority members, all of whom appear to enjoy his involvement with the Authority." He would not need to be replaced at this time.

Planning Commission

Ryan Jay, a senior at Port Huron High School, has been the representative. Out of 11 regular meetings and 4 workshops meetings, he has only be able to attend 5. He will be graduating in June and would need to be replaced.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs.
- No: None.
- Absent: Councilmembers Prax, Sample-Wynn and Schrader.

2. **Councilmember Cutcher** announced two recent grand openings in the downtown area: Community Mental Health on January 7, 2003, and Brush & Palette on March 8, 2003.

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

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 24, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

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

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of March 10, 2003, were approved.

**PRESENTATIONS**

1. Rep. Lauren Hager presented the family of Bruce A. Seymore (former Director of Finance for the City of Port Huron) with a proclamation in recognition for Mr. Seymore's many years of public service.
2. Presentation was made by Councilmember Prax regarding the recent visit to the National League of Cities Conference in Washington, D.C., by herself and Councilmembers Sample-Wynn and Schrader.
3. Presentation was made by Robert Clegg, City Engineer, relative to refuse services and the proposal to go to a two-day a week operation instead of five days a week.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments concerning the proposed grant applications to the Michigan Department of Natural Resources, Land Water Conservation Fund, for reconstruction of four north outdoor tennis courts in Sanborn Park; continued renovation of Sanborn and Court Street swimming pools and construction of a skate park in Optimist Park. (See Resolution #6)

William Robinson, Recreation Director, explained the proposed projects.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Bridgefest Entertainment (John K. Sexton, Jim Kavanaugh, Steve Pastewski and Ian Smith) addressed the City Council to discuss and provide information regarding their plans to hold Bridgefest 2003, August 14-17, on the Thomas Edison Parkway. Steve Pastewski, 1102 Military Street, was the spokesperson for the group. John Ogden, City's Finance Director, representing the Special Events Committee, stated the committee has met to discuss issues related to this event such as security, parking, vendors, restoration of property, etc.
2. Antonio Meza Estrada, Consul of Mexico, addressed the City Council requesting their support of Resolution No. 5 (acknowledging the Matricular Consular as a form of personal identification).

3. Mary Patterson, Director, Safe Horizons, addressed the City Council requesting funding for the homeless shelter (Resolution 16) in the amount of \$17,500 from CDBG funds.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- A special presentation (part 2) on the Economic Study Report for the Port Huron Downtown Area, as prepared by Development Concepts Incorporated, will be held on Tuesday, March 25, 2003, 5:00 p.m., in the Municipal Office Center, Public Meeting Room. Mr. Donald B. Mitchell will hold a question and comment period.
- The special leaf pickup will begin Monday, March 31. This date was changed due to weather conditions. The crews will begin at Ravenswood Road and work north until the entire city is completed. There is no set schedule. The routes will vary based on weather and the actual progress of the leaf removal crews. Residents should place leaves at the curb un-bagged and ready for collection by Monday, March 31.
- On Monday, April 7, the yard waste and brush and branch pickup programs will begin again and residents can utilize these programs by placing items at the curb for pickup on their regular pickup days. Refer to the City's newsletter, which was recently mailed, to read about the guidelines for each program or visit our website at [www.porthuron.org](http://www.porthuron.org).
- The City's Marina Division is looking for boaters to volunteer to help at the Water Street Marina to work one, 7-day week per month, six weeks per season beginning May 1, 2003. Volunteers work for dockage, no wages. Duties would involve collecting dockage fees, cleaning grounds and facilities and performing minor maintenance work. Boaters with dock handling experience are preferred. For further information, contact Dan Collins in the Marina Division at 984-9744.

**FROM THE CITY MANAGER**

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

On March 4, 2003, the City of Port Huron received three (3) bids for City street striping:

Clark Highway Services, Inc.	\$ 6,021.43
R.S. Contracting	\$ 6,888.00
P. K. Contracting	\$ 9,013.39

It is recommended that the bid of Clark Highway Services, 5743 W. Kelly Road, Lake City, Michigan 49652, in the amount of Six Thousand Twenty-One and 43/100 Dollars (\$6,021.43) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On March 4, 2003, the City of Port Huron received four (4) unit price bids for the 2003 Annual Sidewalk Contract, Project No. F03-0010. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Lakeside Cement	\$155,725.00
Luigi Ferdinandi & Sons Cement	\$159,500.00
Hinojosa Construction	\$171,622.50
Turke Bros. Excavating, Inc.	\$201,740.50 *

\* As corrected

It is recommended that the bid of Lakeside Cement, 6305 Hesson Road, Fair Haven, Michigan 48023, in the amount of One Hundred Fifty-Five Thousand Seven Hundred Twenty-Five and 00/100 Dollars (\$155,725.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On March 13, 2003, the City of Port Huron received nine (9) bids for Hancock Street Reconstruction Project from 10th Street to Gratiot Avenue for sewer repair, water main replacement and street paving:

Ron Bretz Excavating	\$889,516.39
Raymond Excavating	\$907,816.95
Teltow Contracting	\$941,144.14 *
Boddy Construction	\$943,785.01
L & J Construction	\$944,218.60
Dan's Excavating	\$1,040,510.02
D. O. C. Contracting	\$1,050,812.80
Pamar Enterprises, Inc.	\$1,065,974.95 *
T. R. Pieprzak Company	\$1,111,087.47 *

\* As corrected

It is recommended that the bid of Ron Bretz Excavating, 36 Turrill, Lapeer, Michigan 48446, in the amount of Eight Hundred Eighty-Nine Thousand Five Hundred Sixteen 39/100 Dollars (\$889,516.39) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On February 25, 2003, the City of Port Huron requested and received two proposals for replacement of twenty-four (24) upper riser pipes for the biological reactor aeration distribution headers for the Wastewater Treatment Plant.

Blue Water Maintenance, Inc.	\$20,565.00
Walker Process Equipment	\$57,432.00

It is recommended that the proposal from Blue Water Maintenance, Inc., 9082 Big Hand Road, Columbus, Michigan 48063, in the amount of Twenty Thousand Five Hundred Sixty-Five and 00/100 Dollars (\$20,565.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On January 16, 2003, the City of Port Huron received three (3) bids for 320 dry tons of aluminum sulfate for the Water Filtration Plant and the Wastewater Treatment Plant:

U.S. Aluminate Co., Inc.	\$114.99 per ton
GAC	\$124.50 per ton
General Chemical	\$150.00 per ton

It is recommended that the bid of U.S. Aluminate Co., Inc., 9411 Philadelphia Road, Suite H, Baltimore, MD 21237, in the amount of \$114.99 per ton be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

**CM-6. Councilmember Sample-Wynn** offered and moved the adoption of the following City Manager's recommendation:

On February 17, 2003, the City of Port Huron received the results of the State of Michigan Extended Purchasing Program bids for one (1) replacement Motorola Quantar UHF Repeater Base Station (Police):

Motorola Communications & Electronics, Inc.	\$12,588.80
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It is recommended that the bid of Motorola Communications & Electronics, Inc., 925 Alexandria Drive, Lansing, Michigan 48917, in the amount of Twelve Thousand Five Hundred Eighty-Eight and 80/00 (\$12,588.80) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

## RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

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

WHEREAS, a preventative maintenance check on the Centracom II Console in the Port Huron Police Department Communications Center needs to be performed annually; and

WHEREAS, Motorola Communications and Electronics, Inc., through Comsource, does perform first echelon work on a 24 x 7 basis; and

WHEREAS, there has been prepared a service agreement between the City of Port Huron and Motorola Communications and Electronics, Inc., for technical support and on-site infrastructure response;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached service agreement with Motorola Communications and Electronics, Inc., for preventative maintenance checks and service on the Centracom II Console in the Communications Center and authorizes the appropriate City Officials to execute said agreement. (See City Clerk file #03-12).

Adopted unanimously.

**\*R-3.** WHEREAS, Black River Plastics, 2345 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 14, 2003, in order to hear comments on the application of Black River Plastics for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

**\*R-4.** WHEREAS, Black River Plastics, 2611 - 16th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for April 14, 2003, in order to hear comments on the application of Black River Plastics for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

**R-5. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the government of Mexico issues to its nationals who are living abroad a form of Consular identification known as "Matricula Consular;" and

WHEREAS, the Matricula Consular is a personal identification which is valid for five years; and

WHEREAS, the Mexican Consulate issues the Matricula Consular in about 46 cities across the nation and at least two major banks with offices in the Port Huron area have agreed to accept the Matricula Consular as a form of identification; and

WHEREAS, there is an Hispanic population in and around the Port Huron area and it has deemed to be in the public interest to permit the Matricular Consular to be used as a form of identification in dealings between the public and City government;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby acknowledges the Matricular Consular as a form of identification; and

BE IT FURTHER RESOLVED that it shall be the policy of the City of Port Huron to accept the Matricula Consular as a form of identification for those departments, programs and services that require identification.

**Councilmember Sample-Wynn** moved to postpone action until the April 14, 2003, Regular City Council meeting so that administration can do further research (with federal agencies) and address the issues raised such as legality of adopting such a resolution.

Adopted unanimously.

**R-6. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the Land Water Conservation Fund (LWCF), administered by the Michigan Department of Natural Resources (MDNR), provides grants for development of recreation sites to local units of government; and

WHEREAS, the MDNR has provided funding for the extension of the Thomas Edison Park, ballfield lighting at the 16th and Dove Park, improvements at Optimist, Lincoln, Gratiot and Pine Grove Parks, the rehabilitation of Sanborn Park south tennis courts, the lighting at Sanborn Park ball diamond and the Sanborn and Court Street pool improvements; and

WHEREAS, elements of the 2001-2006 Recreation plan are to reconstruct four north outdoor tennis courts at Sanborn Park, continue renovations of Sanborn and Court Street swimming pools and construct a skate park in Optimist Park; and

WHEREAS, the LWCF program provides state funding up to a maximum of 50% of project costs;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Port Huron hereby authorizes making application to the Michigan Department of Natural Resources, Land Water Conservation Fund, for the following three grants and authorizes that the estimated required project match of 50% be appropriated should any one of the three or all of the grants be awarded:

1) A grant for reconstruction of the four north outdoor tennis courts in Sanborn Park, with a total estimated cost of \$100,000.00; and

2) A grant for the continued renovations of Sanborn and Court Street Pools, with a total estimated cost of \$879,998.00; and

3) A grant for the construction of a skate park in Optimist Park, with a total estimated cost of \$250,000.00.

Adopted unanimously.

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

WHEREAS, the Port Huron Museum of Arts and History (hereinafter referred to as the "Museum") had the opportunity to and has acquired possession of the hospital from the historic Fort Gratiot; and

WHEREAS, the Museum desires to create the former hospital building into a museum attraction for the preservation of the history and culture of the Port Huron area; and

WHEREAS, the City plans and intends to acquire the rights to the Fort Gratiot Lighthouse when it is decommissioned; and

WHEREAS, the Museum wishes to move the former Fort Gratiot hospital building onto a portion of Lighthouse Park between the Lighthouse property, now possessed and occupied by the United States Coast Guard, and Omar Street; and

WHEREAS, the creation of the former Fort Gratiot hospital building by the Museum into a museum attraction would be an added tourist attraction in the City and benefit the City of Port Huron and the entire area; and

WHEREAS, the creation of the former Fort Gratiot hospital building into a Museum would contribute to the preservation of the cultural heritage of the City of Port Huron; and

WHEREAS, it is in the best interests of both the City and the Museum to join together in the creation of the former Fort Gratiot hospital museum project and enter into a lease agreement to place the hospital building on a portion of Lighthouse Park; and

WHEREAS, a lease agreement between the City and the Museum has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Port Huron Museum of Arts and History to lease a portion of Lighthouse Park for the placement of the Fort Gratiot hospital building on the property and creating a museum attraction and authorizing the appropriate City officials to execute the agreement. (See City Clerk File #03-13)

Adopted unanimously.

**\*R-8.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists several expired terms;

NOW, THEREFORE, BE IT RESOLVED that Michael T. Bem, 2841 Canal Drive, be appointed to fill a vacancy that expires on January 30, 2006.

Adopted.

**\*R-9.** WHEREAS, the City Manager has submitted a report and the City Engineer has certified that costs totaling Forty-Eight Thousand Nine Hundred Fifty-Two and 11/00 Dollars (\$48,952.11) has been incurred by the City of Port Huron for sidewalk installation; and

WHEREAS, the costs of sidewalk installation are assessed to the property owner pursuant to City Ordinance 24-19; and

WHEREAS, the report and costs have been reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the costs shown in said report are hereby confirmed and declared as single lot Special Assessments upon the lots and premises described. (See City Clerk File #03-14)

Adopted.

**\*R-10.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,398.78 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #03-15).

Adopted.

**11-12. Councilmember Prax** offered and moved the adoption of the following resolutions:

**R-11.** WHEREAS, it is necessary to perform professional services and serve as the City’s professional representative on the Wastewater Treatment Plant Operations and Maintenance Manual Project (Project No. P03-0050) as required by MDEQ; and

WHEREAS, Finkbeiner, Pettis, & Strout, Inc. was determined in a competitive selection process to be the appropriate engineering firm to provide these services; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Finkbeiner, Pettis, & Strout, Inc. for professional services for Project No. P03-0050;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Finkbeiner, Pettis, & Strout, Inc. for engineering services during all phases of the Wastewater Treatment Plant Operations and Maintenance Manual Project and authorizes and directs the appropriate City officials to execute the agreement (See City Clerk File #03-16).

**R-12.** WHEREAS, it is necessary to perform professional services and serve as the City’s professional representative on the Wastewater Treatment Plant Bar Screen Replacement (Project No. G03-0110) as required by MDEQ; and

WHEREAS, Finkbeiner, Pettis, & Strout, Inc. was determined in a competitive selection process to be the appropriate engineering firm to provide these services; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Finkbeiner, Pettis, & Strout, Inc. for professional services for Project No. G03-0110;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Finkbeiner, Pettis, & Strout, Inc. for engineering services during all phases of the Wastewater Treatment Plant Bar Screen Replacement Project and authorizes and directs the appropriate City officials to execute the agreement (See City Clerk File #03-17).

Motion to adopt Resolutions 11 and 12 adopted unanimously.

**R-13. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #03-5015 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction work along Hancock Street from 10th Street to Gratiot Avenue; including curb and gutter, sidewalk ramps, watermain, and storm sewer work; and all together with necessary related work located within the corporate limits of the City; and

WHEREAS, the City of Port Huron must repair its sewers and make necessary watermain improvements under this roadway; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation program; and

WHEREAS, the Federal participation is maximized at \$271,400; and

WHEREAS, the cost of sewer and watermain work is ineligible; and

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

WHEREAS, the total eligible estimated cost of \$495,300 is to be shared as follows:

Federal Aid	\$ 271,400
City	<u>    \$ 223,900</u>
	\$ 495,300

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for reconstruction work along Hancock Street from 10th Street to Gratiot Avenue and necessary sewer and watermain improvements under this roadway and authorizes a local match of \$223,900 and directs the appropriate City officials to execute said agreement. (See City Clerk File #03-18).

Adopted unanimously.

**R-14. Councilmember Fisher** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron leases a portion of the Thomas Edison Park to the United States Coast Guard for one of the Fort Gratiot Range Lights to aid navigation in the opening of the St. Clair River into Lake Huron; and

WHEREAS, Acheson Ventures, LLC, has agreed to improve the aesthetic appearance of the range light in the Thomas Edison Park to match the back range light that is located on the Edison Shores Condominium property; and

WHEREAS, to insure the leased premises were properly described a new description has been prepared to insure that the range light is located on the property leased to the Coast Guard to insure that the City has no responsibility for the range light or its operation; and

WHEREAS, a new lease with the United States Coast Guard to replace the prior lease has been prepared;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the United States Coast Guard to lease a spot in the Thomas Edison Park for the placement and operation of a range light to aid navigation in the opening of the St. Clair River into Lake Huron and authorizing the appropriate City officials to execute the agreement. (See City Clerk File #03-19)

Adopted unanimously.

**R-15. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, in 2001, the United States Department of Housing and Urban Development (HUD) allocated \$488,000 in HOME funding to the City of Port Huron for use in developing affordable housing for low income persons in the city; and

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

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

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

WHEREAS, Massive Impact Housing Development has been recommended to receive an award of \$97,600 from 2001 HOME funding (contingent upon meeting all applicable regulations and execution of contract agreements);

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City's Community Development Division to allocate 2001 HOME CHDO funds to Massive Impact Housing Development for the purpose of acquisition and rehabilitation of a single-family home at 2605 Vanness Street.

Adopted unanimously.

**R-16. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution, amending the Annual Action Plan to appropriate \$17,500 to Safe Horizons (homeless shelter) and deducting that same amount from the appropriation for street paving:

WHEREAS, the City of Port Huron has prepared the "Annual Action Plan" for use of Community Development Block Grant (CDBG) and HOME funds in accordance with the Five-Year Consolidated Plan (2000-2005) 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 2003 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 2003 to the U.S. Department of Housing and Urban Development for their review and approval. (See City Clerk File No. 03-20)

Adopted unanimously.

**R-17. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron, as developer of the Edison Shores Condominium Project provided, as part of the general common elements of the project, a putting green which was purchased from Putting Greens International, an Indiana company; and

WHEREAS, the putting green was found to be defective in design or installation and after attempting to resolve the matter to no avail, the City initiated litigation against Putting Greens International and was subsequently awarded a judgement in the amount of \$21,821.95 by an Indiana court; and

WHEREAS, the Edison Shores Condominium Association is in charge of and responsible for the putting green as part of the general common elements of the project and desires to provide a usable amenity to its residents;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Edison Shores Condominium Association to settle any and all claims the Association may have against the City with respect to the putting green and authorizing the appropriate City officials to execute the agreement. (See City Clerk File #03-21).

Motion adopted by the following vote:

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

No: Councilmember Sample-Wynn.

Absent: None.

**18-19. Councilmember Prax** offered and moved the adoption of the following resolutions:

**R-18.** WHEREAS, the City Council has received and considered a Preliminary Code Enforcement Report from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*1523 - 8th Street, also known as: the south 42 feet of Lot 14, Block 27, White Plat; (Code Case #03-001)*

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council of the City of Port Huron shall conduct a public hearing on *April 28, 2003*, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

- (a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.
- (b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.
- (c) Provide for the recording of such hearings.

**R-19.** WHEREAS, the City Council has received and considered a Preliminary Code Enforcement Report from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

*2405 Gratiot Avenue (storage building), described as: the west 66-2/3' of Lots 1, 2 and 3; Block 57, Plat of Village of Fort Gratiot; (Code Case #03-002)*

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Code of Ordinances of the City of Port Huron, justifying abatement by the City pursuant to the powers granted in Chapter II, Section 2, and Chapter VIII of the City Charter and procedures set forth in Article III, Chapter 6, Section 6-46, and Chapter 24, Section 24-19 and 24-20, of the Code of Ordinances of the City of Port Huron; and

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 6 and Chapter 24 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council of the City of Port Huron shall conduct a public hearing on *April 28, 2003*, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

- (a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.
- (b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City Code.
- (c) Provide for the recording of such hearings.

Motion to adopt Resolutions 18 and 19 adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. **Councilmember Prax** cited letter received from citizen complaining about snow removal and asked whether her comment that she was told there was not enough salt to do the side streets was correct. Bob Clegg, City Engineer, responded that we were low at one point but have re-ordered and received the shipment.

2. **Councilmember Schrader** remarked on seeing Tom Hutka, John Ogden and Bob Clegg's picture in the recent issue of the MML magazine when they were attending a hearing in Lansing and thanked them for lobbying on the City's behalf.

On motion (9:45 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 14, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Reverend Stan Liechty, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Pro-tem Sample-Wynn.

Present: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

Absent: Mayor Neal.

The minutes of the regular meeting of March 24, 2003, were approved.

**PRESENTATIONS**

1. Proclamation recognizing the St. Clair County Council on Aging for their 35 years of service to seniors was presented to William Smiley, President, and Laura Newsome, Director.
2. Proclamation designating the month of April 2003 to be Parkinson's Awareness Month was presented to Luann Klettner Black, Parkinson's Support Group Facilitator, Port Huron Hospital 55 Plus Operational Lead.
3. Mark Steinborn, Chairperson, Sister Cities Committee, gave a presentation on the progress made by the committee.
4. Matt Lewandowski, Streets Superintendent, gave an update on the progress of the leaf pickup program.

**PUBLIC HEARINGS**

1. **The Mayor Pro-tem** announced that this was the time to hear comments on the application of Black River Plastics, 2345 Petit Street, for an Industrial Facilities Exemption Certificate.

No one appeared to be heard.

**The Mayor Pro-tem** declared the hearing closed.

2. **The Mayor Pro-tem** announced that this was the time to hear comments on the application of Black River Plastics, 2611 - 26th Street, for an Industrial Facilities Exemption Certificate.

No one appeared to be heard.

**The Mayor Pro-tem** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Mr. Greg Powell, Chairman, Michigan State Legislative Board, Brotherhood of Locomotive Engineers, spoke regarding unmanned locomotives and the danger it poses for communities and asked Council to pass a resolution to send to the federal government asking that unmanned locomotives have and follow written safety rules.

2. Mr. Antonio Meza Estrada, Consul of Mexico, spoke relative to the passage of a resolution acknowledging the Matricular Consular identification card as a form of personal identification (Unfinished Business #1)
3. Mr. Oscar Delatoree spoke relative to the Matricular Consular identification card.
4. Mr. Ortega (?) spoke relative to the Matricular Consular identification card.
5. Mr. Mark Landschoot, representing J.D.'s Key Club, spoke stating he was available to answer any questions regarding Ordinance #1 which would allow teen nights in establishments licensed for on-premises liquor consumption under certain conditions and circumstances.
6. Mr. Anthony America, Port Huron, spoke against TIFA's and other current event items not directly related to City business.

**CONSENT AGENDA**

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

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: None.

Absent: Mayor Neal.

**AT THIS POINT**, Mayor Pro-tem Sample-Wynn announced the following, as well as relevant items adopted under the consent agenda:

- The leaf pickup program is progressing. Residents should have leaves at the curb un-bagged and ready for collection. In addition, street sweepers will sweep soon after the leaves are picked up to help clean up the streets.
- Curbside yard waste and large brush and branch pickup programs have begun. Large brush and branches are to be placed at the curb with cut ends facing the street. Piles must be clear from overhead obstructions and away from fire hydrants and stationary objects.
- The City's Beautification Commission is looking for volunteers for its annual plant day on Saturday, May 31, 8:00 a.m., meeting in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- The City's Marina Division is still looking for boaters to volunteer to help at the Water Street Marina to work one, 7-day week per month, six weeks per season beginning May 1, 2003. For further information, contact Dan Collins in the Marina Division at 984-9744.
- Beginning May 1, the Water Street Marina has seasonal boat slips for lease with full utilities for boats up to 40 feet. Slips are also available at a reduced rate for boats up to 34 feet not requiring utilities. For further information, contact Dan Collins in the Marina Division at 984-9744.

- Acheson Ventures is sponsoring a lecture and slide presentation, Tall Ships: The Fleet for the 21st Century, at St. Clair County Community College on Wednesday, May 14, 7-9 p.m. For more information or for tickets, call 989-5740.

### COMMUNICATIONS & PETITIONS

**\*C-1.** From Mr. Stephen R. Williams, Museum Director, Port Huron Museum, requesting that the vendor permit fees be waived for the Feast of the Ste. Claire and the Blue Water Indian Celebration - Pow Wow.

Received and filed and request granted.

**\*C-2.** From Mrs. Janice Dubay, Program Manager, MainStreet Port Huron, requesting that permit fees be waived for the MainStreet Market Place, Be A Tourist in Your Own Town, Sidewalk Sale, McDonagh's Carnival Event, Antique & Classic Auto Weekend, Port Huron to Mackinac Boat Race (Concession Lot), Art on the Avenue, Antique & Classic Boat Show and Happy Apple Days.

Received and filed and request granted.

**\*C-3.** From Mr. Jim Clary of Cap'n Jim's Gallery requesting \$11,000.00 funding to be paid to Media Access & Design for the creation and institution of a Maritime Capital of the Great Lakes website designed specifically to promote the City's maritime attractions and attract tourists and commercial businesses.

Received and filed and referred to administration for Council consideration during budget review.

### UNFINISHED BUSINESS

The following was postponed from the regular meeting of August 12, 2002, in order to allow administration to further research (with federal agencies) and address the issues raised such as legality of adopting such a resolution.

**1. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the government of Mexico issues to its nationals who are living abroad a form of Consular identification known as "Matricula Consular;" and

WHEREAS, the Matricula Consular is a personal identification which is valid for five years; and

WHEREAS, the Mexican Consulate issues the Matricula Consular in about 46 cities across the nation and at least two major banks with offices in the Port Huron area have agreed to accept the Matricula Consular as a form of identification; and

WHEREAS, there is an Hispanic population in and around the Port Huron area and it has deemed to be in the public interest to permit the Matricular Consular to be used as a form of identification in dealings between the public and City government;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby acknowledges the Matricular Consular as a form of identification; and

BE IT FURTHER RESOLVED that it shall be the policy of the City of Port Huron to accept the Matricula Consular as a form of identification for those departments, programs and services that require identification.

**Councilmember Cutcher** moved to amend the resolution by adding to the end of the last paragraph "additional forms of identification may be required to ensure proper eligibility for City services or benefits."

Motion to amend the resolution adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Prax and Schrader.

No: Councilmembers Fisher and Jacobs.

Absent: Mayor Neal.

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

No: Councilmembers Fisher, Jacobs, Prax.

Yes: Mayor Pro-tem Sample-Wynn and Councilmembers Cutcher and Schrader.

Absent: Mayor Neal.

### FROM THE CITY MANAGER

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

On April 4, 2003, the City of Port Huron received the following two (2) bids for dredging of the River Street Marina (2,000 cubic yards) and the Water Street Municipal Marina (1,000 cubic yards), and offloading cost for the Black River Dredging Project:

Malcolm Marine, Inc.	\$ 77,500.00
Waterfront Construction Co.	\$109,600.00

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 amount of Seventy-Seven Thousand Five Hundred and 00/100 Dollars (\$77,500.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: None.

Absent: Mayor Neal.

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

On March 27, 2003, the City of Port Huron received eight (8) proposals with various options for a play scape and additional equipment needed to renovate Knox Field. Proposals received are as follows:

Play Environments	
Option #1	\$ 34,261.00
Option #2	\$ 36,701.00
Option #3	\$ 37,411.00
Jack Golden Associates	\$ 35,410.56
Quality Time Recreation	\$ 36,321.20
Jennings	\$ 36,474.00
Continental Leisure	
Option #1	\$ 38,563.00
Option #2	\$ 37,877.22
Engan-Tooley-Doyle,	
Options #1-3	\$ 37,907.00
Michigan Playgrounds	
Option #1	\$ 38,641.04
Option #2	\$ 38,543.84
Option #3	\$ 38,642.84
Midwest Recreation,	
Options #1 & 2	\$ 40,092.25

It is recommended that the proposal from Play Environments (Option #1), 563 College Avenue, Holland, Michigan 49423, in the amount of Thirty-Four Thousand, Two Hundred Sixty-One and 00/100 Dollars (\$34,261.00) be accepted as the best proposal and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.  
 No: None.  
 Absent: Mayor Neal.

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

On March 27, 2003, the City of Port Huron received four (4) bids for a total of twenty-seven (27) portable restrooms to be used in various city parks, for a period of not less than six months. Bids received are as follows:

Scotty's Potty's	\$ 28,752.00
Carl's Septic Service	\$ 44,448.00
Porta-John Systems, Inc.	\$ 49,878.00
Jay's Portable Toilets	*

\* Did not meet bid specifications

It is recommended that the bid from Scotty's Potty's, 1731 Whipple Street, Port Huron, Michigan 48060, in the amount of Twenty-Eight Thousand Seven Hundred Fifty-Two and 00/100 Dollars (\$28,752.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.  
 No: None.  
 Absent: Mayor Neal.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.  
 No: None.  
 Absent: Mayor Neal.

**\*R-2.** WHEREAS, Black River Plastics, 2345 Petit Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on April 14, 2003, 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 Black River Plastics 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: 12/31/03 to 12/31/09 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 Black River Plastics is located.

Adopted.

**\*R-3.** WHEREAS, Black River Plastics, 2611 - 16th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

WHEREAS, the Port Huron City Council held a public hearing on April 14, 2003, 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 Black River Plastics 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: 12/31/03 to 12/31/09 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 Black River Plastics is located.

Adopted.

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

WHEREAS, the Port Huron Police Department utilizes New World standard software in its AS-400 program; and

WHEREAS, it is necessary to maintain a Standard Software Maintenance Agreement for additions, revisions, upgrade and support of the program; and

WHEREAS, the current maintenance agreement expires August 31, 2003;

WHEREAS, New World Systems Corporation has submitted a standard software maintenance agreement effective September 1, 2003 to August 31, 2006 at a cost of \$47,850.00 annually;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the agreement with New World Systems Corporation, 888 W. Big Beaver, Suite 1100, Troy, Michigan 48084-4749, for standard software maintenance agreement and authorizes and directs the proper City officials to execute the agreement (See City Clerk File #03-22).

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: None.

Absent: Mayor Neal.

**\*R-5.** WHEREAS, the Board of Review has completed the review, correction and certification of the 2003 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 2003 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #03-23).

Adopted.

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

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 Bureau 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 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 Bureau to provide 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 Bureau 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 December 31, 2008, with the ability to extend the agreement an additional three (3) years. (See City Clerk File #03-24)

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: None.

Absent: Mayor Neal.

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

WHEREAS, there exists several expired terms;

NOW, THEREFORE, BE IT RESOLVED that Robert DeVary, Kathy Holth and Deborah Lemke be reappointed to the Beautification Commission for terms to expire on January 30, 2006.

Adopted.

\*R-8. WHEREAS, J.D.'s Key Club (John DelCampo) has requested a temporary outdoor service permit for July 18, 2003, for use in conjunction with his current Class C-SDM license, located at 210 Huron Avenue;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

\*R-9. WHEREAS, Sandwaf Company, LLC (Gary Van Biervliet), has requested transfer of ownership of 2002 Class C licensed business with dance-entertainment permit, located at 319-321 Huron Avenue (H.A.C.) from Wilkie Enterprises, Inc.:

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

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

WHEREAS, an agreement for sanitary sewage disposal service for Fort Gratiot Township was entered into between the City of Port Huron and the County of St. Clair by its Board of Public Works on June 16, 1972; and

WHEREAS, an agreement for sanitary sewage disposal service for Kimball Township was entered into between the City of Port Huron and the County of St. Clair by its Board of Public Works on December 14, 1977; and

WHEREAS, an agreement for sanitary sewage disposal service for Port Huron Township was entered into between the City of Port Huron and the Township of Port Huron on May 5, 1976, and modified by a modification agreement dated October 20, 1977; and

WHEREAS, those agreements provided sharing of the costs of construction, operation and maintenance of the sanitary sewage disposal system; and

WHEREAS, it is necessary to make capital improvements over the next several years for the solids handling and other waste treatment plant improvements at substantial cost; and

WHEREAS, the City of Port Huron may be able to obtain very beneficial and favorable interest rates for the borrowing or bonding to cover the costs of such capital improvements; and

WHEREAS, the City of Port Huron desires to share the benefits of such favorable interest rates with St. Clair County and Fort Gratiot Township, Kimball Township and Port Huron Township; and

WHEREAS, the County of St. Clair and Fort Gratiot Township, Kimball Township and Port Huron Township agree that it is the best interests of there citizens that the benefits of such favorable interest rates be shared with them; and

WHEREAS, it is necessary to enter into a Supplemental Agreement and Addendum to the respective township agreements to provide for the sharing of such benefits;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement to amend the agreement for sanitary sewage disposal service for Fort Gratiot Township that was entered into between the City of Port Huron and the County of St. Clair by its Board of Public Works on June 16, 1972, the agreement for sanitary sewage disposal service for Kimball Township that was entered into between the City of Port Huron and the County of St. Clair by its Board of Public Works on December 14, 1977, and the agreement for sanitary sewage disposal service for Port Huron Township that was entered into between the City of Port Huron and the Township of Port Huron on May 5, 1976, and modified by a modification agreement dated October 20, 1977, and authorizes the appropriate City officials to execute the agreements. (See City Clerk File #03-25)

Motion adopted by the following vote:

- Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.
- No: None.
- Absent: Mayor Neal.

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

WHEREAS, the City of Port Huron owns a vacant lot at the corner of Electric Avenue and Moak Street; and

WHEREAS, an offer has been received from Yaldo Construction, to purchase the parcel for \$10,000; and

WHEREAS, Yaldo Construction intends to combine the parcel with his existing parcel and seek rezoning to build a residential condominium project; and

WHEREAS, the City desires to provide housing for its residents;

NOW, THEREFORE, BE IT RESOLVED that the appropriate City Officials are hereby authorized to convey, by Quit Claim Deed, the following described property to Yaldo Construction for Ten Thousand and 00/100 Dollars, subject to approval of re-zoning request and approval of project site plan and elevations: Lot 132, Assessor's Military Street Plat No. 3

Motion adopted by the following vote:

- Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.
- No: None.
- Absent: Mayor Neal.

**R-12.** Councilmember Fisher offered and moved the adoption of the following resolution:

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

WHEREAS, Community Development Block Grant funds have been used to assist a variety of projects within the Port Huron such as: housing rehabilitation programs, street repaving programs, the removal of architectural barriers (Museum and Senior Center), site improvements for new housing developments (Renaissance South, Rivertown Green, and Ramblewood), creation of housing for the elderly (Grandview Towers), increased fire fighting capacity (24th Street Fire Station), home ownership programs, and neighborhood preservation programs (Court, Wall and Union Streets) and;

WHEREAS, the Community Development Block Grant program and similar Community Development programs funded through the state and federal government have increased private financial leveraging in economic projects and community service projects and has acted as a catalyst for increased awareness of community services and needs; and

WHEREAS, future programs depend upon community awareness and federal commitment to Community Development goals and the Community Development Block Grant Program; and;

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

NOW, THEREFORE, BE IT RESOLVED, the City of Port Huron joins other states, municipalities, and agencies around the United States in calling attention to the importance of the services offered to low or moderate income residents and to reaffirm the need to continue with those efforts by designating the week of April 21 through April 27, 2003, for observation and celebration of "National Community Development Week."

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: None.

Absent: Mayor Neal.

**R-13. Councilmember Jacobs** offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request to rezone the following described property from "A-1" Multi-Family Residential District to "M-1" Light Industrial District:

that portion of Outlot E, Assessor's Military Street Plat Number 3, lying north of the centerline of Cleveland Avenue, also known as 1919 Cleveland Avenue, City of Port Huron; and

WHEREAS, on April 1, 2003, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning commission, after due consideration, recommend approval (vote: 7 ayes; 0 nays; 2 absent) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for May 12, 2003, to hear comments on the above request, or in the case of a negative vote, hereby denies the request for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: None.

Absent: Mayor Neal.

**R-14. Councilmember Jacobs** offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request to rezone the following described property from "B" Neighborhood Business District to "M-2" General Industrial District:

the northeasterly 153 of Lot 2, Boynton's Plat

and, by changing the following area from "R-1" Single- and Two-Family Residential, to "M-2" General Industrial District:

the northeasterly 80 feet of the southwesterly 160 feet of Lot 2, Boynton's Plat, also known as the corner of Rural and Water Streets, City of Port Huron.

WHEREAS, on April 1, 2003, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning commission, after due consideration, recommend approval (vote: 7 ayes; 0 nays; 2 absent) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for May 12, 2003, to hear comments on the above request, or in the case of a negative vote, hereby denies the request for the rezoning of the above described property.

Motion adopted by the following vote:

Yes: Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.

No: Mayor Pro-tem Sample-Wynn.

Absent: Mayor Neal.

**R-15. Councilmember Fisher** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron approved an agreement with World Waste to collect residential refuse in the City of Port Huron; and

WHEREAS, the City asked for public input on a proposal to change this service from a five-day-a-week program to a two-day-a-week program; and

WHEREAS, World Waste has agreed to provide two-day refuse collection services at no additional cost in accordance with all other terms of their original contract; and

WHEREAS, this is part of the City's commitment to revitalize Port Huron;

NOW, THEREFORE, BE IT RESOLVED that the City Council establishes the schedule for the collection of residential solid waste to a two-day a week schedule with all residential properties north of the Black River to be collected on Mondays and all residential properties south of the Black River to be collected on Tuesdays, in accordance with the attached map.

Motion adopted by the following vote:

- Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Prax and Schrader.
- No: Councilmember Jacobs.
- Absent: Mayor Neal.

**ORDINANCES**

**O-1. Councilmember Cutcher** moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC LIQUOR, SECTION 3-7, MINORS PROHIBITED IN ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION; EXCEPTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ALLOWING PERSONS UNDER THE AGE OF 18 YEARS UNACCOMPANIED BY A PARENT OR GUARDIAN ON THE PREMISES UNDER SPECIFIED CONDITIONS AND CIRCUMSTANCES.

Motion *rejected* by the following vote:

- No: Councilmembers Fisher, Jacobs, Prax and Schrader.
- Yes: Mayor Pro-tem Sample-Wynn and Councilmember Cutcher.
- Absent: Mayor Neal.

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

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, DIVISION 6 THROUGH DIVISION 9, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF CREATING THE CONSTRUCTION BOARD OF APPEALS TO REPLACE THE BUILDING BOARD OF APPEALS, THE MECHANICAL BOARD, THE PLUMBING BOARD AND THE ELECTRICAL BOARD, PURSUANT TO THE PROVISIONS OF PUBLIC ACT 230 OF 1972, AS AMENDED.

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

- Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.
- No: None.
- Absent: Mayor Neal.

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

AN ORDINANCE TO AMEND CHAPTER 10, ELECTRICAL REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF BRINGING THE ELECTRICAL CODE INTO COMPLIANCE WITH THE ADOPTED MICHIGAN ELECTRICAL CODE.

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

- Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.
- No: None.
- Absent: Mayor Neal.

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

AN ORDINANCE TO AMEND CHAPTER 27, SWIMMING POOLS, SECTION 27-12, FENCING, FOR THE PURPOSE OF DELETING REFERENCE TO THE BUILDING BOARD OF APPEALS AND REPLACING WITH THE CONSTRUCTION BOARD OF APPEALS.

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

- Yes: Mayor Pro-tem Sample-Wynn; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.
- No: None.
- Absent: Mayor Neal.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Prax** requested administration to look into railroads having unmanned locomotives and to report back as to what is going on with this issue. Also, Council received a letter from a resident regarding Peru Village and the age levels of people living in the units and requested an update on the situation.

**2. Councilmember Fisher** announced that the Olde Town Neighborhood Historical Home Tour will be held Sunday, September 14, 2003, and the event is being expanded this year to include more of the entire city.

**3. Councilmember Sample-Wynn** extended congratulations to Capac, Yale, Port Huron High and Port Huron Northern for their participation in last weekend's State Quiz Bowl held in Lansing, Michigan, and stated that the Port Huron Northern team finished fifth in the state competition.

On motion (9:35 p.m.), meeting adjourned.

SUSAN M. CHILD, CMC  
Deputy City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 28, 2003, at 5:45 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Sample-Wynn and Schrader.

Absent: Councilmember Prax

1. Economic Development Alliance (EDA) update was given by Douglas Alexander, Executive Director, and Marshall Campbell, Board Member, and a request was submitted to increase the amount the City contributes in FY 2003-04.

2. Tom Hutka, City Manager, gave an overview to City Council about legislative initiatives for state and federal government and plans to better track and inform the City Council as well as an increased effort in researching grants. Pauline Repp, City Clerk, distributed copies of a platform of state and federal issues that the City would support with legislators and went over the specifics of requests that have been made.

On motion (7:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 28, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

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

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutchner, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of April 14, 2003, were approved.

**PRESENTATIONS**

1. Proclamation proclaiming Saturday, May 10, 2003, as National Association of Letter Carriers (NALC) Food Drive Day was presented to Christine Brown, NALC Food Drive Coordinator.
2. Proclamation recognizing the celebration of Arbor Day and Earth Day events on April 29, 2003, was presented to Robert W. Eick, Fire Chief.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on Code Case #03-001, 1523 - 8th Street, to ascertain and determine whether it constitutes a nuisance as defined by Section 6-46, Chapter 6, and Section 20-3, Chapter 20, of the Port Huron City Code. (See Resolution #9)

City Clerk Pauline Repp read into the record that the property owners of record were sent notification of the hearing. Planning Director Kim Harmer stated the facts.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

NOTE: Code Case #03-002, 2405 Gratiot Avenue (storage building) was scheduled for a public hearing this date and has been removed from the agenda as the structure has been demolished.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The leaf pickup program is progressing. Residents should have leaves at the curb un-bagged and ready for collection. In addition, street sweepers will sweep soon after the leaves are picked up to help clean up the streets.

- Curbside yard waste and large brush and branch pickup programs have begun. Large brush and branches are to be placed at the curb with cut ends facing the street. Piles must be clear from overhead obstructions and away from fire hydrants and stationary objects.
- The City's Beautification Commission is looking for volunteers for its annual plant day on Saturday, May 31, 8:00 a.m., meeting in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Beginning May 1, the Water Street Marina has seasonal boat slips for lease with full utilities for boats up to 40 feet. Slips are also available at a reduced rate for boats up to 34 feet not requiring utilities. For further information, contact Dan Collins in the Marina Division at 984-9744.
- Acheson Ventures is sponsoring a lecture and slide presentation - Tall Ships: The Fleet for the 21st Century at St. Clair County Community College on Wednesday, May 14, 7-9 p.m. For more information or for tickets, call 989-5740.
- McMorran Authority has a vacancy on its board. Anyone wishing to apply can get an application on the City's website or in the City Clerk's office.

**COMMUNICATIONS & PETITIONS**

- \***C-1.** From Richard C. Engle, Acheson Ventures, LLC, requesting the permit fees be waived for the Southside Summer Festival (June 27-29) to be held at Memorial Park and Stadium on 24th Street.

*Received and filed and permit fees waived.*

- \***C-2.** Notification from the Michigan Municipal League that the Annual Convention will be held September 16 - 19, 2003, at the Marriott Hotel/Renaissance Center in Detroit, Michigan.

*Received and filed and Council authorized to attend.*

**FROM THE CITY MANAGER**

- \***CM-1.** The proposed Capital Improvement Program for 2003-2004 through 2007-2008 (See City Clerk File #03-26) be received for further review of the City Council, that a public hearing thereon be held on May 12, 2003, at 7:30 p.m. in the Public Meeting Room in the Municipal Office Center, and that the City Clerk be instructed to provide interested citizens with a copies of this Capital Improvement Program and to publish notice of said hearing at least one week in advance of May 12, 2003.

Received and filed and public hearing scheduled.

- \***CM-2.** The proposed Operating Budget for Fiscal Year 2003-04 (See City Clerk File #03-27) be received for further review of the City Council, that a public hearing thereon be held on May 12, 2003, at 7:30 p.m., in the Public Meeting Room in the Municipal Office Center, that the City Clerk be instructed to place on display copies of this proposed budget and to publish notice of said hearing at least one week in advance of May 12, 2003.

Received and filed and public hearing scheduled.

## RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

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

WHEREAS, the Port Huron Police Department utilizes a Live-Scan fingerprint system; and

WHEREAS, it is necessary to maintain a contract for annual maintenance services of the fingerprinting system; and

WHEREAS, the current maintenance contract expires May 19, 2003; and

WHEREAS, Identix Empowering Identification's Maintenance Agreement Quotation for system maintenance will cover the period from May 20, 2003 to May 19, 2004 at a cost of \$6,985.65; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the agreement with Identix Empowering Identification, 100 Cooper Court, Los Gatos, California 95032, for Live-Scan fingerprinting system maintenance and authorizes and directs the proper City officials to execute the agreement (See City Clerk File #03-28).

Adopted unanimously.

**\*R-3.** WHEREAS, on February 24, 2003, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Big Daddy's Bar & Grill, 1211 Griswold Street, Class C/SDM (Cheryl A. And Lester Diepenhorst)

for non-payment of personal property taxes and utility charges and filing of income tax reports; and

WHEREAS, all payments and filings have been made by Big Daddy's Bar & Grill;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2003-04 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

**\*R-4.** WHEREAS, it is anticipated that there will be no need to hold a second meeting in the months of June, July and August;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meetings of June 23, July 28 and August 25, 2003; and
- b) Instructs the City Manager to not prepare agendas for these regular meetings; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meetings of June 23, July 28 and August 25, 2003, will not be held.

Adopted.

**R-5.** Downtown Port Huron Commercial Development Action Plan adopted, but omitted from minutes. See March 8, 2004, for documentation.

**\*R-6.** WHEREAS, the Greater Port Huron Area Chamber of Commerce has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

WHEREAS, the Bureau requires a resolution from the local government recognizing the organization as non-profit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize the Greater Port Huron Area Chamber of Commerce as a non-profit organization in the City of Port Huron.

Adopted.

**\*R-7.** WHEREAS, Alfred Cardillo, Alessandro D'Alessandro and Bruno D'Alessandro have requested transfer of ownership of 2000 Class C-SDM licensed business, with Sunday sales, located in escrow, at 1120 Military Street, from Monschau Enterprises, Inc.;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

**\*R-8.** WHEREAS, Pompeii of Port Huron, Inc., (Debbie and Neil A. Pickelhaupt) has requested transfer of ownership of 2000 Class C-SDM licensed business, with Sunday sales, located in escrow at 1120 Military Street, from Alfred Cardillo, Alessandro D'Alessandro and Bruno D'Alessandro;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

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

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

*1523 - 8th Street, also known as: the south 42 feet of Lot 14, Block 27, White Plat,*

has been brought to the attention of the City Council by the Building Official, claiming such condition constitutes a nuisance; and

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

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

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

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted March 24, 2003, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Section 6-46, Chapter 6 and Section 20-3, Chapter 20, Port Huron City 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 Section 6-46, Chapter 6, and Section 20-3, Chapter 20, Port Huron City Code, 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**.

3. That any costs incurred in abatement of such conditions and nuisances are to be assessed against the property in accordance with Chapter 24, Sections 24-19 and 24-20 of the Port Huron City Code of Ordinances.

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

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

(NOTE: Gregory Stremers, Attorney for the property owner, addressed Council at this point stating that they had no objections to the demolition.)

Adopted unanimously.

\*R-10. WHEREAS, Act 197 of 1975, the Downtown Development Authority Act, authorizes the City of Port Huron Downtown Development Authority to levy up to a 1.9874 mill ad valorem tax on the taxable value of all real and personal property within the district boundaries; and

WHEREAS, the City of Port Huron Development Authority will receive a tentative budget for the 2003-2004 fiscal year in the amount of \$1,598,070 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 2003-2004 fiscal year are subject to approval by the City Council of the City of Port Huron.

NOW, THEREFORE, BE IT RESOLVED that the tentative budget of the City of Port Huron Downtown Development Authority (City Clerk's File #03-30) be received for further review by the City Council and that a public hearing thereon be held May 12, 2003.

Adopted.

\*R-11. WHEREAS, on February 24, 2003, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Martini Joe's, 3954 - 24th Avenue, Class C/SDM (Michelle M. Anter)

for non-payment of personal property taxes and utility charges and filing of income tax reports; and

WHEREAS, all payments and filings have been made by Martini Joe's;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2003-04 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

**ORDINANCES**

**O-1. Councilmember Prax** moved that an ordinance introduced April 14, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1205

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, DIVISION 6 THROUGH DIVISION 9, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF CREATING THE CONSTRUCTION BOARD OF APPEALS TO REPLACE THE BUILDING BOARD OF APPEALS, THE MECHANICAL BOARD, THE PLUMBING BOARD AND THE ELECTRICAL BOARD, PURSUANT TO THE PROVISIONS OF PUBLIC ACT 230 OF 1972, AS AMENDED.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 2, Administration, Division 6 through Division 9, of the Code of Ordinances of the City of Port Huron, for the purpose of creating the construction board of appeals to replace the building board of appeals, the mechanical board, the plumbing board and the electrical board, pursuant to the provisions of Public Act 230 of 1972, as amended of the Code of Ordinances of the City of Port Huron, be and the same is hereby amended to read as follows:

**CHAPTER 2. ADMINISTRATION  
DIVISION 6. CONSTRUCTION BOARD OF APPEALS**

**Sec. 2-301. Created; composition.**

In order to determine the suitability of alternate materials and types of construction, and to provide for reasonable interpretations of the provisions of building codes, there shall be and is hereby created a construction board of appeals consisting 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, to pass upon matters pertaining to building construction. The chief inspector shall act as secretary of the board.

**Sec. 2-302. Appointment and terms of members.**

The members of the construction board of appeals created by this division shall be appointed by the city council and shall hold office for a three year term or until their successors are appointed. Two members of the first construction board of appeals shall be appointed for one, two-year term with successive appointments being three year terms.

**Sec. 2-303. Rules; decisions and findings; recommendations to council.**

The board created by this division shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the chief inspector, with a duplicate copy to the appellant, and may recommend to the city council such new legislation as is consistent therewith.

**Secs. 2-304-2.315. Reserved.**

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 04/28/03  
PUBLISHED: 05/03/03  
EFFECTIVE: 05/03/03

Adopted unanimously.

**O-2. Councilmember Prax** moved that an ordinance introduced April 14, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1206

AN ORDINANCE TO AMEND CHAPTER 10, ELECTRICAL REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF BRINGING THE ELECTRICAL CODE INTO COMPLIANCE WITH THE ADOPTED MICHIGAN ELECTRICAL CODE.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 10, Electrical Regulations, of the Code of Ordinances of the City of Port Huron, for the purpose of bringing the electrical code into compliance with the adopted Michigan Electrical Code, is hereby amended as follows:

**CHAPTER 10. ELECTRICAL REGULATIONS  
ARTICLE I. RESERVED**

**Sec. 10-1-10-30. Reserved.**

**ARTICLE II. ELECTRICAL CODE**

**Sec. 10-31. Adopted; availability of copies.**

(a) The "Michigan Electrical Code" is hereby adopted, by reference, as the Electrical Code of the City of Port Huron, pursuant to Act 230 of the Public Acts of Michigan, 1972, as amended.

(b) Complete printed copies of the Michigan Electrical Code adopted by this article are available for public use and inspection at the office of the city clerk, and the clerk shall keep copies available for sale to the public at the retail cost thereof.

**Sec. 10-32. Fees.**

A fee schedule for electrical permits and inspections shall be adopted by resolution of the City Council of Port Huron and amended, as necessary, by resolution of the City Council of the City of Port Huron.

**Sec. 10-33. Pending Matters.**

Nothing in this article or in the Michigan Electrical Code or any administrative rules and amendments hereby adopted, shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any act or ordinance, hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.

**Sec. 10-34. Severability.**

The provisions of this article are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

**Sec. 10-35. Penalty.**

(a) All violations of this article shall be civil infractions and upon conviction thereof, shall be punishable by a fine of not more than \$500.00.

(b) The imposition of any sentence shall not exempt an offender from compliance with the provisions of this article.

(c) The foregoing penalty shall not prohibit the City of Port Huron from seeking injunctive relief against a violator or such other appropriate relief, as may be provided by the law.

(d) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(e) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Section 10-36. Effective date.**

This article shall become effective on May 3, 2003.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 04/28/03  
PUBLISHED: 05/03/03  
EFFECTIVE: 05/03/03

Adopted unanimously.

**O-3. Councilmember Fisher** moved that an ordinance introduced April 14, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1207

AN ORDINANCE TO AMEND CHAPTER 27, SWIMMING POOLS, SECTION 27-12, FENCING, FOR THE PURPOSE OF DELETING REFERENCE TO THE BUILDING BOARD OF APPEALS AND REPLACING WITH THE CONSTRUCTION BOARD OF APPEALS.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 2, Swimming Pools, Section 27-12, Fencing, of the Code of Ordinances of the City of Port Huron, for the purpose of deleting reference to the building board of appeals and replacing with the construction board of appeals, as amended of the Code of Ordinances of the City of Port Huron, be and the same is hereby amended to read as follows:

**CHAPTER 27. SWIMMING POOLS**

**Sec. 27-1 through Sec. 27-11.**

No changes.

**Sec. 27-12. Fencing.**

(a) All swimming pools now or hereafter constructed outside of a building shall be enclosed by a fence extending from the ground to a point at least four feet above any ground, or at least four feet above any climbable stationary object within three feet of the fence. Such fence shall be one of the following types:

- (1) A chain link fence with mesh not exceeding 2-1/4 inches;
- (2) A vertical board or pole fence, with boards or poles spaced not greater than two inches, and all horizontal members shall be on the pool side of the fence;
- (3) A solid fence having a flush exterior.

(b) Gates for fences required by this section shall meet the requirements for fence construction, shall be self-closing and self-latching and equipped with a latch capable of securely holding the gate closed and mounted on the inside of the gate, not readily available for children to open. Service gates not ordinarily used for ingress or egress for swimmers need not be self-closing or self-latching.

(c) For the purpose of determining suitable alternate types of fences and gates, the construction board of appeals is hereby granted the authority to make such rulings.

(d) Fences existing on February 26, 1973, which do not conform to this section shall be allowed to remain, providing they meet the following:

- (1) The height requirements of subsection (a) in this section.
- (2) The gates conform with subsection (b) in this section.
- (3) No openings are large enough for the passage of children.

At such time as such a fence requires replacement, all provisions of this section shall be complied with.

(e) The outer vertical wall of an aboveground swimming pool may be deemed an adequate enclosure, provided the upper rim of the wall must be not less than four feet above the underlying ground and the wall must be without horizontal ribbing. The ladder to the pool shall be a safety ladder. An attached fixed ladder shall be enclosed in accordance with subsection (a) of this section.

**Sec. 27-13. through Sec. 27-16.**

No changes.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 04/28/03  
PUBLISHED: 05/03/03  
EFFECTIVE: 05/03/03

Adopted unanimously.

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

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 12, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Reverend Stephen Johnson, Hillside Wesleyan Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular and special meeting of April 28, 2003, were approved.

**PRESENTATIONS**

1. Proclamation declaring the week of May 11-17, 2003, to be Police Week and specifically recognizing May 15, 2003, as Peace Officers' Memorial Day was presented to William J. Corbett, Police Chief.
2. Councilmember James Fisher gave a presentation on his recent attendance at the Michigan Historic Preservation Network conference held April 24-26, 2003, in Kalamazoo, Michigan.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the request to rezone property located at 1919 Cleveland Avenue from "A-1" Multi-Family Residential District to "M-1" Light Industrial District. (See Ordinance #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request to rezone property located on Water and Rural Streets from "B" Neighborhood Business District and "R-1" Single and Two-Family Residential to "M-2" General Industrial District. (See Ordinance #3)

A letter signed by 17 individuals opposing the rezoning of the property has been received and an additional 15 names added at tonight's meeting.

Marilee Riehl, 305 Rural Street, and Mr. Riehl addressed Council in opposition. Chester Story, 19 Rural St., and Donald Dagg, requester of rezoning, addressed Council in support.

**The Mayor** declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the proposed operating budget for fiscal year 2003-04.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the proposed capital improvement program for fiscal years 2003-04 through 2007-08.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

5. **The Mayor** announced that this was the time to hear comments on the proposed Port Huron Downtown Development Authority budget for fiscal year 2003-04.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Jim Clary, 211 Huron Avenue, addressed City Council requesting funding in the amount of \$10,510 for the creation and institution of a Maritime Capital of the Great Lakes website.
2. David Belair, 1334 Division, addressed City Council representing St. Clair Co. Allied Vets and their Memorial Day Parade and inviting all citizens to watch the parade May 25 at 1:00 p.m. and remember those who defend us.
3. Trace Ribble, 1215 Beard Street, addressed City Council about the need for additional work on boulevard restoration following sewer separation in his neighborhood. He submitted a petition with 45 names.
4. Paul Donald Schultz, candidate for Council, addressed City Council stating he is surprised how few people are here and concurred with Mr. Ribble's remarks.
5. Gene Hancock, 1401 Oak Street, thanked Manager and Council for recent repair of sewer.
6. Sharon Bender, South Blvd., addressed City Council and said thank you for alleviating several blight problems in her neighborhood and in support of request to expand 300 feet distance notification for rezoning (Communication #2) and invited attendance at the Feast of Ste. Claire in Pine Grove Park during Memorial Weekend.

**CONSENT AGENDA**

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

Adopted unanimously.

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

- The City's Home Improvement Contest is now underway. Applications are available at the Community Development Division, third floor of the M.O.C., and will be accepted through July 31. Improvements should be completed by August 31 and prizes will be awarded in September.

- May is "Operation Clean-Up" month. Residents are encouraged to clean up their yard, clear off their front porch and improve the conditions of their neighborhoods.
- The Beautification Commission is looking for volunteers for its annual plant day on Saturday, May 31, 8:00 a.m., meeting in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- The Water Street Marina has seasonal boat slips for lease with full utilities for boats up to 40 feet. Slips are also available at a reduced rate for boats up to 34 feet not requiring utilities. For further information, contact Dan Collins in the Marina Division at 984-9744.
- Acheson Ventures is sponsoring a lecture and slide presentation-Tall Ships: The Fleet for the 21st Century at St. Clair County Community College on Wednesday, May 14, 7-9 p.m. For more information or for tickets, call 989-5740.
- The annual Feast of the Ste. Claire will be held in Pine Grove Park on May 24-25, 2003.

### COMMUNICATIONS & PETITIONS

\*C-1. Notification from the Michigan Municipal League that the Region V annual meeting will be held May 29, 2003, in Marine City, Michigan.

Received and filed and Councilmembers authorized to attend.

C-2. **Councilmember Prax** moved to receive and file the following communication and refer it to the Planning Commission for a recommendation:

From Mrs. Marilee Riehl, 305 Rural Street, asking Council to consider changing the 300 foot notification for rezoning to expand the notices to include all property owners on the street.

Adopted unanimously.

### FROM THE CITY MANAGER

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

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, 2003. (See City Clerk File # 03-31).

Adopted unanimously.

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

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

WHEREAS, it is stated in the amended Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority, a Michigan Municipal Corporation, Article V, Section:

"The authority shall be directed and governed by a board of nine commissioners known as the "Commission," each to be elected by the City Council of the City of Port Huron, no member of which may be a member of the authority commission;" and

NOW, THEREFORE, BE IT RESOLVED that John Hill is hereby appointed to the Henry McMorran Memorial Auditorium Authority to fill the unexpired term of September 23, 2008. McMorran

(NOTE: The following persons submitted their names for consideration and Council voted by ballot to narrow down the field of candidates: Mark Byrne, Thomas Jay Gaffney, John Hill, Billy Sanders, Gregory Stremers, Jeremy Thrushman, and Nicole VonHiltmayer. John Hill received 4 votes and Mark Byrne received 3 votes.)

Adopted unanimously.

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

WHEREAS, the City of Port Huron has made successful application to the State Homeland Security Grant Program (SHSGP) through the Michigan Department of State Police, Emergency Management Division, to provide pass-through funds for the purchase of specialized emergency response equipment that will enhance the basic defensive capabilities of the state to respond to an incident of domestic terrorism or incident involving weapons of mass destruction; and

WHEREAS, the grant funds are allocated in accordance with the Michigan three - year domestic preparedness strategy; and

WHEREAS, the principal objectives of this Grant Agreement are to provide financial assistance for the purchase of specialized equipment to enhance the capability of state and local agencies to respond to incidents of terrorism involving the use of chemical, biological, nuclear, radiological, or explosive (CBRNE) weapons and to ensure standardization and interoperability of the specialized equipment; and

WHEREAS, the Port Huron Emergency Management Department requested funding from the Michigan State Police Emergency Management Division and recently received notification that a grant award of Seventy-Five Thousand Dollars (\$75,000.00) has been approved effective May 1, 2003 to purchase specialized equipment from the 2003 SHSGP Approved Supplies and Equipment List;

NOW THEREFORE, BE IT RESOLVED that the City Council approves the terms of the SHSGP agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports quarterly with the State of Michigan;

2. To administer the project and provide such equipment, services and materials as may be necessary to satisfy the terms of said agreement;

3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City; to determine the appropriate supplies and equipment to be acquired; to finalize each aspect of such acquisition; and to appoint Robert W. Eick, Fire Chief/Emergency Management Coordinator as Project Coordinator and authorized representative. (See City Clerk File #03-32)

Adopted unanimously.

**\*R-4.** WHEREAS, the Community Development Division for the City of Port Huron has requested the scheduling of a public hearing on May 27, 2003, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2002 (04/01/02 - 03/31/03); and

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

WHEREAS, the CAPER will be available at the City Clerk's office and the St. Clair County Library as of Monday, May 19, 2003, 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 Tuesday, June 10, 2003, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Tuesday, May 27, 2003, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER).

Adopted.

**5-6. Councilmember Jacobs** offered and moved the adoption of the following resolutions:

**R-5.** WHEREAS, Chapter 6, Buildings and Building Regulations, Section 6-28, Fees, Chapter 10, Electrical Regulations, Section 10-32 Fees, Chapter 19, Mechanical Equipment and Systems, Section 19-27 Fees, and Chapter 22, Plumbing Regulations, Section 22-32, Fees, state that fee schedules for the building, electrical, mechanical and plumbing permits and inspections 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 permit and inspection fees are hereby adopted and become immediately effective:

**BUILDING:**

Building Permit Fees (based on cost -- time and material):

\$1.00 to \$500.00	\$22.00
\$501.00 to \$2,000.00	\$22.00 first \$500.00, <b>PLUS</b> \$3.00 each additional \$100.00 or fraction of, up to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 first \$2,000.00, <b>PLUS</b> \$13.00; each additional \$1,000.00 or fraction of, up to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$352.00 first \$25,000.00, <b>PLUS</b> \$9.00 each additional \$1,000.00 or fraction of, up to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 first \$50,000.00, <b>PLUS</b> \$6.00 each additional \$1,000.00 or fraction of, up to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 first \$100,000.00, <b>PLUS</b> \$5.00 each additional \$1,000.00 or fraction of, up to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,855.00 first \$500,000.00, <b>PLUS</b> \$4.00 each additional \$1,000.00 or fraction of, up to and including \$1,000,000.00
\$1,000,000.00 and up	\$4,955.00 for the first \$1,000,000.00, <b>PLUS</b> \$3.00 each additional \$1,000.00 or fraction of

Demolition Permit (based on cost):

\$0 to 4,999	100.00
\$5,000 to 49,999	200.00
\$50,000 to 99,999	300.00
\$100,000 and up per \$10,000 of additional cost, add	100.00

Other Inspections and Fees:

Inspections outside normal business hours (minimum charge - two hours)	50.00
Re-inspection	50.00
Inspection not specifically listed (minimum charge - one-half hour)	50.00
Additional plan review required by changes, additions or revisions to plans	50.00
Use of outside consultants for plan checking and inspections or both	50.00
All projects subject to Plan Review Fee	Up to 65% of Building Permit Fee

Certificate of Occupancy Bond (refundable at issuance of final Certificate of Occupancy) 50.00

Zoning Permit, 1-5 (see below) . . . . .	15.00
1. One-story, detached accessory building used as tool and storage shed, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m)	
2. Fences six feet (1829mm) or less in height	
3. Retaining wall four feet (1219mm) or less in height measured from bottom of footing to top of wall (unless supporting a surcharge or impounding Class I, II, or III-A liquids)	
4. Platforms, walks, and driveways not more than 30" (thirty inches) (762mm) above grade and not over any basement or story below.	
5. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927L)	

**ELECTRICAL:**

1. Application Fee (Non-refundable) . . . . .	30.00
2. Service:	
Through 200 amp . . . . .	25.00
Over 200 amp through 600 amp . . . . .	30.00
Over 600 amp through 800 amp . . . . .	35.00
Over 800 amp through 1200 amp . . . . .	40.00
Over 1200 amp (GFP) . . . . .	55.00
3. Circuits (*include <u>all</u> branch circuits, regardless of load-end termination point) . . . . .	8.00
4. Lighting fixtures (per 25) . . . . .	15.00
5. Stationary appliances-dishwasher, disposal, etc.* . . . . .	7.00
6. Furnace, space heater, boiler, etc.* . . . . .	7.00
7. Electrical heating units - baseboard* . . . . .	7.00
8. Power outlets - ranges, dryers, welders, etc.* . . . . .	10.00
9. Signs:	
Unit* . . . . .	25.00
Letter* . . . . .	15.00
Neon/each 25 feet . . . . .	25.00
10. Feeders - bus ducts, all underground conducts/ circuits, etc. - per 50 feet . . . . .	10.00
11. Additional sub-panel, distribution centers, etc.* . . . . .	15.00
12. Motors, air conditioners, transformers:	
Up to 20 HP or KVA* . . . . .	25.00
21 to 50 HP or KVA* . . . . .	30.00
51 HP/KVA and over* . . . . .	35.00
13. Fire Alarms:	
Up to 10 devices . . . . .	50.00
11 to 20 devices . . . . .	100.00
Over 20 devices (each) . . . . .	7.00
14. Energy retrofit - temp controls . . . . .	50.00
15. Conduit only or grounding only . . . . .	50.00
16. Special/safety inspection (per hour) . . . . .	45.00
17. Additional inspection . . . . .	30.00
18. Final inspection . . . . .	30.00
19. Certification fee . . . . .	15.00
20. Plan review (per hour) . . . . .	50.00
21. License registration . . . . .	20.00

\*If a new circuit, it must be included in #3

\*\*Sub-panel fee is in addition to feeder in #10

**PLUMBING:**

Application fee (non-refundable) . . . . .	30.00
Mobile Home Park Site . . . . .	5.00
Fixtures, floor drains, special drains, water connected appliances . . . . .	5.00
Stacks (soil, waste, vent and conductor) . . . . .	3.00
Sewage ejectors, sumps . . . . .	5.00
Sub-soil drains . . . . .	5.00
Water Service:	
Less than two inches (2") . . . . .	5.00
Two (2") to six (6") inches . . . . .	25.00
Over six (6") inches . . . . .	50.00
Connection building drain - building sewer . . . . .	5.00
Sewers (sanitary, storm, or combined):	
Less than six inches (6") . . . . .	5.00
Six inches (6") and over . . . . .	25.00
Manholes, catch basins . . . . .	5.00
Water distributing pipe (system):	
Three-quarter inch (3/4") water distribution pipe . . . . .	5.00
One inch (1") water distribution pipe . . . . .	10.00
One and one-quarter inch (1-1/4") water distribution pipe . . . . .	15.00
One and one-half inch (1-1/2") water distribution pipe . . . . .	20.00
Two inch (2") water distribution pipe . . . . .	25.00
Over two inch (2") water distribution pipe . . . . .	30.00
Reduced pressure zone back-flow preventer . . . . .	5.00
Special/safety inspection (includes certification fee) . . . . .	45.00
Additional inspection underground plumbing . . . . .	30.00
Final inspection . . . . .	30.00
Certification fee . . . . .	15.00
Plan review (per hour) . . . . .	50.00
License registration fee . . . . .	15.00

**MECHANICAL:**

Application fee (non-refundable) . . . . .	30.00
Residential heating system (includes duct and pipe) . . . . .	50.00
Gas/oil burning equipment - new and/or conversion units . . . . .	30.00
Residential boiler (state boiler license required) . . . . .	30.00
Water heater . . . . .	5.00
Flue/vent damper . . . . .	5.00
Solid fuel equipment (includes chimney) . . . . .	30.00
Gas burning fireplace . . . . .	30.00
Chimney, factory built - installed separately . . . . .	25.00
Solar - set of three panels (includes piping) . . . . .	20.00
Gas piping; each opening - new installation . . . . .	5.00
Air conditioning (includes split systems) . . . . .	30.00
Heat pumps; complete residential . . . . .	30.00
Bath, kitchen and dryer exhaust . . . . .	5.00
Tanks:	
Aboveground . . . . .	20.00
Underground . . . . .	25.00
Humidifiers . . . . .	10.00
Piping (minimum \$25.00) . . . . .	0.05/ft.
Duct (minimum \$25.00) . . . . .	0.10/ft.
Heat pumps; commercial (pipe not included) . . . . .	20.00
Air handlers/heat wheels:	
Under 10,000 CFM . . . . .	20.00
Over 10,000 CFM . . . . .	60.00
Commercial hoods . . . . .	15.00
Heat recovery units . . . . .	10.00
V.A.V. boxes . . . . .	10.00

Unit ventilators . . . . .	10.00
Unit heaters (terminal units) . . . . .	15.00
Fire suppression/protection (minimum \$20.00) . . .	1.00/head
Evaporator coils . . . . .	30.00
Refrigeration (spilt system) . . . . .	30.00
Chiller . . . . .	30.00
Cooling towers . . . . .	30.00
Compressor . . . . .	30.00
Special/safety inspection (includes certification fee) . .	45.00
Additional inspection . . . . .	30.00
Final inspection . . . . .	30.00
Certification fee . . . . .	15.00
Plan review (per hour) . . . . .	50.00
License registration fee . . . . .	15.00

**R-6.** WHEREAS, a review of planning fees for the City of Port Huron was recently conducted; and

WHEREAS, the review revealed the need to adjust the fees;

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

Site Plan Review:

Single-family and two-family residential . . . . .	No Charge
Multi-family and/or commercial (less than two acre site) . . . . .	200.00
Multi-family and/or commercial (more than two acre site) . . . . .	300.00
Re-check fee (additional site plan review due to corrections/revisions) . . . . .	100.00
Street or alley vacation . . . . .	100.00
Request for special use permit . . . . .	100.00

Motion to adopt Resolutions 5 and 6 adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
- No: Councilmember Schrader.
- Absent: None.

**R-7. Councilmember Prax** offered and moved the consideration of the following resolution:

WHEREAS, the City Planning Commission has received a request from Isam S. Yaldo to rezone the following described property from "C-1" General Business District to "A-1" Medium Density Multiple Family:

*Lots 131 and 132, Assessor's Military Street Plat Number 3, City of Port Huron; and*

WHEREAS, on May 6, 2003, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for June 9, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Isam S. Yaldo for the rezoning of the above described property.

Adopted unanimously and hearing to be scheduled.

**R-8. Councilmember Prax** offered and moved the consideration of the following resolution:

WHEREAS, the City Planning Commission has received a request from Acheson Ventures, LLC to vacate the following described portion of street:

*that portion of White Street between the east right-of-way line of Military Street and the west right-of-way line of Fourth Street and being adjacent to Lots 7 and 8, Block 63, and Lots 1 and 10, Block 64, White Plat; and*

WHEREAS, on May 6, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote 7 ayes; 0 nays; 1 absent; 1 abstained) of the vacation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for June 9, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request from Acheson Ventures, LLC, for vacation of the above described property.

Adopted unanimously and hearing to be scheduled.

**R-9. Councilmember Prax** offered and moved the consideration of the following resolution:

WHEREAS, the City Planning Commission has received a request from Acheson Ventures, LLC to vacate the following described portion of street:

*that portion of Fourth Street between the north right-of-way line of Griswold Street and the south right-of-way line of Chestnut Street and being adjacent to Lots 8 through 14, Block 63, and Lots 6 through 10, Block 64, White Plat; and a part of Section 10; and*

WHEREAS, on May 6, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote 7 ayes; 0 nays; 1 absent; 1 abstained) of the vacation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for June 9, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request from Acheson Ventures, LLC, for vacation of the above described property.

Adopted unanimously and hearing to be scheduled.

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

WHEREAS, the City Planning Commission has received a request from the Port Huron Neighborhood Housing Corporation to rezone the following described property from "A-1" Medium Density Multiple Family Residential District to "R-1" Single- and Two-Family Residential District:

*Lot 3, Block 25, White Plat, also known as 816 Union Street, City of Port Huron; and*

WHEREAS, on May 6, 2003, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for June 9, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the Port Huron Neighborhood Housing Corporation for the rezoning of the above described property.

Adopted unanimously and hearing to be scheduled.

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

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

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional engineering services for Project No. D03-0020;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services during the 16th Avenue Sewer Separation Phase I project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-33).

Adopted unanimously.

**R-12. Councilmember Jacobs** offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services for future Industrial Speculative Buildings; and

WHEREAS, Hennessey Engineers, Inc. is the appropriate engineering firm to provide these services because they designed previous Industrial Speculative Buildings; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Hennessey Engineers, Inc., for professional engineering services for Project No. G03-0100;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Hennessey Engineers, Inc. for professional engineering services during the future Industrial Speculative Buildings project and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-34).

Motion adopted by the following vote:

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

No: Councilmembers Prax, Sample-Wynn and Schrader.

Absent: None.

**R-13. Councilmember Prax** offered and moved the consideration of the following resolution:

WHEREAS, the City Planning Commission has received a request from Jeffrey C. Currier to vacate the following described property:

*the public utility easement in the vacated alley adjacent to Lots 5 and 6, Block 12, Asman's Homestead Terrace Subdivision; Lots 10 and 13 Sparta Heights No. 2; and Lot 22 Hollis Plat; in the block bounded by Elk Street, Florida Street, Stone Street and Joann Court, City of Port Huron; and*

WHEREAS, on May 6, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for June 9, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request of the Jeffrey C. Currier for vacation of the above described property.

Adopted unanimously.

## ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 12, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ADOPTING THE INTERNATIONAL FIRE CODE.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1919 CLEVELAND AVENUE FROM "A-1" MULTI-FAMILY RESIDENTIAL TO "M-1" LIGHT INDUSTRIAL.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY GENERALLY LOCATED AT THE CORNER OF RURAL AND WATER STREETS FROM "B" NEIGHBORHOOD BUSINESS DISTRICT TO "M-2" GENERAL INDUSTRIAL DISTRICT AND FROM "R-1" SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO "M-2" GENERAL INDUSTRIAL DISTRICT.

Motion *rejected* unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 26, SUBDIVISION REGULATIONS, SECTION 26-3, LOT SPLITS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING FEES BY RESOLUTION.

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

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.  
No: Councilmember Schrader.  
Absent: None.

**O-5. Councilmember Prax** moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE XXI, BOARD OF ZONING APPEALS, SECTION 32-515, FEE, AND ARTICLE XXII, AMENDMENTS, SECTION 32-538, FEE, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING FEES BY RESOLUTION.

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

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.  
No: Councilmember Schrader.  
Absent: None.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. Tom Hutka, City Manager, gave City Council a response to a citizen's request to review the issue of railroads having unmanned locomotives operating through the City limits and recommended this issue be left to federal officials to address.

2. **Councilmember Cutcher** gave an update on the International Flag Plaza stating that all bricks purchased through April will be installed during the next couple of weeks, in addition to nine benches. Additional bricks and benches are being sold and will be installed in the fall. On May 31, the Girl Scouts, Woman's Life and the Garden Club will be planting flowers and installing a sign. The flag plaza across the river in Pointe Edward will be dedicated on July 1, 2003.

3. **Councilmember Prax** requested that administration prepare a response to Trace Ribble's (public audience) remarks and the petition he submitted about the condition of lawns in the areas where there has been construction, including all areas in the City where this has been a problem. Additionally, she requested that the \$50 appeals fee charged under the rental certification ordinance be refunded to the landlord if a decision is made in their favor.

4. **Mayor Neal** requested that City Engineer Bob Clegg give an update on the leaf and brush pickup (as of this date everything is caught up). Additionally, the Mayor announced that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Port Huron and its Finance Department by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR)

On motion (9:40 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 13, 2003, at 8:00 a.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Neal at 8:45 a.m.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader (arrived at 8:55 a.m.).

**MOTIONS AND MISCELLANEOUS BUSINESS**

1. Introduction by City Manager Thomas J. Hutka who stated that in these tight financial times the overall goal is to still maintain all services at a high level of quality.
  2. Finance Director John Ogden gave a financial overview of the national and local economy stating that the City of Port Huron and virtually all State and Local Governments face the most serious budget crisis of the past half century and that governmental revenues have been flat or declining while compensation and other costs, lead by double digit health care cost increases. Mr. Ogden then gave an overview of the proposed budget for fiscal year 2003-04 citing transfers; general reductions; positions that will be left open in the City Manager's office, Legal, Police, Fire, Inspection/Rental Certification, Public Works/Engineering and Parks; elimination of capital and major repair projects for the Municipal Office Center; reduction in support of dispatch position for senior transportation; adjustments in recreation programs; reductions in support of other organizations such as the Leonard Center and International Symphony; and cost reductions in the Water and Wastewater Funds, Streets Funds and Motor Vehicle Fund. Additionally, he gave a revenue projections update.
  3. Personnel Director John Berry discussed efforts that have been made and will continue to be made to reduce the cost of health care for employees.
  4. Fire Chief Bob Eick, discussed the proposed restructuring of the Fire Department and how that will save dollars and still run efficiently. Additionally, as Director of Parks/Forestry/Cemetery he discussed how they will not be hiring any summer employees and will be prioritizing services. Also, he stated that there will be an increase in parking fees for Lakeside and we will be instituting a fee to use the boat ramps.
  5. Police Chief William Corbett gave an overview of proposed changes in the Police Department stating that there is a possibility of reassigning the DARE officer and Community Services officer to patrol and that overtime will be curbed. Additionally, there will be a smaller cadet force and therefore no patrols for the beaches or marinas. It was decided that a letter requesting financial support for continuation of a DARE officer in the schools be made to St. Clair County Sheriff's Department, the Port Huron Area School District and the Community Foundation of St. Clair County.
- AT THIS POINT** (11:55 a.m.), Council adjourned for lunch until 12:30 p.m. Councilmember Schrader was not in attendance when meeting resumed but returned later.
6. Recreation Director Bill Robinson discussed the changes proposed in the Recreation Department – reduced supervised playgrounds and reduced hours at the pools and beaches as well as cuts in the Junior Recreator program and other programs.

7. City Engineer and Director of Public Works Bob Clegg stated that they are proposing significant cuts in their operation. They will reduce sewer separation projects from three to one per year (and still be on schedule due to increased construction in the beginning) and that one engineer has been reassigned as the Storm Water Coordinator thereby eliminating one engineer. They will reduce capital expenditures in this building and the Museum. He discussed a change in policy for snow removal that allows snow to accumulate on residential streets for snowfalls less than 4" while keeping the main roads and intersections clean. This would result in less overtime when snowfalls occur during the evening and early morning hours while the workforce is not on duty.

8. Discussion held on surplus money in the Garbage Fund due to collecting more than we are spending with World Waste. This money will be used for future needs and special projects related to "garbage."

9. Discussion held on the request from EDA to increase the City's contribution. Consensus was to increase the donation as requested but request that a member of City Council be appointed to their board.

10. Discussion held on hiring a marketing director. It was decided that at this time it would be better to fill the Assistant to the City Manager position and use this person to assist in marketing efforts rather than a marketing director.

**Councilmember Jacobs** moved to transfer the applicable dollars from the Promotion budget to the City Manager's budget to fill the position of Assistant to the City Manager.

Motion adopted unanimously.

**AT THIS POINT** (3:10 p.m.), Council recessed until 3:20 p.m.

11. Discussion held on cutting the donations in one-half for the various organizations that we give funds to; ie., Leonard Center, and to reduce the amount contributed to Christmas decorations downtown.

12. Dan Collins, Marina Division, gave an update on the marina system. He stated that he has a sufficient number of volunteers at the Water Street Marina and that 21 rustic slips have been leased to date, as well as 2 full service slips.

13. Councilmember Prax requested that the administration deal with the problem with grass growing properly following restoration in construction areas. (Tom Hutka to address problem with Bob Clegg and report back to Council.)

14. Discussion about request of Jim Clary to fund a Maritime Capital of the Great Lakes Web site. No funds are available for this but Tom Hutka to follow up on and see what we can do by using the City's web site for this purpose.

On motion (3:50 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 27, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Pastor Johnnie Johnson, Crossroad Christian Center, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of May 12, 2003, and the special meeting of May 13, 2003, were approved.

**PRESENTATIONS**

1. Proclamation designating May 30, through June 7, 2003, as "Port Huron Hospital Foundation Helmet Safety Week" was presented to Bob Eppley, who in turn presented a helmet to Mayor Neal.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) as required by the federal government for Community Development Block Grant and HOME funds.

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Kenneth Harris, 1521 Wells Street, addressed the City Council relative to Home Improvement Contest and how he already paid for building permit and was he going to be able to participate and announced that it was a successful Food Drive by the Letter Carriers.

2. Irene Michels, 1604 Willow Street, addressed the City Council relative to budget and how she wouldn't want to see DARE program eliminated and would not want to see police officers reduced in number.

3. Jeff Easter, President of Fire Fighters Union, addressed City Council on behalf of firefighters stating that untrue and inaccurate comments were made in Sunday's paper by the City Manager and that vacations have always been taken by seniority and that only 5 and not 12 firefighters can retire if they wanted to and it would not be full retirement. He stated they feel comments are a slap in the face and offensive and wanted to set the record set that firefighters want to help and not harm the community.

AT THIS POINT, Tom Hutka, City Manager, thanked the firefighters and all employees for coming through in a tough budget year and stated no firefighter will be forced into retirement. He further stated that prioritization was key in the budget and that services will not be affected.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The City's Home Improvement Contest is now underway. Applications are available at the Community Development Division, third floor of the M.O.C., and will be accepted through July 31. Improvements should be completed by August 31 and prizes will be awarded in September.

- May is "Operation Clean-Up" month. Residents are encouraged to clean up their yard, clear off their front porch and improve the conditions of their neighborhoods.

- The Beautification Commission is looking for volunteers for its annual plant day on Saturday, May 31, 8:00 a.m., meeting in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.

- The Water Street Marina has seasonal boat slips for lease with full utilities for boats up to 40 feet. Slips are also available at a reduced rate for boats up to 34 feet not requiring utilities. For further information, contact Dan Collins in the Marina Division at 984-9744.

- Kidfest will be held Saturday, June 7, from 10 a.m. to 3 p.m. on the grounds of Port Huron High School. For more information, contact City Recreation at 984-9760.

- Be A Tourist in Your Own Town will be held Saturday, June 7, from 10 a.m. to 4 p.m. For further information, contact MainStreet Port Huron at 985-8843.

**RESOLUTIONS**

**\*R-1.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$109.86 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #03-35).

Adopted.

**\*R-2.** WHEREAS, under the Provisions of Chapter 18 of the School Code of 1955 of the State of Michigan, as amended, school districts and various governmental units are authorized to cooperate in establishing and operating public systems; and

WHEREAS, it is the desire of the City of Port Huron and the Board of Education of the Port Huron Area School District to enter into such an agreement as authorized by the aforesaid statute, to cooperate with each other in furthering and improving the public recreation system being operated by the City in said School District;

NOW, THEREFORE BE IT RESOLVED, that the attached agreement between the City and the School District concerning the use of school buses for transporting children in the City's public recreation program is hereby approved and the appropriate City officials are authorized to execute said agreement. (See City Clerk File #03-36)

Adopted.

**R-3. Councilmember Fisher** offered and moved the adoption of the following resolutions:

**3(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 2003-2004 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.

**3(b).** WHEREAS, in accordance with the City Council resolution dated May 27, 2003, 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 2003-2004 fiscal year is \$40,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard  
(See Appendix A - See City Clerk File #03-???)

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard (See Appendix A).

3. The cost of maintaining said public improvements for the 2003-2004 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

Adopted.

**3(c).** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The cost of operating improvements for the 2003-2004 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

Adopted.

**3(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 (see City Clerk File #03-37);

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on June 9, 2003, 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 to 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 2003-2004 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 9, 2003, at 7:30 p.m., at the Municipal Office Center in the City of Port Huron for the purpose of hearing interested persons on the maintenance costs of the streetscape improvements, the composition of said district and for the purpose of reviewing said special assessment roll.

Take Further Notice that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if any appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by 4:30 p.m. on June 9, 2003, and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

This Notice is given by order of the City Council of the City of Port Huron, St. Clair County, Michigan.

Pauline M. Repp, CMC  
City Clerk

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

Adopted.

**R-4. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the taxable value of real and personal property in the City of Port Huron has been determined to be \$664,230,897, plus \$41,921,750 of value on the Industrial Facilities Tax Roll;

NOW, THEREFORE, BE IT RESOLVED, that the budget of the City of Port Huron for the fiscal year beginning July 1, 2003 and ending June 30, 2004 is hereby determined and adopted as follows:

**GENERAL FUND:**

Means of financing:		\$ 20,000,000	
Property taxes	\$ 7,395,000		
Income tax	5,475,000		
Business licenses and permits	260,400		
Nonbusiness licenses and permits	219,600		
State shared revenues	4,247,500		
Charges for services	484,000		
Fines and forfeits	195,000		
Investment income	200,000		
Rents	178,000		
Sale of fixed assets	3,000		
Charges to other funds	<u>1,384,079</u>		<u>\$ 20,043,579</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 20,008,099		
Capital outlay and/or salary adjustments	<u>35,480</u>		<u>\$ 20,043,579</u>

**STREET FUNDS:**

Means of financing:			
Fund balance	\$ 1,714,048		
Taxes	1,624,491		
State shared revenues	2,255,000		
Trunkline maintenance	193,871		
State grants	800,000		
Investment income	50,000		
Transfer from Major streets to Local streets	<u>430,000</u>		<u>\$ 7,067,410</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 3,418,321		
Capital outlay and street improvements	<u>3,649,089</u>		<u>\$ 7,067,410</u>

**CEMETERY FUND:**

Means of financing:			
Fund balance	\$ 20,286		
Foundations	22,600		
Graveside interments	33,700		
Chapel interments	60,700		
Other services	15,500		
Transfer from Land Purchase fund	60,000		
Transfer from Cemetery perpetual care fund	<u>245,000</u>		<u>\$ 457,786</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 424,686		
Capital outlay	<u>33,100</u>		<u>\$ 457,786</u>

**GARBAGE AND RUBBISH COLLECTION FUND:**

Means of financing:			
Taxes		<u>\$ 1,809,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$ 1,656,538		
Capital outlay and/or other adjustments	<u>152,462</u>		<u>\$ 1,809,000</u>

**RENTAL CERTIFICATION FUND:**

Means of financing:			
Fund balance	\$ 8,783		
Charges for services	<u>185,745</u>		<u>\$ 194,528</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 194,528</u>

**DRUG LAW ENFORCEMENT FUND:**

Means of financing:			
Fines and forfeits			<u>\$ 46,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 6,000		
Capital outlay	<u>40,000</u>		<u>\$ 46,000</u>

**LAW ENFORCEMENT FUND:**

Means of financing:			
Charges for services			<u>\$ 1,000</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 1,000</u>

**ENHANCED 911 FUND:**

Means of financing:			
Charges for services			<u>\$ 135,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 70,852		
Capital outlay	<u>64,148</u>		<u>\$ 135,000</u>

**COMMUNITY DEVELOPMENT BLOCK GRANT FUND:**

Means of financing:			
Grants			<u>\$ 1,037,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 184,000		
Capital outlay	<u>853,000</u>		<u>\$ 1,037,000</u>

**RENTAL REHABILITATION FUND:**

Means of financing:			
Grant			<u>\$ 15,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 1,500		
Capital outlay	<u>13,500</u>		<u>\$ 15,000</u>

**HOME PROGRAM FUND:**

Means of financing:			
Grants			<u>\$ 301,874</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 30,187		
Capital outlay	<u>271,687</u>		<u>\$ 301,874</u>

**STREETSCAPE MAINTENANCE FUND:**

Means of financing:			
Charges for services			<u>\$ 40,000</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 40,000</u>

**DOWNTOWN DEVELOPMENT FUND:**

Means of financing:			
Taxes	\$	64,453	
State shared revenues		<u>3,800</u>	<u>\$ 68,253</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 68,253</u>

**INDUSTRIAL PARK TAX INCREMENT FUND:**

Means of financing:			
Fund balance	\$	1,800,000	
Taxes		<u>1,343,778</u>	<u>\$ 3,143,778</u>
Estimated requirements:			
Ordinary recurring expenses			
- Taxes not captured	\$	1,343,778	
Capital outlay		<u>1,800,000</u>	<u>\$ 3,143,778</u>

**PAPER COMPANY TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 635,905</u>
Estimated requirements:			
Ordinary recurring expenses			
- Taxes not captured			<u>\$ 635,905</u>

**KRAFFT-HOLLAND TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 530,735</u>
Estimated requirements:			
Ordinary recurring expenses			
- Taxes not captured			<u>\$ 530,735</u>

**PEERLESS SITE TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 192,692</u>
Estimated requirements:			
Ordinary recurring expense	\$	142,692	
Capital outlay		<u>50,000</u>	<u>\$ 192,692</u>

**HARRINGTON HOTEL TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 23,903</u>
Estimated requirements:			
Capital outlay			<u>\$ 23,903</u>

**BANK TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 39,743</u>
Estimated requirements:			
Ordinary recurring expenses	\$	8,500	
Capital outlay		<u>31,243</u>	<u>\$ 39,743</u>

**EDISON REDEVELOPMENT TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 456,752</u>
Estimated requirements:			
Ordinary recurring expenses	\$	381,752	
Capital outlay		<u>75,000</u>	<u>\$ 456,752</u>

**WATER STREET TAX INCREMENT FUND:**

Means of financing:			
Taxes	\$	597,861	
Sale of land		140,000	
Other revenue		<u>90,000</u>	<u>\$ 827,861</u>
Estimated requirements:			
Ordinary recurring expenses	\$	727,861	
Capital outlay		<u>100,000</u>	<u>\$ 827,861</u>

**MAINSTREET TAX INCREMENT FUND:**

Means of financing:			
Taxes	\$	31,558	
Transfer from enterprise funds		<u>150,000</u>	<u>\$ 181,558</u>
Estimated requirements:			
Capital outlay			<u>\$ 181,558</u>

**INDUSTRIAL PARK EXPANSION TAX INCREMENT FUND:**

Means of financing:			
Taxes			<u>\$ 228,513</u>
Estimated requirements:			
Ordinary recurring expenses	\$	178,513	
Capital outlay		<u>50,000</u>	<u>\$ 228,513</u>

**BEAUTIFICATION COMMISSION:**

Means of financing:			
Fund balance	\$	3,000	
Miscellaneous		1,000	
Transfer from General fund		<u>3,300</u>	<u>\$ 7,300</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 7,300</u>

**MARINA FUND:**

Means of financing:			
Fund balance	\$	4,006	
Charges for services		446,400	
Transfer from Land purchase fund		<u>150,000</u>	<u>\$ 600,406</u>
Estimated requirements:			
Ordinary recurring expenses	\$	515,406	
Capital outlay		<u>85,000</u>	<u>\$ 600,406</u>

**SENIOR CITIZENS HOUSING FUND:**

Means of financing:			
Grants	\$	480,480	
Rent		294,640	
Charges for services		<u>28,113</u>	<u>\$ 803,233</u>
Estimated requirements:			
Ordinary recurring expenses	\$	548,047	
Capital outlay and/or other adjustments		<u>255,186</u>	<u>\$ 803,233</u>

**LAND PURCHASE FUND:**

Means of financing:			
Fund balance	\$	1,050,000	
Investment income		75,000	
Rents		225,000	
Other income		45,000	
Transfer from tax increment funds		<u>1,133,051</u>	<u>\$ 2,528,051</u>
Estimated requirements:			
Ordinary recurring expenses	\$	2,310,000	
Capital outlay		<u>218,051</u>	<u>\$ 2,528,051</u>

**PARKING FUND:**

Means of financing:			
Street meters	\$	58,500	
Parking lots		57,500	
Annual permits		48,200	
Charges for services		<u>5,870</u>	<u>\$ 170,070</u>
Estimated requirements:			
Ordinary recurring expenses	\$	164,610	
Capital outlay		<u>5,460</u>	<u>\$ 170,070</u>

**WATER FUND:**

Means of financing:			
Fund balance	\$	300,000	
Sale of water		4,364,334	
Charges for services		141,600	
Investment income		85,000	
Proceeds from long-term revenue bonds		6,125,000	
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund		329,780	
Transfer from Land purchase fund		<u>600,000</u>	<u>\$ 11,945,714</u>
Estimated requirements:			
Ordinary recurring expenses	\$	3,752,472	
Debt service		1,787,000	
Capital outlay		<u>6,406,242</u>	<u>\$ 11,945,714</u>

**WASTEWATER FUND:**

Means of financing:			
Fund balance	\$	1,200,000	
Charges for services		6,819,377	
Grants		800,000	
Investment income		150,000	
Reimbursement from other units of government		1,601,000	
Proceeds from long-term revenue bonds		8,905,000	
Transfer from Community Development block grant		500,000	
Transfer from Land purchase fund		<u>1,300,000</u>	<u>\$ 21,275,377</u>
Estimated requirements:			
Ordinary recurring expenses	\$	6,440,161	
Debt service		4,365,100	
Capital outlay		<u>10,470,116</u>	<u>\$ 21,275,377</u>

**CENTRAL STORES FUND:**

Means of financing:			
Fund balance	\$	11,697	
Charges for services		<u>115,000</u>	<u>\$ 126,697</u>
Estimated requirements:			
Ordinary recurring expenses	\$	122,697	
Capital outlay		<u>4,000</u>	<u>\$ 126,697</u>

**DATA PROCESSING FUND:**

Means of financing:			
Fund balance	\$	37,950	
Charges for services		<u>908,329</u>	<u>\$ 946,279</u>
Estimated requirements:			
Ordinary recurring expenses	\$	896,279	
Capital outlay		<u>50,000</u>	<u>\$ 946,279</u>

**MOTOR VEHICLE FUND:**

Means of financing:			
Fund balance	\$	330,000	
Charges for services		<u>1,835,110</u>	<u>\$ 2,165,110</u>
Estimated requirements:			
Ordinary recurring expenses	\$	1,806,226	
Capital outlay		<u>358,884</u>	<u>\$ 2,165,110</u>

**INSURANCE AND FRINGE BENEFIT FUND:**

Means of financing:			
Charges for services			<u>\$ 8,691,339</u>
Estimated requirements:			
Ordinary recurring expenses	\$	8,675,589	
Contractual services		<u>15,750</u>	<u>\$ 8,691,339</u>

BE IT FURTHER RESOLVED, that the following Summary of Estimated Requirements by Budget Classes and Schedule of Estimated Expenditures, being for informational purposes only, is intended to substantiate the computation of budget appropriations included above, and

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2003-2004

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>GENERAL FUND</b>						
General Government:						
City council	\$ 9,552	\$ 1,900	\$ 87,784	\$ 99,236	\$	\$ 99,236
City manager	301,157	2,790	19,090	323,037		323,037
Elections	52,092	11,500	19,027	82,619		82,619
Finance and accounting	468,747	5,800	86,205	560,752		560,752
Income tax	179,118	25,970	54,885	259,973		259,973
Assessor	274,077	8,490	62,557	345,124		345,124
Legal	156,324	1,400	99,444	257,168		257,168
Clerk	194,898	2,050	14,892	211,840		211,840
Personnel	227,078	2,900	67,423	297,401		297,401
Purchasing	24,848	100	7,010	31,958		31,958
Board of review	1,800		600	2,400		2,400
Treasurer	132,678	7,881	51,743	192,302		192,302
Municipal office center	174,761	37,160	314,317	526,238	6,000	532,238
Promotional			21,500	21,500		21,500
	<u>2,197,130</u>	<u>107,941</u>	<u>906,477</u>	<u>3,211,548</u>	<u>6,000</u>	<u>3,217,548</u>
Public Safety:						
Police administration	748,832	24,200	177,241	950,273		950,273
Detectives	814,124	18,475	101,097	933,696		933,696
Patrol	4,004,443	74,413	393,735	4,472,591	4,350	4,476,941
Communications	582,860	7,890	63,792	654,542		654,542
Fire	4,423,166	128,821	274,613	4,826,600	5,000	4,831,600
	<u>10,573,425</u>	<u>253,799</u>	<u>1,010,478</u>	<u>11,837,702</u>	<u>9,350</u>	<u>11,847,052</u>
Public Works:						
Inspection	294,979	4,567	28,621	328,167		328,167
Emergency Management		220	2,616	2,836		2,836
Public works administration	167,558	450	9,600	177,608		177,608
Engineering	297,128	9,200	54,942	361,270		361,270
Street lighting	7,500	3,500	616,495	627,495		627,495
Blight	59,522	320	3,582	63,424		63,424
	<u>826,687</u>	<u>18,257</u>	<u>715,856</u>	<u>1,560,800</u>		<u>1,560,800</u>
Senior Citizens:						
Wastewater and water discounts			8,400	8,400		8,400
Senior citizens transportation	8,154		12,494	20,648		20,648
	<u>8,154</u>		<u>20,894</u>	<u>29,048</u>		<u>29,048</u>
Recreation, Parks and Culture:						
Parks - Maintenance and Grounds	466,342	75,058	193,517	734,917		734,917
Recreation	450,524	75,750	104,282	630,556		630,556
Leonard Center			10,000	10,000		10,000
20th and Court pool	59,796	15,590	24,170	99,556		99,556
Sanborn pool	70,923	14,490	31,170	116,583		116,583
Lighthouse park	54,655	6,510	4,674	65,839		65,839
Lakeside park	55,955	7,210	12,024	75,189		75,189
Palmer park recreation center	75,145	8,050	25,632	108,827		108,827
Lightship	722	1,485	7,850	10,057		10,057
McMorran complex			335,000	335,000		335,000
Library			8,000	8,000		8,000
Museum	750	3,500	78,320	82,570		82,570
Fine arts			1,500	1,500		1,500
Forestry	269,544	17,865	133,269	420,678		420,678
	<u>1,504,356</u>	<u>225,508</u>	<u>969,408</u>	<u>2,699,272</u>		<u>2,699,272</u>

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2003-2004

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>Other Functions:</b>						
Planning	\$ 157,324	\$ 6,200	\$ 26,247	\$ 189,771	\$	\$ 189,771
Telephone service		6,100	40,840	46,940		46,940
Contingencies			50,000	50,000		50,000
Insurance, health and safety	79,638	210	254,870	334,718		334,718
Taxes written off			30,000	30,000		30,000
Demolitions			15,000	15,000		15,000
	<u>236,962</u>	<u>12,510</u>	<u>416,957</u>	<u>666,429</u>		<u>666,429</u>
<b>Public Improvements:</b>						
Available for public improvements and/or salary adjustments					20,130	20,130
<b>Transfer to other funds:</b>						
Beautification commission fund			3,300	3,300		3,300
			<u>3,300</u>	<u>3,300</u>		<u>3,300</u>
<b>TOTAL GENERAL FUND</b>	<u>15,346,714</u>	<u>618,015</u>	<u>4,043,370</u>	<u>20,008,099</u>	<u>35,480</u>	<u>20,043,579</u>
<b>SPECIAL REVENUE FUNDS</b>						
Street funds	1,627,459	314,915	1,475,947	3,418,321	3,649,089	7,067,410
Cemetery fund	307,592	18,593	98,501	424,686	33,100	457,786
Garbage and rubbish collection fund	89,096	2,375	1,565,067	1,656,538	152,462	1,809,000
Rental certification fund	159,010	6,964	28,554	194,528		194,528
Drug law enforcement fund		5,000	1,000	6,000	40,000	46,000
Law enforcement fund		1,000		1,000		1,000
Enhanced 911 fund		2,000	68,852	70,852	64,148	135,000
Community development block grant	162,167	4,753	17,080	184,000	853,000	1,037,000
Rental rehabilitation	1,500			1,500	13,500	15,000
Home program fund	30,187			30,187	271,687	301,874
Streetscape maintenance		830	39,170	40,000		40,000
Downtown development fund	500	1,000	66,753	68,253		68,253
Industrial park tax increment fund			1,343,778	1,343,778	1,800,000	3,143,778
Paper Company tax increment fund			635,905	635,905		635,905
Krafft-Holland tax increment fund			530,735	530,735		530,735
Peerless site tax increment fund			142,692	142,692	50,000	192,692
Harrington Hotel tax increment fund					23,903	23,903
Bank tax increment fund			8,500	8,500	31,243	39,743
Edison redevelopment tax increment fund			381,752	381,752	75,000	456,752
Water Street tax increment fund			727,861	727,861	100,000	827,861
Mainstreet tax increment fund					181,558	181,558
Industrial park expansion tax increment fund			178,513	178,513	50,000	228,513
Beautification commission fund		6,570	730	7,300		7,300
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<u>2,377,511</u>	<u>364,000</u>	<u>7,311,390</u>	<u>10,052,901</u>	<u>7,388,690</u>	<u>17,441,591</u>

**SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES**  
2003-2004

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
<b>ENTERPRISE FUNDS</b>						
Marina fund	\$ 157,048	\$ 168,375	\$ 189,983	\$ 515,406	\$ 85,000	\$ 600,406
Senior citizens housing fund	150,143	19,200	378,704	548,047	255,186	803,233
Land purchase fund			2,310,000	2,310,000	218,051	2,528,051
Parking fund	86,970	7,860	69,780	164,610	5,460	170,070
Water fund:						
Treatment plant	900,774	117,246	798,313	1,816,333	265,520	2,081,853
Distribution	732,201	128,990	415,389	1,276,580	6,125,000	7,401,580
Customer accounting	112,059	23,289	79,917	215,265		215,265
Meter reading	282,729	52,022	109,543	444,294	15,722	460,016
Debt service			852,000	852,000	935,000	1,787,000
	2,027,763	321,547	2,255,162	4,604,472	7,341,242	11,945,714
Wastewater fund:						
Treatment plant	2,004,110	335,218	2,055,353	4,394,681	265,116	4,659,797
Collection, general	785,993	109,644	1,105,540	2,001,177	10,205,000	12,206,177
Collection system no. 1			211	211		211
Collection system no. 2	3,661	2,500	11,085	17,246		17,246
Collection system no. 3	4,452	1,500	20,894	26,846		26,846
Debt service			1,952,000	1,952,000	2,413,100	4,365,100
	2,798,216	448,862	5,145,083	8,392,161	12,883,216	21,275,377
<b>TOTAL ENTERPRISE FUNDS</b>	<b>5,220,140</b>	<b>965,844</b>	<b>10,348,712</b>	<b>16,534,696</b>	<b>20,788,155</b>	<b>37,322,851</b>
<b>INTERNAL SERVICE FUNDS</b>						
Central stores fund	9,528	49,000	64,169	122,697	4,000	126,697
Data Processing fund	559,874	106,300	230,105	896,279	50,000	946,279
Motor vehicle fund	756,720	239,347	810,159	1,806,226	358,884	2,165,110
Insurance and fringe benefit fund	8,675,589		15,750	8,691,339		8,691,339
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>10,001,711</b>	<b>394,647</b>	<b>1,120,183</b>	<b>11,516,541</b>	<b>412,884</b>	<b>11,929,425</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 32,946,076</b>	<b>\$ 2,342,506</b>	<b>\$ 22,823,655</b>	<b>\$ 58,112,237</b>	<b>\$ 28,625,209</b>	<b>\$ 86,737,446</b>

(See next page for continuation of budget charts)

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2003-2004

	Actual		Budget			
	2000-2001	2001-2002	2002-2003	2003-2004	Increase	Decrease
<b>GENERAL FUND</b>						
General Government:						
City council	\$ 128,875	\$ 96,282	\$ 93,341	\$ 99,236	\$ 5,895	\$
City manager	311,999	237,164	250,043	323,037	72,994	
Elections	71,105	64,470	69,840	82,619	12,779	
Finance and accounting	421,962	482,880	538,808	560,752	21,944	
Income tax	215,304	232,429	256,240	259,973	3,733	
Assessor	290,902	289,254	336,083	345,124	9,041	
Legal	320,261	274,811	260,940	257,168		3,772
Clerk	174,804	200,444	203,544	211,840	8,296	
Personnel	252,502	267,637	290,783	297,401	6,618	
Purchasing	25,759	29,286	30,737	31,958	1,221	
Board of review	2,350	2,377	2,400	2,400		
Treasurer	158,409	171,730	186,967	192,302	5,335	
Municipal office center	680,139	587,693	560,350	532,238		28,112
Promotional	23,919	24,296	22,700	21,500		1,200
	<u>3,078,290</u>	<u>2,960,753</u>	<u>3,102,776</u>	<u>3,217,548</u>	<u>147,856</u>	<u>33,084</u>
Public Safety:						
Police administration	768,830	843,312	965,144	950,273		14,871
Detectives	900,220	916,449	936,890	933,696		3,194
Patrol	4,166,373	4,463,466	4,491,680	4,476,941		14,739
Communications	547,929	574,348	604,700	654,542	49,842	
Fire	4,500,534	4,663,592	4,952,229	4,831,600		120,629
	<u>10,883,886</u>	<u>11,461,167</u>	<u>11,950,643</u>	<u>11,847,052</u>	<u>49,842</u>	<u>153,433</u>
Public Works:						
Inspection	276,560	296,360	333,449	328,167		5,282
Emergency Management	3,661	1,660	2,610	2,836	226	
Public works administration	159,330	167,209	172,165	177,608	5,443	
Engineering	328,178	358,018	407,178	361,270		45,908
Street lighting	620,256	581,798	641,771	627,495		14,276
Blight	63,655	62,658	79,077	63,424		15,653
	<u>1,451,640</u>	<u>1,467,703</u>	<u>1,636,250</u>	<u>1,560,800</u>	<u>5,669</u>	<u>81,119</u>
Senior Citizens:						
Wastewater and water discounts	8,051	7,290	9,800	8,400		1,400
Senior citizens transportation	45,191	45,749	48,966	20,648		28,318
	<u>53,242</u>	<u>53,039</u>	<u>58,766</u>	<u>29,048</u>		<u>29,718</u>
Recreation, Parks and Culture:						
Parks - Maintenance and Grounds	864,857	835,413	866,106	734,917		131,189
Recreation	630,854	662,194	695,569	630,556		65,013
Leonard center	5,000	20,000	20,000	10,000		10,000
20th and Court pool	95,967	92,967	109,266	99,556		9,710
Sanborn pool	122,403	108,715	126,393	116,583		9,810
Lighthouse park	37,690	43,516	72,279	65,839		6,440
Lakeside park	60,436	61,264	81,364	75,189		6,175
Palmer park recreation center	124,252	109,539	117,813	108,827		8,986
Lightship	7,267	8,912	10,218	10,057		161
McMorran complex	340,000	330,000	335,000	335,000		
Library	8,000	8,000	8,000	8,000		
Museum	130,777	114,402	101,125	82,570		18,555
Fine arts	3,000	3,000	3,000	1,500		1,500
Forestry	429,633	312,609	424,034	420,678		3,356
	<u>2,860,136</u>	<u>2,710,531</u>	<u>2,970,167</u>	<u>2,699,272</u>		<u>270,895</u>

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2003-2004

	Actual		Budget			
	2000-2001	2001-2002	2002-2003	2003-2004	Increase	Decrease
Other Functions:						
Planning	\$ 177,735	\$ 237,309	\$ 186,144	\$ 189,771	\$ 3,627	\$
Telephone service	29,157	37,321	38,265	46,940	8,675	
Contingencies			30,000	50,000	20,000	
Insurance, health and safety	320,143	220,770	316,364	334,718	18,354	
Taxes written off	105,663	93,267	8,000	30,000	22,000	
Demolitions	22,086	206	15,000	15,000		
	<u>654,784</u>	<u>588,873</u>	<u>593,773</u>	<u>666,429</u>	<u>72,656</u>	
Public Improvements:						
Available for public improvement and/or salary adjustments	86,668	563,594	34,657	20,130		14,527
Transfer to other funds:						
Cemetery fund	112,818	56,322				
Wastewater fund	1,133,712	1,012,212				
Beautification commission fund	4,000	6,600	6,600	3,300		3,300
	<u>1,250,530</u>	<u>1,075,134</u>	<u>6,600</u>	<u>3,300</u>		<u>3,300</u>
<b>TOTAL GENERAL FUND</b>	<u>20,319,176</u>	<u>20,880,794</u>	<u>20,353,632</u>	<u>20,043,579</u>	<u>276,023</u>	<u>586,076</u>
<b>SPECIAL REVENUE FUNDS</b>						
Street funds	4,517,141	4,081,138	10,547,093	7,067,410		3,479,683
Cemetery fund	460,087	462,578	451,965	457,786	5,821	
Garbage and rubbish collection fund	1,365,821	1,572,801	1,768,359	1,809,000	40,641	
Rental certification fund	187,869	172,480	195,037	194,528		509
Drug law enforcement fund	19,982	4,897	46,000	46,000		
Law enforcement	2,104	3,275	1,000	1,000		
Enhanced 911 fund	81,429	90,557	130,000	135,000	5,000	
Community development block grant fund	1,439,160	1,485,348	1,165,000	1,037,000		128,000
Rental rehabilitation	12,000	175,561	150,000	15,000		135,000
Home program fund	541,598	632,437	486,000	301,874		184,126
Streetscape maintenance	38,497	26,608	40,000	40,000		
Downtown development fund	60,702	63,254	63,273	68,253	4,980	
Industrial park tax increment fund	3,329,594	2,032,981	3,928,973	3,143,778		785,195
Paper Company tax increment fund	182,170	793,629	602,249	635,905	33,656	
Krafft-Holland tax increment fund	461,723	500,751	520,432	530,735	10,303	
Peerless site tax increment fund	193,903	190,284	196,201	192,692		3,509
Harrington Hotel tax increment fund	26,103	236,038	33,406	23,903		9,503
Bank tax increment fund	31,256	31,179	39,488	39,743	255	
Edison redevelopment tax increment fund	406,801	427,220	472,373	456,752		15,621
Water Street tax increment fund	681,946	608,712	774,206	827,861	53,655	
Mainstreet tax increment fund	21,076	15,196	39,330	181,558	142,228	
Industrial park expansion tax increment fund	224,373	204,541	267,585	228,513		39,072
Beautification commission fund	5,659	6,333	7,600	7,300		300
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<u>14,290,994</u>	<u>13,817,798</u>	<u>21,925,570</u>	<u>17,441,591</u>	<u>296,539</u>	<u>4,780,518</u>

**SCHEDULE OF ESTIMATED EXPENDITURES**  
2003-2004

	Actual		Budget			
	2000-2001	2001-2002	2002-2003	2003-2004	Increase	Decrease
<b>ENTERPRISE FUNDS</b>						
Marina Fund	\$ 696,148	\$ 590,287	\$ 531,459	\$ 600,406	\$ 68,947	\$
Senior citizens housing fund:						
Administration	640,771	611,251	702,301	803,233	100,932	
Debt service	227,130	216,314	206,313			206,313
	867,901	827,565	908,614	803,233	100,932	206,313
Land purchase fund	4,275,563	2,126,963	3,022,853	2,529,318		493,535
Parking fund	178,283	191,404	226,077	170,070		56,007
Water fund:						
Treatment plant	1,483,384	1,502,301	1,683,840	1,816,333	132,493	
Distribution	1,286,001	1,185,563	1,366,847	1,276,580		90,267
Customer accounting	180,781	190,115	205,859	215,265	9,406	
Meter reading	400,866	439,602	453,395	444,294		9,101
Debt service	722,550	821,523	1,374,000	1,787,000	413,000	
Capital outlay	7,384,630	6,653,854	9,431,315	6,406,242		3,025,073
	11,458,212	10,792,958	14,515,256	11,945,714	554,899	3,124,441
Wastewater fund:						
Treatment plant	3,869,179	3,866,981	4,282,627	4,394,681	112,054	
Collection, general	1,541,379	1,875,469	1,993,741	2,001,177	7,436	
Collection system no. 1	15	1,913	295	211		84
Collection system no. 2	17,914	14,703	15,180	17,246	2,066	
Collection system no. 3	41,765	16,895	46,811	26,846		19,965
Debt service	1,156,795	2,014,473	3,265,500	4,365,100	1,099,600	
Capital outlay	16,433,093	15,341,295	34,065,002	10,470,116		23,594,886
	23,060,140	23,131,729	43,669,156	21,275,377	1,221,156	23,614,935
<b>TOTAL ENTERPRISE FUNDS</b>	<b>40,527,247</b>	<b>37,660,906</b>	<b>62,873,415</b>	<b>37,324,118</b>	<b>1,945,934</b>	<b>27,495,231</b>
<b>INTERNAL SERVICE FUNDS</b>						
Central stores fund	105,776	117,630	127,199	126,697		502
Data Processing fund	727,264	880,052	960,840	946,279		14,561
Motor vehicle fund	1,954,539	1,935,225	2,364,493	2,165,110		199,383
Insurance and fringe benefit fund	7,546,696	6,855,474	7,796,501	8,691,339	894,838	
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>10,334,275</b>	<b>9,788,381</b>	<b>11,249,033</b>	<b>11,929,425</b>	<b>894,838</b>	<b>214,446</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 85,471,692</b>	<b>\$ 82,147,879</b>	<b>\$ 116,401,650</b>	<b>\$ 86,738,713</b>	<b>\$ 3,413,334</b>	<b>\$ 33,076,271</b>

(See next page for continuation of resolution)

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 following schedule of parking fees, rates and charges established by the City Manager during the previous twelve month period and for any prior periods are hereby confirmed by the City Council, in accordance with Ordinance No. 835:

Street Meters

- Various locations - converted to take quarters and tokens
- Various locations - from \$.50 for ten hours to \$.75 for ten hours

Metered Off Street Lots

- Various locations - from \$.50 for ten hours to \$.75 for ten hours

(A schedule of parking fees, rates and charges is attached as City Clerk File #03-38)

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, 16.0749 mills for operating purposes, being 11.2696 mills for general operations, 2.8173 mills for the collection of refuse and 1.9880 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 16.0749 mills for various operating purposes and 1.9874 mills for operations of the Downtown Development Authority be levied on July 1, 2003, 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, 2003, for a period not extending beyond March 1, 2004 with penalty as follows:

1. Taxes shall be collected without additional charge for a period of one (1) month from the date the tax bills are mailed or July 1, 2003, whichever is later.
2. An addition of one percent (1%) of every unpaid tax shall be made on the first day of the second, third, fourth and fifth, thirty (30) day period (four percent <4%> maximum) next following the mailing of the tax bills or July 1, 2003, whichever is later, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to grant non-union employees a salary adjustment of up to 3.0 percent and/or to require additional merit consideration to be effective June 28, 2003, and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the necessary employment agreements with key personnel, and

BE IT FURTHER RESOLVED, that the Capital Improvement Program for the 2003-2004 through 2007-2008 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

**Councilmember Schrader** moved to amend the budget to allocate up to \$10,000 from the Land Purchase Fund to initiate and operate a maritime website (as suggested by Jim Clary).

**Councilmember Cutcher** moved to amend Councilmember Schrader's motion to add "subject to future discussions with interested parties and final approval by the City Council."

Motion to amend Councilmember Schrader's amendment adopted unanimously.

Motion to adopt amended amendment to the budget adopted by the following vote:

- Yes: Councilmembers Cutcher, Prax, Sample-Wynn and Schrader.
- No: Mayor Neal; Councilmembers Fisher and Jacobs.
- Absent: None.

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

NOTE: Councilmember Schrader asked that the administration investigate the possibility of collecting delinquent taxes ourselves instead of turning them over to the County.

**\*R-5.** WHEREAS, Griffor Enterprises, L.L.C. (Bistro 1882) has requested a new Dance-Entertainment Permit in conjunction with 2002 Class C licensed business, located at 2333 Gratiot Avenue;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

**R-6.** **Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron has made successful application to Federal Emergency Management Agency (FEMA) through the Michigan Department of State Police, Emergency Management Division to provide pass-through funds for emergency operations plans for all hazards with special emphasis on weapons of mass destruction (WMD) terrorism preparedness; and

WHEREAS, the grant funds are allocated in accordance with the Michigan three-year domestic preparedness strategy; and

WHEREAS, the Port Huron Emergency Management Department requested funding from the Michigan State Police Emergency Management Division and recently received notification that a grant award of Sixteen Thousand Nine Hundred Sixty-Three Dollars (\$16,963.00) has been approved effective May 9, 2003 to enhance the emergency operations plans for all hazards with special emphasis on weapons of mass destruction (WMD) terrorism preparedness;

NOW THEREFORE, BE IT RESOLVED that the City Council approves the terms of the Supplemental Grant for State and Local All Hazards Emergency Operations Planning Program agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports quarterly with the State of Michigan;
2. To administer the project and provide such equipment, services and materials as may be necessary to satisfy the terms of said agreement;
3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City; to determine the appropriate supplies and equipment to be acquired; to finalize each aspect of such acquisition or performance; and to appoint Robert W. Eick, Fire Chief/Emergency Management Coordinator as Project Coordinator. (See City Clerk File #03-39)

Adopted unanimously.

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

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 solicited the aid and assistance of the Michigan Department of Natural Resources in the dredging of the City's River Street Marina and the Water Street Municipal Marina due to low water; and

WHEREAS, the Michigan Department of Natural Resources has authorized and has prepared an agreement for the City to receive reimbursement of up to 50% of the total project cost to dredge the River Street Marina and the Water Street Municipal Marina in an amount not to exceed \$55,750.00;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Port Huron, Michigan, does hereby accept the terms of the agreement as received from the Michigan Department of Natural Resources and the City does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of \$55,750.00 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 said agreement.
4. To comply with any and all terms of the said agreement including all terms not specifically set forth in the foregoing portions of the resolution.

BE IT FURTHER RESOLVED that Daniel L. Collins, Marina Division Supervisor, is hereby designated as the Project Coordinator and that the appropriate City officials are hereby authorized to execute said agreement. (See City Clerk File #03-40)

Adopted unanimously.

**\*R-8.** WHEREAS, Habitat for Humanity of Michigan has been asked to consider hosting the *Jimmy Carter Work Project 2005*; and

WHEREAS, if selected to host the year long event, Habitat for Humanity of Michigan will be asked to commit to build 100 houses in the Detroit Metropolitan area during that year; and

WHEREAS, the Blue Water Habitat for Humanity, Inc. has been involved in building homes throughout the St. Clair County area for several years; and

WHEREAS, Blue Water Habitat for Humanity has requested a letter of support from the City Council signed by the Mayor;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby lends its support to the application effort of Habitat for Humanity Michigan in their quest to host the *Jimmy Carter Work Project 2005* and hereby authorizes the Mayor to execute the attached letter of support on the City Council's behalf.

Adopted.

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

WHEREAS, the City of Port Huron is preparing an amendment to the Critical Bridge Application, which was submitted to the Michigan Department of Transportation in May of 1997 for the rehabilitation of the Seventh Street Bridge; and

WHEREAS, the City of Port Huron may be eligible for a maximum of up to 95 percent participation from Federal and/or State sources for the construction; and

WHEREAS, this project would not take place for two to four years; and

WHEREAS, the amended application requires a resolution of support from the City Council;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby agree to support the rehabilitation of the Seventh Street Bridge and authorizes the submittal of an amended Critical Bridge Application.

Adopted unanimously.

### ORDINANCES

**O-1. Councilmember Sample-Wynn** moved that an ordinance introduced May 12, 2003, entitled and reading as follows be given its third and final reading and enacted:

#### ORDINANCE NO. 1208

AN ORDINANCE TO AMEND CHAPTER 12, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ADOPTING THE INTERNATIONAL FIRE CODE.

#### THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Fire Prevention and Protection, Article II, Fire Prevention Code, of the Code of Ordinances of the City of Port Huron for the purpose of adopting the International Fire Code is hereby amended as follows:

#### CHAPTER 12. FIRE PREVENTION AND PROTECTION ARTICLE II. FIRE PREVENTION CODE

##### Sec. 12-26. Adopted.

Pursuant to the provisions of section 3(k) of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.3(k), MSA 5.2073(k)), as amended, there is hereby adopted by reference by the city, for the purpose of prescribing regulations consistent with nationally recognized good practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and the use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, that certain code known as the International Fire Code, including all appendix chapters as amended, of which code printed copies thereof are on file in the office of the city clerk available for public use and inspection at all times, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the city.

##### Sec. 12-27. Definitions.

Wherever the following terms are used in the International Fire Code adopted by this article, they shall have the meanings ascribed to them in this section:

Code Official means the fire inspector of the city.

Legal counsel means the attorney for the city.

Municipality means the City of Port Huron, Michigan.

##### Sec. 12-28. Establishment of limits of districts referred to in code.

- (a) The limits referred to in Section 3404.1 of the International Fire Code adopted by this article, in which the storage of flammable liquids in outside aboveground tanks is prohibited, will be those limits as established by the zoning ordinance.
- (b) The limits referred to in Section 3406.1 of the International Fire Code adopted by this article, in which new bulk plants for flammable or combustible liquids are prohibited, will be those limits as established by the zoning ordinance.

##### Sec. 12-29. Amendments.

The International Fire Code adopted by this article is amended and changed as set out in the following paragraphs of this section.

Chapter 1, Administration, Section 108.1, Appeals, of the International Fire Code, 2000 Edition, is to be deleted.

Chapter 1, Administration, Section 109 and Section 111, shall be amended by inserting the penalties and fines into the International Fire Code sections as follows:

Section 109.3, Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Municipal Civil Infraction, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4, Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$500.00.

Chapter 3, General Precautions Against Fire, Section 307, of the International Fire Code, shall be amended by adding a new section reading as follows:

##### Section 307.3.3. Outdoor burning.

a. Definitions: As used in this section, the following terms shall have the following meanings:

(1) Open burning means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

(2) Incinerator means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material.

b. Open burning:

(1) No person shall cause or permit, except as herein stipulated, any open burning of garbage or other combustible refuse or waste material, including by way of description, but not by way of limitation, paper, leaves, tree trimmings and grass. This provision shall not be construed to prohibit fires of charcoal or non-ash-producing fuels when used, on private property or in public recreation areas, for the exclusive preparation of food for human consumption, nor to prohibit fuels from being used not less than 15 feet from combustible materials when burned in metal containers for the heating of building materials and the warmth of workers.

(2) The disposal site for diseased elm trees and other trees and brush removed from city right-of-way will continue to operate under rules and regulations approved by the city council.

(3) This section shall not apply to open burning by an organized professional, social, political, religious, charitable, or similar organization at special events sponsored by such organization, provided approval therefore has been obtained as part of the special events permit and approved by the special events committee. Any organization sponsoring an event at which open burning is permitted pursuant to this section must also obtain the approval of the fire chief or his or her designee prior to the event.

c. Outdoor incinerators: Incinerators may be used in the city only in compliance with the following conditions:

(1) Outdoor incinerators shall be permitted only on premises occupied by commercial, governmental or industrial buildings.

(2) No person shall hereinafter install, and/or operate, or cause to be used, any incinerator without a permit to install first having been issued by the state air pollution control commission. All applications for such permits shall be obtained at and filed with the city building inspection division.

Chapter 5, Fire Service Features, Section 503, of the International Fire Code, shall be amended by adding a new section reading as follows:

Section 503.1.4, Fire Apparatus Access Roads. Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times. Members of the police department are hereby authorized to remove motor vehicles and/or vehicles in the designated fire lanes.

Chapter 9, Fire Protection Systems, Section 901, of the International Fire Code, shall be amended by adding a new section reading as follows:

Section 901.5.2, Approval and Testing. All fire alarm systems that connect to the city communication center must be installed by a certified installer and be approved in writing by the fire chief or the fire inspector.

Chapter 33, Explosives and Fireworks, Section 3301, of the International Fire Code, shall be amended by adding a new section reading as follows:

Section 3301.1.6, State Fireworks Law. The city hereby adopts the state fireworks law, Act No. 328 of the Public Acts of Michigan of 1931 (MCL 750.243a et seq., MSA 28.440(1) et seq.), as amended, for the purpose of providing rules for the prevention of fire and protection of persons and property in the transportation, storage, handling, offering for sale, sale and use of fireworks. Copies of such regulations are on file in the office of the city clerk, available for public use and inspection at all times. Where any section or part of Section 3301 of the International Fire Code is in conflict with the state fireworks law, it is intended that the state fireworks law will prevail.

Chapter 34, Flammable and Combustible Liquids, Section 3401, of the International Fire Code, shall be amended by adding a new section reading as follows:

Section 3401.1.1, State Flammable Liquid Laws. Pursuant to the provisions of section 3(k) of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.3(k), MSA 5.2073(k)), as amended, the state fire safety board, Rules for Storage and Transportation of Flammable and Combustible Liquids 1992, as amended, as prescribed and authorized in Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended, are hereby adopted by reference by the city for the purpose of providing rules for the prevention of fire and protection of persons and property in the transportation, storage, handling, offering for sale, sale and use of flammable liquids. Copies of such regulations are on file in the office of the city clerk, available for public use and inspection at all times. Where any section or part of Chapter 34 of the International Fire Code is in conflict with the State Fire Safety Board, Rules for Storage and Transportation of Flammable and Combustible Liquids 1992, it is intended that the State Fire Safety Board, Rules for Storage and Transportation of Flammable and Combustible Liquids 1992, shall prevail.

#### **Sec. 12-30. Appeals.**

Whenever the chief of the fire department shall disapprove an application, or refuse to grant a permit applied for under the International Fire Code adopted by this article, or when it is claimed that the provisions of such code do not apply, or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city manager and the city council, within 30 days from the date of the decision appealed.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 05/27/03  
PUBLISHED: 05/31/03  
EFFECTIVE: 05/31/03

Adopted unanimously.

**O-2. Councilmember Sample-Wynn** moved that an ordinance introduced May 12, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1209

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1919 CLEVELAND AVENUE FROM "A-1" MULTI-FAMILY RESIDENTIAL TO "M-1" LIGHT INDUSTRIAL.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from "A-1" Multi-Family Residential to "M-1" Light Industrial:

*that portion of Outlot E, Assessor's Military Street Plat Number 3, lying north of the centerline of Cleveland Avenue, also known as 1919 Cleveland Avenue, City of Port Huron.*

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 05/27/03  
PUBLISHED: 05/31/03  
EFFECTIVE: 05/31/03

Adopted unanimously.

**O-3. Councilmember Fisher** moved that an ordinance introduced May 12, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1210

AN ORDINANCE TO AMEND CHAPTER 26, SUBDIVISION REGULATIONS, SECTION 26-3, LOT SPLITS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING FEES BY RESOLUTION.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 26, Subdivision Regulations, Section 26-3, Lot Splits, of the Code of Ordinances of the City of Port Huron, for the purpose of establishing fees by resolution, as amended of the Code of Ordinances of the City of Port Huron, be and the same is hereby amended to read as follows:

**CHAPTER 26. SUBDIVISION REGULATIONS**

**Sec. 26-1 through Sec. 26-2.**

No changes.

**Sec. 26-3. Lot splits.**

(a) *Generally.* The division of any parcel of land, including those the boundaries of which are fixed by a recorded plat, into more than one but less than five lots or tracts may be permitted and shall be subject to and comply with the provisions and procedures set forth in this section.

(b) *Filing of application and sketch.* The applicant shall submit to the city zoning administrator, who, together with the city engineer, city planner and city assessor, shall review:

- (1) Four copies of the application.
- (2) Four copies of the sketch of the proposed lot split, having a scale of not less than one inch to 50 feet, containing the data required under subsection (c) of this section.
- (3) Boundary lines and area of the parcel to be split.
- (4) Names of all streets, rights-of-way and roadways of all existing or proposed streets within or abutting the parcel proposed to be split.
- (5) All existing structures and physical features which would influence the layout and design of the proposed lot split.
- (6) Location, width and purpose of existing and proposed easements.
- (7) Legal description of existing parcels to be split.
- (8) Proposed legal description of each parcel.

(d) *Fee.* The fee for a lot split shall be adopted by resolution of the City Council of Port Huron and amended, as necessary, by resolution of the City Council of the City of Port Huron.

(e) *Application approval.* The city assessor, city engineer, city zoning administrator and the city planner shall jointly approve the application, provided it is in conformance with all ordinances and administrative rules and regulations of the city.

(f) *Disapproval of the application.* The reasons for any disapproval of an application shall be stated and the applicant shall have the privilege of submitting a revised proposal.

(g) *Conditional approval.* If the application is approved conditionally, such condition and the reason therefor shall be stated.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 05/27/03  
PUBLISHED: 05/31/03  
EFFECTIVE: 05/31/03

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.  
No: Councilmember Schrader.  
Absent: None.

**O-4. Councilmember Prax** moved that an ordinance introduced May 12, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1211

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE XXI, BOARD OF ZONING APPEALS, SECTION 32-515, FEE, AND ARTICLE XXII, AMENDMENTS, SECTION 32-538, FEE, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING FEES BY RESOLUTION.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article XXI, Board of Zoning Appeals, Section 32-515, Fee, and Article XXII, Amendments, Section 32-538, Fee, of the Code of Ordinances of the City of Port Huron, for the purpose of establishing fees by resolution is hereby amended as follows:

**CHAPTER 32, ZONING****ARTICLE XXI. BOARD OF ZONING APPEALS****Sec. 32-506 through Sec. 32-514.**

No changes.

**Sec. 32-515. Fee.**

The fee for an application and/or appeal to the board of zoning appeals shall be adopted by resolution of the City Council of Port Huron and amended, as necessary, by resolution of the City Council of the City of Port Huron.

**ARTICLE XXII. AMENDMENTS****Sec. 32-536 through Sec. 32-537.**

No changes.

**Sec. 32-538. Fee.**

The fee for an application for an amendment to this chapter shall be adopted by resolution of the City Council of Port Huron and amended, as necessary, by resolution of the City Council of the City of Port Huron.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 05/27/03  
PUBLISHED: 05/31/03  
EFFECTIVE: 05/31/03

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs and Prax.  
No: Councilmembers Sample-Wynn and Schrader.  
Absent: None.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. **Councilmember Sample-Wynn** stated that she was impressed with Fire Chief Eick's presentation at budget session and thanked him for the work done. Bob Clegg, City Engineer, was asked to explain how snow will be removed from city streets this winter.

2. **Councilmember Cutcher** announced that Town North, a new neighborhood group, is having their first project on June 7. They will be having a neighborhood cleanup from Glenwood to Lincoln and 10th to Stone from 8:00 a.m. until noon.

3. **Mayor Neal** announced that the City recently received a Governor's Council on Physical Fitness, Health and Sports "Promoting Active Communities" award and in the fall received a Healthy Workplace Award through the Governor's Council Awards Program.

On motion (9:00 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 9, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Reverend Thomas Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of May 27, 2003, were approved.

**PRESENTATIONS**

1. Certificates of Recognition were presented to the high school students who served as volunteers on various boards and commissions. Recipients were Sarah Mullins, Ryan Jay, Craig Flemingloss and Sean Faber (absent).

2. Certificate of Recognition was presented to William Robinson, Recreation Director, who is retiring July 1, 2003, for his 32 years of service to the City of Port Huron.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Huron Avenue streetscape project (from the north side of Black River to the south side of McMorran Boulevard) and for the purpose of reviewing said special assessment roll. (See Resolution #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request to vacate the public utility easement in the vacated alley lying in the block bound by Elk Street, Florida Street, Stone Street and Joann Court. (See Resolution #10)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

3. **The Mayor** announced that this was the time to hear comments on the request to vacate a portion of White Street between the east right-of-way line of Military Street and the west right-of-way line of Fourth Street. (See Resolution #11)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the request to vacate a portion of Fourth Street between the north right-of-way line of Griswold Street and the south right-of-way line of Chestnut Street. (See Resolution #12)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

5. **The Mayor** announced that this was the time to hear comments on the request to rezone property located on the corner of Electric Avenue and Moak Street from "C - 1" General Business District to "A - 1" Medium Density Multiple Family. (See Ordinance #1)

Larry O'Keefe, Lexington, owner of 3369 Military St., in support of project with comment that he hoped it remained a condominium project. Isam Yaldo, Southfield, owner of property wishing to be rezoned, appeared stating it would be a 12-unit condominium project with attached garages.

**The Mayor** declared the hearing closed.

6. **The Mayor** announced that this was the time to hear comments on the request to rezone property located at 816 Union Street from "A- 1" Medium Density Multiple Family Residential District to "R-1" Single- and Two-Family Residential District. (See Ordinance #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Katie Byrne, 825 Prospect Place, addressed the City Council asking for support of City Manager Recommendations 1 and 2 (skate park facility).

2. Sharon Bender, South Blvd., addressed the City Council echoing Ms. Byrne's comments commending Mayor Pro-tem Sample-Wynn for initiating the skate park committee; commending Bill Robinson for the work he has done for the City; and commending the following for their assistance during her neighborhood's recent cleanup - Kim Harmer, Planning Director, and her staff; Community Development Department, especially Chris Krohn; Department of Public Works; and Huron House workers.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- Applications are being accepted for the Zoning Board of Appeals and the Rental Board of Appeals. Applicants for the Rental Board of Appeals must be either a licensed builder, construction tradesman, licensed engineer or licensed architect who is not a rental property owner. Interested citizens can obtain an application by contacting the Clerk's office at 984-9725 or by visiting the City's website to download the application.

- The City's Home Improvement Contest is now underway. Applications are available at the Community Development Division, third floor of the M.O.C., and will be accepted through July 31. Improvements should be completed by August 31 and prizes will be awarded in September.

- Art in the Park concert series begins Thursday, June 12, at 7:00 p.m. on the banks of Black River near the 10th Street bridge and will continue each Thursday through August 7.

- Southside Summer Festival will be held June 27-29 at the Memorial Stadium, with fireworks to be held on June 29 on the Acheson Desmond Landing property.
- Spirit of Port Huron nominations are being accepted through Friday, August 1, and should be sent to the Mayor's office for consideration by the selection committee.

**COMMUNICATIONS & PETITIONS**

**\*C-1.** From various persons in the neighborhood supporting Donald Dagg, Don's Mini Storage, and his request to change zoning of his property at the corner of Rural and Water and requesting that re-consideration and approval be given by Council.

Received and filed.

**\*C-2.** From Kenneth Harris, 1521 Wells Street, expressing gratitude to Community Development office on their response about home improvement contest and asking Council to consider letting the public comment when an amendment is proposed on an item before Council.

Received and filed.

**FROM THE CITY MANAGER**

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

On May 20, 2003, the City of Port Huron received (3) three bids for the Skate Park Hard Surface and Fencing Project:

	Alternative Bid A	Alternative Bid B
Lakeside Cement, Inc.	No Bid	\$47,403.10
Hinojosa Construction	No Bid	\$59,651.20
Boddy Construction	\$42,421.89	\$68,751.48

Alternate bid A is to provide a bituminous surface and fencing.  
Alternate bid B is to provide a concrete surface and fencing

It is recommended that the bid of Lakeside Cement, Inc., 6305 Hessen Road, Fair Haven, Michigan 48023, in the amount of Forty Seven Thousand Four Hundred and Three and 10/100 Dollars (\$47,403.10) be accepted as the lowest cost responsive and responsible bid for a concrete surfaced skate park and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On August 15, 2002, the City of Port Huron received seven (7) proposals with various options for skate park equipment. The proposals were received from the following vendors:

- Michigan Skate Parks, Inc.
- True Ride
- DP & Hoffman Play works, Inc.
- Jennings of Michigan
- Engan Tooley Doyle and Associates
- Vert Manufacturing
- Custom Skatepark Concepts, Inc.

A committee of City staff and citizen volunteers reviewed all seven proposals. This committee determined that four proposals warranted further consideration. The committee traveled to four different communities to inspect the installation of each vendor's equipment. After careful inspection and considering the recommendations from the owners of the equipment, the committee selected a single vendor to supply the skate park equipment.

The chosen vendor supplied three proposed layouts of their equipment, that would meet a pre-determined budget amount. These three proposals were presented to the full skate park committee. The youth and parents on the skate park committee selected the layout of the equipment that we are proposing for purchase.

After careful and extensive review of these proposals, it is recommended that the proposal from Michigan Skate Parks, Inc., 102 Walnut Avenue, Suite C, Holland, Michigan 49423 in the amount of Fifty-Three Thousand Ninety-Three and 00/100 Dollars (\$53,093.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

**AT THIS POINT, Councilmember Prax** moved to name the new skate park facility the Robinson Skate Park Facility in honor of Bill Robinson, Recreation Director, who is retiring after 32 years of service to the City and its youth.

Adopted unanimously.

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

Since 7.4 of the City Code states, "The City Council shall fix the price of cemetery lots and fees and charges for services rendered by the City in connection with its cemeteries."

The cost of operating cemeteries should be totally funded by the revenues they generate from their operations. However, due to the age and size of Lakeside Cemetery, this has not been the case and the General Fund has been required to annually subsidize its operations. The proposed rate adjustment, presented below, is being recommended to at least offset the increased cost of its operations. Additionally, it establishes a rate schedule for the new columbarium.

It is recommended that the following schedule of proposed charges for Lakeside Cemetery be adopted and become effective July 1, 2003:

**GRAVE AND PERPETUAL CARE**

	<u>Present / Proposed</u>	
<b>Residents:</b>		
Adult . . . . .	\$ 475.00	\$ 525.00
Child (Babyland, 36" to 59") . . . . .	265.00	300.00
Infant (Babyland, 35" or under) . . . . .	125.00	150.00

**Nonresidents:**

Adult .....	950.00	1,050.00
Child (Babyland, 36" to 59") .....	530.00	600.00
Infant (Babyland, 35" or under) .....	250.00	300.00

**Allied Vets Cemetery:**

Resident (Honorably discharged veterans only) Free	Free	
Nonresident (Honorably discharged veterans only) .....	475.00	525.00

**Columbarium:**

Resident (niche holds 2 cremains) .....	475.00	525.00
Nonresident (niche holds 2 cremains) .....	700.00	800.00
Plaque (must be purchased from and installed by City) .....	100.00	110.00

**Veterans Columbarium:**

Niche (holds 2 cremains)-For all St. Clair County honorably discharged veterans and their spouses .....	400.00	400.00
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**Mausoleum:**

Crypt - Resident .....	1,350.00	1,350.00
Crypt - Nonresident .....	2,700.00	2,700.00

**Perpetual Care:**

This fee is charged if care not previously. (Perpetual care is now included in grave purchase.) .. 90.00 125.00

**INTERMENT SERVICE**

(complete with chapel committal or graveside with greens)

**Present / Proposed**

**Remains:**

Adult .....	\$ 525.00	\$ 575.00
Child or Infant (up to 59") .....	250.00	300.00
Additional fees added to above for:		
Weekdays-entering cemetery after 3:30 p.m. ....	235.00	300.00
Saturday burials arriving before 2 p.m. ....	335.00	425.00
Arriving after 2 p.m., add .....	235.00	235.00

**Cremains:**

Adult, Child or Infant .....	250.00	300.00
Two cremains buried at same time .....	350.00	400.00
Additional fees added to above for:		
Weekdays - entering cemetery after 3:30 p.m. ....	235.00	200.00
Saturday burials arriving before 2 p.m. ....	180.00	125.00
Arriving after 2 p.m., add .....	135.00	125.00

**Columbarium:**

Opening/closing .....	75.00	100.00
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**Vets Columbarium:**

Opening/closing .....	25.00	25.00
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**Mausoleum:**

Remains - opening/closing .....	650.00	650.00
Cremains - opening/closing .....	250.00	250.00

**Indigent:**

City resident, graveside only (rate set by State) .....	234.00	234.00
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**Other Miscellaneous Charges:**

Additional charge for setting steel vaults ...	200.00	225.00
Chapel service using second room .....	150.00	175.00
Chapel service only, no burial (Mon.-Fri.) ..	150.00	175.00
Chapel service only, no burial (Sat.) .....	250.00	300.00

**FOUNDATIONS**

**Present / Proposed**

Infants (35" or under) .....	\$ 40.00	\$ 40.00
Others measuring LESS than 288 sq. in. (minimum charge) .....	140.00	140.00
Others measuring 288 sq. in. or MORE - per sq. in. charge .....	.60	.60

*If indigent burial, perpetual care must be paid prior to installing foundations*

**DISINTERMENT/REINTERMENT CHARGES**

**Present / Proposed**

**REMAINS:**

Disinterment/Reinterment (in Lakeside Cemetery)		
Adult .....	\$1,050.00	\$1,150.00
Child or Infant (up to 59") .....	500.00	600.00
Disinterment (From Lakeside Cemetery to another cemetery)		
Adult .....	525.00	575.00
Child or Infant (up to 59") .....	250.00	300.00
Reinterment (From another cemetery to Lakeside Cemetery)		
Adult .....	525.00	575.00
Child or Infant (up to 59") .....	250.00	300.00

**CREMAINS:**

Disinterment/Reinterment (in Lakeside Cemetery) .....		
	350.00	450.00
Disinterment (From Lakeside Cemetery to another cemetery) .....		
	250.00	300.00
Reinterment (From another cemetery to Lakeside Cemetery) .....		
	250.00	300.00

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Sample-Wynn.
- No: Councilmember Schrader.
- Absent: None.

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

On May 22, 2003, the City of Port Huron received four (4) proposals for lead testing, risk assessments, and clearance on properties being rehabilitated with Community Development Block Grant (CDBG) funds and HOME funds as required by the U.S. Department of Housing and Urban Development (HUD):

St. Clair County Health Department	\$ 475.00
Wilco Incorporated	750.00
Huron Environmental LLC	840.00
EKS Environmental Consulting and General Contracting	1,475.00

It is recommended that the City utilize St. Clair County Health Department for interim control and/or abatement of lead based paint on rehabilitation projects undertaken by the Community Development Division with a per project cost in the amount of Four Hundred Seventy Five and 00/100 Dollars (\$475.00) as the best proposal and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

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

WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along 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 2003-2004 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$40,000.00, all of which shall be specially assessed and none to be paid as a general expense of the City.

3. The City Council hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessment shall be levied.

4. Said revised special assessment roll as prepared by the City Assessor in the amount of \$40,000.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0001 (See City Clerk File #03-41).

5. Payments on said special assessment roll shall be due and payable on or before July 1, 2003.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Adopted unanimously.

**\*R-3.** WHEREAS, Lear Corporation, 1905 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for July 14, 2003, in order to hear comments on the application of Lear Corporation for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

**\*R-4.** WHEREAS, the Blue Water Area Transportation Commission operates a transit system within the Blue Water Area; and

WHEREAS, it was agreed to place the question of additional funding for the transportation system before the voters of each local unit of government in the form of a millage; and

WHEREAS, on May 7, 2002, 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 0.6386 mills of taxable valuation, as finally equalized, of all real and personal taxable property within said two (2) local units of government for the period of two (2) years for the purpose of providing funds for the operation of the Blue Water Area Transportation System from July 1, 2002, through June 30, 2004; and

WHEREAS, the City of Port Huron has received a recommendation from the Blue Water Area Transportation Commission to levy 0.6294 mills (after application of the Headlee roll back) 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, 2003 City levy) which recommendation is within the 0.6386 mills approved by the voters of the City of Port Huron; and

WHEREAS, the amount to be received from the levy of 0.6294 mills by the City of Port Huron, based on the 2003 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, 2003 through June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron, St. Clair County, Michigan, that by the authority of said May 7, 2002 millage approval by the voters of the City of Port Huron, that the City of Port Huron does hereby levy for the period of one (1) year, 0.6294 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, 2003 through June 30, 2004; and

BE IT FURTHER RESOLVED, that said 0.6294 mills be levied on July 1, 2003; and

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby authorized and directed to certify said tax for levy and collection to the City Treasurer of the City of Port Huron by delivering to said City Treasurer a certified copy of this resolution.

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

Adopted.

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

WHEREAS, the City of Port Huron is exposed to various risks of loss and has purchased commercial insurance for property damage, including buildings, contents and other assets, boiler and machinery, computers and other equipment, employee dishonesty and other potential losses; and

WHEREAS, such coverage is necessary for the fiscal year beginning July 1, 2003 and ending June 30, 2004; and

WHEREAS, from time to time this benefit is reviewed and analyzed for its appropriateness of coverages, cost effectiveness and other factors; and

WHEREAS, competitive proposals have been solicited from a number of insurance firms which have demonstrated the qualifications, competence and capacity to provide this coverage; and

WHEREAS, the Travelers Insurance Company was selected for property loss coverage, with an estimated annual cost of \$260,625.00, based upon its comprehensiveness of coverage, superior service, exceptional insurance rating and experience with municipalities, and the Hanover Insurance Company was selected for public employee crime and fraud coverage, with an estimated annual cost of \$7,485.00, based upon its superior service, experience and annual cost savings;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves insurance contracts with the Travelers Insurance Company for property loss coverage and the Hanover Insurance Company for public employee crime and fraud coverage in accordance with the insurance requirements of the City and authorizes and directs the proper City officials to execute such agreements.

Adopted unanimously.

**R-6. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron electorate, in an election January 9, 1979, authorized and empowered the City of Port Huron under Section 78 of the City Charter, as amended, to lease to the United States Coast Guard docking facilities located in Pine Grove Park; and

WHEREAS, the City of Port Huron currently has a lease with the United States Coast Guard for the docking facilities which provides the Coast Guard, at their option, may renew the lease "annually but not beyond 30 September 2016"; and

WHEREAS, the current Coast Guard cutter stationed at said docking facilities, the Bramble, is being replaced by a larger vessel named the Hollyhock; and

WHEREAS, the Coast Guard is spending over One Million Dollars (\$1,000,000) to maintain and improve the docking facility in anticipation of the arrival of the Hollyhock; and

WHEREAS, the Coast Guard desires to maintain the right to lease and use said docking facilities for an extended period of time because of the substantial expenditure of funds to improve the docking facilities; and

WHEREAS, the services provided to the citizens of Port Huron in water safety, security and rescue are important to the City of Port Huron; and

WHEREAS, the City of Port Huron desires to maintain the docking of the Great Lakes Coast Guard cutter in the City of Port Huron; and

WHEREAS, the representative of the Coast Guard has submitted an amendment to the lease agreement between the City of Port Huron and the Coast Guard extending the annual renewal of the lease for the docking facilities to September 30, 2046; and

WHEREAS, it is in the interest of the City of Port Huron to grant the lease extension;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the amendment to the lease of the Pine Grove Park docking facilities to the United Coast Guard for docking of the Coast Guard cutter Bramble (to be replaced by the Hollyhock) extending the right to renew the lease to a term not beyond September 30, 2046 and authorizes and designates the City Manager to execute the lease amendment agreement and any necessary annual renewals to extend not beyond September 30, 2046. (See City Clerk File #03-42)

Adopted unanimously.

**\*R-7.** WHEREAS, it is stated in the City of Port Huron Code of Ordinances, Chapter 2, Administration, Article III, Division 2, Sections 2-242 and 2-243 concerning the Planning Commission:

“Sec. 2-242. Composition, appointment of members. The Planning Commission shall consist of nine members, one of who shall be a member of and selected by the City Council, one of who shall be the City Manager or, in his discretion, his designated representative who shall be appointment by him, and seven of who shall be appointed by the City Council. ...”

“Sec. 2-243. Terms and removal of members. The term of the City Councilman’s membership on the Planning Commission shall correspond to his official tenure. The term of each other member of the Planning Commission shall be three years or until his successor takes office. ...”

NOW, THEREFORE, BE IT RESOLVED that David Schwartz is hereby reappointed to the City of Port Huron Planning Commission for a term to expire June 14, 2006.

Adopted.

**\*R-8.** WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 27, 2003, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2002 (04/01/02 - 03/31/03); 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);

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby authorizes the Community Development Department to submit the Consolidated Annual Performance Evaluation Report (CAPER) for the fiscal year (April 1, 2002, through March 31, 2003), 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.

Adopted.

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

WHEREAS, Chapter 26, Subdivision Regulations, Section 26-3, Lot Splits, Chapter 32, Zoning, Article XXI, Board of Zoning Appeals, Section 32-515, Fee, and Article XXII, Amendments, Section 32-538, Fee, of the Code of Ordinances of the City of Port Huron state that fees for lot splits, application fees for the zoning board of appeals (variances) and application fee for amendments (rezoning) 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 permit and inspection fees are hereby adopted and become immediately effective:

Lot Split .....	\$100.00
Variance Request .....	100.00
Rezoning Request .....	200.00

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Cutcher, Fisher and Jacobs.
- No: Councilmembers Prax, Sample-Wynn and Schrader.
- Absent: None.

**R-10. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns the following described real estate:

*the public utility easement in the vacated alley adjacent to Lots 5 and 6, Block 12, Asman's Homestead Terrace Subdivision; Lots 10 and 13 Sparta Heights No. 2; and Lot 22 Hollis Plat; in the block bounded by Elk Street, Florida Street, Stone Street and Joann Court, City of Port Huron; and*

WHEREAS, the City Planning Commission has recommended the vacation of this public utility easement; and

WHEREAS, the City Council on June 9, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation of this public utility easement; and

WHEREAS, after due consideration, it is the judgement of the Port Huron City Council that the vacation of public utility easement 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 portion of public utility easement is hereby vacated.

Adopted unanimously.

**R-11. WITHDRAWN.**

**R-12. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron owns the following described real estate:

*that portion of Fourth Street between the north right-of-way line of Griswold Street and the south right-of-way line of Chestnut Street and being adjacent to Lots 8 through 14, Block 63, and Lots 6 through 10, Block 64, White Plat; and a part of Section 10; and*

WHEREAS, the City Planning Commission has recommended the vacation of this portion of Fourth Street; and

WHEREAS, the City Council on June 9, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation of this portion of street; and

WHEREAS, after due consideration, it is the judgement of the Port Huron City Council that the vacation of this portion of Fourth Street 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 portion of Fourth Street is hereby vacated without the reservation of a full-width public utility easement.

Adopted unanimously.

**\*R-13.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 2, Administration, Division 6, Construction Board of Appeals, Section 2-301, 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 Chapter 2, Administration, Division 6, Construction Board of Appeals, Section 2-302, appointment and terms of members, 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 shall be appointed for one, two-year term with successive appointments being three year terms;

NOW, THEREFORE, BE IT RESOLVED, that the Port Huron City Council hereby appoints the following individuals to the Construction Board of Appeals with terms to expire as indicated:

Robert Nelson, licensed general contractor	June 30, 2006
Walter Crosby, Jr., master electrician	June 30, 2006
Ronald Bular, master mechanical contractor	June 30, 2006
James Watson, master plumber	June 30, 2005
Keith Todoroff, licensed tradesman	June 30, 2005

Adopted.

**\*R-14.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 16, Housing, Article II, Rental Inspection, Section 16-47, Appeal Process, that the Rental Housing Board of Appeals shall consist of: "a) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant); b) two current rental property owners; c) one current rental property occupant (tenant); and d) one resident of the City at-large who is neither a rental property owner or occupant (tenant). Members are to serve a three-year staggered term and priority shall be given to Port Huron residents.";

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints the following individuals to the Rental Housing Board of Appeals with terms to expire as indicated:

Ken Duncan, landlord	June 10, 2005
Jessica Vaga, tenant	June 10, 2006
Ron Saffee, landlord	June 10, 2005
Linda Reichenbach, citizen-at-large	June 10, 2006

Adopted.

**R-15. Councilmember Prax** offered and moved the consideration of the following resolution:

WHEREAS, the City Planning Commission has received a request from Acheson Ventures, LLC, to:

- Rezone one (1) property
- Vacate full-width easements in three (3) alleys and one (1) street
- Vacate one (1) alley and four (4) streets

as part of their redevelopment project in the north half of the area generally bounded by 16th Street on the west, 12th Street on the east, Beard Street on the south, and the railroad tracks to the north, and as more fully described below:

**Rezone from "R-1" Single and Two-Family to "M-1" Light Industrial District:**

To rezone Outlot G, Assessor's Railroad Plat; that portion of Section 15 lying north of Outlot G and south of a line commencing at a point N0°0'29"W 227.81 feet from the SW corner of Outlot G, thence S80° 28' 13" E 1315.02 feet; thence S80°20'47"E 230.32 feet, thence S80°38'03"E 166.56 feet to the west line of 12th Street, said line being 25 feet south of and parallel to the centerline of an existing CSX railroad track; also Lots 1, 2, 13 and 14, Block 7, lots 1, 2, 13 and 14, Block 8, Lots 1, 2, 13 and 14, Block 9, and Lots 1, 2, 13 and 14, Block 10, Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, including that portion of Petit, 13th, 14th, and 15th Streets; the west one-half of 12th Street and the east one-half of 16th Street; and alleys 142, 143, 144 and 183, adjacent thereto, City of Port Huron from "R-1" Single- and Two-Family Residential to "M-1" Light Industrial District.

**Vacate the full-width easements in portions of alleys/streets:**

To vacate the full-width easements in the portions of the vacated rights-of-way of *Alley 142*, vacated 11/25/96, adjacent to Lots 1, 2, 13 and 14, Block 8, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron.

To vacate the full-width easements in the portions of the vacated rights-of-way of *Alley 144*, vacated 08/13/01, adjacent to Lots 1, 2, 13 and 14, Block 10, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron.

To vacate the full-width easements in the portions of the vacated rights-of-way of *Alley 183*, vacated 08/28/78, adjacent to Lots 1, 2, 13 and 14, Block 7, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron.

To vacate the full-width easements in the portions of the vacated rights-of-way of *Petit Street*, vacated 07/23/12, adjacent to Lots 1 and 4, Block 10, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, said Commissioners Plat, and Outlot G, Assessor's Railroad Plat, between 15th and 16th Streets, City of Port Huron.

**Vacate an alley and streets:**

To vacate *Alley 143*, adjacent to Lots 1, 2, 13, and 14, Block 9, without the reservation of a public utility easement within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron.

To vacate *13th Street* adjacent to Lots 13 and 14, Block 7, and Lots 1 and 2, Block 8, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron, without the reservation of a public utility easement.

To vacate *14th Street* adjacent to Lots 13 and 14, Block 8, and lots 1 and 2, Block 9, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron without the reservation of a public utility easement.

To vacate *15th Street* adjacent to Lots 13 and 14, Block 9, and Lots 1 and 2, Block 10, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron without the reservation of a public utility easement.

To vacate *Petit Street* adjacent to Lots 1 and 14 of Blocks 7, 8, and 9, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15 and adjacent to Outlot G, Assessor's Railroad Plat from the west right-of-way line of 12th Street to the west right-of-way line of 15th Street, City of Port Huron without the reservation of a public utility easement.

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the above items; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (6 ayes; 0 nays; 2 absent; 1 abstained) of the above items;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative majority vote schedules a public hearing for July 14, 2003, to hear comments on the request from Acheson Ventures, LLC, to rezone one piece of property from "R-1" Single and Two-Family to "M-1" Light Industrial District; to vacate full-width easements in three alleys and one street and to vacate one alley and four streets in the north half of the area generally bounded by 16th Street on the west, 12th Street on the east, Beard Street on the south, and the railroad tracks to the north, or in the case of a negative vote hereby denies the request to schedule a public hearing.

Adopted unanimously and public hearings to be scheduled.

**R-16. Councilmember Prax** offered and moved the consideration of the following resolution:

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

*Lot 11, Block 125, White Plat, including the south one-half of vacated alley adjacent, also known as 1039 Oak Street, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (7 ayes; 0 nays; 2 absent; 0 abstained) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for July 14, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Walcard Investments for the rezoning of the above described property.

Adopted unanimously and public hearing to be scheduled.

**R-17. Councilmember Prax** offered and moved the consideration of the following resolution:

WHEREAS, a request has been received for a special use permit to operate a warehouse and distributing area addition in a "C-1" General Business District at 1420 Thomas Street, City of Port Huron; and

WHEREAS, on June 3, 2003, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (7 ayes; 0 nays; 2 absent; 0 abstained) of the special permit request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for a warehouse and distributing area addition at 1420 Thomas Street.

Adopted unanimously and request approved.

**R-18. Councilmember Jacobs** offered and moved the adoption of the following resolution:

WHEREAS, there is a position open on the Economic Development Alliance (EDA) Board for a Council representative from the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Prax is hereby appointed as the Council’s representative on the EDA Board.

Adopted unanimously.

**ORDINANCES**

**O-1. Councilmember Sample-Wynn** moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT THE CORNER OF ELECTRIC AVENUE AND MOAK STREET FROM “C-1” GENERAL BUSINESS DISTRICT TO “A-1” MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 816 UNION STREET FROM “A-1” MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT TO “R-1” SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.

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

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Prax** requested that an update be given on the new trash removal schedule. Bob Clegg, City Engineer, responded that it went fairly well and that there were not many phone calls. He also responded to the “grass issue” on the boulevards in areas of construction and the fact that it was not growing stating that the contractor, at their expense, will be redoing the neighborhoods that were brought to Council’s attention in the past few weeks and letters have been sent to those affected.

**2. Councilmember Sample-Wynn** asked Bob Clegg, City Engineer, about what the policy was if a vehicle is parked in front of someone’s trash and it doesn’t get picked up. Bob stated that they should call the Department of Public Works and it will be addressed.

**3. Councilmember Prax** requested that letters be sent to members of the Skate Park Committee thanking them for their participation.

**4. Mayor Neal** asked about the dust and mud generated from construction projects in the south end.

**5. Councilmember Cutcher** mentioned two ribbon cuttings that recently took place - Dancers & Giorgio Bridal, 240 Huron Ave., June 2; Curves, 1107 Stone St., May 30. He also mentioned the recent success of his neighborhood’s cleanup - Glenwood, Stone & 10th Avenue.

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

PAULINE M. REPP, CMC  
City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 14, 2003, at 6:15 p.m. in Conference Room 101, Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

**Councilmember Prax** moved to go into an Executive Session to discuss the City Manager's performance evaluation, as requested by the City Manager.

Motion adopted unanimously.

**Councilmember Sample-Wynn** moved to reconvene into regular session.

On motion (7:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 14, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

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

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of June 9, 2003, were approved.

### PUBLIC HEARINGS

**1. The Mayor** announced that this was the time to hear comments on the application of Lear Corporation, 1905 Beard Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**2. The Mayor** announced that this was the time to hear comments on the request from Acheson Ventures, LLC, to rezone one piece of property from "R-1" Single and Two-Family to "M-1" Light Industrial District, to vacate full-width easements in three alleys and one street and to vacate one alley and four streets in the north half of the area generally bound by 16th Street on the west, 12th Street on the east, Beard Street on the south and the railroad tracks to the north. (See Resolutions #3 through Resolution #11 and Ordinance #3)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**3. The Mayor** announced that this was the time to hear comments on the request to rezone property at 1039 Oak Street from "C-1" General Business District to "R-1" Single and Two-Family Residential District. (See Ordinance #4)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

### PUBLIC AUDIENCES

**1.** The following persons addressed the City Council requesting that they consider Donald Dagg's request to rezone his property to allow for U-Haul rental business: Ken Harris, 1521 Wells Street (he also commended City on pilings downtown); Larry Beigneul, 1712 Union Street; David Harrell, 1708 Willow Street; Gary Urban, 1901 Willos Street; Glen Sturgis, 1833 Stone Street; and Donald Dagg, 1708 Water Street.

### CONSENT AGENDA

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

Adopted unanimously.

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

- Deadline for participation in the Home Improvement Contest is July 31. Applications are available at the Community Development Division, third floor of the M.O.C., Improvements should be completed by August 31 and prizes will be awarded in September.
- Nominations for the Yard of the Year will be accepted through Friday, July 18, in the City Clerk's office.
- Nominations for Spirit of Port Huron will be accepted through Friday, August 1, in the Mayor's office.
- The Volunteer Corps Program is looking for individuals with carpentry, house painting or similar experience to volunteer their time and expertise in assisting elderly property owners with maintenance of their homes. Contact the Community Development Office at 984-9736.

Upcoming events in the City:

- McDonagh's Amusement Carnival, downtown, July 15-19
- Senior Picnic, Pine Grove Park, July 15
- Youth Parade, July 16, starting at 1:00 p.m.
- Rotary International Day Parade, July 16, starting at 6:30 p.m.
- Mackinac Race Festivities begin Thursday, July 17 (race Saturday, July 19)
- Sand Sculpture Contest, Lighthouse Beach, July 27
- "National Night Out" activities by neighborhood watch blocks, August 5
- Pow Wow in Pine Grove Park, August 9-10

### COMMUNICATIONS & PETITIONS

**\*C-1.** From the Garfield Kindergarten teachers thanking Officer Kuehn and Officer Decker from the Port Huron Police Department Community Services Department for their assistance with their class trip to McDonald's restaurant and thanking Port Huron Firefighters Mark, Aaron, Tim and Delbert for their assistance with the special trip to the Fire Department.

Received and filed.

**\*C-2.** Notification from the National League of Cities that the 80th Congress of Cities and Exposition will be held December 9-13, 2003, in Nashville, Tennessee.

Received and filed and Councilmembers authorized to attend.

**\*C-3.** From Mrs. Marilyn Riehl, 305 Rural Street, reiterating objection to any reconsideration of Mr. Donald Dagg, Don's Mini Storage, rezoning request for property at the corner of Rural and Water Street.

Received and filed.

**C-4. Councilmember Prax** moved to receive and file the following communication and appoint Councilmember Cutcher as voting delegate and Mayor Neal as alternate:

Notification from the Michigan Municipal League requesting designation of one voting and one alternate delegate for the Annual Convention to be held September 16-19, 2003, in Detroit, Michigan.

Adopted unanimously.

**C-5. Councilmember Sample-Wynn** moved to receive and file the following communication:

From Mr. Donald Dagg, Don's Mini Storage, asking the Council to consider his request to rezone his property at 1708 Water Street to "M-1".

Adopted unanimously.

(NOTE: **Mayor Neal** requested that City administration look into methods to allow for a special permit for just the U-Haul business rather than rezoning.)

## RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

AT THIS POINT, City Engineer Robert Clegg gave an update on sewer separation and other construction projects, per the request of Councilmember Prax.

**\*R-2.** WHEREAS, Lear Corporation, 1905 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); 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 14, 2003, to hear comments on the application; and

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

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

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

All personal property: 12/31/03 to 12/31/09 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Lear Corporation is located.

Adopted.

**3-11. Councilmember Sample-Wynn** offered and moved the adoption of the following resolutions:

**R-3.** WHEREAS, the City of Port Huron owns the following described real estate:

*the full-width easements in the portions of the vacated rights-of-way of Alley 142, vacated 11/25/96, adjacent to Lots 1, 2, 13 and 14, Block 8, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of full-width easements are hereby vacated.

**R-4.** WHEREAS, the City of Port Huron owns the following described real estate:

*the full-width easements in the portions of the vacated rights-of-way of Alley 144, vacated 08/13/01, adjacent to Lots 1, 2, 13 and 14, Block 10, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of full-width easements are hereby vacated.

**R-5.** WHEREAS, the City of Port Huron owns the following described real estate:

*the full-width easements in the portions of the vacated rights-of-way of Alley 183, vacated 08/28/78, adjacent to Lots 1, 2, 13 and 14, Block 7, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of full-width easements are hereby vacated.

**R-6.** WHEREAS, the City of Port Huron owns the following described real estate:

*the full-width easements in the portions of the vacated rights-of-way of Petit Street, vacated 07/23/12, adjacent to Lots 1 and 4, Block 10, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, said Commissioners Plat, and Outlot G, Assessor's Railroad Plat, between 15th and 16th Streets, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of full-width easements are hereby vacated.

**R-7.** WHEREAS, the City of Port Huron owns the following described real estate:

*Alley 143, adjacent to Lots 1, 2, 13, and 14, Block 9, without the reservation of a public utility easement within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of Alley 143 is hereby vacated without the reservation of a full-width public utility easement.

**R-8.** WHEREAS, the City of Port Huron owns the following described real estate:

*13th Street adjacent to Lots 13 and 14, Block 7, and Lots 1 and 2, Block 8, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of 13th Street is hereby vacated without the reservation of a full-width public utility easement.

**R-9.** WHEREAS, the City of Port Huron owns the following described real estate:

*14th Street adjacent to Lots 13 and 14, Block 8, and lots 1 and 2, Block 9, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of 14th Street is hereby vacated without the reservation of a full-width public utility easement.

**R-10.** WHEREAS, the City of Port Huron owns the following described real estate:

*15th Street adjacent to Lots 13 and 14, Block 9, and Lots 1 and 2, Block 10, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of 15th Street is hereby vacated without the reservation of a full-width public utility easement.

**R-11.** WHEREAS, the City of Port Huron owns the following described real estate:

*Petit Street adjacent to Lots 1 and 14 of Blocks 7, 8, and 9, within the Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15 and adjacent to Outlot G, Assessor's Railroad Plat from the west right-of-way line of 12th Street to the west right-of-way line of 15th Street, City of Port Huron; and*

WHEREAS, on June 3, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation, and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 1 abstained) of the vacation; and

WHEREAS, the City Council on July 14, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of Petit Street is hereby vacated without the reservation of a full-width public utility easement.

Motion to adopt Resolutions 3 through 11 adopted unanimously.

**\*R-12.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 16, Housing, Article II, Rental Inspection, Section 16-47, Appeal Process, that the Rental Housing Board of Appeals shall consist of: "a) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant); b) two current rental property owners; c) one current rental property occupant (tenant); and d) one resident of the City at-large who is neither a rental property owner or occupant (tenant). Members are to serve a three-year staggered term and priority shall be given to Port Huron residents.";

WHEREAS, a resolution adopted by City Council at the June 9, 2003, meeting contained incorrect dates for terms;

NOW, THEREFORE, BE IT RESOLVED that Resolution #14 adopted on June 9, 2003, is hereby rescinded and the Port Huron City Council hereby appoints the following individuals to the Rental Housing Board of Appeals with terms to expire as indicated:

Ken Duncan, landlord	June 10, 2006
Jessica Vega, tenant	June 10, 2006

Adopted.

**\*R-13.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$621.91 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #03-43).

Adopted.

**R-14. Councilmember Fisher** offered and moved the adoption of the following resolution:

WHEREAS, it is necessary to perform professional engineering services on the 7th Street Bridge; and

WHEREAS, HNTB Michigan, Inc. as the engineer of record based on their selection through competitive selection process to provide engineering services on the 7th Street Bridge; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and HNTB Michigan, Inc. for professional engineering services for Project No. G01-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with HNTB Michigan, Inc. for professional engineering services to inspect the mechanical and electrical systems on the Seventh Street Bridge and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-44).

Adopted unanimously.

**\*R-15.** WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 32, Zoning, Article XXI, Sections 32-506 and 32-507(a) concerning the Board of Zoning Appeals:

**"Sec. 32-506. Appointment.** The city council shall appoint a board of zoning appeals, hereinafter sometimes referred to as the board, which board shall have the powers and duties prescribed by law and by this Code."

**"Sec. 32-507. Membership and organization.** (a) The board shall consist of six members, each to be appointed for a term of three years; provided, that the first appointment shall be two members for one year, two members for two years, and two members for three years, and that subsequent appointments shall be for the full three-year term.";

NOW, THEREFORE, BE IT RESOLVED that the following people are hereby appointed to three-year terms on the Zoning Board of Appeals:

- |                    |              |
|--------------------|--------------|
| Susan M. Bannatyne | July 1, 2006 |
| Lois K. Beatty     | July 1, 2006 |
| Larry McNamara     | July 1, 2006 |

Adopted.

**R-16. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, on December 30, 2002, the Governor of the State of Michigan approved Act No. 738 of the Public Acts of 2002 authorizing the use of electronic transactions by designated officers of the local government; and

WHEREAS, the City of Port Huron deems that it is in the best interest of the City to make certain financial transactions by using electronic transactions as described in the Act;

NOW, THEREFORE, BE IT RESOLVED, that the following policy shall govern the use of electronic transactions:

- (a) The Director of Finance shall be the electronic transaction officer (ETO) and shall be responsible for establishing all ACH arrangements for the City;
- (b) The Director of Finance has drafted a written policy to be followed in accordance with the act and has presented it to the governing body (See City Clerk File # 03-45);
- (c) The Director of Finance shall be responsible for payment approval, accounting, reporting, and generally overseeing compliance or shall appoint an employee to perform such duties;

(d) The Director of Finance shall submit documentation to the persons responsible for approving payments, detailing goods and services purchased, the cost of goods or services, the dates of payment, the department levels serviced and the necessary accounting records to properly report such transactions;

(e) All ACH transactions shall be approved by the Director of Finance or designee before payment is made and shall be recorded in a proper and timely manner.

Adopted unanimously.

**\*R-17.** WHEREAS, Bar Works, Inc. (Amer Astafin & Issam Youkhanna) has requested to transfer ownership of 2003 Class C licensed business with Dance-Entertainment Permit, located at 400 Quay Street, from EGM Company;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

**\*R-18.** WHEREAS, Huron, Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for August 11, 2003, in order to hear comments on the application of Huron, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

**R-19. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron and the Port Huron Fire Fighters Association, Local 354, entered into a five-year collective bargaining agreement for the period of July 1, 2002, through June 30, 2007; and

WHEREAS, the City and the Port Huron Fire Fighters Association, Local 354, recognize that it is necessary to reduce costs while maintaining the same level of high quality service to the citizens of Port Huron; and

WHEREAS, the City and the Port Huron Fire Fighters Association have negotiated the following working conditions and other changes and improvements to the collective bargaining agreement that are acceptable to each which can be summarized as follows: Shift scheduling changes, vacation scheduling changes, senior officer positions, mechanic and maintenance positions and retirement opportunities;

NOW, THEREFORE, BE IT RESOLVED that the attached Memorandum of Understanding with the Port Huron Fire Fighters Association, Local 354, is hereby accepted and that the appropriate City officials are hereby authorized to execute said changes to the five-year collective bargaining agreement for the period July 1, 2002, through June 30, 2007. (See City Clerk File #03-46);

BE IT FURTHER RESOLVED that an employee who is a member of the Port Huron Fire Fighters Association, Local 354, and eligible to retire under MERS provisions (i.e., minimum F50/25, or reduced benefit if age 55 with at least 15 years MERS service) during the period commencing July 1, 2003, and ending December 28, 2003, and whose retirement allowance effective date is not earlier than July 1, 2003, or later than January 1, 2004, will receive one (1) year of additional service credit for retirement purposes at employer expense. In no event will the retirement allowance payable by the City exceed 80% of the employee's final average compensation irrespective of any service credit purchased or credited.

Adopted unanimously.

#### ORDINANCES

**O-1. Councilmember Prax** moved that an ordinance introduced June 9, 2003, entitled and reading as follows be given its third and final reading and enacted:

##### ORDINANCE NO. 1212

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT THE CORNER OF ELECTRIC AVENUE AND MOAK STREET FROM "C-1" GENERAL BUSINESS DISTRICT TO "A-1" MEDIUM DENSITY MULTIPLE FAMILY DISTRICT.

#### THE CITY OF PORT HURON ORDAINS:

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from "C-1" General Business District to "A-1" Medium Density Multiple Family District:

*Lots 131 and 132, Assessor's Military Street Plat Number 3, City of Port Huron.*

PAULINE M. REPP, CMC  
CITY CLERK

ADOPTED: 07/14/03  
PUBLISHED: 07/19/03  
EFFECTIVE: 07/19/03

Adopted unanimously.

**O-2. Councilmember Sample-Wynn** moved that an ordinance introduced June 9, 2003, entitled and reading as follows be given its third and final reading and enacted:

##### ORDINANCE NO. 1213

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 816 UNION STREET FROM "A-1" MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.

#### THE CITY OF PORT HURON ORDAINS:

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from "A-1" Medium Density Multiple Family Residential District to "R-1" Single- and Two-Family Residential District:

*Lot 3, Block 25, White Plat, also known as 816 Union Street, City of Port Huron.*

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 07/14/03  
PUBLISHED: 07/19/03  
EFFECTIVE: 07/19/03

Adopted unanimously.

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY IN THE NORTH HALF OF THE AREA GENERALLY BOUNDED BY 16TH STREET ON THE WEST, 12TH STREET ON THE EAST, BEARD STREET ON THE SOUTH, AND THE RAILROAD TRACKS ON THE NORTH, FROM "R-1" SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO "M-1" LIGHT INDUSTRIAL DISTRICT.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1039 OAK STREET FROM "C-1" GENERAL BUSINESS DISTRICT TO "R-1" SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.

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

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Fisher** expanded on the earlier comments about the pilings in downtown stating that it's the Museum's Stylin Pilings and it costs \$25 for the platform and 3 pilings and they are still available.

**2. Councilmember Cutcher** announced the recent grand opening of the Color Wheel Creative Art Center on Superior Mall.

On motion (8:33 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, July 15, 2003, at 4:00 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Jacobs, Prax, Sample-Wynn and Schrader.

Absent: Councilmember Fisher.

**RESOLUTIONS**

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

WHEREAS, the City of Port Huron owns an industrial speculative building at 3150 Dove Street in the Port Huron Industrial Park Expansion Area; and

WHEREAS, an agreement between the City of Port Huron and a proposed Purchaser of said building has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the proposed Purchaser of Speculative Building Number 11 at 3150 Dove Street in the Port Huron Industrial Park Expansion Area and authorizes and directs the proper City officials to execute said agreement. (See City Clerk File #03-47.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Jacobs, Prax, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Fisher.

On motion (4:15 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 11, 2003, at 4:00 p.m. in Conference Room 408, Municipal Office Center.**

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Jacobs (arrived at 4:20 p.m.), Sample-Wynn and Schrader.

Absent: Councilmembers Cutcher and Prax.

The meeting was held jointly with the St. Clair County Board of Commissioners. Commissioners present were Pat Anger, Howard Heidemann; Steve Kearns (arrived at 4:19 p.m.); Lee Masters; Phil Pavlov; Tom Reilly; and Pam Wall.

Troy Feltman, County Administrator, gave a power point presentation entitled "Emergency Dispatching Proposal" (see City Clerk File No. 03-48). He stated that the County is committed to proceeding with their plan for central dispatch and 800 mghz radio communications and wants to know whether the City of Port Huron will be joining them in forming an Central Dispatch Authority Board so that they can move forward. Methods of payment for this \$12.4 million dollar project were discussed (telephone surcharge vs. millage).

Tom Hutka, City Manager, responded that administration will be presenting City Council with a recommendation in September.

On motion (4:40 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 11, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Reverend Mark Seppo, Life of Faith Fellowship, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

Absent: Councilmember Cutcher.

The minutes of the regular meeting of July 14, 2003, and the special meeting of July 15, 2003, were approved.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the application of Huron, Inc., 2347 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Bernard Ellery, 720 White Street, addressed the City Council objecting to facility housing children being built at Griswold and 8th Street. (Per Tom Hutka’s suggestion, Mr. Ellery to meet with Kim Harmer, Planning Director, about this. He states that this is not a City project.)

2. Mrs. Ellery, 720 White Street, addressed the City Council stating she has lived at this home for 8 years and watched same people go to the soup kitchen and go home - they carry their brown bags and cigarettes - not a good influence for young people. Lots of crime and not reported in the paper.

3. Donna Klune, 11th Street, addressed the City Council stating that Council needs to focus on south end, paint isn’t going to do it. There are not enough officers available to go and take care of all the ordinances.

4. Mr. Riehl, Rural Street, addressed the City Council thanking them for their efforts in seeing that their neighborhood stays a neighborhood.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
No: None.  
Absent: Councilmember Cutcher.

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

- The Volunteer Corps Program is looking for individuals with carpentry, house painting or similar experience to volunteer their time and expertise in assisting elderly property owners with maintenance of their homes. Contact the Community Development Office at 984-9736.
- Art on the Avenue will be held August 23 - 24 in downtown Port Huron.
- Antique & Classic Boat Show will be held September 6 at the River Street Marina.
- Community Build is looking for volunteers for installation of the skate park equipment in Optimist Park, under the supervision of the vendor, on Saturday, September 6, 2003 starting at 8:00 a.m.

**COMMUNICATIONS & PETITIONS**

\***C-1.** From Mrs. Marilee Riehl, 305 Rural Street, and on behalf of 28 neighbors, reaffirming their opposition to the rezoning of Mr. Donald Dagg’s property on Water Street.

Received and filed.

**FROM THE CITY MANAGER**

**CM-1. Councilmember Fisher** offered and moved the adoption of the following City Manager’ recommendation:

On July 30, 2003, the City of Port Huron received (1) one bid for 44,000 lbs of sodium silicofluoride for the Water Treatment Plant:

LCI, LTD.	\$12,848.00
Alliance Chemicals	No Bid
Astro Chemicals	No Bid
JLM Marketing	No Bid
PVS-Nolwood Chemicals, Inc.	No Bid

It is recommended that the bid of LCI, LTD, P. O. Box 49000, Jacksonville Beach, Florida 32240-9000, in the amount of Twelve Thousand Eight Hundred Forty-Eight 00/100 Dollars (\$12,848.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
No: None.  
Absent: Councilmember Cutcher.

**CM-2. Councilmember Prax** offered and moved the adoption of the following City Manager’s recommendation:

On July 30, 2003, the City of Port Huron received (2) two bids for the 16th & Dove Streets Sanitary Sewer Separation Rehabilitation:

Raymond Excavating Company	\$38,303.00
Boddy Construction, Inc.	\$55,637.00

It is recommended that the bid of Raymond Excavating Company, 800 Gratiot Boulevard, P. O. Box 207, Marysville, Michigan 48040-0207, in the amount of Thirty-Eight Thousand Three Hundred Three and 00/100 Dollars (\$38,303.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Cutcher.

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

On July 31, 2003, the City of Port Huron received (2) two quotes for the Private Inflow Correction at the Port Huron Museum:

Raymond Excavating Company	\$17,900.00
Boddy Construction, Inc.	\$21,700.00

It is recommended that the quote of Raymond Excavating Company, 800 Gratiot Boulevard, P. O. Box 207, Marysville, Michigan 48040-0207, in the amount of Seventeen Thousand Nine Hundred and 00/100 Dollars (\$17,900.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Cutcher.

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

On May 27, 2003 the City Council approved an allocation of up to \$10,000 to initiate and operate a maritime website, subject to future discussions with interested parties and final approval by the City Council.

On July 7, 2003 the City of Port Huron received five (5) proposals from various vendors to create a maritime website. An analysis of these proposals ensued based on the following criteria: technical ability, creative ability, availability of maritime photographs, future maintenance of the site and cost. All were taken into consideration when recommending a vendor to create the maritime website.

It is therefore recommended that the proposal from Media Access & Design, 287 North Gratiot, Mt. Clemens, MI 48043, in the base amount of Seven Thousand, Two Hundred Fifty and 00/100 Dollars (\$7,250.00), including site design and photographs, for creating a Maritime Capital of the Great Lakes website be accepted as the best proposal and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Cutcher.

#### FROM THE DIRECTOR OF FINANCE

**\*DF-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, 2003. Section 3.4 of said administrative regulation states, "At the first City Council meeting in August, the City Council shall be notified of the results of the evaluation of the conflict of interest statements by the Director of Finance. The City Council shall take such action as is appropriate concerning any council member who fails to complete the form."

Please be advised that all conflict of interest statements have been returned and no discrepancies have been noted.

Received and filed

#### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Cutcher.

**\*R-2.** WHEREAS, Huron, Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); 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 August 11, 2003, 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 Huron, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/03 to 12/31/09 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 Huron, Inc., is located.

Adopted.

**\*R-3.** WHEREAS, the Municipal Employees Retirement Act provides that an annual meeting of the participating municipalities shall be held each year "for the purpose of selecting nominees for membership on the Retirement Board and to transact such other business as may be required for the proper operation of the Retirement System;" and

WHEREAS, it also provides that the governing body of each participating municipality shall certify to the Board the names of the delegates, one of whom shall be an officer and one an employee to represent said municipality at this meeting; and

WHEREAS, the annual meeting for 2003 has been called for on Wednesday, October 1 through Thursday, October 2, 2003 at the Hyatt Regency, Dearborn, Michigan; and

WHEREAS, the City Clerk has certified the name of John Zielke as employee delegate and the name of Randall S. Fernandez as employee alternate selected by secret ballot, as prescribed by the Act;

NOW, THEREFORE, BE IT RESOLVED that John H. Ogden be certified as the Officer Delegate and John P. Berry as Officer Alternate, in accordance with the recommendation of the City Manager.

Adopted.

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

WHEREAS, the Michigan Department of Transportation (MDOT) is planning to rehabilitate Military Street from Reid to Water Street during the 2005 construction season; and

WHEREAS, the City of Port Huron has sanitary sewer and water main that is in need of repair under this MDOT roadway; and

WHEREAS, it is necessary to perform professional services during the design and construction of the sanitary sewer and water main repair on Military from Reid to Water Street; and

WHEREAS MDOT has selected URS Corporation - Great Lakes to be their design consultant on the Street Rehabilitation project; and

WHEREAS, MDOT has asked the City to hire the same consultant for our utility repair to assure proper coordination between the projects; and

WHEREAS, City staff have reviewed URS Corporation - Great Lakes qualifications and have found them qualified to provide professional services for our utility repairs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with URS Corporation - Great Lakes for professional engineering services for the sanitary sewer and water main repair on Military from Reid to Water Street and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-49).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Cutcher.

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

WHEREAS, it is necessary to perform professional services during design and construction of Streetscape Improvements along Military Street; and

WHEREAS, the Michigan Department of Transportation (MDOT) has agreed to apply for grant funds and fund the matching share of the grant fund for this project; and

WHEREAS, the City will fund the ineligible cost of the Streetscape Improvements project including engineering services; and

WHEREAS, MDOT has selected URS Corporation - Great Lakes as the design firm for this project and the concurrent Street Rehabilitation project; and

WHEREAS, it is in the City's best interest to work cooperatively with MDOT to assure that the Streetscape Improvements and MDOT's Street Rehabilitation projects are coordinated properly;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with URS Corporation - Great Lakes for professional engineering services for the Streetscape Improvements along Military from Court to Water Street and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-50).

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

No: None.

Absent: Councilmember Cutcher.

**R-6. Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

WHEREAS, there has been a Contract #03-5342 prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction work along Holland Avenue from Stone Street to Gratiot Avenue; including water main and sanitary sewer work along Holland Avenue from Stone Street to Gratiot Avenue; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation program; and

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

WHEREAS, the total estimated cost of \$414,900 is to be shared as follows:

Federal Aid	\$ 193,400
City	<u>\$ 221,500</u>
	\$ 414,900

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for reconstruction work along Holland Avenue from Stone Street to Gratiot Avenue; including storm sewer work; and all together with necessary related work and authorizes a local match of \$221,500 and directs the appropriate City officials to execute said agreement. (See City Clerk file #03-51)

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
No: None.  
Absent: Councilmember Cutcher.

**7-9. Councilmember Prax** offered and moved the adoption of the following resolutions:

**R-7.** WHEREAS, the Lake Huron Direct Drainage Watershed flows through and/or provides storm water drainage for a number of neighboring communities; and

WHEREAS, the City of Port Huron, St. Clair County and other local communities have proposed the formation of the Lake Huron Direct Drainage Watershed Advisory Group to develop a Watershed Management Plan and Public Participation Plan in a cost effective manner; and

WHEREAS, as an operating agreement has been proposed for adoption by the City of Port Huron, St. Clair County, the communities, agencies and organizations comprising the Lake Huron Direct Drainage Watershed Advisory Group to aid in decision-making necessary to develop the Watershed Management Plan and Public Participation Plan economically;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the operating agreement of the Lake Huron Direct Drainage Watershed Advisory Group and authorizes and directs the appropriate City officials to execute the agreement and authorizes the City Manager to appoint a City representative to this Advisory Group (see City Clerk File #03-52).

**R-8.** WHEREAS, the Lower Black River Watershed flows through and/or provides storm water drainage for a number of neighboring communities; and

WHEREAS, the City of Port Huron, St. Clair County and other local communities have proposed the formation of the Lower Black River Watershed Advisory Group to develop a Watershed Management Plan and Public Participation Plan in a cost effective manner; and

WHEREAS, as an operating agreement has been proposed for adoption by the City of Port Huron, St. Clair County, the communities, agencies and organizations comprising the Lower Black River Watershed Advisory Group to aid in decision-making necessary to develop the Watershed Management Plan and Public Participation Plan economically;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the operating agreement of the Lower Black River Watershed Advisory Group and authorizes and directs the appropriate City officials to execute the agreement and authorizes the City Manager to appoint a City representative to this Advisory Group (see City Clerk File #03-53).

**R-9.** WHEREAS, the St. Clair River Direct Drainage Watershed flows through and/or provides storm water drainage for a number of neighboring communities; and

WHEREAS, the City of Port Huron, St. Clair County and other local communities have proposed the formation of the St. Clair River Direct Drainage Watershed Advisory Group to develop a Watershed Management Plan and Public Participation Plan in a cost effective manner; and

WHEREAS, as an operating agreement has been proposed for adoption by the City of Port Huron, St. Clair County, the communities, agencies and organizations comprising the St. Clair River Direct Drainage Watershed Advisory Group to aid in decision-making necessary to develop the Watershed Management Plan and Public Participation Plan economically;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the operating agreement of the St. Clair River Direct Drainage Watershed Advisory Group and authorizes and directs the appropriate City officials to execute the agreement and authorizes the City Manager to appoint a City representative to this Advisory Group (see City Clerk File #03-54).

Motion to adopt Resolutions 7 through 9 adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.  
No: None.  
Absent: Councilmember Cutcher.

(NOTE: Kristin O'Reilly, St. Clair County Storm Water Coordinator, explained the watersheds during this time in the meeting.)

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

WHEREAS, the sales agreement approved by City Council requires that the City complete post sale improvements for Spec 11 building paid for by the purchaser of the building.

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and BCF Engineers, Inc. for professional engineering services for Project No. G03-0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BCF Engineering, Inc., for professional engineering services and authorizes and directs the proper City officials to execute the agreement. (See City Clerk File #03-55).

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.
- No: None.
- Absent: Councilmember Cutcher.

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

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,222.28 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #03-56).

Adopted.

**R-12. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, the City Planning Commission has received a request from Mary J. Devroy to rezone the following described property from "M-1" Light Industrial District to "R-1" Single- and Two-Family Residential District:

*Lot 8 and the east 36 feet of Lot 9, Block 4, Assessor's Plat of the Weyer's Land including south one-half of vacated alley adjacent, also known as 1703 Bancroft Street, City of Port Huron; and*

WHEREAS, on August 5, 2003, the City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote: 5 ayes; 0 nays; 4 absent) of the rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for September 8, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request of Mary J. Devroy for the rezoning of the above described property.

Motion adopted by the following vote:

- Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax, Sample-Wynn and Schrader.
- No: None.
- Absent: Councilmember Cutcher.

**ORDINANCES**

**O-1. Councilmember Prax** moved that an ordinance introduced July 14, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1214

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY IN THE NORTH HALF OF THE AREA GENERALLY BOUNDED BY 16TH STREET ON THE WEST, 12TH STREET ON THE EAST, BEARD STREET ON THE SOUTH, AND THE RAILROAD TRACKS ON THE NORTH, FROM "R-1" SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO "M-1" LIGHT INDUSTRIAL DISTRICT.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from "R-1" Single- and Two-Family Residential District to "M-1" Light Industrial District:

Outlot G, Assessor's Railroad Plat; that portion of Section 15 lying north of Outlot G and south of a line commencing at a point N0°0'29"W 227.81 feet from the SW corner of Outlot G, thence S80° 28' 13" E 1315.02 feet; thence S80°20'47"E 230.32 feet, thence S80°38'03"E 166.56 feet to the west line of 12th Street, said line being 25 feet south of and parallel to the centerline of an existing CSX railroad track; also Lots 1, 2, 13 and 14, Block 7, lots 1, 2, 13 and 14, Block 8, Lots 1, 2, 13 and 14, Block 9, and Lots 1, 2, 13 and 14, Block 10, Commissioners Plat of that part of the Estate of Simon Petit, deceased, lying and being in Section 15, including that portion of Petit, 13th, 14th, and 15th Streets; the west one-half of 12th Street and the east one-half of 16th Street; and alleys 142, 143, 144 and 183, adjacent thereto, City of Port Huron.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 08/11/03  
 PUBLISHED: 08/16/03  
 EFFECTIVE: 08/16/03

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax,  
 Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Cutcher.

**O-2. Councilmember Sample-Wynn** moved that an ordinance introduced July 14, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1215

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1039 OAK STREET FROM "C-1" GENERAL BUSINESS DISTRICT TO "R-1" SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from "C-1" General Business District to "R-1" Single- and Two-Family Residential District:

Lot 11, Block 125, White Plat, including the south one-half of vacated alley adjacent, also known as 1039 Oak Street, City of Port Huron.

Pauline M. Repp, CMC  
 City Clerk

ADOPTED: 08/11/03  
 PUBLISHED: 08/16/03  
 EFFECTIVE: 08/16/03

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Fisher, Jacobs, Prax,  
 Sample-Wynn and Schrader.  
 No: None.  
 Absent: Councilmember Cutcher.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Jacobs** requested that Bob Clegg, City Engineer, address the recycling process and how the trucks pick up the yard waste and recyclables stating that people feel they are mixed together because they go into the same truck. Bob Clegg explained that there are 2 hoppers in the truck and they remain separated. Additionally, Councilmember Schrader asked how the 2-day a week trash collection is working and Bob Clegg responded that it seems to be working fine and that a few minor problems have been ironed out. Councilmember Jacobs wished her dad a happy birthday.

**2. Councilmember Sample-Wynn** encouraged everyone to visit the Stylin Pilings downtown.

**3. Councilmember Schrader** congratulated city administration and employees on a great job during all of the events held in July.

On motion (8:22 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
 City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 8, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Councilmember Kimberly C. Prax, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular and special meetings of August 11, 2003, were approved.

**PRESENTATIONS**

1. Yard of the Year awards were presented by the Beautification Commission. (For a list of the winners, see City Clerk File #03-57.)
2. Overview of the City’s response to the August 14, 2003, power outage was given by Tom Hutka, City Manager.
3. Mark Steinborn, Chairperson, Sister Cities Committee, gave an update.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the request to rezone property at 1703 Bancroft Street from M-1 Light Industrial District to R-1 Single and Two-Family Residential District. (See Ordinance #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Anthony America, Port Huron, addressed the City Council in opposition to Stylin Pilings and prayers in the Council chambers, in favor of death penalty, and against President Bush’s administration.
2. Joe Mancini, 204 Botsford, addressed the City Council stating that the years 1997 to 2003 have been filled with promises to correct noise problems with Mueller Brass and nothing has happened. He said the last two meetings were unproductive and feels Mr. Hutka sided with Mueller Brass. (Mr. Hutka stated that they had hired someone to test noise and there were no offenses by Mueller Brass and he and Mrs. Harmer facilitated meetings and met with neighbors and Mueller Brass officials. Further, he stated there has not been cooperation from neighbors to identify specific noise and they were given a specific number to call if they heard noise.)
3. Mrs. Mancini, 204 Botsford, addressed the City Council stating she sat out on her deck before the meeting and heard whirring noise from Mueller Brass’ fans. She invited the Council to go over and listen after the meeting.

AT THIS POINT, Councilmember Schrader asked about re-doing the noise ordinance.

4. Mary Wright, Artist for Stylin Pilings, 122 East Hewitt, Marquette, addressed the City Council stating she welcomed Mr. America’s comments if they are constructive, explained background of the project and how she became “Artist in Residence”, her impressions of Port Huron and stating it is a beautiful place, and need for people to walk amongst the pilings. Stated Detroit News reporter will be here in two weeks and Saginaw News art reporter is coming and this is marketing and people will come to experience the pilings. Video being done by SCCC students that will be sent to the Governor and it is expected that she will then visit the community. She would like an event organized to coincide with Governor’s visit and asked that pilings be up until late October and at that time follow this with other projects.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The Volunteer Corps Program is looking for individuals with carpentry, house painting or similar experience to volunteer their time and expertise in assisting elderly property owners with maintenance of their homes. Contact the Community Development Office at 984-9736.

Upcoming events:

- September 14: Second Annual Port Huron Historic Home Tour, 1:00 to 5:00 p.m. Contact Kevin Banker at 987-2499 for further information.
- September 16: Palmer Park Recreation Center, 8:00 a.m. registration for fall events; registration for non-residents is September 18 at 8:00 a.m.
- September 16: Eighteenth Annual Spirit of Port Huron awards, McMorran Lounge, reception begins at 4:30 p.m., and the awards ceremony begins at 5:00 p.m.
- September 21: Festival of International Cultures, Port Huron Museum

**FROM THE CITY MANAGER**

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

The City of Port Huron solicited quotes and responses on August 21, 2003, we received (3) three quotes for a truck mounted sewer and catch basin cleaner:

	<u>Base Price</u>	<u>Trade In Value</u>	<u>Net</u>
Jack Doheny Supplies, Inc.	\$207,562.00	\$35,000.00	\$172,562.00
Motor City Trucks	\$209,595.00	\$35,000.00	\$174,595.00
Burke Equipment, Inc.			*

\* Did not meet spec.

It is recommended that the quote of Jack Doheny Supplies, Inc., 777 Doheny Court, Northville, Michigan 48167, in the amount of One Hundred Seventy-Two Thousand Five Hundred Sixty-Two and 00/100 Dollars (\$172,562.00) be accepted as the lowest cost responsive and responsible quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

**\*R-2.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists several expired terms;

NOW, THEREFORE, BE IT RESOLVED that Nancy Rodda, 1304 17th Street, be appointed to the Beautification Commission for a term to expire on January 30, 2006.

Adopted.

**\*R-3.** WHEREAS, in 1997 the City Council 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 are to be appointed by the Mayor, subject to the approval of the City Council;

NOW, THEREFORE, BE IT RESOLVED that Mark A. Byrne, 825 Prospect Place, is hereby appointed to the Brownfield Redevelopment Authority to fill an unexpired term set to expire on April 14, 2004.

Adopted.

**\*R-4.** WHEREAS, in 2003, the U.S. Department of Justice mandated the use of law enforcement block grants for the purpose of acquiring equipment and monies for overtime for use by local law enforcement agencies; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice to upgrade the Department's in-car computer systems and the replacement of some of the original in-car video cameras; and

WHEREAS, the Police Department recently received notification that a grant in the amount of Thirty One Thousand Six Hundred Sixty and 00/100 Dollars (\$31,660.00) has been approved; and

WHEREAS, the grant award provides that the governmental agency appropriate a local match of Three Thousand Five Hundred Eighteen and 00/100 Dollars (\$3,518.00); and

WHEREAS, prior to implementing the purchase of any equipment, a public hearing must be conducted to fulfill the block grant requirements and to hear additional views of citizens from the community with regard to this equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron will hold a public hearing on Monday, September 22, 2003, at 7:30 p.m., in the Municipal Office Center, Public Meeting Room, in order to obtain the views of citizens regarding the upgrade and purchase of equipment for the Port Huron Police Department.

Adopted.

**\*R-5.** BE IT RESOLVED THAT, the following taxi cab licenses for 2003-04 (November 1, 2003 through October 31, 2004) are hereby approved subject to the condition that the licenses are issued only upon receipt of proper application in accordance with Chapter 18 of the Port Huron City Code:

Acme Cab Company (Star Taxi & Transfer, Inc.)	10 Licenses
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Peoples City Cab, Inc. (Gary Goulette)	10 Licenses
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Port Huron Cab Company (Brian Duenaz)	4 Licenses
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Adopted.

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

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$143.68 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #03-58).

Adopted.

**\*R-7.** WHEREAS, costs totaling Four Thousand Three Hundred Nine and 12/100 Dollars (\$4,309.12) have been incurred by the City of Port Huron for demolition work on the following described property: THE SOUTH 42 FEET OF LOT 14, BLOCK 27, WHITE PLAT, further described as 1523 Eighth Street, property no. 74-06-743-0342-000.

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

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Four Thousand Three Hundred Nine and 12/100 Dollars (\$4,309.12) for demolition of the structure at 1523 Eighth Street is hereby confirmed and declared a single lot special assessment (see City Clerk file #03-59).

Adopted.

**\*R-8.** WHEREAS, costs totaling Four Thousand Four Hundred Ninety and 55/100 Dollars (\$4,490.55) have been incurred by the City of Port Huron for demolition work on the following described property: THE SOUTH 49 FEET OF LOTS 8 AND 9, BLOCK 17, WHITE PLAT, further described as 1014 Tenth Street, property no. 74-06-743-0231-000.

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

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Four Thousand Four Hundred Ninety and 55/100 Dollars (\$4,490.55) for demolition of the structure at 1014 Tenth Street is hereby confirmed and declared a single lot special assessment (see City Clerk file #03-60).

Adopted.

**\*R-9.** WHEREAS, costs totaling Five Thousand Four Hundred Ninety-Eight and 31/100 Dollars (\$5,498.31) have been incurred by the City of Port Huron for demolition work on the following described property: LOT 13, BLOCK 5, FACTORY LAND COMPANY'S PLAT NO. 4, INCLUDING ½ OF VACATED ALLEY ADJACENT, further described as 2419 Nern Street, property no. 74-06-345-0096-000.

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

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Five Thousand Four Hundred Ninety-Eight and 31/100 Dollars (\$5,498.31) for demolition of the structure at 2419 Nern Street is hereby confirmed and declared a single lot special assessment (see City Clerk file #03-61).

Adopted.

**\*R-10.** WHEREAS, costs totaling Six Thousand Six Hundred Forty-Nine and 77/100 Dollars (\$6,649.77) have been incurred by the City of Port Huron for demolition work on the following described property: LOTS 23 AND 24, BLOCK 6, FACTORY LAND COMPANY'S PLAT NO. 2, INCLUDING NORTH ½ VACATED ALLEY ADJACENT, further described as 2726 Little Street, property no. 74-06-343-0122-000.

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

NOW, THEREFORE, BE IT RESOLVED THAT the amount of Six Thousand Six Hundred Forty-Nine and 77/100 Dollars (\$6,649.77) for demolition of the structure at 2726 Little Street is hereby confirmed and declared a single lot special assessment (see City Clerk file #03-62).

Adopted.

**\*R-11.** WHEREAS, a key component of our country's efforts to put in place stronger defenses against terrorism through homeland security measures is the establishment of regional headquarters for the United States Department of Homeland Security; and

WHEREAS, Selfridge Air National Guard Base is an excellent site for a Midwest regional headquarters as it is located at the heart of the nation's freshwater network and is centrally located between the Ambassador Bridge and the Tunnel in Detroit and the Blue Water Bridge in Port Huron, the first and third busiest border crossings with the nation of Canada; and

WHEREAS, Selfridge Air National Guard Base is equipped to handle this most important task and would give the federal, state, county, city and township police agencies a safe haven to operate, train and investigate national crimes in conjunction with the military;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports naming Selfridge Air National Guard Base in Macomb County as the Midwest Homeland Security Base; and

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to Tom Ridge, Director of Homeland Security, U. S. Congresswoman Candice Miller and U. S. Senators Carl Levin and Debbie Stabenow.

Adopted.

## ORDINANCES

**O-1. Councilmember Sample-Wynn** moved that an ordinance introduced September 8, 2003, entitled and reading as follows be given its first, second, third and final reading and enacted under emergency status:

### ORDINANCE NO. 1216

AN ORDINANCE TO AMEND THE 2003 BOND AUTHORIZING ORDINANCE (ORDINANCE NO. 1204 ADOPTED FEBRUARY 10, 2003) WHICH AUTHORIZED THE ISSUANCE OF NOT TO EXCEED \$5,000,000 OF WATER SUPPLY SYSTEM REVENUE BONDS OF THE CITY OF PORT HURON, SO AS TO PROVIDE FOR THE SALE OF SERIES 2003 BONDS TO THE MICHIGAN MUNICIPAL BOND AUTHORITY.

**Section 1. Purpose.** This Ordinance is adopted for the purpose of amending Ordinance No. 1204, adopted on February 10, 2003, which authorized the issuance of not to exceed \$5,000,000 of Water Supply System Revenue Bonds of the City of Port Huron, so as to provide for the sale of Series 2003 Bonds to the Michigan Municipal Bond Authority. Capitalized terms used in this Ordinance shall have the meanings given them in Ordinance No. 1204 and in the Master Ordinance (as defined in Ordinance No. 1204).

**Section 2. Amendment to Section 2(h).** Section 2(h) of Ordinance No.1204 is hereby amended to state in its entirety as follows:

(h) "Series 2003 Bonds" means the Series 2003 Public Sale Bonds, the Series 2003 DWRP Bonds and the Series 2003B Bonds issued under this Ordinance.

**Section 3. New Section 7A.** Ordinance No. 1204 is hereby amended by adding new Section 7A which shall state in its entirety as follows:

Bonds of the City, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2003B (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2003B Bonds"), are authorized to be issued in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2003 Bonds issued pursuant to Section 6 and Section 7 of this Ordinance, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the Project not eligible for participation in the DWRP Program and for other improvements to the System, including the costs incidental to the issuance, sale and delivery of the Series 2003B Bonds. The Series 2003B Bonds shall be sold to the Authority and shall be Junior Lien Bonds, payable out of the Net Revenues as set forth more fully in Section 9 hereof, provided that said Series 2003B Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of any Senior Lien Bonds hereafter issued pursuant to the Master Ordinance. The Series 2003B Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2003B Bond, payable in not to exceed thirty (30) principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2003B Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2003B Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2003B Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above and in Section 16 of this Ordinance.

The Series 2003B Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2003B Bond or as may be approved by the Authorized Officers at the time of sale of the Series 2003B Bonds or by the Authority at the time of prepayment.

The Series 2003B Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2003B Bond in accordance with the delivery instructions of the Authority.

The Series 2003B Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2003B Bond shall be payable as provided in the Series 2003B Bond form in this Ordinance.

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

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2003B Bond, the Authority shall deliver the Series 2003B Bond to the Issuer for cancellation.

**Section 4. Amendment to Section 9.** Section 9 of Ordinance No. 1204 is hereby amended and restated to state in its entirety as follows:

**Section 9. Payment of Bonds; Security; Priority of Lien.** Principal of and interest on the Series 2003 Bonds and the Outstanding Bonds shall be payable from the Net Revenues. There is hereby recognized the statutory lien upon the whole of the Net Revenues created by the Master Ordinance, which shall be a first lien (except with respect to the Series 2003 DWRP Bonds and the Series 2003B Bonds authorized by this Ordinance and the Outstanding Bonds, which shall have a statutory second lien on the Net Revenues) to continue until payment in full of the principal of and interest on all Bonds or Junior Lien Bonds payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds or Junior Lien Bonds of a series then outstanding, principal and interest on such Bonds or Junior Lien Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds or Junior Lien Bonds, the holders of that series shall have no further rights under the Master Ordinance or this Ordinance, except for payment from the deposited funds, and the Bonds or Junior Lien Bonds of that series shall no longer be considered to be outstanding under the Master Ordinance or this Ordinance.

In addition, the Series 2003 DWRP Bonds and the Series 2003B Bonds being sold to the Authority, the City hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Series 2003 DWRP Bonds and the Series 2003B Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2003 DWRP Bonds or the Series 2003B Bonds as the same become due, then the City shall advance from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the City, subject to constitutional, statutory and charter limitations, such sums as may be necessary to pay said principal and interest. The City shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Master Ordinance.

**Section 5. Amendment to Section 13.** Section 13 of Ordinance No. 1204 is hereby amended by adding thereto the words "and the Series 2003B Bonds" following the words "Series 2003 DWRP Bonds" in each place they appear.

**Section 6. Continuing Application of Ordinance No. 1204.** Each and every remaining provision of Ordinance No. 1204 shall remain in full force and effect and shall apply equally to the Series 2003B Bonds.

**Section 7. Publication and Recordation.** This Ordinance shall be published in full in the *Times Herald*, a newspaper of general circulation in the City qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the Mayor and City Clerk.

**Section 8. Effective Date.** This Ordinance shall be effective upon its adoption.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 09/08/03  
PUBLISHED: 09/13/03  
EFFECTIVE: 09/08/03

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1703 BANCROFT STREET FROM M-1, LIGHT INDUSTRIAL DISTRICT, TO R-1, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT.

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

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Fisher** announced that the Historic Home Tour will be held on Sunday, September 14, from 12 noon to 6:00 p.m. and that there will be ten buildings on the tour.

**2. Councilmember Cutcher** mentioned the following ribbon cuttings and ceremonies he attended recently: Taurus Comics, Huron Avenue; Great Lakes Title, Huron Avenue; and Flag Raising in Sarnia (he thanked the Blue Water Rotary Club and Mayor Bradley for seeing that the flags were moved almost directly across from our International Flag Plaza). He also announced the Million Kid March, sponsored by the St Clair County Child Abuse Council, being held Sunday, September 14, at 12:30 p.m. in Lakeside Park to escort Brian Harper, WSAQ, to Birchwood Mall for the Roof Sit.

**3. Councilmember Prax** requested that a report be prepared on how the blight ordinance is working. (Tom Hutka, City Manager, responded that staff is currently working on that.)

AT THIS POINT, Tom Hutka, City Manager, mentioned that the Huron Lightship will be featured on the History Channel on Tuesday, September 9, at 8:00 p.m.

**4. Councilmember Sample-Wynn** thanked Mary Wright for Stylin Pilings and concurred with her remarks that people need to view them while walking rather than driving by and she would like to see them stay in place until the end of October as requested by Mary Wright.

**5. Mayor Neal** announced the Service of Remembrance being held on Thursday, September 11, 2003, 8:30 a.m., at the International Flag Plaza.

**6. Councilmember Schrader** asked about the relocation of the house to Lighthouse Park and why the delay.

On motion (9:05 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 22, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Pastor Thomas Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of September 8, 2003, were approved.

**PRESENTATIONS**

1. Mr. Stephen R. Williams, Chairperson of the Sesquicentennial Committee, gave an overview of the committee's progress to date.
2. Presentation of 2003 Home Improvement Awards in conjunction with "Revitalizing Port Huron."
3. Presentation by Mr. Marshall J. Campbell, Chairman of the Board, President and Chief Executive Officer of Citizens First Savings Bank, regarding "Revitalizing Port Huron" at which time he announced that the Board of Directors has authorized an additional \$2,000,000 to support the program. Dave Baker, Vice-President, and Anissa Burton, Community Development Specialist, gave details of the program.
4. Announcement of a Superior Innovation Award made to the City by the Michigan Municipal League for the "Revitalizing Port Huron" campaign was made by Mayor Neal and comments were made by Tom Hutka, City Manager, who recognized all of those who made this possible.
5. Presentation by Tom Hutka, City Manager, and Kim Hamer, Planning Director, regarding status of the "Revitalizing Port Huron" campaign.
6. Proclamation proclaiming the week of October 5-11, 2003, as "Fire Prevention Week" was presented to Fire Chief Robert W. Eick and Lieutenant Mark White (who announced Open House to be held on Oct. 11 from 11 a.m. to 3 p.m.).

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments regarding the upgrade and purchase of equipment for the Port Huron Police Department, as part of a U. S. Department of Justice law enforcement block grant. (See Resolution #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. As requested by Joe Mancini, 204 Botsford St., the City Clerk read his comments (due to his inability to attend meeting) into the record relative to noise from Mueller Brass. (See City Clerk File No. 03-63.)

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The third annual Comcast Cares Day will be held on October 4 at Habitat for Humanity's location at 1822 - 12th Street. They are encouraging individuals to volunteer and give back to local neighborhoods.
- Lakeside Cemetery Tour with Marcia Haynes will meet at the chapel at 1:00 p.m. on October 5.
- Last day to register to vote in the November City Council Election is October 6. You can register at the City Clerk's office or any Secretary of State office.
- MainStreet's Happy Apple Days will be held October 11 in downtown Port Huron.
- The Volunteer Corps Program is looking for individuals with carpentry, house painting or similar experience to volunteer their time and expertise in assisting elderly property owners with maintenance of their homes. Contact the Community Development Office at 984-9736.
- The brush and branch collection program begins October 6 through November 26. Pickup days will be as follows: Monday's (north of Garfield Street); Tuesday's (south of Garfield Street and north of Sedgwick Street); Wednesday (south of Sedgwick Street and north of Lapeer Avenue); Thursday (south of Lapeer Avenue and north of Division Street); Friday (south of Division Street to the southern City limits). For further information, contact World Waste Services at 364-6539.

**COMMUNICATIONS & PETITIONS**

**C-1. Councilmember Fisher** moved to receive and file the following communication and designate Councilmember Cutcher as the delegate and Councilmember Sample-Wynn as the alternate:

From the National League of Cities requesting designation of one voting delegate and one alternate for the Annual Congress of Cities being held December 9-13, 2003, in Nashville, Tennessee.

Adopted unanimously.

**RESOLUTIONS**

**\*R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted.

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

WHEREAS, the Port Huron Police Department has made successful application to the U.S. Department of Justice for a 90% Local Law Enforcement Block Grant (LLEBG) for 2003 to update the Department's in-car computer systems and the replacement of some of the original in-car video cameras; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice and received notification that a grant in the amount of Thirty One Thousand Six Hundred Sixty and 00/100 Dollars (\$31,660.00) has been approved for FY 2003 to update the Department's in-car computer systems and replace some of the original in-car video cameras; and

WHEREAS, the grant award provides that the governmental agency approves the terms of the agreement and appropriate a local match of Three Thousand Five Hundred Eighteen and 00/100 Dollars (\$3,518.00); and

WHEREAS, a public hearing was held on September 22, 2003, in order to obtain the views of citizens regarding the purchase of the above equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the U.S. Department of Justice agreement and that the City of Port Huron does specifically agree, but not by way of limitation, as follows:

- 1) To maintain satisfactory financial accounts, documents and records to file reports quarterly with the U.S. Department of Justice;
- 2) To administer the project and provide such funds, services and materials as may be necessary to satisfy the terms of said agreement; and
- 3) To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution.

BE IT FURTHER RESOLVED that the appropriate City Council are hereby authorized to execute the grant agreement on behalf of the City of Port Huron and approve the local match and appoint James E. Carmody, Police Major, as the Project Coordinator.

Adopted unanimously.

**\*R-3.** WHEREAS, on February 24, 2003, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Pizza Hut, 1007 Lapeer Avenue, Class C/SDM (Wolverine Pizza, Inc., LLC)

for non-payment of personal property taxes; and

WHEREAS, all payments have been made by Pizza Hut;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recommends approval of the above-named Class C/SDM license for the 2003-04 licensing year; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the Licensing and Enforcement Division of the Michigan Liquor Control Commission.

Adopted.

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

WHEREAS, the City of Port Huron is a critical international crossroad, with the Blue Water Bridge, the international rail tunnel, and the world's busiest waterway; and

WHEREAS, the City of Port Huron sees one of the highest volumes of hazardous materials in the United States pass over the Blue Water Bridge on a daily basis; and

WHEREAS, the City of Port Huron has been working with County, State and Federal officials to obtain Federal grant funds to assist in acquisition of new, improved emergency communications equipment; and

WHEREAS, the City of Port Huron is the only community in Michigan to be served by a fully accredited police department and fire department which includes the emergency dispatch center; and

WHEREAS, the City of Port Huron has set the standard for the provision of emergency services to our citizens, particularly as demonstrated during the recent power outage; and

WHEREAS, this proven high level of service quickly puts emergency workers and vehicles on scene in order to prevent injury or loss of life, and also provides a seamless link to other essential services including the emergency operations center, weather warnings, animal control, the vital monitoring of emergency scene operations, and State and Federal agencies; and

WHEREAS, state-of-the-art emergency communications procedures call for interoperability between all departments, communities and other emergency service providers; and

WHEREAS, the County of St. Clair has proposed linking with the new State of Michigan 800 mhz radio system for the purpose of improving emergency radio communications; that this partnership would provide state-of-the-art equipment allowing local communities to share a common radio system. Further, this new technology would create interoperability and provide uninterrupted communications between the Port Huron emergency dispatch center and the St. Clair County emergency dispatch center along with all multi-agency response disciplines within the County and State; and

WHEREAS, emergency dispatching services for densely populated full emergency services communities are best provided by specifically trained independent full service dispatch centers; and

WHEREAS, the City of Port Huron dispatch center currently provides specific intricate emergency dispatch services to not only the City of Port Huron Police Department and Fire Department, but also coordinates transportation and utility services and confined space entries and serves as a notification center for streetlight outages, sewer overflows, missing or broken traffic signals or signage and other items needing immediate attention;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron supports the creation of a county-wide interoperable emergency communications system by embracing available new technology for the benefit of the public; and

BE IT FURTHER RESOLVED such a system can best be implemented in a joint multi-jurisdictional project with the goals of:

- 1) Developing a county-wide 800 mhz emergency communications radio network utilizing County-owned and City-owned site(s) for radio towers, existing governmental budgets for current radio systems, co-located facilities through public/private partnerships, grant funds, and other resources as necessary;
- 2) Creating an improved county-wide coordinated emergency dispatch system which maintains the existing City of Port Huron dispatch center for continued service to City residents, to make best use of necessary redundancies of multiple public safety answering points; and
- 3) Continuing applications for Federal and State grant funds to reduce the financial impact on local taxpayers, emphasizing a shared voice from all local governments participating in the joint project.

Adopted unanimously.

**ORDINANCES**

**O-1. Councilmember Prax** moved that an ordinance introduced September 8, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1217

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE IV, MAPPED DISTRICTS, SECTION 32-66, DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1703 BANCROFT STREET FROM M-1, LIGHT INDUSTRIAL DISTRICT, TO R-1, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article IV, Mapped Districts, Section 32-66, Districts, of the Code of Ordinances of the City of Port Huron is hereby amended by changing the following area from M-1, Light Industrial District, to R-1, Single- and Two-Family Residential District:

*Lot 8 and the east 36 feet of Lot 9, Block 4, Assessor's Plat of the Weyer's Land including south one-half of vacated alley adjacent, also known as 1703 Bancroft Street, Port Huron, Michigan.*

PAULINE M. REPP, CMC  
CITY CLERK

ADOPTED: 09/22/03  
PUBLISHED: 09/27/03  
EFFECTIVE: 09/27/03

Adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Councilmember Sample-Wynn** requested that donations continue for the Skate Park project so that it can be completed. She remarked on the amount of use it has received since the initial installation in Optimist Park.

**2. Councilmember Fisher** commented that the Historic Home Tour held September 14 was very successful.

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

PAULINE M. REPP, CMC  
City Clerk

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**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 13, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

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

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of September 22, 2003, were approved.

**PRESENTATIONS**

1. Proclamation designating the month of October as "Domestic Violence Awareness Month" was presented to Mary Patterson, Executive Director, Safe Horizons.
2. Mark Steinborn, Chairperson of the Sister City Committee, was scheduled to give a presentation on the committee's recommendation for a sister city but asked that their recommendation be postponed until after that country's elections in November. He did introduce members of the committee who were in the audience.
3. Kimberly Harmer, Planning Director, gave a presentation on the Rental Certification Program.
4. Robert Clegg, City Engineer, gave a construction program update.

**PUBLIC AUDIENCES**

1. Alex Fernandez, 4074 Gratiot Avenue, addressed the City Council relative to house next door at 4070 Gratiot Avenue and how the owner has torn down the house and is rebuilding too close to their house but that the original survey cannot be found and he feels the City should have a copy. Mrs. Fernandez also spoke telling how she has tried to stop this new construction by hiring an attorney. (Tom Hutka, City Manager, stated he would look into this.)
2. Sally Brockitt, Pine Street, addressed the City Council about problems she is having finding a place to live because landlords are stating she is a troublemaker.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The Volunteer Corps Program is looking for individuals with carpentry, house painting or similar experience to volunteer their time and expertise in assisting elderly property owners with maintenance of their homes. Contact the Community Development Office at 984-9736.

- The brush and branch collection program began October 6 and will continue through November 26. Pickup days will be as follows: Monday's (north of Garfield Street); Tuesday's (south of Garfield Street and north of Sedgwick Street); Wednesday's (south of Sedgwick Street and north of Lapeer Avenue); Thursday's (south of Lapeer Avenue and north of Division Street); Friday's (south of Division Street to the southern City limits). For further information, contact World Waste Services at 364-6539.

- Curbside leaf pickup in the City of Port Huron begins the week of October 20. Watch for our brochure being sent in the mail or go to the City's website at [www.porthuron.org](http://www.porthuron.org) to determine the week removal will occur in your neighborhood.

Upcoming events:

- October 17-19: Third Annual Celebration of Light, Thomas Edison Depot Museum. Contact the Port Huron Museum at 982-0891 for more information.
- October 25: Halloween Stroll at Sanborn Park, 11:30 a.m. to 3:00 p.m. Contact City Recreation at 984-9760 for more information.
- October 25: Halloween Parade, downtown, 4:00 p.m. Contact MainStreet at 985-8843 for more information.

**FROM THE CITY MANAGER**

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

On September 18, 2003, the City of Port Huron received one (1) bid for eighteen (18) Taser X26's with holsters, cartridges, targets and software for the Police Department:

Michigan Taser Distributing	\$21,313.33
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Taser International is the sole source manufacturer of the Taser X26 and Michigan Taser Distributing is the only authorized dealer of Tasers in the state of Michigan.

It is recommended that the bid of Michigan Taser Distributing, 401 S. Jackson Street, Jackson, Michigan 49201, in the amount of Twenty-One Thousand Three Hundred Thirteen and 33/100 Dollars (\$21,313.33) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On September 18, 2003, the City of Port Huron received three (3) bids for seventy (70) Glock 45 caliber semi-automatic guns, one hundred twenty (120) magazines and seventy (70) sets of Tritium night sights for the Police Department. These bids reflect the net price after the trade-in of used firearms:

Vance Law Enforcement	\$14,231.00
C.M.P. Products	\$15,587.00
Michigan Police Equipment	\$16,670.00

It is recommended that the bid of Vance Law Enforcement, 3723 Cleveland Avenue, Columbus, Ohio 43224, in the amount of Fourteen Thousand Two Hundred Thirty-One and 00/100 Dollars (\$14,231.00) be accepted as the lowest responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.  
No: Councilmember Sample-Wynn.  
Absent: None.

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

On September 18, 2003, the City of Port Huron received two (2) bids for sixty (60) sets of basket weave leather gear (belt keepers, baton holsters, handcuff cases, pepper spray holsters, magazine pouches and leather "D" rings) for the Police Department:

Metropolitan Uniform Company	\$17,709.00
NYE Uniform Company, Inc.	\$18,943.00

It is recommended that the bid of Metropolitan Uniform Company, 3144 West Twelve Mile Road, Berkley, MI 48072, in the amount of Seventeen Thousand Seven Hundred Nine and 00/100 Dollars (\$17,709.00) be accepted as the lowest responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On September 18, 2003, the City of Port Huron received five (5) bids for sixty (60) nylon holsters and seventy (70) nylon double magazine pouches for Glock 21 auto loading pistols for the Police Department:

C.M.P. Products	\$2,583.20
Metropolitan Uniform Company	\$2,822.00
Michigan Police Equipment	\$2,992.00
Vance Law Enforcement	\$3,197.50
NYE Uniform Company, Inc.	\$4,265.00

It is recommended that the bid of C.M.P. Products, 22206 West Warren Road, Detroit, Michigan 48239, in the amount of Two Thousand Five Hundred Eighty-Three and 20/100 Dollars (\$2,583.20) be accepted as the lowest responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax and Schrader.  
No: Councilmember Sample-Wynn.  
Absent: None.

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

On October 2, 2003, the City of Port Huron received four (4) bids to supply sixty (60) trees in ten (10) different varieties for the 2003-2004 Community Forestry Matching Grant. Bids received are as follows:

Sherman Nursery Farms	\$ 8,524.89
Marine City Nursery Co.	\$10,945.00
Park Place Landscaping Co.	\$13,180.00
Huggett's Sod Farm, Inc.	*

\* Did not meet bid specifications

It is recommended that the bid from Sherman Nursery Farms, 2200 Mayer Rd., Columbus, Michigan 48063, in the amount of Eight Thousand Five Hundred Twenty-Four and 89/100 Dollars (\$8,524.89) be accepted as the lowest cost responsive and responsible bid and that the appropriate City Officials be authorized to execute the necessary documents.

Adopted unanimously.

**CM-6. Councilmember Fisher** offered and moved the adoption of the following City Manager's recommendation:

On September 25, 2003, the City of Port Huron received (6) six bids for a three cubic yard front-end loader with attachments:

AIS Continental	\$ 99,650.00
Michigan Cat	\$105,130.00
Richmond New Holland	*
Contractors Machinery	*
Michigan Cat	*
Wolverine Tractor	*

\* Did not meet specifications

It is recommended that the bid of AIS Continental, 809 Gratiot Avenue, Lenox, Michigan 48050, in the amount of Ninety-Nine Thousand Six Hundred Fifty and 00/100 Dollars (\$99,650.00) be accepted as the lowest cost responsive and responsible bid that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

**CM-7. Councilmember Prax** offered and moved the adoption of the following City Manager's recommendation:

On September 25, 2003, the City of Port Huron received the results of the 2003-04 salt bid from the State of Michigan, Extended Purchasing Program:

Early Delivery of 3,500 tons

Morton Salt Company - \$22.60 per ton

Combined with a bid of:

Backup Delivery of 700 to 1,300 tons

Detroit Salt Company - \$25.41 per ton

It is recommended that the bid from the Morton Salt Company at \$22.60 per ton for early salt delivery and the bid from the Detroit Salt Company at \$25.41 per ton for backup salt delivery be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

**CM-8. Councilmember Fisher** offered and moved the adoption of the following City Manager's recommendation:

On September 8, 2003, the City of Port Huron solicited quotes from (3) three companies to install one tower at each of the following locations: Palmer Park Recreation Center, Fire Station #3, and Fire Station #4 to hold computer communication equipment:

Earthcom, Inc.	\$17,899.07
New Wave Communications	No Quote
Those Computer Guys	No Quote

It is recommended that the quote of Earthcom, Inc., 3704 Aurelius Road, Lansing, Michigan 48910, in the amount of Seventeen Thousand Eight Hundred Ninety-Nine and 07/100 Dollars (\$17,899.07) be accepted as the best quote and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

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

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 Bureau 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 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 Bureau to provide 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 Bureau 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 Water Street Marina, through October 31, 2008, with the ability to extend the agreement an additional three (3) years. (See City Clerk File #03-64)

Adopted unanimously.

**\*R-3.** WHEREAS, Mueller Brass Co, 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for October 27, 2003, in order to hear comments on the application of Mueller Brass Co. for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

**\*R-4.** WHEREAS, Mueller Brass Forging Co. Inc., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for October 27, 2003, in order to hear comments on the application of Mueller Brass Forging Co. Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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

WHEREAS, the City of Port Huron has made successful application to the State Homeland Security Grant Program (SHSGP) through the Michigan Department of State Police, Emergency Management Division, to provide pass-through funds for the planning, conducting and evaluating of progressive exercises with emphasis on homeland security response; and

WHEREAS, the grant funds are allocated in accordance with the Michigan three - year domestic preparedness strategy; and

WHEREAS, the Port Huron Emergency Management Department requested funding from the Michigan State Police Emergency Management Division and recently received notification that a grant award of Nine Thousand and 00/100 Dollars (\$9,000.00) has been approved effective October 1, 2003 to plan, conduct and evaluate progressive exercises;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the State Homeland Security Grant Program (SHSGP) agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

1. To maintain satisfactory financial accounts, documents and records in order to file reports quarterly with the State of Michigan;
2. To administer the project and provide such equipment, services and materials as may be necessary to satisfy the terms of said agreement;
3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution; and

BE IT FURTHER RESOLVED that the appropriate City Officials are hereby authorized to execute the grant agreement on behalf of the City; to determine appropriate exercise activities be planned and completed; and to appoint Robert W. Eick, Fire Chief/Emergency Management Coordinator as Project Coordinator and authorized representative. (See City Clerk File #03-65)

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 blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,039.12 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #03-66).

Adopted.

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

WHEREAS, the City of Port Huron, a Michigan Municipal Corporation, is proposing the construction of various projects to improve watermains, sanitary sewers and storm sewers where utilities are inadequate, in poor condition or require extension to complete a distribution grid; and

WHEREAS, installation of these utilities requires crossing railroad rights-of-way; and

WHEREAS, CSX Transportation, Inc., the railroad company affected by these installations; requires the City enter an agreement for access through their rights-of-way and payment of a one time, non-refundable license fee of Six Thousand Nine Hundred Twenty and 00/100 Dollars (\$6,920.00) upon execution of the agreement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes payment of the license fee to CSX Transportation, Inc., and directs the City Engineer/Director of Public Works, a position currently held by Robert E. Clegg, P.E., to be the designated representative for all activities associated with agreements for access through the railroad company's rights-of-way for construction of various projects to improve watermains, sanitary sewers and storm sewers.

Adopted unanimously.

#### MOTIONS & MISCELLANEOUS BUSINESS

**1. Mayor Neal** announced that the new skate park in Optimist Park was officially dedicated the William "Bill" Robinson Skate Park at 5:00 p.m. today.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
 City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 27, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

A moment of silence was held in honor of Thomas J. Gaffney, who recently passed away. The invocation was given by Pastor Joe Collins, Hillside Wesleyan Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of October 13, 2003, were approved.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the application of Mueller Brass Co. for an Industrial Facilities Exemption Certificate (See Resolution #3)

Donna Klune, 11th Street, addressed City Council requesting details on the requested industrial facilities exemption certificate. Nick Coutsos, Miller, Johnson, Snell & Cummiskey, PLC, attorney for Mueller Industries, appeared as the company's representative to answer any questions.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of Mueller Brass Forging Co., Inc., for an Industrial Facilities Exemption Certificate (See Resolution #4)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Dick Cummings, Avoca, addressed the City Council regarding the high unemployment in the County and the need to give tax abatements to companies such as Mueller Brass who continue to update their machinery and equipment and stressed the importance of Council working with the EDA to create more jobs. He also stated his support and endorsement of all present Councilmembers in the upcoming election and hopes that he can someday see the casino be a reality in Port Huron.

AT THIS POINT, Mayor Neal congratulated Dick Cummings on his years of service as past president of the St. Clair County AFL-CIO union.

2. Donna Klune, 11th Street, addressed the City Council in agreement that Port Huron needs more jobs but wanted to bring forth the issue of noise by Mueller Brass and the fact that it has not been addressed. She stated that, if necessary, the City should spend funds to rectify the problem for the neighbors.

**CONSENT AGENDA**

**Councilmember Sample-Wynn** offered and moved to adopt the Consent Agenda. (Items indicated with an asterisk.)

Adopted unanimously.

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

- The brush and branch collection program began October 6 and will continue through November 26. Due to the large volume of collections, World Waste Services has requested that you contact them at 364-6539 for information on specific pickup dates.
- Curbside leaf pickup began last week and will end the week of December 8. For further information, call World Waste Services at 364-6539 or visit the City's website at [www.porthuron.org](http://www.porthuron.org) for the schedule.

**COMMUNICATIONS & PETITIONS**

\*C-1. From Mr. Kenneth Harris, 1521 Wells Street, expressing gratitude to Robert Clegg, City Engineer, and the Forestry Department for their assistance in removing two large trees that deteriorated after sewer separation work and became a hazard.

Received and filed.

**FROM THE CITY MANAGER**

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

On October 20, 2003, the City of Port Huron received (4) four bids for boiler replacement at Sanborn Fire Station:

Kahmann Mechanical Systems, Inc.	\$11,906.00
Temperature Engineering Corporation	\$12,180.00
Watson Brothers Service Company, Inc.	\$13,360.00
Mark's Plumbing & Heating	\$13,580.00

It is recommended that the bid of Kahmann Mechanical Systems, Inc., 1935 Bancroft Street, Port Huron, Michigan 48060, in the amount of Eleven Thousand Nine Hundred Six and 00/100 Dollars (\$11,906.00) be accepted as the lowest cost responsive and responsible bid that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

C-2. Verbal report given by Tom Hutka, City Manager, regarding negotiations between the City of Port Huron and Acheson Ventures for a property exchange of the Desmond Parking Lot for a fully developed waterfront walkway.

**Councilmember Schrader** moved to authorize the City administration to proceed with preparation of agreements with Acheson Ventures to facilitate property exchange of Desmond Parking lot for a fully developed waterfront walkway, with changes made in dates and better defining construction of a seated wall and lights, and authorize the appropriate officials to execute the final documents. (See City Clerk File #03-67)

Adopted unanimously.

## RESOLUTIONS

**\*R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted.

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

WHEREAS, the City has adopted a bond authorizing resolution (the "Bond Resolution") which authorizes the issuance of \$12,000,000 General Obligation Limited Tax Bonds of the City as supplemented by an Order Approving Bond Specifications for \$5,500,000 General Obligation Limited Tax Bonds, Series 2003B (the "Bonds") of the Director of Finance of the City and has offered the Bonds for competitive sale; and

WHEREAS, Monday, October 27, 2003, at 4:00 o'clock p.m., Eastern Standard Time, has been set as the date and time for opening bids for the purchase of the Bonds; and

WHEREAS, said bids have been publicly opened and read; and

WHEREAS, the bids attached hereto as Exhibit A have been received; and

WHEREAS, it is appropriate for the City Council to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which has been determined to produce the lowest interest cost to the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The bid of Citigroup Global Markets, Inc., as attached hereto as part of Exhibit A (See City Clerk File #03-68), is determined to produce the lowest interest cost to the City, and the bid is hereby approved and accepted.

2. Checks received from the unsuccessful bidders shall be returned to each bidder's representative or by registered mail or overnight courier as set forth in the Official Notice of Sale as published.

3. The publication of the Official Notice of Sale and the circulation of the Preliminary Official Statement respecting the Bonds and the issuance of the Bonds in accordance with and as described in the Official Notice of Sale as published and the Preliminary Official Statement as circulated is hereby ratified, approved and confirmed.

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

5. The Bonds have not been designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to Section 265(b) of the Code.

6. Standard Federal-Corporate and Institutional Trust, a division of LaSalle Bank National Association, is hereby designated as transfer agent and paying agent for the Bonds.

7. The Finance Director is authorized and directed to execute and deliver such documents and certificates as shall be necessary or convenient to accomplish the sale and delivery of the Bonds as contemplated herein and otherwise to exercise all of the authority permitted under Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001.

8. All resolutions and parts of resolutions expressly inconsistent with the provisions of this resolution be and the same hereby are rescinded.

Adopted unanimously.

**AT THIS POINT**, John Ogden, Director of Finance; Bob Bendzinsky, Financial Advisor; and Mike McGee, Bond Attorney; gave comments on the financial position of the City citing its "A" rating which is a strong affirmation of the City and reflects the good interest rate the City received for the life of this loan.

**\*R-3.** WHEREAS, Mueller Brass Co., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

WHEREAS, the Port Huron City Council held a public hearing on October 27, 2003, to hear comments on the application; and

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

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

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

All personal property: 12/31/03 to 12/31/09 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Mueller Brass Co. is located.

Adopted.

**\*R-4.** WHEREAS, Mueller Brass Forging Co., Inc., 2119 Lapeer Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

WHEREAS, the Port Huron City Council held a public hearing on October 27, 2003, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the Mueller Brass Forging Co., Inc., application for an Industrial Facilities Exemption Certificate for 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: 12/31/03 to 12/31/09 6 years

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Mueller Brass Forging Co., Inc., is located.

Adopted.

**\*R-5.** WHEREAS, it is stated in the City Ordinance Code, Section 29-2, Traffic Study Committee, Chapter 29, Traffic:

“The Chief of police, the (assistant) city attorney, one member of the traffic division of the police department, and two residents of this city, who shall be appointed by the mayor for a term of two years from the date of their appointments or until their successors are appointed or qualified, shall be and constitute the traffic study committee.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor’s reappointment of Robert C. Beedon for a term to expire November 1, 2005, as a member of the Traffic Study Committee is hereby confirmed.

Adopted.

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

WHEREAS, the State of Michigan Disaster Mitigation Act of 2000 requires local communities to develop a multi-hazard mitigation plan with an emphasis on pre-disaster planning; and

WHEREAS, the Emergency Management Division of the Michigan State Police is accepting applications for the Hazard Mitigation Grant Program to specifically prepare multi-hazard mitigation plans; and

WHEREAS, the City of Port Huron, due to its geographic location, has exposure to multiple hazards which have the potential for catastrophic implications in the event of a disaster; and

WHEREAS, the City wishes to be pro-active in its on-going commitment to insure the health and safety of its residents;

WHEREAS, the City is eligible to apply for up to \$40,000 in grant funds to finance the development of a Local Hazard Mitigation Plan of which a 25% match requirement may be of "in-kind services"; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby authorizes City Administration to submit a grant application to the Emergency Management Division of the Michigan State Police for funding in the amount of up to \$40,000 to prepare a multi-hazard mitigation plan in compliance with the State of Michigan Disaster Mitigation Act of 2000; and

BE IT FURTHER RESOLVED that the appropriate official from the Emergency Management Division for the City of Port Huron is hereby authorized to execute the grant application on behalf of the City and are further authorized to execute any grant agreement awarded to the City as a result of the grant application.

Adopted unanimously.

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

WHEREAS, the City owns an industrial building located at 2347 Dove Street that has been occupied by Huron, Inc., since 1988; and

WHEREAS, Huron, Inc., desires to maintain manufacturing operations in the City of Port Huron and in the currently leased premises; and

WHEREAS, the City and Huron, Inc., entered into a Lease Agreement dated November 2, 1998, which contained an option to renew the lease for an additional five (5) year period under the same terms and conditions except for the amount of rent; and

WHEREAS, Huron, Inc., by letter dated July 9, 2003, notified the City in writing of its intent to renew the lease as required under the terms of the lease; and

WHEREAS, negotiations have taken place between the parties in respect to the rental rate for the second five (5) year term; and

WHEREAS, a Lease Renewal Agreement has been prepared between the City and Huron, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Lease Renewal Agreement with Huron, Inc., for an additional five (5) year period and authorizes the appropriate City officials to execute the agreement. (See City Clerk File #03-69)

Adopted unanimously.

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

WHEREAS, it is necessary to perform professional services and serve as the City's professional representative for the Holland Avenue street reconstruction and watermain project from Stone Street to Pine Grove; and

WHEREAS, BMJ Engineers & Surveyors was determined in a competitive selection process to be the appropriate engineering firm to provide these services; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and BMJ Engineers & Surveyors for the Holland Avenue street reconstruction and watermain project from Stone Street to Pine Grove, Project Nos. C02-0020/0030;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, for engineering services during all phases of the Holland Avenue street reconstruction and watermain project and authorizes and directs the appropriate City officials to execute the agreement (See City Clerk File #03-70).

Adopted unanimously.

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

WHEREAS, it is necessary to retain an engineering firm to perform professional services and serve as the City's professional representative for the Water Treatment Plant Vulnerability Assessment & Emergency Response Plan project; and

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the Water Treatment Plant Vulnerability Assessment & Emergency Response Plan, Project No. E04-0010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS, for engineering services during all phases of the Water Treatment Plant Vulnerability Assessment & Emergency Response Plan project and authorizes and directs the appropriate City officials to execute the agreement (See City Clerk File #03-71).

Adopted unanimously.

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

WHEREAS, the City of Port Huron recently participated in the 2004 - 2006 State Homeland Security Assessment and Strategy Grant Program (SHSGP) through the Michigan Department of State Police, Emergency Management Division; and

WHEREAS, Michigan Department of State Police, Emergency Management Division has provided pass-through funds for agencies participating in the Homeland Security Assessment process; and

WHEREAS, the State of Michigan Emergency Management Division has notified the City of Port Huron Emergency Management Division that a grant award of Five Thousand and 00/100 Dollars (\$5,000.00) has been approved effective October 13, 2003, to cover the cost to perform assessment activities from July 1 to October 31, 2003;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of this State Homeland Security Assessment and Strategy Grant agreement and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

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

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute the grant agreement on behalf of the City; to determine appropriate completed expense activities for reimbursement and to appoint Robert W. Eick, Fire Chief/Emergency Management Coordinator, as Project Coordinator and authorized representative. (See City Clerk File #03-72)

Adopted unanimously.

#### MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Cutchner** announced the recent ribbon cutting at Advanced Computers on Pine Grove Avenue.
2. **Councilmember Prax** reminded everyone to vote next Tuesday and also took the opportunity to thank all the department heads, the City Manager's secretary Pat Kingsbury and Crystal from the Attorney's office, the City Clerk's office and Bob Clegg and his staff for all that they do to assist City Council.
3. **Councilmember Schrader** announced the arrival of the Coast Guard Cutter Hollyhock on November 8 at 3:00 p.m. in Pine Grove Park and invited the public to attend a welcoming party.

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

PAULINE M. REPP, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 10, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Reverend Thomas Seppo, Operation Transformation, followed by the Pledge of Allegiance. A moment of silence was held in honor of Veteran's Day. Rev. Seppo expressed condolences to the family of Sgt. Mark Sanchez who recently died in Iraq.

The meeting was called to order by Mayor Neal.

Present: Mayor Neal; Councilmembers Cutcher, Fisher, Jacobs, Prax, Sample-Wynn and Schrader.

The minutes of the regular meeting of October 27, 2003, were approved.

**FROM THE BOARDS AND COMMISSIONS**

**BC-1. Councilmember Prax** offered and moved to receive and file the following report:

We, the Canvass Board of St. Clair County, Michigan, did on Wednesday, November 5, 2003, meet in the County Clerk's Office, 201 McMorran Blvd., Port Huron, and did publicly canvass the results of the City of Port Huron Odd-Year General Election held on Tuesday, November 4, 2003. The results of the canvass of said election are as follows:

**TOTAL VOTES CAST: 3277**

B. Mark Neal	1933
Alan D. Cutcher	1929
Mark Steinborn	1817
David Haynes	1688
Sally A. Jacobs	1605
James M. Fisher	1462
Kimberly C. Prax	1460
Laurie Sample-Wynn	1451
Cliff Schrader	1281
Tim McCulloch	1210
Scott R. McLaughlin	1001
Kathleen A. Mrozek	903
Terry F. Boyd	874
Donna L. Klune	817

Candidates Neal, Cutcher, Steinborn, Haynes, Jacobs, Fisher and Prax having received the highest number of votes cast are hereby declared elected to the Port Huron City Council.

Delphine Kolodziejski  
Mary J. Sams  
William D. Emery  
Loretta Johnson

Adopted unanimously.

AT THIS POINT, outgoing Councilmembers Sample-Wynn and Schrader gave remarks.

**RESOLUTIONS**

1. **Councilmember Sample-Wynn** offered and moved the adoption of the following resolution:

BE IT RESOLVED that this meeting is hereby adjourned.

Adopted unanimously.

A subsequent meeting of the City Council was convened immediately for the installation of the newly elected City Council and the conduct of regular business.

AT THIS POINT, the Oath of Office was administered to the newly elected City Councilmembers by Pauline M. Repp, City Clerk.

City Clerk Pauline M. Repp was appointed temporary chairperson.

**Councilmember Fisher** nominated Councilmember Neal for election to the Office of Mayor for the City of Port Huron. Nominations were closed and Councilmember Neal was unanimously elected to the Office of Mayor.

AT THIS POINT, the Oath of Office was administered to the newly elected Mayor by the City Clerk and Mayor Neal was seated as presiding officer.

**Councilmember Jacobs** nominated Councilmember Cutcher for election to the Office of Mayor Pro-tem for the City of Port Huron. Nominations were closed and Councilmember Cutcher was unanimously elected to the Office of Mayor Pro-tem.

AT THIS POINT, the Oath of Office was administered to the newly elected Mayor Pro-tem Cutcher by the City Clerk.

**ROLL CALL OF NEWLY ELECTED COUNCIL:**

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

**PRESENTATIONS**

1. Mr. James Sinclair, President of the Michigan Municipal League, presented to the City of Port Huron (Mayor Neal, City Manager Tom Hutka and Planning Director Kim Harmer accepted) recognition in the form of a plaque from the National League of Cities for receiving the MML Achievement Award for "Revitalizing Port Huron."

**PUBLIC AUDIENCES**

1. Tiny Renaker, 1307 - 21st Street, addressed the City Council congratulating them on their election to office and also stated that this date marks an important anniversary for the Marine Corps. He thanked the Mayor for remembering the veterans at the beginning of the meeting.

2. Charles Barrett, Cawood Auto Company, addressed the City Council and congratulated them on their election to office and requested their support of Resolution No. 7, granting a special use permit for them to operate an outdoor sales lot at the northeast corner of Pine Grove Avenue and Hancock Street.

3. Richard Frasier, Bancroft Street, addressed the City Council asking questions about the voting process at Precinct 8. (City Clerk responded to his question and will follow up with him after the meeting.)

**CONSENT AGENDA**

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

Adopted unanimously.

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

- The brush and branch collection program will continue through November 26. Due to the large volume of collections, World Waste Services has requested that you contact them at 364-6539 for information on specific pickup dates.
- Curbside leaf pickup will end the week of December 8. For further information, call World Waste Services at 364-6539 or visit the City's website at [www.porthuron.org](http://www.porthuron.org) for the schedule.
- Santa Parade will be held in downtown Port Huron on November 28. Contact MainStreet Port Huron at 985-8843 for more details.
- City offices will be closed for the following upcoming holidays: November 27-28 (Thanksgiving), December 24-25 (Christmas) and January 1 (New Year's).
- First Night Port Huron 2004 will be held December 31, 2003. For more information, visit the City's website.

**FROM THE CITY MANAGER**

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

On September 2, 2003, the City of Port Huron received (2) two quotes for belt filter press services at Wastewater Treatment Plant:

Inland Services	\$348,053.00
Synagro	\$492,875.00

It is recommended that the quote of Inland Services, 2851 Charlevoix Drive, Suite 302, Grand Rapids, Michigan 49546, in the amount of Three Hundred Forty-Eight Thousand Fifty-Three and 00/100 Dollars (\$348,053.00) be accepted as the lowest cost responsive and responsible quote the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On October 22, 2003, the City of Port Huron received (3) three quotes for 1,500 cubic yards of compactable sand for Utilities Division:

S. A. Torello, Inc.	\$7,320.00
Jerry Hall Trucking & Excavating, L. L. C.	\$7,875.00
Boddy Construction Company, Inc.	\$8,850.00

It is recommended that the quote of S. A. Torello, Inc., 3500 Dove Road, Port Huron, Michigan 48060, in the amount of Seven Thousand Three Hundred Twenty and 00/100 Dollars (\$7,320.00) be accepted as the lowest cost responsive and responsible quote the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

Plante and Moran, Certified Public Accountants, are nearing completion of the City's annual audit for the 2002-2003 fiscal year. Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2002-2003 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following funds:

	As Currently Adopted	Per Proposed Amendment	Increase (Decreased)
<b>GENERAL FUND:</b>			
Means of financing:			
Fund Balance	\$ 100,000		\$(100,000)
Property taxes	7,225,686	\$ 7,225,686	
Income tax	5,475,000	5,475,000	
Business licenses and permits	244,800	279,800	35,000
Nonbusiness licenses and permits	235,400	235,400	
Grants	100,000	100,000	
State shared revenues	4,572,500	4,572,500	
Charges for services	474,940	484,940	10,000
Fines and forfeits	185,000	200,000	15,000
Investment income	275,000	275,000	
Rents	170,000	170,000	
Sale of fixed assets	3,000	43,000	40,000
Charges to other funds	<u>1,292,306</u>	<u>1,292,306</u>	
Total	<u>\$ 20,353,632</u>	<u>\$ 20,353,632</u>	<u>\$ 0</u>
Estimated requirements:			
General government	\$ 3,102,776	\$ 3,102,776	
Public safety	11,950,643	11,950,643	
Public works	1,636,250	1,432,250	(204,000)
Senior citizens	58,766	62,766	4,000
Recreation, parks and culture	2,970,167	2,870,167	(100,000)
Other functions	593,773	593,773	
Public improvements	34,657	34,657	
Transfer to other funds	<u>6,600</u>	<u>306,600</u>	<u>300,000</u>
	<u>\$ 20,353,632</u>	<u>\$ 20,353,632</u>	<u>\$ 0</u>

**MOTOR VEHICLE FUND:**

Means of financing:

Charges for services	\$ 2,364,493	\$ 2,364,493	\$
Transfer from			
General fund		300,000	300,000
	<u>\$ 2,364,493</u>	<u>\$ 2,664,493</u>	<u>\$ 300,000</u>

Estimated requirements:

Ordinary recurring expenses	\$ 1,830,689	\$ 1,830,689	\$
Capital outlay and/or salary adjustments			
	533,804	833,804	300,000
	<u>\$ 2,364,493</u>	<u>\$ 2,664,493</u>	<u>\$ 300,000</u>

Adopted unanimously.

**RESOLUTIONS**

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted unanimously.

**\*R-2.** WHEREAS, it is anticipated that there will be no need to hold a second meeting in the month of December;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meeting of December 22, 2003; and
- b) Instructs the City Manager to not prepare an agenda for this regular meeting; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meeting of December 22, 2003, will not be held.

Adopted.

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

WHEREAS, Act 51 of P.A. 1951, as amended, provides for the transfer of up to 25% from the Major Street Fund to the Local Street Fund, in accordance with Section 13d of said Act,

NOW, THEREFORE, BE IT RESOLVED that the Finance Director is hereby authorized and directed to transfer 25% of the fiscal year 2003-04 Motor Vehicle Highway Distribution revenue from the Major Street Fund to the Local Street Fund (transfer amount estimated to be \$430,000, as budgeted for 2003-04).

Adopted unanimously.

**\*R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$1,547.38 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #03-73).

Adopted.

**\*R-5.** WHEREAS, Huron, Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 24, 2003, in order to hear comments on the application of Huron, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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

WHEREAS, a request has been received from Joan Volker, for a special use permit to operate a bed and breakfast facility in an A-1 (Medium Density Multiple-Family) zoning district legally described as: *Lot 6, Washington Place (829 Prospect Place), City of Port Huron*; and

WHEREAS, Section 32-203 of the City of Port Huron Code of Ordinances stipulates that requests for bed and breakfast facilities within an A-1 zone may be allowed upon approval of a special use permit and after a letter of recommendation has been obtained from the City Historic District Commission regarding the historic characteristics of the structure; and

WHEREAS, Section 32-121 of the City of Port Huron Code of Ordinances authorizes the City Planning Commission and the City Council to designate certain structures as historic after which time a structure may be occupied with uses not normally permitted in the zoning district in which it lies; and

WHEREAS, in accordance with the City of Port Huron Code of Ordinances Section 32-126, the Historic District Commission, after conducting a public hearing on October 14, 2003, issued a letter of recommendation regarding the historic architectural characteristics of the structure; and

WHEREAS, in accordance with the City of Port Huron Code of Ordinances Sections 32-126 and 32-481, the City Planning Commission on November 4, 2003, held a public hearing to hear comments on the request for historic designation and on the request for a special use permit; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the historic designation and the special use permit (vote: 6 ayes; 0 nays; 2 absent; 0 abstained; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED the City Council hereby on an affirmative vote designates the structure at 829 Prospect Place as historic and authorizes the Zoning Administrator to issue a special use permit to operate a bed and breakfast facility at 829 Prospect Place, or in the case of a negative vote, denies the historic designation and special use permit request.

Adopted unanimously.

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

WHEREAS, a request has been received for a special use permit from Cawood Auto Company for a special use permit to operate an outdoor sales lot at the northeast corner of Pine Grove Avenue and Hancock Street; and

WHEREAS, on November 4, 2003, City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval of the special use permit request (vote: 6 ayes; 0 nays; 2 absent; 0 abstained; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for an outdoor sales lot at the northeast corner of Pine Grove Avenue and Hancock Street.

Adopted unanimously.

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

WHEREAS, the City of Port Huron owns the following described property:

*that portion of Carleton Street lying between the easterly line of Outlot H, Assessor's Rural Street Plat and the easterly line of Lot 1, Block 2, Mills' Lapeer Avenue Subdivision, extended due north to the south line of Lot 28, Block 9, James H. White's Subdivision, City of Port Huron;*  
and

WHEREAS, on November 4, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval of the vacation (vote: 6 ayes; 0 nays; 2 absent; 0 abstain; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby on an affirmative vote schedules a public hearing for December 8, 2003, to hear comments on the above request, or in the case of a negative vote hereby denies the request for vacation of the above described property.

Adopted unanimously.

**9-12. Councilmember Prax** offered and moved the adoption of the following resolutions:

**R-9.** WHEREAS, the City of Port Huron desires to enhance the aesthetics of the City; and

WHEREAS, landscaping is a cost-effective and viable method of improving the appearance of properties and landscape plans can provide attractive buffers between conflicting zones and mitigate use conflicts; and

WHEREAS, on September 2, 2003, the City Planning Commission held a public hearing to receive comments on a proposed landscape standards ordinance for non-residential projects; and

WHEREAS, on November 4, 2003, the City Planning Commission, after due consideration, recommended approval of the ordinance (vote: 6 ayes; 0 nays; 2 absent; 0 abstain; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 24, 2003, to hear comments on the proposed ordinance for landscape standards on non-residential projects.

**R-10.** WHEREAS, the City of Port Huron desires to preserve the unique characteristics of the various neighborhoods within the City; and

WHEREAS, design standards will ensure that future single- and two-family residential dwellings constructed within the City will enhance those characteristics; and

WHEREAS, on September 2, 2003, the City Planning Commission held a public hearing to hear comments on a proposed ordinance establishing design guidelines for new construction of residential dwellings; and

WHEREAS, on November 4, 2003, the City Planning Commission, after due consideration, recommended approval of the ordinance (vote: 6 ayes; 0 nays; 2 absent; 0 abstain; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 24, 2003, to hear comments on the proposed ordinance establishing design guidelines for new construction of residential dwellings.

**R-11.** WHEREAS, the ingress and egress to properties along the M-25 Corridor within the City of Port Huron is important to foster ease of access to such properties while maintaining safe traffic flow along M-25; and

WHEREAS, in cooperation with other local government entities, an M-25 Access Management Plan has been developed; and

WHEREAS, on September 2, 2003, the City Planning Commission held a public hearing to hear comments on a proposed ordinance establishing standards for access management along the M-25 Corridor; and

WHEREAS, on November 4, 2003, the City Planning Commission, after due consideration, recommended approval of the ordinance (vote: 6 ayes; 0 nays; 2 absent; 0 abstain; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 24, 2003, to hear comments on the proposed Access Management Overlay District Ordinance.

**R-12.** WHEREAS, the City of Port Huron desires to maintain the economic viability of the downtown retail area and enhance the area by promoting the development of a pedestrian-oriented retail center; and

WHEREAS, in cooperation with downtown business entities, a draft pedestrian retail overlay district ordinance has been created; and

WHEREAS, on October 7, 2003, the City Planning Commission held a public hearing to hear comments on a proposed ordinance creating a Pedestrian Retail Overlay District in the area bounded by McMorran Boulevard to the North along Huron Avenue and Quay Street to the south; and

WHEREAS, on November 4, 2003, the City Planning Commission, after due consideration, recommended approval of the ordinance (vote: 5 ayes; 1 nays; 2 absent; 0 abstain; 1 vacant seat);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 24, 2003, to hear comments on the proposed Pedestrian Retail Overlay District ordinance.

Motion to adopt resolutions 9 through 12 adopted unanimously.

**R-13. Councilmember Cutcher** offered and moved the adoption of the following resolution:

WHEREAS, Southeast Michigan Council of Governments (SEMCOG) is a regional planning partnership of governmental units serving 4.8 million people in the seven-county region of Southeast Michigan; and

WHEREAS, the City of Port Huron is a participating member of SEMCOG; and

WHEREAS, SEMCOG requests that a member of the City Council be designated as a delegate and one as an alternate;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Steinborn be the designated delegate and Councilmember Haynes the designated alternate to SEMCOG.

Adopted unanimously.

**R-14. Councilmember Fisher** offered and moved the adoption of the following resolution:

WHEREAS, a member of City Council is a designated representative for the City of Port Huron on the Economic Development Alliance (EDA) Board;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Prax is hereby appointed as the Council's representative on the EDA Board.

Adopted unanimously.

**R-15. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Article III, Division 2, Sections 2-242 and 2-243:

"Sec. 2-242. Composition, appointment of members. The Planning Commission shall consist of nine members, one of whom shall be a member of and selected by the City Council, one of whom shall be the City Manager or, in his discretion, his designated representative who shall be appointed by him, and seven of whom shall be appointed by the City Council."

"Sec. 2-243. Terms and removal of members. The term of the City Councilman's membership on the Planning Commission shall correspond to his official tenure. The term of each other member of the Planning Commission shall be three years or until his successor takes office."

NOW, THEREFORE, BE IT RESOLVED that Councilmember Jacobs be appointed as the Council's designated representative on the City Planning Commission.

Adopted unanimously.

**R-16. Councilmember Prax** offered and moved the adoption of the following resolution:

WHEREAS, the Economic Opportunity Committee (EOC), under federal law is required to have board members that represent a mix of public and private; and

WHEREAS, a member of City Council does sit on the board of the Economic Opportunity Committee (EOC);

NOW, THEREFORE, BE IT RESOLVED that Councilmember Cutcher is hereby appointed to be the City Council of the City of Port Huron's representative on the Economic Opportunity Committee.

Adopted unanimously.

**MOTIONS & MISCELLANEOUS BUSINESS**

1. **Councilmember Fisher** requested that any interested volunteers to participate in Olde Town Victorian Christmas caroling contact him at 984-8384.

2. **Councilmember Prax** expressed her delight in the amount of people and businesses who came forward to save Dunn Paper Company.

On motion (8:35 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 24, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Pastor Tom Seppo, Operation Transformation, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

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

The minutes of the regular meeting of November 10, 2003, were approved, as amended to reflect that Councilmember Cutcher nominated Mayor Neal rather than Councilmember Fisher.

**PRESENTATIONS**

1. Mark Steinborn, Chairperson of the Sister Cities Committee, gave a presentation on the city elected by the committee to become Port Huron's sister city, Chiquimula, Guatemala.
2. Chief William J. Corbett gave a presentation on the CAPTURE program.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the application of Huron, Inc., for an Industrial Facilities Exemption Certificate. (See Resolution #3)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the proposed landscape standards ordinance for non-residential projects. (See Ordinance #1)

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 ordinance establishing design guidelines for new construction of residential dwellings. (See Ordinance #2)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the proposed Access Management Overlay District ordinance. (See Ordinance #3)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

5. **The Mayor** announced that this was the time to hear comments on the proposed Pedestrian Retail Overlay District ordinance. (See Ordinance #4)

The City Clerk read into the record a letter from LeRoy J. Stevens, Partner, Stevens Block, 209 Huron Avenue, objecting to this proposed ordinance change.

Jim Langolf, President of MainStreet and Vice-President of Alexander's, appeared in support of the proposed ordinance change on behalf of himself and MainStreet.

Tony Houle, owner of 234 Huron Avenue, appeared in opposition to this proposed ordinance change stating that the type of office he has would be prohibited and that they have lots of visitors who he encourages to shop downtown.

Gerry Kramer, 309 Huron Avenue, appeared thanking all who have improved their properties downtown and stated that any personal concerns he had have been addressed citing that special approvals can be obtained for offices such as his and Mr. Houle's and that he supports the proposed ordinance change.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Irene Michaels, 1644 Whipple Street, addressed City Council expressing her feelings that a drug store and perhaps a day care should be downtown.

**CONSENT AGENDA**

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

Adopted unanimously.

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

- Santa Parade and Tree Lighting Ceremony will be held in downtown Port Huron on November 28. Contact MainStreet Port Huron at 985-8843 for more details.
- City offices will be closed for the following upcoming holidays: November 27-28 (Thanksgiving), December 24-25 (Christmas) and January 1 (New Year's).
- First Night Port Huron 2004 will be held December 31, 2003. For more information, visit the City's website.
- The brush and branch collection program will continue through November 26. Due to the large volume of collections, World Waste Services has requested that you contact them at 364-6539 for information on specific pickup dates.
- Curbside leaf pickup will end the week of December 8. For further information, call World Waste Services at 364-6539 or visit the City's website at [www.porthuron.org](http://www.porthuron.org) for the schedule.

- The City, in cooperation with MainStreet Port Huron, will offer two-hour free parking on Military Street and Huron Avenue between Court Street to Glenwood Avenue and at the short term meters in the Majestic, East Quay and West Quay lots. Free meters will be covered with a festive holiday wrapping from Thanksgiving through New Year's. For more details, contact MainStreet Port Huron at 985-8843.

- There are vacancies on the following City boards and commissions: Beautification Commission, Brownfield Redevelopment Authority, Local Development Finance Authority, Planning Commission, Rental Housing Board of Appeals (specific qualifications necessary) and Tax Increment Finance Authority. For an application or further information, contact the City Clerk's office at 984-9725 or visit our website at www.porthuron.org.

### FROM THE CITY MANAGER

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

Port Huron Township has requested that the City increase the size of the meter from 8" to 12" that serves their customers through the City's meter located on Water Street. S.L.C. Meter Services, Inc., is the City's sole source of water meters.

It is recommended that S.L.C. Meter Services, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, provide the City of Port Huron with a 12" water meter and strainer and that the appropriate City officials be authorized to issue a purchase order in the amount of Ten Thousand Three Hundred Ninety-Six and 00/100 Dollars (\$10,396.00) for this equipment.

Adopted unanimously.

### RESOLUTIONS

**\*R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Adopted.

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

WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to-wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the current Interlocal Agreement entered into between the Blue Water Area Transportation Commission and the City of Port Huron and the Charter Township of Fort Gratiot was adopted in 1983 by the Port Huron City Council; and

WHEREAS, Section 4(a)(1) states that the "Commission shall be composed of one (1) member (Commissioner), from each of the Participating Units of Government comprising the Commission. One (1) member and one (1) alternate member shall be appointed by each Participating Unit. A member's or alternate's place of residence or place of work shall be within the unit he/she represents. The membership of the Commission shall be increased or decreased upon the joinder or termination of Individual Participating Units in accordance with other provisions of this Agreement."; and

WHEREAS, Section 4(a)(3) states that the "terms of service for Commissioners shall be for three (3) year terms, subject to reappointment;" and

WHEREAS, on February 25, 2002 City Council adopted a resolution which states that "it is the desire of the Port Huron City Council to have one of their elected members to be the City's representative" and that their term would be for three years "or until the end of their Council term, whichever occurs first;" and

WHEREAS, due to the November 4, 2003 election there now exists a vacancy;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Fisher is hereby appointed as the City of Port Huron's member Commissioner and Councilmember Haynes is hereby appointed as the alternate member Commissioner on the Blue Water Area Transportation Commission for three year terms to expire November 24, 2006 or until the end of their Council term, whichever occurs first.

**Councilmember Fisher** moved to table the resolution. (Councilmember Prax suggested the term coincide with Council terms and research is necessary on the possibility of amending the interlocal agreement to reflect that.)

Motion to *table* adopted unanimously.

**\*R-3.** WHEREAS, Huron, Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); 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 November 24, 2003, 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 Huron, Inc., application for an Industrial Facilities Exemption Certificate for six (6) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

All personal property: 12/31/04 to 12/31/10 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 Huron, Inc., is located.

Adopted.

**\*R-4.** WHEREAS, Agecare, Inc. has requested to transfer ownership of 2003 Class C licensed business with Dance-Entertainment Permit, located at 1026 Military Street, from The Harrington Inn, LLC (A Nevada Limited Liability Company);

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission.

Adopted.

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

WHEREAS, on November 11, 2002, the City Council adopted a resolution creating a committee to research and recommend to the City Council a sister city for the City of Port Huron; and

WHEREAS, the Sister City Committee has completed its research and has recommended a sister city; and

WHEREAS, it is the desire of the Sister City Committee to continue in a permanent capacity to facilitate and nurture a relationship with the chosen sister city;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the recommendation of the Sister City Committee that Chiquimula, Guatemala, be pursued as a sister city for the City of Port Huron, Michigan; and

BE IT FURTHER RESOLVED that the Port Huron City Council directs the City administration to develop language for an ordinance to establish a Sister City Commission with members appointed by City Council that will be responsible to carry out this venture; and

BE IT FURTHER RESOLVED that the City of Port Huron maintain a membership with Sister Cities International and the Port Huron City Council authorizes the appropriation of funds to pay the yearly dues with the understanding that all other necessary funding be provided by external sources such as fundraising, grants and/or donations.

**Councilmember Cutcher** moved to delete the last paragraph of the resolution ending with "...City Council that will be responsible to carry out this venture."

Motion to amend adopted by the following vote:

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

No: Councilmembers Fisher and Steinborn.

Absent: None.

Motion to adopt resolution, as amended, adopted unanimously.

## ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE V, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING LANDSCAPE STANDARDS FOR NON-RESIDENTIAL PROJECTS.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE V, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING DESIGN GUIDELINES FOR NEW CONSTRUCTION OF RESIDENTIAL DWELLINGS.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, BY ADDING ARTICLE XXXII, ACCESS MANAGEMENT OVERLAY DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING STANDARDS FOR ACCESS MANAGEMENT ALONG THE M-25 CORRIDOR.

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

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

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, BY ADDING ARTICLE XXXIII, PEDESTRIAN RETAIL OVERLAY DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF PROMOTING THE DEVELOPMENT OF A PEDESTRIAN-ORIENTED RETAIL CENTER.

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

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

**O-5. Councilmember Prax** moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, ARTICLE III, VEHICLE CODE, BY ADDING SECTION 29-77, UNIFORM TRAFFIC CODE ADOPTION BY REFERENCE, TO THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ADOPTING BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AS PROMULGATED BY THE DIRECTOR OF THE MICHIGAN DEPARTMENT OF STATE POLICE AND MADE EFFECTIVE OCTOBER 30, 2002, TO SUPPLEMENT THE PROVISIONS OF THE MICHIGAN VEHICLE CODE.

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

## MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Cutcher** acknowledged recent ribbon cuttings at Pompeii's and Seaway Community Bank.
2. **Councilmember Fisher** mentioned each member of the Sister City Committee and thanked them for their work. Additionally, he encouraged people to participate in the Old Town Victorian Christmas caroling.
3. **Councilmember Prax** welcomed the crew members and their families of the newly arrived Hollyhock.

On motion (9:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
 City Clerk

**Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 8, 2003, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.**

The invocation was given by Pastor Phil Whetstone, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Neal.

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

Absent: Mayor Pro-tem Cutcher.

AT THIS POINT, Mayor Neal recognized the following groups in the audience: Boy Scout Troop No. 106 and Miss Murray's, Port Huron Northern, Problems of Democracy Class.

The minutes of the regular meeting of November 24, 2003, were approved.

**PUBLIC HEARINGS**

1. **The Mayor** announced that this was the time to hear comments on the request to vacate a portion of Carleton Street adjacent to 203 - 17th Street. (See Resolution #11)

No one appeared to be heard.

**The Mayor** declared the hearing closed.

**PUBLIC AUDIENCES**

1. Kevin Banker, 825 Court Street, addressed the City Council in support of Ordinance No. 2.

**CONSENT AGENDA**

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

Motion adopted by the following vote:

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

No: None.

Absent: Mayor Pro-tem Cutcher.

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

- City offices will be closed for the following holidays: December 24-25 (Christmas) and January 1 (New Year's).
- First Night Port Huron 2004 will be held December 31, 2003. For more information, visit the City's website.
- Curbside leaf pickup ends this week.

**UNFINISHED BUSINESS**

1. **Councilmember Prax** offered and moved to remove the following resolution from the table (tabled November 24, 2003):

WHEREAS, the Blue Water Area Transportation Commission is composed of two (2) local units of government, to-wit: City of Port Huron and Charter Township of Fort Gratiot, and said Commission has been operating a transit system within the Blue Water Area since 1976; and

WHEREAS, the current Interlocal Agreement entered into between the Blue Water Area Transportation Commission and the City of Port Huron and the Charter Township of Fort Gratiot was adopted in 1983 by the Port Huron City Council; and

WHEREAS, Section 4(a)(1) states that the "Commission shall be composed of one (1) member (Commissioner), from each of the Participating Units of Government comprising the Commission. One (1) member and one (1) alternate member shall be appointed by each Participating Unit. A member's or alternate's place of residence or place of work shall be within the unit he/she represents. The membership of the Commission shall be increased or decreased upon the joinder or termination of Individual Participating Units in accordance with other provisions of this Agreement.;" and

WHEREAS, Section 4(a)(3) states that the "terms of service for Commissioners shall be for three (3) year terms, subject to reappointment;" and

WHEREAS, on February 25, 2002 City Council adopted a resolution which states that "it is the desire of the Port Huron City Council to have one of their elected members to be the City's representative" and that their term would be for three years "or until the end of their Council term, whichever occurs first;" and

WHEREAS, due to the November 4, 2003 election there now exists a vacancy;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Fisher is hereby appointed as the City of Port Huron's member Commissioner and Councilmember Haynes is hereby appointed as the alternate member Commissioner on the Blue Water Area Transportation Commission for three year terms to expire November 24, 2006 or until the end of their Council term, whichever occurs first.

**Councilmember Steinborn** moved to amend the resolution to remove the ending phrase "...or until the end of their Council term, whichever occurs first."

Motion to amend adopted by the following vote:

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

No: Councilmembers Jacobs and Prax.

Absent: Mayor Pro-tem Cutcher.

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

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

No: None.

Absent: Mayor Pro-tem Cutcher.

### FROM THE CITY MANAGER

**CM-1. Councilmember Fisher** offered and moved to receive and file the following Comprehensive Annual Financial Report:

In accordance with the requirements of Section 63 of the City Charter, the City's Comprehensive Financial Report for the year ended June 30, 2003, is transmitted herewith (City Clerk File #03-74).

Motion adopted by the following vote:

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

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

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial Report of the City of Port Huron for the three month period ending September 30, 2003. (See City Clerk File # 03-75).

Motion adopted by the following vote:

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

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

On November 25, 2003, the City of Port Huron received (2) two bids for a new switch gear for Grandview Towers Senior Citizens Housing Complex:

Sopha Electric	\$29,600.00
Stephenson Electric	\$31,200.00

It is recommended that the bid of Sopha Electric, 2420 White Street, Port Huron, Michigan 48060, in the amount of Twenty-Nine Thousand Six Hundred and 00/100 Dollars (\$29,600.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

### RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #03-01)

Motion adopted by the following vote:

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

**\*R-2.** WHEREAS, Domtar Industries, Inc., 1700 Washington Avenue, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery and equipment); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for January 12, 2004, in order to hear comments on the application of Domtar Industries, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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

WHEREAS, on October 30, 2003, three (3) proposals were received for high speed, high volume copiers for the Police Department and the Engineering Division; and

WHEREAS, upon review of these proposals, Prime Office Technology was selected to provide Kyocera Mita copiers; and

WHEREAS, since it is more advantageous to lease these copiers, an agreement has been prepared between the City and Prime Office Technology;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves a lease agreement with Prime Office Technology for each of the Kyocera Mita copiers for the Police Department and Engineering Division and authorizes the appropriate City officials to execute the agreement (see City Clerk File #03-80).

Motion adopted by the following vote:

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

**\*R-4.** WHEREAS, under authority delegated by the City Manager, the Chief of Police has issued Temporary Traffic Control Order No. 1151, effective October 10, 2003, pursuant to Chapter 29, Article II, of the 1992 Port Huron City Code:

**MILITARY STREET -**

There shall be "one hour parking only" on the west side of Military Street from a point beginning at the southern most part of the driveway located at 1319 Military Street, continuing south for 53 feet.

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

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

WHEREAS, the City's retiree health care is currently funded on a pay-as-you go basis, creating an unfunded liability for post-retirement health care; and

WHEREAS, the City has had an actuarial study performed which has identified several strategies for addressing this unfunded liability; and

WHEREAS, the City wishes to address this unfunded liability in a prudent manner; and

WHEREAS, Act Number 149 of the Public Acts of 1999 of the State of Michigan, effective November 1, 1999, provides for the creation by public corporations of public employee health care funds and their administration;

NOW, THEREFORE, BE IT RESOLVED that the Finance Director establish a public employee health care fund, designated the "Post Employment Health Care Fund," ("the Fund") for the purpose of accumulating funds to provide for the funding of health care benefits to retirees and beneficiaries of retirees of the City; and

BE IT FURTHER RESOLVED that the Director of Finance be designated as the Fund's investment fiduciary; that the investment fiduciary invest the assets of the Fund in accordance with the Public Employee Retirement System Investment Act; that the investment fiduciary have an actuarial review of the Fund prepared at least every five (5) years with assets valued on a market related basis; that the investment fiduciary prepare and issue a summary annual report to the City Council; and

BE IT FURTHER RESOLVED that continued funding of the Fund be accomplished by contributions by the City of a percentage of payroll as recommended by the City's actuaries; that withdrawals from the Fund be solely for the payment of health care benefits on behalf of qualified persons and the payment of the expenses of administration of the Fund; and

BE IT FURTHER RESOLVED that the Director of Finance be designated as the person responsible for the payment of health care benefits from the Fund.

Motion adopted by the following vote:

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

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

WHEREAS, the cost for trash pickup and/or blight cleanup shall be assessed to the property owner(s) pursuant to City ordinances, Sections 14-13, 34-3, and 24-19; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$554.92 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #03-76).

Adopted.

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

WHEREAS, it is necessary to perform professional services and serve as the City's professional representative; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for the implementation of a private inflow and infiltration elimination program, in conjunction with the Michigan Department of Environmental Quality (MDEQ) Administrative Order #DFO-SW98-001;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-77).

Motion adopted by the following vote:

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

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

WHEREAS, it is necessary to perform professional services and serve as the City's professional representative; and

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 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 and authorizes and directs the appropriate City officials to execute the agreement (see City Clerk File #03-78).

Motion adopted by the following vote:

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

**\*R-9.** WHEREAS, the Board of Canvassers is provided for by the general election laws of the State of Michigan and Section 33 of the City Charter; and

WHEREAS, membership consists of two Republicans and two Democrats, appointed by the City Council and the terms of one Republican and one Democrat will expire on December 31, 2003;

NOW, THEREFORE, BE IT RESOLVED that Gloria Winfield, Democrat, 1804 - 20th Street, and Karen Jamison, Republican, 3830 Catalpa Court, are hereby reappointed to serve as members of the Board of Canvassers for four year terms expiring December 31, 2007.

Adopted.

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

WHEREAS, it is necessary for the City of Port Huron to engage the services of an attorney to prosecute the City ordinance cases and Housing Commission cases during a period of absence of the City Attorney; and

WHEREAS, a person formerly holding the position of City Attorney is willing to prosecute the City ordinance cases and Housing Commission cases during the period of absence of the City Attorney; and

WHEREAS, the former City Attorney is employed by the law firm of Touma, Watson, Whaling, Coury & Castello, P.C.; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Touma, Watson, Whaling, Coury & Castello, P.C., to provide representation in the prosecution of City ordinance cases and Housing Commission cases during the period of absence of the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Touma, Watson, Whaling, Coury & Castello, P.C., to provide representation in the prosecution of City ordinance cases and Housing Commission cases during the period of absence of the City Attorney and authorizes the appropriate City officials to execute the agreement (See City Clerk File #03-79).

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron owns the following described real estate:

*that portion of Carleton Street lying between the easterly line of Outlot H, Assessor's Rural Street Plat and the easterly line of Lot 1, Block 2, Mills' Lapeer Avenue Subdivision, extended due north to the south line of Lot 28, Block 9, James H. White's Subdivision, City of Port Huron; and*

WHEREAS, on November 4, 2003, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (vote: 6 ayes; 0 nays; 2 absent; 0 abstained; 1 vacant) of the vacation; and

WHEREAS, the City Council on December 8, 2003, held a public hearing for the purpose of hearing and considering any objections to the vacation and after due consideration, it is the judgement of the Port Huron City Council that the vacation would be in keeping with the City's Master Plan and in furtherance of the public interest and benefit;

NOW, THEREFORE, BE IT RESOLVED that the above described portion of Carleton Street is hereby vacated and shall be incorporated into the legal description for the property commonly known as 203 17th Street, with the reservation of a public utility easement as follows:

*the westerly six feet of Carleton Street with said easement running from the north right-of-way line of Carleton Street to the south right-of-way line of Carleton Street.*

Motion adopted by the following vote:

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

**\*R-12.** 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; 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 12, 2004, 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, 2004;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 9, 2004, to hear comments on the proposed 2004 Annual Action Plan.

Adopted.

**ORDINANCES**

**O-1. Councilmember Prax** moved that an ordinance introduced November 24, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1218

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE V, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING LANDSCAPE STANDARDS FOR NON-RESIDENTIAL PROJECTS.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article V, General Provisions, of the Code of Ordinances of the City of Port Huron, for the purpose of establishing landscape standards for non-residential projects, is hereby amended as follows:

**Chapter 32. ZONING  
ARTICLE V. GENERAL PROVISIONS**

**Secs. 32-91 - 32-129.**

No changes.

**Secs. 32-130. Landscape Standards for Non-Residential Projects.**

The purpose of this ordinance is to establish general minimum standards regarding landscape plans as part of the site plan review process; enhance the City's environmental and visual character; preserve or stabilize ecological concerns with development needs; maintain a healthy environment, mitigate pollution, and provide natural and aesthetically pleasing buffers between conflicting land uses; protect public and private investments; and improve neighborhood aesthetics and promote high-quality developments.

(1) The following terms are hereby defined as follows:

**RESERVED**

(2) For new construction or major redevelopment of building projects within an A-1, A-2, CBD, MD, C-1, M-1, or M-2 zone, a landscape plan must be approved as part of final site plan approval and prior to issuance of a building permit. Such landscape plan to include: site drawing indicating location, type and size of plantings, berms, screens, parking surfaces, and any other amenities required.

(3) Landscaping.

a. Street Trees: Wherever a greenbelt exists along a roadway, street trees shall be planted forty feet (40') on center. Existing street trees in good health may be counted toward fulfilling this requirement.

Proposed street trees should be of a complimentary species as existing trees on that street but do not necessarily have to be of the same species as a protective measure against insect and disease infestation. The following trees are permitted as street trees:

- Beech (American and European)
- Elm - hybrids only
- Flowering trees: Crabapple, Dogwood, Horsechestnut, Ohio Buckeye, Eastern Redbud, Callery Pear, Magnolia
- Maple - Crimson King, Freeman, Hedge, Norway Cultivars, Paperbark, Red, Shantung, Striped, Sugar, Tartarian
- Oak - Burr, Pin, Red, Sawtooth, Shingle, Swamp and White
- Miscellaneous species: Birch, Hackberry, Hornbeam (American), Ironwood, London Planetree, Littleleaf Linden, Honey Locust, Sweetgum (American), Tupelo and Tuliptree

The minimum size of trees at time of planting shall be two and one-half inches (2-1/2") in caliper measured twelve inches (12") above grade.

(4) General Landscaping. All developed portions of the site shall conform to the following general landscaping standards, except for specific street and parking lot landscaping requirements:

- a. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery or other suitable plant material.
- b. One (1) deciduous tree shall be planted every 40 linear feet of street frontage of unpaved open area. Eight (8) shrubs may be substituted for each required tree. A grouped planting bed may also be substituted with the approval of the Planning Department where trees or shrubs are not determined to be the best option.

(5) Standards for Landscape Materials: Unless otherwise specified, all landscape materials shall comply with the following standards:

- a. **Plant Quality.** Plant materials used in compliance with the ordinance shall be nursery grown, free of pests and diseases, hardy in St. Clair County climate and conditions, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.
- b. **Composition.** A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- c. **Plant Material Specifications.** The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this ordinance:
1. **Deciduous Shade Tree.** Deciduous shade trees shall be a minimum of two and one-half inches (2-1/2") in caliper measured twelve inches (12") above grade when planted.
  2. **Deciduous Ornamental Trees.** Deciduous ornamental trees shall be a minimum of two inches (2") in caliper when measured twelve inches (12") above grade when planted.
  3. **Evergreen Trees.** Evergreen trees shall be a minimum of five feet (5') in height when planted. Evergreen trees planted to comply with a screening requirement shall be a minimum of six feet (6') in height when planted.
  4. **Shrubs.** Shrubs shall be a minimum of two feet (2') in height or spread when planted. Shrubs planted to comply with a screening requirement shall be a minimum of three feet (3') in height.
  5. **Grass.** Grass area shall be planted using species normally grown as permanent lawns in St. Clair County and/or native to St. Clair County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass shall be sodded in the front yard unless otherwise approved. In other areas of the site, grass may be sodded, plugged, sprigged, or seeded. Straw or other mulch shall be used to protect newly seeded areas.
  6. **Ground Cover.** Ground cover used in lieu of turf grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
  7. **Mulch.** Mulch used around trees and shrubs shall be a minimum of three inches (3") deep and installed in a manner as to present a finished appearance.
8. **Undesirable Plant Material.** Use of the following plant materials (or other clones or cultivars) is prohibited due to susceptibility to storm damage, disease, and other undesirable characteristics:
- Mountain Ash  
American Elms  
Ash - Green, Patmore, Seedless, Summit, or White  
Maple - Silver  
Box Elder  
Poplar  
Russian-olive  
Willow
- (6) **Maintenance.** Landscaping required by this ordinance shall be maintained in a healthy, neat, and orderly appearance, free from weeds, refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Inspector or the Blight Inspector, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
- All landscaped areas shall be provided with a readily available and acceptable supply of water. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing seasons.
- (7) **Berms.** Berms shall be graded with slopes no steeper than one foot (1') horizontal for each three foot (3') vertical, with at least a two foot (2') flat area on top. Berms shall be planted with grass, ground cover, wood mulch or other suitable plant material to prevent erosion and shall be in such a design so as to not create adverse drainage to adjacent land.
- (8) **Property Maintenance.** It shall be the responsibility of the owner of the property for which site and/or building plan approval has been granted to maintain the property in accordance with the approved site and/or building design on a continuing basis until the property is razed, or until the new zoning regulations supersede the regulations upon which approval of the site and/or building plans was based, or until a new site and/or building design is approved. Any property owner who fails to so maintain and approved site and/or building design shall be deemed in violation of the provisions of this ordinance and shall be subject to the penalties set forth in this ordinance.
- (9) **Modifications to Site Design Standards.** In consideration of the overall design and impact of a specific plan, the planning commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this and other sections of the ordinance.

(10) Parking Lot Landscaping: For those uses requiring greater than twenty (20) parking spaces, there shall be a landscape plan which shows plantings and groups of plantings that buffer the parking lot areas from adjacent uses. Such a landscape plan shall include a mixture of planting material appropriate for the space, so as to not create a visual/safety barrier. Such plan shall be approved of by the Planning Department.

Parking lot landscaping shall be no less than five (5) feet in any single dimension and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto landscaped areas.

This parking lot requirement is exclusive of landscaping provided to comply with the parking lot screen requirement.

**Secs. 32-131 - 32-150. Reserved.**

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 12/08/03  
PUBLISHED: 12/13/03  
EFFECTIVE: 12/13/03

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

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

**O-2. Councilmember Fisher** moved that an ordinance introduced November 24, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1219

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, ARTICLE V, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING DESIGN GUIDELINES FOR NEW CONSTRUCTION OF RESIDENTIAL DWELLINGS.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article V, General Provisions, of the Code of Ordinances of the City of Port Huron, for the purpose of establishing design guidelines for new construction of residential dwellings, is hereby amended as follows:

**Chapter 32. ZONING  
ARTICLE V. GENERAL PROVISIONS**

**Secs. 32-91 - 32-128.**

No changes.

**Secs. 32-129. New Construction Design Guidelines for Residential Dwellings.**

New construction of single-family and two-family residential dwellings shall be compatible in design and appearance to dwellings in the neighborhood it is located. The zoning administrator shall determine whether this standard is met by reviewing the following criteria:

- (a) New construction of residential dwellings shall be compatible with the scale, height, period style, and architectural design of existing homes within the block surrounding the lot.
- (b) The front entrance of the home shall face the front street side of the lot. New homes shall not be established/constructed on the lot sideways. On corner lots the main entrance may face either of the streets if in accordance with other applicable codes and ordinances.
- (c) Setbacks are to be in accordance with the zoning ordinance; exceptions may be made to allow for setback to reflect the average established setback line of existing, adjacent buildings only if it can be shown that the required setback(s) would dramatically alter the line of site, privacy and aesthetics of the neighboring area.
- (d) Not more than fifty percent (50%) of the length and width of an attached garage may protrude out to the front facade wall of the home. Garage width may not exceed more than sixty percent (60%) of the home's front facade width.
- (e) Garage walls are to be no more than ten feet (10') high excluding the portion of the wall within a gable end. The roof height may not extend more than three feet (3') above the roof peak of the dwelling. Exception is noted for those structures that are attached garages with a portion of the principle structure's living space constructed above the garage.
- (f) When alleys are existing for access, the development of garages and parking pads to be adjacent to the alley rather than the street frontage is preferred.
- (g) The original scale, proportions, lines and exterior construction materials of the surrounding environment shall be respected, compatible and enhanced.
- (h) Front entrances and porches must include design elements that are similar in scale, height and design to those on original existing structures in the neighborhood.

**Secs. 32-130 - 32-150. Reserved.**

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 12/08/03  
PUBLISHED: 12/13/03  
EFFECTIVE: 12/13/03

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

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

**O-3. Councilmember Prax** moved that an ordinance introduced November 24, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1220

AN ORDINANCE TO AMEND CHAPTER 32, ZONING, BY THE ADDITION OF ARTICLE XXXIII, ACCESS MANAGEMENT OVERLAY DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF ESTABLISHING STANDARDS FOR ACCESS MANAGEMENT ALONG THE M-25 CORRIDOR.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 32, Zoning, Article XXXIII, Access Management Overlay District, of the Code of Ordinances of the City of Port Huron, for the purpose of establishing standards for access management along the M-25 corridor, is hereby amended as follows:

**Chapter 32. ZONING**

**ARTICLE XXXII. ACCESS MANAGEMENT OVERLAY DISTRICT**

**Sec. 32-801. Intent**

(a) The intent of this article is to establish standards for driveway spacing and the number of driveways for application during the site plan review process for new construction and/or redevelopment and to encourage access management.

(b) The procedures and standards of this article are intended to promote safe and efficient travel within the designated M-25 corridor within the City of Port Huron as described; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways and between driveways and intersections; implement recommendations of the master plan; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always the most direct access.

**Sec. 32-802. Applicability.**

The standards of this article apply to driveway access areas within the City of Port Huron corporate limits along the M-25/Pine Grove roadway from Scott Avenue (south) to Krafft Road (north) through the site plan review. The driveway standards herein may be more restrictive than other standards of the City of Port Huron and the Michigan Department of Transportation (MDOT), which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of St. Clair County or the MDOT must also meet the permit requirements of the county or MDOT. Where any conflicts arise, the more stringent standard shall apply. The standards of this article shall apply during new construction or redevelopment of a vacant lot or the reconstruction of an existing commercial building that has been vacant for more than six (6) months.

**Sec. 32-803. Definitions**

The following definitions shall apply to terms utilized in this article:

(a) Driveway: For purposes of this article, driveway shall mean any vehicular access except those serving one (1) dwelling units or serving just an essential public service structure.

(b) Limited Access Driveway: For the purposes of this article, a limited access driveway is defined as any vehicular access where turning movements are restricted to right turn in and out only. Left turns are prohibited.

**Sec. 32-804. Driveway Location in General**

(a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

(b) Driveways, including the radii but not including turn lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the City of Port Huron and the MDOT and upon written certification from the adjacent property owner agreeing to such encroachment.

**Sec. 32-805. Driveway Spacing Standards**

(a) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections:

<b>Minimum Commercial Driveway Spacing From Street Intersections</b>		
<b>Location of Driveway</b>	<b>Minimum Spacing for a Full Movement Driveway</b>	<b>Minimum Spacing for a Channelized Driveway Restricting Left Turns</b>
Along Major Thoroughfare, intersecting street is a Major Thoroughfare	125 feet	125 feet
Along Major Thoroughfare, intersecting street is not a Major Thoroughfare	100 feet	125 feet
Along other roads	75 feet	50 feet

(1) Major Thoroughfares include: State trunklines, county primary roads or roads with an existing or planned right-of-way of at least 86 feet.

(2) For sites with insufficient street frontage to meet the above criterion, the City of Port Huron may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.

(b) Minimum spacing between two (2) commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline-to-centerline.

(c) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible.

<b>Driveway Spacing</b>	
<b>Posted Speed Limit (MPH)</b>	<b>Minimum Driveway Spacing (In Feet)</b>
25	125
30	155
35	185
40	225
45	300
50+	330

**Sec. 32-806. Number of Commercial Driveways**

(a) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway.

(b) Access, either direct or indirect, shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property only as follows:

(1) One (1) additional driveway may be allowed for properties with a continuous frontage of over 200 feet and one (1) additional driveway for each additional 300 feet of frontage, if the City of Port Huron determines there are no other reasonable access opportunities.

**Sec. 32-807. Commercial Driveway Design**

All commercial driveways shall be designed according to the standards of the City of Port Huron and the MDOT, as appropriate.

**Sec. 32-808. Minimum Driveway Setback From Property Lines**

The edge of all driveways shall be setback at least four (4) feet from the property line. This setback is intended to help control storm water runoff, permit snow storage on-site, and provide adequate area for any necessary on-site landscaping.

**Sec. 32-809. Shared Driveways, Frontage Roads and Service Drives**

(a) Where noted above, or where the City of Port Huron determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road, or rear service drive connecting two or more properties or uses may be required. In particular, service drives may be required where recommended in the master plan or any sub-area master plans; near existing traffic signals or near locations having potential for future signalization; along major arterial roadways with high traffic volumes; along segments with a relatively high number of accidents or limited sight distance.

(b) Shared commercial driveways and service roads shall be within an access easement recorded with the St. Clair County Registrar of Deeds.

(c) The number of access points along a service road shall be according to the standards of this article. The City of Port Huron may allow temporary access where the service road is not completed if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road.

**Sec. 32-810. Service Road Design Standards**

(a) Location: Service roads shall be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a service road, the City of Port Huron shall consider the setbacks of existing buildings, anticipated traffic flow for the site, and other related ordinances.

(b) Access Easement: The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 66 feet wide, except an access easement parallel to a public street right-of-way may be 40 feet wide, if approved by the City of Port Huron. The required width shall remain free and clear of obstructions.

(c) Construction and Materials: Service roads shall have a base, pavement and curb and gutter in accordance with City of Port Huron standards for public streets, except the width of the service roads shall have a minimum pavement width of 26 feet.

(d) Parking: The service road is intended to be used exclusively for circulation and may not be used as a parking space or maneuvering aisle.

(e) Access to Service Road: The City of Port Huron shall approve the location of all accesses to the service road, based on the driveway spacing standards of this article.

(f) Elevation: The site plan shall indicate the proposed elevation of the service road at the property line and the engineering department shall maintain a record of all service road elevations so that their grades can be coordinated.

(g) Landscaping: The area between a service road and the public street right-of-way shall be a landscaped greenbelt.

(h) Maintenance: Each property owner shall be responsible for maintenance of the easement and service drive.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 12/08/03  
PUBLISHED: 12/13/03  
EFFECTIVE: 12/13/03

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

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

**O-4. Councilmember Fisher** moved that an ordinance introduced November 24, 2003, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1221

AN ORDINANCE TO AMEND CHAPTER 29, TRAFFIC AND MOTOR VEHICLES, ARTICLE III, VEHICLE CODE, BY ADDING SECTION 29-77, UNIFORM TRAFFIC CODE ADOPTION BY REFERENCE, TO THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADOPTING BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AS PROMULGATED BY THE DIRECTOR OF THE MICHIGAN DEPARTMENT OF STATE POLICE AND MADE EFFECTIVE OCTOBER 30, 2002, TO SUPPLEMENT THE PROVISIONS OF THE MICHIGAN VEHICLE CODE.

**THE CITY OF PORT HURON ORDAINS:**

That Chapter 29, Traffic and Motor Vehicles, Article III, Vehicle Code, by adding Section 29-77, Uniform Traffic Code Adoption by Reference, to the Code of Ordinances of the City of Port Huron for the purpose of adopting by reference the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police and made effective October 30, 2002, to supplement the provisions of the Michigan Vehicle Code as follows:

**CHAPTER 29. TRAFFIC AND MOTOR VEHICLES  
ARTICLE III. VEHICLE CODE**

**Sec. 29-76. Adoption by reference.**

No changes.

**Sec. 29-77. Uniform Traffic Code adoption by reference.**

(a) The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the director of the Michigan department of state police pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated and adopted by reference.

(b) References in the Uniform Traffic Code for Cities, Townships, and Villages to a "governmental unit" shall mean the city of Port Huron.

(c) The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

(d) The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

Pauline M. Repp, CMC  
City Clerk

ADOPTED: 12/08/03  
PUBLISHED: 12/13/03  
EFFECTIVE: 12/13/03

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

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

**MOTIONS & MISCELLANEOUS BUSINESS**

**1. Mayor Neal** extended birthday wishes to Councilmember Jacobs on behalf of her family.

On motion (8:20 p.m.), meeting adjourned.

PAULINE M. REPP, CMC  
City Clerk