

CITY OF PORT HURON

2006

Council-Manager Government

MAYOR

Alan D. Cutchner

COUNCIL

James M. Fisher
David Haynes

Sally A. Jacobs
Timothy A. McCulloch

B. Mark Neal
Laurie Sample-Wynn

ADMINISTRATIVE OFFICERS

City Manager

Karl S. Tomion

Bureau of Public Information & Complaints

Pauline M. Repp. Director

City Clerk's Office

Pauline M. Repp. City Clerk

Community Development

Kimberly A. Harmer. Director

Finance Department

John H. Ogden. Director

Fire Department

Robert W. Eick. Chief

Law Department

John Livesay. City Attorney

Marinas

Dan Collins. Harbormaster

Parks, Forestry, Cemetery & Parking Div.

Robert W. Eick. Supervisor

Personnel Department

John P. Berry. Personnel Director

Planning Department

Kimberly A. Harmer. Director

Police Department

William J. Corbett. Chief

Public Housing

Betty J. Ward. Director

Public Works

Robert E. Clegg. City Engineer

Recreation

Betty Dunn. Director

BOARDS, COMMISSIONS AND AUTHORITIES

Beautification Commission

David Bennis
Wanda J. Collins
Mary Davis
Betty Eastin
Mary Jo Edson
Christine Gaffney
Margaret A. Gibbs
Mary M. Goschnick
Kathy Holth
Donna Kelly
Norman R. Langolf
Curt Leahy
Deborah Lemke
Darcy Macke
Alice Mariani
Carolyn McNeill
Alice O'Neil
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
Mike Cansfield
Keith Flemingloss
Donna Klune
John H. Ogden
Mike Rossow
Lynne M. Secory

Canvass Board

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

Construction Board of Appeals

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

Downtown Development Authority

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

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
Larry Krabach
Carl A Moss
Edward A. Peterson
Beverly S. Roberts
Gerald Saunders
Lynne M. Secory
Willian G. Vogan

Housing Commission

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

BOARDS, COMMISSIONS AND AUTHORITIES

Income Tax Board of Review

C. Dale Hoy
James McCandless
Rebecca B. McNash

Local Development Finance Authority

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

McMorran Auditorium Authority

James Bridge
James R. Carrier
Juanita A. Gittings
John W. Hill
Audrey E. Pack
Donna K. Schwartz
James R. Shaw, Jr.
Gregory Stremers
Vacancy - 1

Planning Commission

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

Port Huron Building Authority

Don B. Cole, II
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Rental Housing Board of Appeals

Steve Gurne
Trish Marcoux
Linda Reichenbach
Ron Saffee
Bill Vogan

Sister City Commission

Louise Bauman
Mark Byrne
John Cruz
Armstead Diggs
Thomas Hamilton
Kathy Johnson
Irene Michels
Rev. Thomas Seppo
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Tax Increment Finance Authority

Douglas R. Alexander
Troy Clark
Darlene Jacolik
Donna Klune
Vickie Ledsworth
Karl S. Tomion
Joe Vito

Traffic Study Committee

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

Zoning Board of Appeals

Michael P. Cogley
James Dykstra
James B. McDonald
Larry McNamara
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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 9, 2006, at 8:05 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

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

Absent: Councilmember Haynes.

The following items were topics of discussion:

I. Rules and Procedures Manual - Mayor Cutcher stated that he had not received any calls from Council for changes (other than Councilmember McCulloch who questioned whether the starting time of the regular meeting could be changed to 7 p.m. and that is an ordinance change) so the manual will remain as is.

II. Zoning: Massage in R-1 - Kim Harmer, Planning Director, gave an update on the prohibition of massage establishments in an R-1 zone. She stated that the proposed state legislation has nothing to do with zoning, just licensing, and that as it stands right now the zoning would need to be changed to C-1 or CBD as a massage establishment is not allowed in an R-1 zone. She suggested that Council consider expanding on the list of allowable professional services in a R-1 zone to include massage therapy if they wish to accommodate the request before them (1017-1025 Huron Avenue). (NOTE: A proposed ordinance change to allow this will be worked on for presentation to Council.)

III. Council Retreat - Tom Hutka, City Manager, presented the date of January 25, 2006, for the Council-Department Head retreat with Nancy Ohle (MML recognized facilitator), to be held at the Maritime Center. Following discussion that Councilmember Sample-Wynn would be unable to attend, City Manager stated he will have his secretary contact everyone to see if there is an alternate date in February that will work for everyone.

IV. Ethics Seminar - Mike McGee from Miller, Canfield, will be the presenter for this seminar and it was suggested that it be done in March. This will not be a Council meeting and other jurisdictions may be asked to join us if they want.

V. Pine Grove Park Traffic - Bob Clegg, City Engineer, gave a presentation on the Merchant Street Area Sewer Separation, Watermain Replacement and Street Paving Project south of Pine Grove Park (see City Clerk File #06-06 for Microsoft PowerPoint presentation) and addressed some of the neighborhood's concerns about traffic flow. Discussion was held on whether portions of the roadway should be one way, whether there should be an additional crosswalk on Prospect Place, a bike path, etc.

AT THIS POINT (9:00 a.m.), Councilmember McCulloch left the meeting.

VI. Public Comment:

1. Ken Harris, 1521 Wells Street, addressed Council stating he feels that the Council needs to encourage the County to fund the necessary funds for the repair of 24th Street.

2. Mary Gale McPharlin, 517 Rawlins Street, addressed Council stating the issue in Pine Grove Park is the speed with which cars are coming out of the park and that the parking areas are right on the roadway and feels that there should not be any left turns into the park from Thomas Edison Parkway/Prospect Place.

3. Patty Samar, 3155 Armour Street, addressed the Council stating she is opposed to the traffic in Pine Grove Park being one way and that it is a public road and it should remain accessible to everyone.

VII. Other Issues - The Mayor will be in Guatemala the first part of February so the next regular workshop will be scheduled for the second Monday (February 13) at 8:01 a.m.

On motion (9:30 a.m.) meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 9, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of December 12, 2005, were approved.

PRESENTATIONS

1. Dennis Hoover, Parkview Property Management, gave a presentation regarding the Port Huron Hospital amended Master Plan (See Resolution #9).

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Black River Manufacturing, 2401 - 20th Street, for the transfer of Industrial Facilities Exemption Certificate #97-011. (See Resolution #2)

The City Clerk announced for the record that a letter was received from Local 375 UAW members.

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of Domtar Industries, Inc., 1700 Washington Avenue, for an Industrial Facilities Exemption Certificate. (See Resolution #3)

Leslie Daniel, Controller, Domtar Industries, Inc., 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 located at 1201 - 4th Street and adjacent land from C-1 (General Business District) to CBD (Central Business District). (See Ordinance #1)

No one appeared to be heard.

The Mayor declared the hearing closed.

4. **The Mayor** announced that this was the time to hear comments on the request to rezone property located at 2324 - 11th Street from R-1 (Single- and Two-Family Residential District) to C-1 (General Business District). (See Ordinance #2)

Victor Albert, owner of 2324 - 11th Street, 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 at 1726 - 10th Avenue from R-1 (Single- and Two-Family Residential District) to C-1 (General Business District). (See Ordinance #3)

The City Clerk announced for the record that a letter was received from Tim Ojczyk, owner of 1726 - 10th Avenue, in support of the rezone.

Tim Ojczyk, owner of 1726 - 10th Avenue, appeared to be heard.

The Mayor declared the hearing closed.

6. **The Mayor** announced that this was the time to hear comments to rezone property located at 1017 and 1025 Huron Avenue From R-1 (Single- and Two-Family Residential District) to CBD (Central Business District). (See Ordinance #4)

Richard Huegli, representing the requesting property owners, addressed objections raised at the previous meeting relative to this rezoning.

Mary Gale McPharlin, 517 Rawlins St., representing the River Park Neighborhood, appeared stating they are not opposed to the proposed massage therapy business but are opposed to changing the zoning to CBD to accommodate it.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Linda Wrobel, massage therapist, addressed City Council thanking them for their consideration of making whatever change is necessary to allow her to open her business on Huron Avenue.

CONSENT AGENDA

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

Adopted unanimously.

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

- Silver Stick International Hockey Tournament will be held January 12 - 15 at McMorran Arena.
- Registration for winter City recreation activities will be held January 17 at Palmer Park for residents and January 18 for non-residents.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

*C-1. Notification from the Michigan Municipal League that the Annual Legislative Conference will be held March 22, 2006, in Lansing, Michigan.

Received and filed and Council authorized to attend.

*C-2. From Jenny Schultz, Executive Director, Safe Horizons, requesting \$17,500.00 be allocated from the 2007 Community Development Block Grant Funds to provide case management at the Pathway Homeless Shelter, Carolyn's Place and Heritage Hall.

Received and filed.

*C-3. From Mel Wallbank, 2121 Beard Street, expressing his opposition to making any changes to or restricting access of vehicles through Pine Grove Park.

Received and filed.

UNFINISHED BUSINESS

1. **Councilmember Sample-Wynn** offered and moved to remove the following resolution from the table (tabled at the December 12, 2005 meeting):

WHEREAS, a request has been received for a special use permit for an auto sales lot at 1726 - 10th Avenue; and

WHEREAS, on December 6, 2005, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 8 ayes; 0 nays; 1 absent; 0 abstained) of the special use permit request, to a maximum of ten vehicles and compliance with required screening from adjoining residences;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request for an auto sales lot at 1726 - 10th Avenue.

Councilmember Neal moved to amend the resolution by adding the phrase "contingent upon final approval of the request for rezoning under Ordinance #3," in the last paragraph following "issue a special use permit for the above request."

Adopted unanimously.

Motion to adopt resolution, as amended, adopted unanimously.

FROM THE CITY MANAGER

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

On December 22, 2005, the City of Port Huron received one (1) bid for a Crime Scene Investigation van for the Police Department:

Jefferson Chevrolet Company	\$46,848.00
-----------------------------	-------------

It is recommended that the bid of Jefferson Chevrolet Company, 2130 East Jefferson Avenue, Detroit, Michigan 48207, in the amount of Forty-Six Thousand Eight Hundred Forty-Eight and 00/100 Dollars (\$46,848.00) be accepted as the lowest responsive and responsible bid, to be jointly purchased with funds from the 2003 State Homeland Security Grant Program Part II Critical Infrastructure Grant, Drug Forfeiture/Asset Seizure Account and the Operating While Impaired (OWI) Reimbursement Account and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Adopted unanimously.

***R-2.** WHEREAS, Black River Manufacturing, 2401 - 20th Street, has applied for the transfer of existing Industrial Facilities Exemption Certificate #97-011 (Dualex, Inc.) to them; and

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

WHEREAS, the Port Huron City Council held a public hearing on January 9, 2006, to hear comments on the application; and

WHEREAS, the City Assessor and legislative body of each unit which levies taxes were notified on the public hearing prior to said meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the Black River Manufacturing application for transfer of the Industrial Facilities Exemption Certificate #97-011 and hereby authorizes the City Clerk to forward the application to the State Tax Commission; and

BE IT FURTHER RESOLVED that the City of Port Huron does find that the transferring of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the above facilities are located.

Adopted.

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

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

WHEREAS, the Port Huron City Council held a public hearing on January 9, 2006, 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: 12/31/06 to 12/31/12 (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.** 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 2006 Board of Review:

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

BE IT FURTHER RESOLVED that the 2006 Board of Review shall convene on March 13, 2006, and continue in session as follows:

March 13, 2006 9:00 a.m. - 3:00 p.m.
March 15, 2006 6:00 p.m. - 9:00 p.m.
March 16, 2006 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-5.** WHEREAS, Pro-Weld Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 23, 2006, in order to hear comments on the application of Pro-Weld Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-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, and or income tax reporting/payments has been prepared and considered :

Big Daddy's Bar & Grill, 1211 Griswold Street
Blue Water Bowl, 2419 Lapeer Avenue
Martini Joe's, 3954 - 24th Avenue
Red Shingle Tavern, 2831 - 24th Street

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

1) Notify, in writing, the licensees listed above that a hearing will be held on Monday, February 13, 2006, 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, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$337.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-03).

Adopted.

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

WHEREAS, the City of Port Huron has made available, both to its eligible employees and eligible employees of related organizations, retirement benefits provided by the Municipal Employees' Retirement System of Michigan (MERS), as authorized by PA 220 of 1996; and

WHEREAS, such benefits are provided to both represented and non-represented employees of the Port Huron Housing Commission. The represented employees are currently considered a separate and distinct employee division and the non-represented employees are included in the same employee division as all other non-represented City of Port Huron employees; and

WHEREAS, the Port Huron Housing Commission has requested that the non-represented employees of the Housing Commission be moved (or carved out in MERS terminology) so that they are also in a separate and distinct employee division; and

WHEREAS, in order to provide for a carve out, MERS requires a supplemental actuarial valuation calculating the proforma costs of the proposed change (see City Clerk File #06-02) and a City Council resolution approving the change;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron approves the carve out of the non-represented employees of the Port Huron Housing Commission and the creation of a separate and distinct employee division for all current, deferred and retired non-represented employees of the Housing Commission effective January 1, 2006.

Adopted unanimously.

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

WHEREAS, the amended Port Huron Hospital Master Plan for property contained within the "I" Institutional District and on property owned by Parkview Property Management Corporation has been reviewed by the City Administration and found to be in conformance with all appropriate City codes; and

WHEREAS, the City Planning Commission held a public hearing on January 3, 2006, to hear comments on the amended Port Huron Hospital Master Plan; and

WHEREAS, the City Planning Commission recommends approval (vote: 6 ayes; 1 nay; 2 absent; 0 abstained) of the amended Port Huron Hospital Master Plan as shown on the attached map;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the amended Port Huron Hospital Master Plan as shown on the attached map, for property contained within the "I" Institutional District and on property owned by Parkview Property Management Corporation. (See City Clerk File #06-04).

Adopted unanimously.

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

WHEREAS, a request has been received for a special use permit to conduct a warehouse/storage facility on the property legally described as:

Lots 10, 11, 12, and that part of Lot 13 lying southerly of a line 25 feet south of and parallel with the centerline of the existing railroad tracks, Block 5, Commissioners Plat of the Estate of Simon Petit, Section 15, T6N, R17E, including the west one-half of the vacated alley adjacent, also known as: 2324 - 11th Street and vacant lot to the north; and

WHEREAS, on January 3, 2006, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 5 ayes; 2 nays; 2 absent; 0 abstained) of the special use permit request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, contingent upon final approval of the request for rezoning under Ordinance # 2, or in the case of a negative vote, hereby denies the request for a warehouse/storage facility at 2324 - 11th Street and vacant lot to the north, City of Port Huron.

Adopted unanimously.

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

WHEREAS, it is necessary to perform professional services for the Water and Sewer Rate Study project; and

WHEREAS, Black & Veatch Corporation 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 Black & Veatch Corporation for professional services for the Water and Sewer Rate Study project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Black & Veatch Corporation for professional services for the Water and Sewer Rate Study project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-04).

Adopted unanimously.

R-12. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, in the early 1990's, the Michigan Department of Transportation acquired the property at the southwest corner of Quay Street and Huron Avenue to facilitate the reconstruction of the Military Street Bridge; and

WHEREAS, upon completion of the bridge construction, this property remained in an unimproved state; and

WHEREAS, over the last ten years, the City of Port Huron has worked closely with the Michigan Department of Transportation (MDOT) to make certain improvements to the property for public benefit; and

WHEREAS, during the 2005 construction season, this lot was developed as a public park through the cooperative effort of the City and MDOT; and

WHEREAS, the City has agreed to maintain the improved park with ownership remaining in the hands of MDOT; and

WHEREAS, MDOT has asked the City to name the improved park and public discussion was held by the City Council regarding the naming of the park;

NOW, THEREFORE, BE IT RESOLVED that the southwest corner of Quay Street and Huron Avenue, a/k/a Main Street, is hereby officially named "Heritage Park."

Councilmember Neal moved to amend the resolution to name the park "Heritage Park on the Quay" in the last paragraph rather than just "Heritage Park.."

Adopted unanimously.

Motion, as amended, adopted unanimously.

ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED 1201 - 4TH STREET AND ADJACENT LAND FROM C-1 (GENERAL BUSINESS DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

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 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED 2324 - 11TH STREET, AND VACANT LOT TO THE NORTH, FROM R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO C-1 (GENERAL BUSINESS DISTRICT).

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

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1726 - 10TH AVENUE FROM R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO C-1 (GENERAL BUSINESS DISTRICT).

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

O-4. AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1017 AND 1025 HURON AVENUE FROM R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

Ordinance was presented but failed to receive a motion to adopt and therefore is rejected.

O-5. Councilmember Fisher moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Cutchner thanked Councilmember Sample-Wynn for her efforts with First Night. In turn, Councilmember Sample-Wynn stated that it was a big success and thanked all of the many volunteers, organizations and board members for their support and hard work. She also asked for volunteers for next year's event.

2. Mayor Cutchner relayed that some residents on 22nd Street complimented City workers on their quick response to reported potholes.

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

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 23, 2006, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

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

I. **Community Foundation/EOC Housing Project:** Randy Maiers, Community Foundation of St. Clair County, and Sherry Archibald, Economic Opportunity Committee, presented the plans for Oak Crest Condominiums to be located within the boundaries of 7th and 8th Streets and Griswold and Oak Streets. Randy Maiers talked about the progress that has been made since 2003 and how they have exceeded their goals in turning aging neighborhoods around.

II. **800 MHz Tower Placement Location:** Mark Thorner, Central Dispatch Authority, talked about the two objectives of the Central Dispatch Authority – one being the setting up of an authority that will run the County's dispatch center and the other being an 800MHz communications system.

Rene Thomas, representative from Motorola, addressed the Council asking that they grant permission for the 800MHz tower to be located on the top of the Municipal Office Center (MOC). She stated that the MOC is the best location when you consider coverage, security and cost. This would be the prime site and one remote. The other two remote sites would be one in Clay Township and the other in Goodells Park (phase II of the installation).

NOTE: An agreement will be worked on and presented to Council.

On motion (5:55 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, January 23, 2006, 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 Cutcher.

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

The minutes of the regular and special meetings of January 9, 2006, were approved.

PRESENTATIONS

1. Proclamation recognizing the 50th Annual Jail & Bail was presented to Dick Phillips, Jim Goldsworthy and Don McIntyre, March of Dimes.
2. Tom Seppo, Sister City Commission, gave an update.
3. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.
4. Kim Harmer, Planning Director, gave a progress report on "Revitalizing Port Huron."

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of Pro-Weld Inc., 1720 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #1)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

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

Adopted unanimously.

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

- Silver Stick International Hockey Tournament will be held January 26-29 at the McMorran Arena.
- The annual downtown IceFest will be held January 27-29.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

RESOLUTIONS

***R-1.** WHEREAS, Pro-Weld Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on January 23, 2006, 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 Pro-Weld 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: 12/31/06 to 12/31/12 (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 Pro-Weld Inc. is located.

Adopted.

***R-2.** WHEREAS, it is stated in the City Ordinance Code, Chapter 16, Community Development, Article III, Downtown Development Authority, Division 1, Generally, Section 16-83, Board:

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

NOW, THEREFORE, BE IT RESOLVED that the City Manager's Downtown Development Authority re-appointments of Richard Engle and Brian Connolly for terms to expire February 9, 2010, are hereby approved and confirmed.

Adopted.

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

WHEREAS, the City of Port Huron received a Certificate of Coverage under the State of Michigan General Storm Water Phase II, National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, the General Storm Water Phase II Permit stipulates that the City implement certain requirements using the watershed based approach; and

WHEREAS, the City Council at their August 11, 2003, meeting authorized the City to enter into three operating agreements with St. Clair County and other local communities (St. Clair County's Northeastern Watershed Advisory Group) to develop a Watershed Management Plan (WMP) and Public Participation Plan (PPP); and

WHEREAS, the St. Clair County's Northeastern Watershed Advisory Group completed and received Michigan Department of Environmental Quality (MDEQ) approval of a joint Public Participation Plan (PPP); and

WHEREAS, the City has completed and received MDEQ approval of permittee specific Illicit Discharge Elimination Plan (IDEP) and Public Education Plan (PEP); and

WHEREAS, the MDEQ has indicated that the abbreviated Storm Water Pollution Prevention Initiative (SWPPI) receive approval by the local governing bodies prior to its submittal;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the abbreviated Storm Water Pollution Prevention Initiative (see City Clerk File #06-07).

Adopted unanimously.

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

WHEREAS the City Council at its March 28, 2005 meeting approved an agreement with HNTB Michigan, Inc. to perform an engineering study and serve as the City's professional representative for rehabilitation of the 7th Street Bridge; and

WHEREAS, HNTB Michigan, Inc. has successfully completed the engineering study in accordance with the approved agreement; and

WHEREAS, it is necessary to prepare detailed plans and specifications to implement the recommended rehabilitation method; and

WHEREAS, the City has successfully secured grant funding to assist in the cost to implement the recommended method to repair the 7th Street Bridge; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and HNTB Michigan, Inc. for engineering services for Project Number G01-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with HNTB Michigan, Inc., for professional engineering services for the rehabilitation of the 7th Street Bridge and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-08).

Adopted unanimously.

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

WHEREAS, 24th Street from Lapeer Avenue to Dove Road is a borderline street between the City of Port Huron and the Charter Township of Port Huron; and

WHEREAS, the maintenance of this corridor falls under the jurisdiction of the St. Clair County Road Commission; and

WHEREAS, this corridor is of critical importance to the greater Port Huron area, its businesses and residents; and

WHEREAS, the 24th Street roadway is in dire need of rehabilitation; and

WHEREAS, the City of Port Huron has actively supported the St. Clair County Road Commission's efforts to secure grant funding to repair this roadway;

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Port Huron is hereby authorized to transmit a letter encouraging the St. Clair County Board of Commissioners and the St. Clair County Road Commission to continue progress on the 24th Street rehabilitation project for the 2006 construction season (see City Clerk File #06-09).

NOTE: Mayor Pro-tem Neal requested that "and the citizens of Port Huron" be included in the last paragraph of the letter following "on behalf of the entire City Council and City administration...".

Adopted unanimously.

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

WHEREAS, Grandview Tower, located at 1016 Seventh Street, was built in the late 1970's by the City of Port Huron utilizing bonds and federal grant monies to provide housing opportunities for senior citizens; and

WHEREAS, Grandview Tower's seven-story building provides 111 apartments to eligible, low-income senior citizens and has been operated and maintained throughout the years by the City of Port Huron and the Port Huron Housing Commission; and

WHEREAS, the City of Port Huron and the Port Huron Housing Commission wish to clarify the business relationship with regard to the operation and maintenance of Grandview Tower and to specify the duties and financial obligations of each party; and

WHEREAS, an agreement has been prepared which outlines each parties' responsibility;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the Port Huron Housing Commission for the management and operation of Grandview Tower (see City Clerk File #06-10).

Adopted unanimously.

ORDINANCES

O-1. Councilmember Sample-Wynn moved that an ordinance introduced January 9, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1254

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1201 - 4TH STREET AND ADJACENT LAND FROM C-1 (GENERAL BUSINESS DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

THE CITY OF PORT HURON ORDAINS:

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

Lots 35 and 42, Block 61, White Plat; also Lots 1, 2, 3, 4, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, including all of the vacated alleys lying within except for the west half of the north/south alley adjacent to Lots 5 through 11 and except the south, west, and east one-half of the alley adjacent to Lot A, the Banks Subdivision of Lots 28, 29, 31, 33, 34, 36, 38, and 40 of what is now known as Block 61, White's Plat, also known as: 1201 - 4th Street and adjacent land, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: January 23, 2006
PUBLISHED: January 28, 2006
EFFECTIVE: January 28, 2006

Adopted unanimously.

O-2. Councilmember Fisher moved that an ordinance introduced January 9, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1255

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 2324 -

11TH STREET, AND VACANT LOT TO THE NORTH, FROM R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO C-1 (GENERAL BUSINESS DISTRICT).

THE CITY OF PORT HURON ORDAINS:

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

Lots 10, 11, 12, and that part of Lot 13 lying southerly of a line 25 feet south of and parallel with the centerline of the existing railroad tracks, Block 5, Commissioners Plat of the Estate of Simon Petit, Section 15, T6N, R17E, including the west one-half of the vacated alley adjacent, also known as: 2324 - 11th Street and vacant lot to the north, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: January 23, 2006
PUBLISHED: January 28, 2006
EFFECTIVE: January 28, 2006

Adopted unanimously.

O-3. Councilmember Neal moved that an ordinance introduced January 9, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1256

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY LOCATED AT 1726 - 10TH AVENUE FROM R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO C-1 (GENERAL BUSINESS DISTRICT).

THE CITY OF PORT HURON ORDAINS:

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

Lot 4, Block 56, Subdivision of the Fort Gratiot Military Reservation, also known as: 1726 - 10th Avenue, City of Port Huron

Pauline M. Repp, MMC
City Clerk

ADOPTED: January 23, 2006
PUBLISHED: January 28, 2006
EFFECTIVE: January 28, 2006

O-4. Councilmember Fisher moved that an ordinance introduced January 9, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1257

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of updating the chapter, as follows:

**CHAPTER 52. ZONING
ARTICLE I. IN GENERAL**

Sec. 52-1. to Sec. 52-2. No change.

Sec. 52-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building, including but not limited to detached garages, carports and storage sheds.

Accessory use means a use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

Adult day care center means a facility, other than a private residence, operating as a business which provides care or supervision for one or more adults 18 years of age or older for periods of less than 24 hours a day, unattended by a relative or legal guardian, for more than four weeks during a calendar year. These centers, on February 1, 1999, do not need to be licensed by the state. However, all city codes and ordinances shall apply as to any commercial business.

Alley means a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to as "altered" or "reconstructed."

Apartment means a room or suite of rooms in a multiple-family residential building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit. The dwelling unit in a multiple-family dwelling is defined as follows:

(1) *One-bedroom unit* means a dwelling unit consisting of not more than two rooms, in addition to kitchen and necessary sanitary facilities.

(2) *Two-bedroom unit* means a dwelling unit consisting of not more than three rooms in addition to kitchen and necessary sanitary facilities.

Apartment house means a residential structure containing three or more attached apartments.

Architectural features means the features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, decorative ornaments and uncovered stairways, stair treads, railings or landings.

Automobile repair means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, painting, vehicle rustproofing and any related activities.

Automobile service station means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles and space for facilities for temporary storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

Automobile wash establishment means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Basement means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

Bed and breakfast facility means an owner-occupied single-family dwelling used for transient guests that provides a sleeping room and breakfast in return for payment. This definition shall also include a tourist home.

Bedroom means a room in a dwelling unit for or intended to be used for sleeping purposes by human beings with a minimum of 70 square feet in size and in conformance with the appropriate building code.

Billboard. See standard off- and on-premises signs in article VII of this chapter.

Block means a tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

Board of zoning appeals means the board of appeals for the city. The term "board of appeals" or "board" shall have the same meaning.

Boardinghouse means an establishment or building where meals, lodging or both are provided for compensation with the following stipulations:

- (1) Rental shall be prearranged and without limitations or time periods involved.
- (2) No cooking facilities shall be permitted in sleeping rooms.
- (3) There shall not be more than ten sleeping rooms per establishment.*
- (4) No more than one person shall occupy each sleeping room.
- (5) Sufficient offstreet parking shall be provided pursuant to article VI of this chapter.
- (6) There shall be provided one toilet and bathing facility per three sleeping rooms.

* In larger structures, located in A-1 districts, up to a maximum of ten sleeping rooms (bedrooms) may be used in accordance with all other city ordinances and applicable codes.

Boat hoist means an open structure for the purpose of seasonal, temporary storage of boats or watercraft. Hoist may include overhead cover, but may not include side covers or be enclosed. The hoist must not exceed one story and may not be permanent in nature. Boat hoists are allowed on the Black River, St. Clair River, Lake Huron and canals.

Boathouse means an enclosed, covered accessory structure that provides dockage and/or storage of boats or personal watercraft. A boathouse is only allowed on the Black River and St. Clair River. They are not allowed on Lake Huron or the canals.

Buffer strip means a greenbelt which also provides screening by means of continuous landscaping, solid masonry wall, screening fence, or other protective barrier of suitable material between conflicting districts or uses as required by ordinance. For example, a buffer is required between a commercial or industrial district or use and a residential district or use.

Buildable area means the space of a lot remaining after the minimum open space requirements of this chapter have been complied with.

Building means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Building, main, and building, principal, mean a building in which is conducted the principal use of the lot upon which it is situated and includes enclosed porches and covered porches as defined.

Building permit means the written authority issued by the chief inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with this chapter.

Building setback line means the line which pertains to and defines those minimum building setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this chapter.

Chief inspector means the chief building inspector/zoning administrator of the city or his authorized representative.

Clinic means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from more than one professional, such as a physician, dentist, or the like.

Commercial boat well means a boat well not utilized to store watercraft owned by the property owner for private use, rather seasonal boat storage provided for watercraft owned by individuals other than the property owner.

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage and basement sales conducted on residential premises for more than six calendar days during a given one-year period.

Commission means the city planning commission. The term "planning commission" means the same.

Condominium, residential, means individual ownership of a dwelling unit in a multiple-family dwelling.

Convalescent home and nursing home mean a home for the care of children, the aged or the infirm or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for license under applicable state laws.

Country club means an organization of persons, having for its chief purpose the enjoyment by its members of lawful participation in outdoor sports and as to which such country club has provided its members with suitable grounds and equipment for the enjoyment and participation in such sports.

Deck means an open, unenclosed structure located above existing grade level and elevated more than 30 inches high. Proper guardrails, steps and handrails are required pursuant to the building code.

Density means the number of dwelling units developed on an acre of land, excluding publicly dedicated streets, parks and utility easements, if the easement is not useable for recreation purposes.

District means a portion of the city within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this chapter.

Drive-in establishment means a business or restaurant so developed that its principal retail or service character is dependent on providing a parking space for motor vehicles so as to serve patrons while parked in the motor vehicle. It is intended that in most situations the engine of the vehicle would be turned off. A drive-in establishment ordinarily will not have indoor facilities to service the customer, but may as an accessory use. Such establishments could be but are not limited to drive-in restaurants and movie theaters.

Drive-thru establishment and an establishment with a drive-up window mean a business, bank, or restaurant with a drive-thru facility or drive-up window used as an accessory use for the business. The primary function of such business is to serve the patrons while inside the principal building. The drive-thru facility or drive-up window is used as a convenience for customers, and in most instances the motor of the vehicle is left on while the customer is being served.

Drive-thru facility and drive-up window mean a station or window where customers can quickly order and pickup goods without leaving their vehicle. The vehicle is meant to be stopped for short periods of time with the motor running.

Dwelling, multiple, means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including manufactured home parks. A multiple dwelling of four or more stories in height shall be considered as a high-rise multiple dwelling.

Dwelling, one-family, means a detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only. Also known as a single-family dwelling. The dwelling unit shall be designed for residential use, complying with the following standards:

(1) It complies with the minimum square footage requirements for the district in which it is located.

(2) It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the single state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the single state construction code, such federal or state standard or regulation shall apply.

(3) It is firmly attached to a permanent foundation constructed on site in accordance with the single state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the applicable building code for single-family dwellings. If the dwelling is a manufactured home, as defined in this section, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home

commission and shall have a perimeter wall as required in this subsection.

(4) If a dwelling is a manufactured home, as defined in this section, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.

(6) The dwelling contains a storage capability area in a basement located under the dwelling or in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 15 percent of the square footage of the dwelling or 200 square feet, whichever shall be less.

(7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with windowsills and roof drainage systems concentrating roof drainage along the side of the dwelling; with not less than two exterior doors, with one being in the front of the dwelling and the other being either in the rear or side of the dwelling; contains permanently attached steps connected to the exterior door areas or to porches connected to such door areas, where a difference in elevation requires the steps. The compatibility of design and appearance shall be determined in the first instance by the building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the board of zoning appeals within a period of 15 days from the receipt of notice of the building inspector's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of the term "dwelling," as well as the character of residential development outside of manufactured home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of such area; or, where the area is not so developed, by the character of residential development outside of manufactured home parks throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.

(8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this chapter.

(9) The dwelling complies with all pertinent building and fire codes. For a manufactured home, all construction and all plumbing, electrical apparatus and installation with and connected to the manufactured home shall be of a similar type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(10) The longest side of the dwelling, being the natural front, shall be as closely parallel as possible to the street.

The standards of subsections (1) through (10) of this definition shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law or otherwise specifically required in city ordinances pertaining to such parks.

Dwelling, row, terrace, and townhouse, means a row of three or more attached dwelling units, not more than 2 1/2 stories in height, in which each dwelling has its own front entrance and rear entrance.

Dwelling, two-family, means a dwelling occupied by two families, each provided with separate facilities for living accommodations. Also known as a duplex dwelling.

Dwelling unit means a house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered a dwelling. For mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the sections of this chapter relative to dwellings.

Dwelling unit size or area means the sum of the horizontal areas of the several floors of the dwelling measured from the interior face of the exterior walls. This area shall not include carports, open breezeways or porches, unfinished attics, basements, attached or detached garages, or accessory buildings.

Efficiency unit means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than 450 square feet of floor area.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration, or maintenance and operation by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment; and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities or city departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of such essential service equipment.

Family means one or two persons or parents, with such persons' or parents' direct lineal descendants and adopted or foster children, and including the domestic employees thereof, together with not more than three persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for purposes of this chapter.

Fence means any protective barrier or wall constructed of stone, wood, wire, concrete, vinyl or other building material. A fence also includes any landscape material such as shrubs placed as a hedge which at maturity provide a physical or visual barrier or obstacle exceeding three feet in height.

Floor area, gross, means the sum of the gross horizontal areas of the several floors of the principal building, including enclosed porches, measured from the exterior faces of the exterior walls. Any space devoted to offstreet parking or loading, basements, breezeways, unfinished attics, and open porches shall not be included.

Floor area, useable, means that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. For a half story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more.

Garage, community, means a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two or more owners or occupants in the vicinity.

Garage, private, means a space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot or his family or domestic employees.

Garage, public, means a space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this chapter.

Garage sale, yard sale, porch sale and basement sale mean a sale conducted on residential property for less than six calendar days during a given one-year period.

Grade, building, means the average elevation of the ground adjacent to the walls of a building.

Greenbelt means a strip of land which is planted with trees or shrubs acceptable in species and caliper to the planning commission.

Height, building, means the vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall.

Home occupation means an activity carried out for gainful purposes by a resident of the dwelling and conducted as a customarily incidental use to the dwelling unit and further defined in section 52-695.

Hospital means a building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the state health department.

Hotel means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.

Junk means any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap materials that are damaged, are deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard means automobile wrecking yards, salvage areas or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

Kennel means any lot or premises on which three or more dogs, four or more months old, are kept either permanently or temporarily boarded.

Lot means a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of such contiguous lots considered as a single lot for the purpose of this chapter as he so elects, and in

such case the outside perimeter of such group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot."

Lot area means the total horizontal area within the lot lines, as defined in this section, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street and not the centerline of such street.

Lot, corner, means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. For a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the mean horizontal distance from the center of the front street line to the center of the rear lot line.

Lot, double-frontage, (also known as a through lot) means a lot, other than a corner lot, having frontage on two streets. For a row of double-frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit all buildings shall be addressed off of one street and the fronts of all buildings shall face that street. Each lot will have two front yards and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences, or accessory buildings, etc. Waterfront lots are also considered double-frontage lots. Setback requirements pursuant to section 52-621, footnote b., will apply to all buildings, accessory structures and storage of vehicles, campers and recreational vehicles.

Lot, interior, means a lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the boundary lines of a lot and is further defined as follows:

(1) *Front lot line*, for an interior lot abutting on one public or private street, means the line separating the lot from such street right-of-way. For a corner or double-frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

(2) *Rear lot line* means that lot line which is opposite and most distant from the front lot line of the lot. For an irregular lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. When none of these definitions are applicable, the planning commission shall designate the rear lot line.

(3) *Side lot line* means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds or a lot or parcel described by metes and bounds or other legal description, the description of which has been so recorded as of the date of the effective date of this ordinance (January 28, 2006), including approved lot splits as of that date.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines. A lot must abut a public right-of-way and must be the minimum width as required in Division 16, Schedule of Regulations, for the zoning district in which the property is located.

Major thoroughfare means a main traffic artery designated on the city's land use plan as a major thoroughfare or a collector street.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under this chapter. For the purpose of this chapter, a mobile home shall be considered a manufactured home. A manufactured home does not include a recreational vehicle or travel trailer.

Manufactured home park means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary travel trailer park.

Manufactured home site means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

Marina means a facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing, such as refueling, of recreational watercraft.

Motel means a series of attached, semidetached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the planning commission, with the exception of units for use of the manager and/or caretaker.

Motor home means a motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to manufactured homes.

Multi-family residential development means an apartment housing complex within a single building that contains and is limited to rental or owner-occupied dwelling units. There shall be no retail or commercial use of the building. Its intention and design is for residential living only.

Nonconforming use or building means as follows:

(1) *Nonconforming building* means a building or portion thereof lawfully existing at the original effective date of the ordinance from which this chapter is derived or amendments thereto and which does not conform to the sections (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located.

(2) *Nonconforming use* means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived or amendments thereto and that does not conform to the use regulations of the zoning district in which it is located.

Nursery, plant materials, means a space, building or structure or combination thereof for the storage of live trees, shrubs, or plants offered for wholesale or retail sale, including products used for gardening or landscaping. The definition of the term "nursery" within

the meaning of the chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Office means as follows:

(1) *Business office* means an establishment where administrative or clerical duties take place for a commercial entity.

(2) *Professional office* means a place of business of an individual whose occupation requires considerable college education or specialized study in order to be qualified for his profession. A license from the state is necessary in order to operate such office. For purposes of this chapter, the following shall be considered a professional office: office of a medical doctor or dentist, chiropractor, attorney, architect, engineer, insurance agent, realtor, etc. The following shall not be considered a professional office: beauty salons or barber shops, massage establishments, veterinarian offices, psychic reading rooms, among others. When located in a residentially zoned district, a professional office shall be restricted from any retail sales of merchandise other than that of professional services.

Offstreet parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Open air business uses include the following business uses:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

(2) Retail sale of fruit and vegetables.

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

(4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.

(5) Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.

Open space means any area, open to the sky, on a lot not covered by a principal or accessory building.

Open storage means the outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parking space means an area of not less than nine feet wide by 20 feet long, for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Patio means an open unenclosed structure located at/on existing grade level and not elevated more than eight inches.

Porch, covered, means an open entrance with a covered roof and that is attached to the main building. If the roof area of the covered porch extends more than four feet from the main structure, such covered porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, open, means an uncovered entrance to a building or structure which projects out from the main wall of such building.

Public utility means any person, firm, corporation, city department or board duly authorized to furnish and furnishing to the public, under city or state regulation, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal services.

Restaurant, carryout, means an establishment where food is prepared and served to a customer solely for the consumption off the premises.

Restaurant, drive-in, means an establishment serving food and/or drink so developed that its retail or service character is dependent on providing spaces for motor vehicles so as to serve patrons food while parked in the motor vehicle. This type of restaurant may have seating facilities for dining, as an ancillary use.

Restaurant, sit-down, means an establishment where food is prepared and served for consumption within the principal building, with or without carryout facilities. A drive-up window may be an accessory service facility for customers.

Room means, in a multiple-family residential district, a living room, equal to at least 220 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Roominghouse means any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented as rooms shall not exceed three, unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

Setback means the minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

Setback, average, means the average line of setback allowed when placing a straight line drawn from the furthest projected corner of the main building on either side of the questioned lot.

Sleeping or living quarters of a night watchman, security guard, or caretaker may consist of a room containing sleeping and/or cooking facilities with a separate room for sanitary facilities (limit one room for each use). These quarters are intended for the use of security personnel who guard the premises or property upon which such quarters are located. Such quarters shall be subject to all local building codes for residential occupancy. One such quarters per commercial or industrial establishment is allowed. These quarters are not meant to be used as a rental unit to lease to someone not intended to guard the premises. A separate building may be constructed for these purposes. Any sleeping quarters shall not exceed 500 square feet in total size.

Sleeping room. See *Bedroom*.

State-licensed care facilities means:

(1) *Foster care homes*.

a. *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults 18 years of age or older to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

b. *Adult foster care large group home* means a facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

c. *Adult foster care small group home* means a facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

d. *Child foster family group home* means a private home in which more than four but fewer than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days

a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

e. *Child foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

f. *Foster care* means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(2) *Child day care facilities*.

a. *Child care center and day care center* mean a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. The terms "child care center" and "day care center" include a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period or not greater than eight hours per day for a period of not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.

b. *Family day care home* means a private home in which six or fewer minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises. Care is limited to temporary daytime hours typically provided during normal daytime working hours.

c. *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises.

d. *Private home or residence*, as it applies to foster care and day care homes, means a single-family dwelling or as a unit of a multiple-dwelling facility so long as the occupant owns, rents or leases the property and has control over the contents of the dwelling. It is a private residence in which the licensee or registrant permanently resides as a member of the household.

Storage trailer means a semitruck trailer or straight truck box with axles and wheels detached from the body. Such trailer box shall be used for storage of goods at a commercial storage facility. The rules and regulations of accessory buildings shall apply to the location of storage trailers.

Story means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

(1) A mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 14 feet or more.

(2) For the purpose of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured at the finished grade, or if it is used for business purposes.

Story, half, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of the full story.

Street means a public thoroughfare which affords traffic circulation and a principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in width or number of exits.

Structure means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Swimming pool means any structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than 24 inches.

Temporary building and *temporary use* mean a structure or use permitted by the board of zoning appeals to exist during periods of construction of the main use or for special events, not to exceed one year.

Tent means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and not including those types of tents used solely for children's recreational purposes.

Terrace means an open, unenclosed structure located above the existing grade level, but not elevated more than 30 inches high. It does not require guardrails.

Tourist home. See *Bed and breakfast*.

Townhouse means one of a row of houses joined by common side walls.

Travel trailer means a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight feet in width or 32 feet in length. This term also includes folding campers and truck-mounted campers, but not manufactured homes.

Use means the purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Variance means a modification of the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance. A variance granted by the board of zoning appeals shall be valid for six months.

Yacht club means an organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, and a majority of whose members are the owners and operators of boats and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized and operated on a nonprofit basis.

Yard means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. This definition shall not

include eaves, provided that an eight-foot height clearance is provided above the adjacent ground level.

Yard, front, means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. For parking purposes in an A-1 or A-2 district, the front yard shall be considered to be the minimum setback of the district. Parking is permitted behind the minimum setback.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, side, means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Sec. 52-4. to Sec. 52- 52-410. No change.

ARTICLE III. DISTRICT REGULATIONS DIVISION 9. CBD CENTRAL BUSINESS DISTRICT

Sec. 52-411. to Sec. 52-412. No change.

Sec. 52-413. Permitted uses after special approval.

The following uses may be permitted in the CBD district subject to site plan approval and the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

(1) Waterfront uses customarily incidental to recreational boating facilities, including sales, service and mooring facilities, as specified in division 10 of this article.

(2) Permanent open air uses such as fruit and vegetable markets, provided that such uses do not conflict with surrounding uses, do not create traffic congestion, and are in accordance with the intent of the CBD district.

(3) High-rise apartment buildings per the requirements of section 52-282(2)-(5), and section 52-621 requirements for construction in an A-2 district.

(4) Multi-family residential development of three stories or less per the requirements of division four of this article, off-street parking is required in accordance with the requirements of Article VI of this chapter for multi-family use.

Sec. 52-414. to Sec. 52-475. No change.

DIVISION 11. M-1 LIGHT INDUSTRIAL DISTRICT

Sec. 52-476. No change.

Sec. 52-477. Principal permitted uses.

Principal permitted uses in the M-1 district are any of the following uses when the operations of the business, manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by a fence and/or landscaping six feet in height so as to screen such storage area from the public streets and adjoining properties. In cases where these properties abut a residential zoning district and a screening fence is used in lieu of landscaping, there shall be a greenbelt of landscaping at the residential property line in front of the fence. Said principal permitted uses are:

(1) Wholesale and warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district;

(2) Industrial establishments as follows:

a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products excluding butchering or animal slaughtering, candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.

b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fibre, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheetmetal excluding large stampings such as automobile fenders or bodies, shell, textiles, wax, wire, wood excluding saw and planing mills, and yarns.

c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton and cardboard products.

d. Laboratories: research or testing.

e. Central dry cleaning plants and laundries.

(3) Public utility uses. Electric transformer stations and substations; electric transmission towers, municipal buildings and uses; gas regulators and municipal utility pumping stations.

(4) Office of a building contractor or construction company. Any storage of goods or equipment must be indoors or totally obscured by a screening fence so the items are not visible from the public or adjacent properties.

(5) Lumber yards or home improvement retail/warehouse facilities. The majority of goods or product must be stored indoors. Any outdoor storage shall be completely enclosed by a six foot high screening fence. Items on display for sale, such as gazebos, lawn furniture, garden tractors, etc., may not be displayed in the required front or side yard setbacks.

(6) Indoor storage facilities or warehouses for storage of personal items, or automobiles, including indoor storage of recreational vehicles such as boats, motorhomes, and trailers. No exterior storage shall be allowed.

(7) Accessory buildings and uses customarily incidental to the principal permitted uses in subsections (1)--(3) of this section, including sleeping or living quarters of security, watchman or caretaker.

(8) Offstreet parking in accordance with article VI of this chapter.

(9) Within the boundaries of the following described industrial parks, the following uses are permitted:

Industrial Park #1: That area of land in the city described as lying south of the G.T.W. & C & O railroad right-of-way; west of 16th Street; north of Dove Street; and east of 24th Street. Also property lying south of Dove Street; west of the west line of outlot B, Assessor's Military Street Plat No. 3; north of Cleveland Avenue; and east of 24th Street.

Industrial Park #2: Land in the city lying within the following boundaries: beginning at the centerline of 26th Street and the south right-of-way line of Dove Street; thence south along such 26th Street centerline to the centerline of Cleveland Avenue;

thence westerly to the west right-of-way line of 28th Street; thence south to the northeast corner of lot 3, Assessor's Vanness & Moak Street Plat No. 1; thence westerly 317.83 feet; thence northerly 20 feet; thence westerly 296.84 feet; thence southerly 20 feet; thence westerly to the east right-of-way line of 32nd Street (city limits); thence northerly to the south right-of-way line of Dove Street (city limits); thence easterly following the city limits; thence following the city limits line northerly; thence easterly to the east right-of-way line of 24th Street; thence southerly along 24th Street to the south right-of-way line of Dove Street; thence westerly to the centerline of 26th Street or point of beginning of this description.

a. No uses in section 52-478 are permitted.

b. Permitted uses shall include all principal permitted uses in this M-1 district except the uses in subsections (1), (2)e, (4), (5) and (6) of this section.

c. All uses are subject to the following:

1. Such property may be used for industrial purposes, as stated above, but such property shall not be used for the following purposes: acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; distillation of bones, coal, tar, petroleum, refuse, grain, wood; drilling for or removal of oil, gas, or other hydrocarbon substance; explosives manufacture or storage; fat rendering; fertilizer manufacture; garbage, offal or dead animal or fish reduction or dumping; glue manufacture; hog farm; junkyard; smelting of ores; stockyard or slaughter of animals except poultry or rabbits; tannery; or any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise or which may impose a hazard to health or property.

2. No buildings erected on the above-described property shall be nearer than 50 feet to the line of 16th and 20th Streets, nor nearer than 50 feet to the line of Dove Street, nor nearer than 50 feet to the line of any existing or proposed street, nor shall any building be erected nearer than 30 feet to the side lines of such property.

3. No main or accessory building shall be situated less than 50 feet from any residential property line.

4. No building shall exceed a height of three stories or 50 feet, whichever is greater.

5. No parking access and/or service area may be located less than 25 feet from any residential property line.

6. Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park and shall be in accordance with article VI of this chapter.

7. No loading docks may be located on any street frontage.

8. All lot areas not used for buildings or parking, loading and storage areas shall be landscaped. It shall be done attractively with lawns, trees, shrubs, etc., and shall be properly maintained thereafter in a well-kept condition.

9. A wall or barrier of suitable material not less than six feet high shall be constructed along those property lines which abut a residential district.

10. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.

11. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

12. The outdoor storage of equipment, raw materials, semi-finished or finished products may be permitted only when such outdoor storage is necessary and incidental to the operations being carried on in the buildings located upon the site. All storage shall be contained to a height and size so as to be shielded by fence or landscaping so as to screen such storage area from the public streets and adjoining properties, or within an enclosed, permanently constructed building of like materials and style of existing building. The planning director and chief inspector will determine if the fencing or landscaping is adequate. No temporary buildings (tarps, tents, huts, etc.) shall be used for storage, nor shall storage be in an unenclosed permanently constructed building.

Sec. 52-478. Permitted uses after approval.

The following uses may be permitted in the M-1 district subject to the conditions imposed and subject further to the approval of the city council after recommendation from the planning commission:

- (1) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of drive-in or openfront store are prohibited.
- (2) Barbershops and beauty shops.
- (3) Truck tractor and trailer sales, rental and repair.
- (4) New automobile rental and leasing agency.
- (5) Motels.
- (6) Automobile gasoline and service stations, and automobile repair facilities, in accordance with section 52-678.

- (7) Drive-in theaters, provided that:
 - a. Any such site is adjacent to a major thoroughfare;
 - b. There shall be no vehicular access to any residential street;
 - c. Suitable screening shall be provided to ensure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property;
 - d. The picture is not visible from a major thoroughfare;
 and
 - e. Any such drive-in theater site shall be located no closer than 500 feet to any residentially zoned or developed property.
- (8) Dog kennels.
- (9) Outdoor recreational vehicle storage yards for storage of boats, motorhomes, and travel trailers. All exterior storage shall be completely enclosed by a six foot high screening fence.
- (10) Equipment rental facilities.
- (11) Truck and bus terminals. Any outdoor storage of trucks or buses shall be enclosed by a six foot high screening fence.
- (12) Indoor recreational facilities such as sports arenas.
- (13) Rental storage facilities requiring exterior storage space. All exterior storage shall be completely obscured by a six foot high screen fence so as not to be seen by the public or adjacent properties.

Sec. 52-479. to Sec. 52-620. No change.

DIVISION 16. SCHEDULE OF REGULATIONS

Sec. 52-621. Schedule.

The schedule of regulations for zoning districts shall be as follows:

Zoning District	Minimum Lot Width (in feet) ****	Minimum Lot Area (in sq. ft.)	Maximum Lot Coverage (percent)	Maximum Height of Building		Minimum Yard Requirements in Feet (Unobstructed) Sides Least Total of:				Minimum Floor Area per Dwelling Unit (in sq. ft.) e
				In Stories	In Feet	Front a, b, c, d	One	Two	Rear	
R	70 u	7,000 u	35	2 1/2*	40	25 t	10% of lot width f, s	20% of lot width f, s	25	1,000 - single
R-1	100 g, v	10,000 g, v	35	2 1/2	40	25 t	10% of lot width f, s	20% of lot width f, s	25	800 - duplex
A-1	100 g, v	g, h, v	35	3	40	25	10 i, j	20 i, j	30	k
A-2	100 v	h, l	35	--	--	25 m	10 i, j, m	20 i, j, m	30 m	k
CCD	50*	--	--	See Division 6 of this Article	--	--	--	--	--	--
B	50*	--	--	2 1/2	35	--	n, o	--	o, p	--
C-1	50*	--	--	3	45	--	n, o	--	o, p	q
CBD	50*	--	--	7 r	80 r	--	n, o	--	o, p	q
MD	50*	--	--	2	30	--	n, o	--	o	--
M-1	100	15,000	50	3	50	50	30	60	30	--
M-2	100	15,000	50	3	50	50	30	60	30	--
I	50**	5,000**	50	7	80	25***	10	20	25	--

*	On street side.
**	Subject to approval of master plan for area, approved by the planning commission and city council.
***	See section 52-547(a), yards.
****	At the street property line and the entire length of the property

Footnotes to schedule of regulations:

a. In all residential and industrial districts, the required front yard shall not be used for offstreet parking, loading, unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. In a residential district, cars are allowed to park in a permitted paved driveway in front of a garage door within the required setback for the front yard or street side yard, provided the cars do not overhang into the right-of-way.

b. Where lots are on rivers, the lake or canals, the property shall be treated as a through or double-frontage lot and have required front yards on both street and water frontages. Parcels having frontage on the waterfront shall have the yard maintained on the water side as an open, unobstructed yard except that a boat hoist or boathouse shall be permitted per sections 52-3 and 52-676.

The building setback, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing adjacent structures. In establishing the average setback based on existing buildings, a straight line shall be drawn between the adjacent buildings from the two corners that are nearest the water and closest to the proposed construction. Any new construction, structure, or part thereof shall be built behind this imaginary line. If either adjacent lot is unimproved, the building on the next improved lot having water frontage shall be used.

New construction, including any dwelling, structure, or part thereof, shall include any enclosed, screened or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace or deck with or without railings that exceeds a height of 18 inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding 18 inches above the average grade must also be behind this setback line.

Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers or boats or anything attached below the ground that will exceed 18 inches in height above the average grade shall not be located between the setback line and the waterfront. Trees may be planted and maintained in this area, provided all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the grade surface. Temporary snow fences may be allowed from December 1 to April 1. Swing sets are excluded.

Before any building permits will be issued, a complete site plan shall be submitted with a survey showing the location of the new construction and the location of any adjacent dwellings. Any deviation from the setback requirements must obtain a variance from the board of zoning appeals.

c. No front yard shall be required as set forth in the district in which it is located for any boathouse constructed over the water of either the St. Clair River or Black River or boat hoist on Lake Huron or the canals, provided that such boathouse or boat hoist is set back from the harbor line as established by the U.S. Army Corps of Engineers and set back a minimum of three feet from the side lot line and provided, further, that the boathouse shall be not more than 23 feet in height above the water line, as defined in International Great Lakes Datum (elevation--L 576.8 ft.), or exceed 800 square feet in area.

d. For double frontage lots where a building fronts on two streets, the lot will have two front yards and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences or accessory buildings, etc.

e. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, garages or accessory buildings.

f. In R, R-1, A-1 and A-2 districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than 50 percent of the required front yard for homes which front upon such side street.

g. For new single-family dwellings, the minimum lot size shall be the same as that required in the R district. See footnote "u" in the schedule of regulations. For new two-family dwellings, the minimum lot width shall be 100 feet and the minimum lot area shall be 10,000 square feet.

h. For new single-family detached condominiums with more three or more buildings on the site, the total site size shall be 5,000 square feet per building. For new duplex condominiums with two or more buildings on one site, the total site size shall be 7,000 square feet per duplex building. Minimum land area required for each dwelling unit, with three or more units in a structure, in the A-1 district shall be:

	Land Area in Square Feet
Dwelling Unit Size	Apartments and/or Townhouses
Efficiency or one-bedroom unit	3,500
Two-bedroom unit	4,000
Three-bedroom unit	4,500
Four or more bedroom unit	5,000

i. For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds 40 feet in overall dimension along the side of the building facing that side yard. Where a lot adjoins land zoned for R or R-1 purposes, all buildings four or more stories in height must be set back a minimum of 50 feet from the lot line adjoining the residential zoning.

j. Where two or more multiple, row or terrace dwelling structures are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof by which each multiple, row or terrace dwelling structure, having common yards, exceeds 40 feet in length on that side of the dwelling structure facing the common yard; or this yard space shall be increased by two feet for each ten feet or part thereof by which each multiple dwelling structure, housing common yards, exceeds 40 feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

k. Required minimum floor area for each dwelling unit shall be:

Dwelling Unit Size	Floor Area in Square Feet
Efficiency unit	450
One-bedroom unit	600
Two-bedroom unit	800
Three-bedroom unit	1,000
Four or more bedroom unit	1,200

l. Minimum land area required for each dwelling unit in the A-2 district shall be the same as required in the A-1 district for a building less than four stories in height. Where building height is four stories or greater, minimum land area per dwelling unit shall be based upon dwelling unit size and building height as follows:

LAND AREA IN SQUARE FEET PER UNIT

Building Height (in stories)	Efficiency Unit	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
4	320	640	960	1,280	1,600
5	300	600	900	1,200	1,500
6	280	560	840	1,120	1,400
7	260	520	780	1,040	1,300
8	240	480	720	960	1,200
9	220	440	660	880	1,100
10 and over	200	400	600	800	1,000

m. Where allowed in the CBD district, all or some of the minimum yard requirements for high-rise residences may be waived by the city council, after recommendation from the planning commission.

n. Where any B, C-1, CBD, or MD district borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of five feet from the side street right-of-way line for all commercial buildings and parking and loading areas.

o. Where a B, C-1, CBD, or MD district borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of ten feet from that property line bordering the residentially zoned district.

p. Loading space shall be provided for the rear yard in the ratio of at least ten square feet per front foot of building. Where an alley or street exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of such alley or street. The board of zoning appeals may waive this requirement when this subsection causes undue hardship.

q. Where hotels or motels are permitted in a C-1 or CBD district, a minimum of 250 square feet of floor area shall be provided within each unit.

r. Modifications allowing greater height may be permitted by the board of zoning appeals after public hearing.

s. Any lot 50 feet wide or wider shall have a side yard requirement of ten percent of the lot width on each side up to a maximum of ten feet on each side. Total of the two must equal 20 percent of the lot width up to a maximum of 20 feet. The minimum interior side yard setback shall be five feet for all lots under 50 feet wide.

t. New dwellings and additions may be built in line with the average front yard setbacks of adjacent dwellings.

u. New single-family dwellings may be built on a lot with a minimum width of 50 feet, along a public street, and a minimum lot area of 5,000 square feet if the lot is a lot of record at the effective date of this ordinance (January 28, 2006). After the effective date of this ordinance (January 28, 2006), any new lots created by a lot split, or any new lots in a platted subdivision, must be a minimum of 70 feet wide and have a minimum area of 7,000 square feet in order for a single-family home to be constructed upon said lot.

1. Two or more adjacent existing lots of record combined to form a 50 foot wide lot with a minimum 5,000 square foot area, is a buildable lot for a new single-family home.

2. Two adjacent lots of record, each of which is 50 feet wide by 100 feet deep, under the same ownership or different ownership, shall be considered two parcels and a new single-family home could be constructed on each 50 foot wide lot. If two 50 foot

wide platted lots are described together in one tax description, they can be divided up into two parcels as they were platted separately.

3. A single lot of record which is 100 feet wide or wider cannot be split into a parcel less than 70 feet wide in order to build. A zoning variance would be required to split a lot into parcels less than 70 feet. No variance shall be allowed to create a split for a lot less than 50 feet wide for construction purposes.

4. Any lot of record which is 40 feet wide to 49 feet wide and is a minimum of 100 feet in depth must obtain a zoning variance before the lot is buildable for a new single-family home.

5. Any lot of record less than 40 feet wide is not buildable and a zoning variance may not be obtained.

6. In any instance, on a lot of any width, the yard setbacks for the structures, lot coverage, and other requirements, not involving area or width or both of the lot, shall conform to the regulations for the district in which such lot is located.

7. An existing lot with a minimum width of 50 feet and a minimum area of 5,000 square feet which is occupied with a single-family dwelling as of the effective date of this ordinance (January 28, 2006), is a conforming lot. Alterations may be made to said structure provided all other zoning requirements are met in regard to setbacks, lot coverage, etc.

v. All new two-family dwellings with one duplex per lot must be constructed on a lot with a minimum width of 100 feet and a minimum of 10,000 square feet in area. An existing lot which is a minimum of 50 feet but less than 100 feet wide, is a minimum of 7,000 square feet in area and is occupied with a two-family dwelling as of the effective date of this ordinance, is a conforming lot. Alterations may be made to said structure provided all other zoning restrictions are met in regard to setbacks, lot coverage, etc.

Sec. 52-622 to 730. No change.

ARTICLE V. NONCONFORMING USES AND BUILDINGS

Sec. 52-731. to Sec. 52-734. No change.

Sec. 52-735. Nonconforming lots of record.

(a) In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other sections of this chapter, a new single-family dwelling and customary accessory building may be erected on any vacant lot which is a lot of record, existing at the effective date of this ordinance (January 28, 2006), provided said lot of record is a minimum of 50 feet in width and 5,000 square feet in area. The placement of the dwelling on the lot must meet all other zoning restrictions in regard to yard setbacks and lot coverage, etc.

(b) Any lot of record which is 40 feet wide to 49 feet wide and a minimum of 100 feet in depth must obtain a zoning variance before the lot is buildable for a new single-family dwelling.

(c) Any lot of record less than 40 feet wide is not buildable and a zoning variance may not be obtained.

(d) In any instance, on a lot of any width, the yard setbacks for the structures, lot coverage, and other requirements, not involving area or width or both of the lot, shall conform to the regulations for the district in which such lot is located.

Sec. 52-736. No change.

Sec. 52-737. Reconstruction of damaged nonconforming buildings and structures.

Nothing in this chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of the ordinance from which this chapter is derived, wherein the expense of such reconstruction does not exceed 50 percent of the state equalized valuation of the entire building or structure at the time such damage occurred, provided that such restoration and resumption shall take place within six months of the time of such damage and that it be completed within one year from time of such damage and provided, further, that such use be identical with the nonconforming use permitted and in effect directly preceding such damage. In cases where the damage exceeds fifty percent of the state equalized value (SEV) of the entire building, a single-family dwelling which was built on a non-conforming lot of record, may be reconstructed if it is in a zone which allows single-family dwellings and if it is rebuilt within the same footprint and dimensions of the original dwelling and will remain as a single-family home. A multi-family dwelling, which was built on a non-conforming lot of record may be reconstructed as a single-family home if it is in a zone which allows single-family dwellings. Appropriate permits and approvals must be obtained prior to reconstruction. All other nonconforming buildings or structures must conform to the appropriate zoning regulations prior to obtaining a permit for reconstruction. Where pending insurance claims require an extension of time, the chief inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

Sec. 52-738 to Sec. 52-810. No change.

ARTICLE VII. SIGNS

Sec. 52-811 to Sec. 52-819. No change.

Sec. 52-820. Temporary business signs.

(a) Signs such as any paper, cardboard, or plastic signs used for window display such as sale signs; help wanted signs; festoon signs such as banners, flags, etc., shall all be considered temporary signs. See the definition of temporary signs in section 52-814.

(b) Sandwich board-style signs less than 18 inches wide and 36 inches in height may be used on private property during daylight hours, but must be removed at the end of the business day and stored within the building. No more than one sign per property address is allowed. Permits shall not be necessary for any temporary signs of less than 24 square feet and displayed in the window from inside the building. Any temporary sign located outside the building shall be limited to less than 24 square feet and shall be limited to one per street frontage. Any temporary sign over 24 square feet and located outside of the building shall be considered a portable sign and shall require a permit and be limited to the rules of Section 52-819.

(c) Temporary signs shall be securely but not permanently attached to the building of which it serves.

(d) Temporary signs shall only be allowed in nonresidential districts.

(e) No temporary sign shall be erected so as to extend over or into any public right-of-way, street, alley, sidewalk, or other public thoroughfare. No temporary sign shall be erected so as to project over any wall opening or so as to prevent free ingress or egress from any door, window or fire escape. Such sign shall not endanger persons or property or obstruct the view of traffic or traffic signals.

(f) Temporary signs shall not be erected for a period of more than 30 consecutive days.

(g) Any temporary sign that is illuminated or electric shall be installed pursuant to the current local electrical code as adopted by the city, and the necessary electrical permits shall be obtained.

(h) Temporary business signs shall only advertise goods, services, facilities, events or attractions pertaining to the principal use of the premises where located.

(i) Temporary signs shall only be allowed on the building or in the window and may not be attached to any accessory building, pole, fence, stanchion, or freestanding frame placed on the premises.

Sec. 52-821. to Sec. 52-834. No change.

PAULINE M. REPP, MMC
CITY CLERK

ADOPTED: January 23, 2006
PUBLISHED: January 28, 2006
EFFECTIVE: January 28, 2006

Adopted unanimously.

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

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, January 25, 2006, at 5:10 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher (arrived at 5:25 p.m.), Haynes, Jacobs and McCulloch.

Absent: Councilmembers Neal and Sample-Wynn.

Don Mitchell and Garry Stamm, Development Concepts, gave a presentation on their January 2003 Central Business District Economic Study entitled "Downtown Port Huron Economic Reurbanization" (see City Clerk File No. 06-11).

Tom Hutka, City Manager, reported on what has occurred since the report stating that Request for Proposals (RFP) were sent out and to date twelve firms have responded with four still showing interest and that two unsolicited proposals have been received showing

interest in purchasing the Municipal Office Center (MOC). Mr. Hutka recommended that a second RFP be sent out to see what interest there is from others as well as to the two potential developers who have already shown interest in the MOC to make it a fair process.

Discussion held on downtown development. Don Mitchell and Garry Stamm left the meeting with an invitation to return at some future date.

Discussion continued on RFP for Municipal Office Center (Mr. Hutka to send out to see what interest there is) and on also on what process to follow when proposals are submitted. It was decided that further discussion could possibly be held during the retreat to develop a more detailed policy direction from Council.

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

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 13, 2006, at 8:01 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher at 8:05 a.m.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

Absent: Councilmember Jacobs.

I. Energy/Global Warming - Councilmember Sample-Wynn spoke about reducing global warming emissions locally by reviewing City operations to see what simple things can be done to reduce global warming pollution (i.e., changing to energy efficient light bulbs) and how we can teach/educate the community through articles in the quarterly newsletter.

II. Rules for "Heritage Park on the Quay" Plaques - Mayor Cutcher asked Councilmembers to submit their ideas, suggestions and questions on what they would like to see as the guidelines for the selection process for plaques. The City Manager will also research what other communities have adopted as policies/guidelines and report back to the Council.

III. McMorran Committee Update Report - Doug Alexander, spokesperson, gave an update on the committee's progress. The committee wants to hire Plante & Moran to provide an independent, focused study report on 1) a list of other facilities in the Midwest that have faced the same situation and how did they handled the transition; 2) what is the best way to govern the facility; and 3) linking governance and funding options for the complex to gain the greatest access to financing capabilities. The City and three partners would assist with the funding of the study, which would not exceed \$10,000. The committee expects to have a recommendation by the first Council meeting in April.

IV. Legislative Initiatives - Draft of the 2006 state and federal legislative initiatives were distributed to Council for their review. At the February 23 retreat, Councilmember Sample-Wynn would like to discuss the message Council would like her and Councilmember Fisher to relay to Congressional leaders when they attend the NLC Conference next month in Washington, D.C.

V. Public Input - Ken Harris relayed sporting arenas the McMorran committee should look into for ideas and stated he would like to attend future meetings of the committee. He also made comments relative to the need for the County to get 24th Street work done.

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

SUSAN M. CHILD, CMC
Deputy City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 13, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Rev. Dwight Weber, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

Absent: Councilmember Jacobs.

The minutes of the regular meeting of January 23, 2006, and the special meetings of January 23 and 25, 2006, were approved.

PUBLIC HEARINGS

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

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the proposed 2006 Annual Action Plan for the Community Development Department.

Kim Harmer, Planning Director, gave a brief history of the program and past funding.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Kristin O. Jurs, 408 Stanton Street, spoke regarding the Michigan/Merchant Street paving project (see City Clerk File#06-23 for a copy of comments she distributed).

2. Frank Witliff, 1107 Washington Avenue, spoke against closing Washington Avenue.

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 Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

No: None.

Absent: Councilmember Jacobs.

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

• Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

FROM THE CITY MANAGER

CM-1. Councilmember Fisher offered and moved 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, 2005. (See City Clerk File # 06-12).

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

No: None.

Absent: Councilmember Jacobs.

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

On January 19, 2006, the City of Port Huron received nine (9) bids for the 16th Avenue Area Phase III Sewer Separation, Watermain Replacement and Street Paving Project, Project No. D03-0050:

Boddy Construction	\$3,843,933.11
Raymond Excavating Co.	\$4,253,974.60
D. O. C. Contracting	\$4,406,455.27 *
Pamar Enterprises	\$4,414,684.50
Giannetti Contracting	\$4,436,491.40
Dan's Excavating	\$4,766,697.50
Mago Construction	\$4,974,633.13 *
Triangle Excavating	\$5,605,140.32
Ric-Man Construction	\$5,939,414.75 *

* As Corrected

It is recommended that the bid of Boddy Construction, 2600 Wills, Marysville, Michigan, 48040, in the amount of Three Million Eight Hundred Forty-Three Thousand Nine Hundred Thirty-Three and 11/100 Dollars (\$3,843,933.11) 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 Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

No: None.

Absent: Councilmember Jacobs.

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

On January 24, 2006, the City of Port Huron received eight (8) bids for the Erie Street South Area Sewer Separation, Watermain Replacement and Street Paving Project, Project No. D05-0010:

Pamar Enterprises, Inc.	\$2,825,977.96
Raymond Excavating Co.	\$3,087,658.38
Boddy Construction	\$3,159,162.26
Teltow Contracting Inc.	\$3,265,373.40 *
Dan's Excavating, Inc.	\$3,506,569.35
D. O. C. Contracting, Inc.	\$3,739,536.25
Triangle Excavating	\$4,092,021.82
L. D'Agostini & Sons, Inc.	\$4,295,078.80

* As Corrected

It is recommended that the bid of Pamar Enterprises, Inc., 58021 Gratiot, New Haven, Michigan, 48048, in the amount of Two Million Eight Hundred Twenty-Five Thousand Nine Hundred Seventy-Seven and 96/100 Dollars (\$2,825,977.96) 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 Cutcher; Councilmembers Fisher, Haynes and Sample-Wynn.
 No: Councilmembers McCulloch and Neal.
 Absent: Councilmember Jacobs.

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

On February 7, 2006, the City of Port Huron received eight (8) bids for the Michigan/Merchant Street Area Sewer Separation, Watermain Replacement and Street Paving Project, Project No. C96-0070:

Raymond Excavating	\$2,102,671.51
Boddy Construction	\$2,481,520.43
Dan's Excavating	\$2,518,611.02
Pamar Enterprises	\$2,520,827.30 *
D. O. C. Contracting	\$2,683,558.18 *
Giannetti Contracting Group	\$2,944,853.27 *
L. D'Agostini & Sons	\$2,967,901.80 *
Triangle Excavating	\$3,131,142.13 *

* As Corrected

It is recommended that the bid of Raymond Excavating, 800 Gratiot Boulevard, Marysville, Michigan, 48040, in the amount of Two Million One Hundred Two Thousand Six Hundred Seventy-One and 51/100 Dollars (\$2,102,671.51) 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 Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.
 No: None.
 Absent: Councilmember Jacobs.

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

On February 6, 2006, the City of Port Huron Water Reclamation Facility received a sole-source quote for components required to rebuild the grit channel collector mechanism. The quotation does not include freight, which will be pre-paid and added.

U. S. Filter Envirex Products	\$9,702.00
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It is recommended that the quote of U. S. Filter Envirex Products, 100 Highpoint Drive, Suite 101, Chalfont, Pennsylvania, 18914, in the amount of Nine Thousand Seven Hundred Two and 00/100 Dollars (\$9,702.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

CM-6. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

One of three raw sewage pumps at the Water Reclamation Facility needs a complete rebuild of all moving parts. City staff has investigated and determined that the only qualified supplier of this highly technical machining services required to accomplish this is True-Tech Industries.

It is recommended that True-Tech Industries, 2967 Interstate Parkway, Kalamazoo, Michigan, 49048, be authorized to repair this unit and that the appropriate City officials be authorized to issue a purchase order in the amount of Sixteen Thousand Two Hundred and 00/100 dollars (\$16,200.00) for this work.

Motion adopted by the following vote:

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

***CM-7.** It is stated in the City Ordinance Code, Chapter 2, Administration, Article III, Division 3, Section 2-457 and 2-458, concerning the Port Huron Housing Commission:

"The housing commission shall consist of five members to be appointed by the city manager. Each member of the housing commission shall be, at the time of his appointment, and shall remain during his term of office, a bona fide resident of the city...Members...shall be appointed for staggered terms of five years..."

NOW, THEREFORE, I hereby re-appoint Jane O'Sullivan to the Port Huron Housing Commission for a five-year term to expire December 19, 2010.

Received and filed.

CM-8. Councilmember Haynes offered and moved the adoption of the following City Manager's recommendation:

On December 12, 2005, the City of Port Huron approved an agreement with Motorola, Inc., for the development installation, training, warranty and maintenance of a communications system for the Port Huron Police Department, with full funding coming from the 2003 Part II Critical Infrastructure Planning Homeland Security Grant, accumulated telephone subscriber monies and wireless telephone subscriber monies, and authorized the appropriate City officials to execute the necessary documents.

As the Police Department planned the removal of the existing equipment from the 24/7 dispatch operations and strategized the installation of the new equipment, it was discovered that the 20 year-old computer flooring tiles require replacement.

Motorola, Inc., deals with a sole source floor vendor, Bergvik North America Inc., who has provided a quotation for the same type of flooring in the amount of \$11,511.00.

It is recommended that the quote of Bergvik North America Inc., 212 West Main Street, Suite 202-B, Salisbury, Maryland 21801, in the amount of Eleven Thousand Five Hundred Eleven and 00/100 Dollars (\$11,511.00) be accepted with funding from telephone subscriber monies and wireless telephone subscriber monies and that the appropriate City officials be authorized to execute the necessary documents. (See City Clerk File #06-13)

Motion adopted by the following vote:

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

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron Fire Department received a federal grant in 2005 to replace its self-contained breathing apparatus with the latest technologically advanced breathing equipment; and

WHEREAS, the St. Clair County Community College offers a fire service training academy providing education to future and current fire service personnel; and

WHEREAS, a request has been received by the Port Huron Fire Department from St. Clair County Community College to acquire twelve (12) used self-contained breathing apparatus at no cost for their fire service training;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the request from St. Clair County Community College for the acquisition of twelve (12) used self-contained breathing apparatus for use in their fire service training program from the Port Huron Fire Department at no cost.

Motion adopted by the following vote:

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

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

WHEREAS, it is necessary to perform professional engineering services during the construction and serve as the City's professional representative for the 16th Avenue Area Phase III Sewer Separation project; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe, Inc. for professional engineering services during the construction of the 16th Avenue Area Phase III Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-14).

Motion adopted by the following vote:

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

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

WHEREAS, it is necessary to perform professional engineering services during the construction and serve as the City's professional representative for the Erie Street Area Sewer Separation project; and

WHEREAS, Tetra Tech MPS is the appropriate engineering firm to provide these services because they assisted the City with the design of this work; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Tetra Tech MPS for professional engineering services for Project No. D05-0010;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Tetra Tech MPS for professional engineering services for the construction of the Erie Street Area Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-15).

Motion adopted by the following vote:

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

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

WHEREAS, it is necessary to perform professional engineering services during the construction and serve as the City's professional representative for Watermain, Sewer and Paving for the Michigan/Merchant Street Area Sewer Separation 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. C96-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services for the construction of the Michigan/Merchant Street Area Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-16).

Motion adopted by the following vote:

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

NOTE: Councilmember Sample-Wynn originally voted "no" and realized at the end of the meeting she had voted in error and asked that her vote be changed to reflect a "yes" vote. Council consented.

R-6. 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 #06-17).

Motion adopted by the following vote:

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

R-7. Councilmember McCulloch 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 #06-18).

Motion adopted by the following vote:

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

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

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

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

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

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

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT

without its specific prior written consent and notwithstanding the issuance of the PERMIT.

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

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

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

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

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

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

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

Adopted.

***R-9.** WHEREAS, the 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-10.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 42-57; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$538.42 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #06-19).

Adopted.

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

WHEREAS, the Port Huron Police Department maintains an accurate accounting and tracking of all Department equipment and property; and

WHEREAS, it is necessary to maintain a precise record of such equipment and property; and

WHEREAS, a bar coding system would enable the department to more exactly record such entries; and

WHEREAS, New World Systems Corporation is the sole source provider for police bar coding software and has submitted a quote for software, annual software maintenance agreement, installation and training support services, hardware and accessories in the amount of \$15,253.00;

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 bar coding software, annual software maintenance agreement, installation and training support services, hardware and accessories with funds from the State of Michigan 2004 Homeland Security Grant Program, Law Enforcement Terrorism Prevention Program (LETPP) and authorizes and directs the proper City officials to execute the agreement (See City Clerk File #06-20).

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

No: None.

Absent: Councilmember Jacobs.

R-12. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron and St. Clair County/St. Clair County Central Dispatch Authority have been working toward linking local communication efforts with the State of Michigan 800 MHz radio system to improve emergency radio communications and to allow for the interoperability and uninterrupted communications between the city and county emergency dispatch centers and other multi-agency response disciplines within our county and state; and

WHEREAS, the City of Port Huron has entered into an Agreement with St. Clair County sharing 2004 Homeland Security Grant funds and a portion of the emergency telephone surcharge to assist in funding the construction of the 800 MHz system in the City of Port Huron and St. Clair County; and

WHEREAS, Motorola, Inc., the service provider developing and constructing the 800 MHz system in Port Huron and St. Clair County has determined that the optimal and most cost effective location for an 800 MHz tower to service emergency services in the City of Port Huron and immediately surrounding area is on the roof of the Municipal Office Center; and

WHEREAS, the City of Port Huron has prepared a licensing agreement between the City of Port Huron and St. Clair County/St. Clair County Central Dispatch Authority, the agency responsible for developing and implementing the 800 MHz system in Port Huron and St. Clair County, for permission to install or place an 800 MHz communications tower on the roof of the Municipal Office Center;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached licensing agreement between the City of Port Huron and St. Clair County/St. Clair County Central Dispatch Authority authorizing the installation of an 800 MHz communications tower on the roof of the Municipal Office Center and authorizes and directs the proper City Officials to execute said licensing agreement. (See City Clerk File #06-21)

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

No: None.

Absent: Councilmember Jacobs.

***R-13.** WHEREAS, the City Planning Commission has received a request from City Administration to rezone the Witliff Insurance parking lot on Pine Grove Avenue, generally bound by Pine Grove Avenue, Stone Street, Washington Avenue and Sedgwick Street, from an R-1, Single- and Two-Family Residential zoning district to a C-1, General Business zoning district, legally described as:

Lot 5, Block 36, Subdivision of the Fort Gratiot Military Reservation, City of Port Huron; and

WHEREAS, on February 13, 2006, 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 of the rezoning (vote: 6 ayes; 1 nays; 1 absent; 1 abstained); and

WHEREAS, the next step in the rezoning process is for the City Council to hold a public hearing on the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for March 13, 2006, to hear comments on the request from City Administration for the rezoning of the above described property.

Adopted.

***R-14.** WHEREAS, the City Planning Commission has received a request from Parkview Property Management Corporation to rezone various properties generally bound by Pine Grove Avenue, Stone Street, Washington Avenue and Sedgwick Street from an R-1, Single- and Two-Family Residential zoning district to an I, Institutional zoning district, legally described as:

Lots 6, 7, 8 and 9, Block 36, Subdivision of the Fort Gratiot Military Reservation, City of Port Huron; and

WHEREAS, on February 7, 2006, 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 of the rezoning (vote: 7 ayes; 0 nays; 1 absent; 1 abstained); and

WHEREAS, the next step in the rezoning process is for the City Council to hold a public hearing on the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for March 13, 2006, to hear comments on the request from Parkview Property Management Corporation for the rezoning of the above described property.

Adopted.

***R-15.** WHEREAS, the City of Port Huron owns the following described properties:

- 1) That portion of Willow Street between the southwest right-of-way line of Pine Grove Avenue and the north right-of-way line of Washington Avenue, and adjacent to Lots 5, 6, and 7, Block 36, Subdivision of the Fort Gratiot Military Reservation. For purposes of this vacation, Willow Street right-of-way shall include any land which lay southwest of the southwest right-of-way line of Pine Grove Avenue, north of the north right-of-way line of Washington Avenue, and east of Block 36, Subdivision of the Fort Gratiot Military Reservation; and
- 2) That portion of Washington Avenue between the east right-of-way line of Stone Street and the southwest right-of-way line of Pine Grove Avenue, and adjacent to Lots 1, 2, 3, and 4, Block 31; Lot 1, Block 32; and Lots 7, 8, and 9, Block 36, Subdivision of the Fort Gratiot Military Reservation; and
- 3) That portion of St. Clair Street between the southwest right-of-way line of Pine Grove Avenue and the north right-of-way line of vacated Richardson Street, and adjacent to Lots 5, 6, and 9, Block 32, Subdivision of the Fort Gratiot Military Reservation; and

WHEREAS, on February 7, 2006, the City Planning Commission held a public hearing to hear comments on the proposed vacations of said property; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval of the vacations (vote: 7 ayes; 0 nays; 1 absent; 1 abstain); and

WHEREAS, the next step in the vacation process is for the City Council to hold a public hearing on the proposed vacations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for March 13, 2006, to hear comments on the proposed vacation of the above-described streets with the reservation of a full-width utility easement.

Adopted.

R-16. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, a request has been received for a special use permit for an optical office at 1401 - 13th Street, legally described as: the north one-half of Lots 1 and 2, Block 176, White Plat, City of Port Huron; and

WHEREAS, on February 7, 2006, 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 of the special use permit request (vote: 8 ayes; 0 nays; 1 absent; 0 abstained); and

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 optical office at 1401 - 13th Street.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch, Neal and Sample-Wynn.

No: None.

Absent: Councilmember Jacobs.

***R-17.** WHEREAS, Port Huron Support Company, Inc. (Port Huron Flags organization) 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 Port Huron Support Company, Inc., as a non-profit organization in the City of Port Huron.

Adopted.

R-18. Councilmember McCulloch offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron, County of St. Clair, Michigan (the "City") has previously issued its General Obligation Limited Tax Bonds, Series 1999A, dated as of June 1, 1999 in the original principal amount of \$8,000,000 (the "Prior Bonds"); and

WHEREAS, the City has been advised that it may achieve interest cost savings through the refunding of all or a portion of the Prior Bonds which are due and payable on and after October 1, 2009 (hereinafter the "Refunded Bonds"); and

WHEREAS, Part VI of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), permits the City to refund all or part of the funded indebtedness of the City; and

WHEREAS, the City Council determines that it is in the best interest of the City to issue a series of refunding bonds in an aggregate principal amount of not to exceed \$5,900,000 for the purpose of refunding all or a portion of the Refunded Bonds in order to achieve interest cost savings for the benefit of the City and its taxpayers; and

WHEREAS, the City expects to receive an offer from Robert W. Baird & Co. Incorporated to purchase the refunding bonds pursuant to a negotiated sale.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the City designated GENERAL OBLIGATION LIMITED TAX REFUNDING BONDS, SERIES 2006 (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed \$5,900,000, as finally determined by an Authorized Officer (hereinafter defined) upon the sale thereof, for the purpose of refunding all or a portion of the Refunded Bonds and paying costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be sold through a negotiated sale and shall be awarded, subject to the parameters of this resolution, upon entry of an order (the "Order") by any of the City Manager, Director of Finance or City Clerk (each an "Authorized Officer").

The issue shall consist of bonds registered as to principal and interest of the denomination of \$5,000 or multiples of \$5,000 not exceeding for each maturity the aggregate principal amount of such maturity, and shall be dated as of the date of delivery, or such other date as determined in the Order.

The Bonds shall mature on October 1 in the years 2007 to 2019, inclusive, or such other dates as shall be determined by an Authorized Officer in the Order, and shall be payable in the principal amounts, at the times and in the manner determined at the time of sale and confirmed in the Order. The Bonds shall bear interest semiannually at a rate or rates determined upon sale thereof and as shall be set forth in the Order, but in any event not exceeding five percent (5%) per annum, payable on April 1 and October 1 of each year, commencing October 1, 2006, or such other date as shall be determined in the Order.

The Bonds shall be subject to optional and mandatory redemption prior to maturity at the times and prices as approved by the Order and as permitted by law and in the manner and with notice as set forth in the form of the Bonds contained in Paragraph 6 hereof.

Interest shall be paid by check drawn on the Transfer Agent (hereinafter defined) mailed to the registered owner of the Bonds at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth (15th) day of the month prior to the payment date for each interest payment. 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 principal of the Bonds shall be payable at a bank or trust company to be approved by an Authorized Officer as registrar, transfer agent and paying agent for the Bonds (the "Transfer Agent"). The City may select another bank or trust company located in the State of Michigan to serve as transfer agent upon notice to the registered owner of the Bonds not less than sixty (60) days prior to an interest payment date.

2. The Bonds shall be issued initially in book-entry-only form through The Depository Trust Company in New York, New York ("DTC"). So long as the Bonds are in the book-entry-only form, the Transfer Agent shall comply with the terms of the Letter of Representations to be entered into among the City, the Transfer Agent and DTC, which provisions shall govern registration, notices and payment, among other things, and which provisions are incorporated herein with the same effect as if fully set forth herein. Any Authorized Officer is hereby authorized and directed to enter into the Letter of Representations with DTC in such form as determined by the Authorized Officer, in consultation with bond counsel, to be necessary and appropriate. The Transfer Agent is hereby authorized and directed to also enter into the Letter of Representations with DTC as agent for the City. In the event the City determines that the continuation of the system of book-entry-only transfer through DTC (or successor securities depository) is not in the best interest of the DTC participants, beneficial owners of the Bonds, or the City, the City will notify the Transfer Agent, whereupon the Transfer Agent will notify DTC of the availability through DTC of the bond certificates. In such event, the City shall issue and the Transfer Agent shall transfer and exchange bonds as requested by DTC of like principal amount, series and maturity, in authorized denominations to the identifiable beneficial owners in replacement of the beneficial interest of such beneficial owners in the Bonds.

3. The Bonds shall be executed in the name of the City by 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 bear facsimile signatures, no Bond shall be valid until authenticated by an authorized officer of the Transfer Agent.

4. The Director of Finance is authorized and directed to open a separate depository account with a bank or trust company to be designated 2006 GENERAL OBLIGATION LIMITED TAX REFUNDING 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 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, 2006, the City shall provide in its budget each year until the Bonds are paid, in the manner provided by the provisions of Act 34, 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.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeated and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided in this resolution.

5. The proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds and to secure payment of all or a portion of the Refunded Bonds as provided in this section. Upon receipt of the proceeds of sale of the Bonds, the accrued interest, if any, shall be deposited in the Debt Retirement Fund for the Bonds. Any net original issue premium received on sale and delivery of the Bonds shall be deposited in the appropriate account consistent with State and federal law, and if required by State or federal law, may be used to reduce the principal amount of Bonds issued, as determined in the Order. From the proceeds of the Bonds there shall next be set aside a sum sufficient to pay the costs of issuance of the Bonds in a fund designated the 2006 Bond Issuance Fund, which may be established by the City or by the Escrow Agent (hereinafter defined). Moneys in the 2006 Bond Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. Any amounts remaining in the 2006 Bond Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Bonds.

The balance of the proceeds of the Bonds, together with other available funds of the City, if any, shall be deposited in an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Securities") and used to pay the principal of, and interest and redemption premium on all or a portion of the Refunded Bonds as determined by an Authorized Officer at the time of sale. The Escrow Fund shall be held in trust by a bank or trust company qualified to do business in Michigan (the "Escrow Agent") pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the transfer agent for the Refunded Bonds to take all necessary steps to pay the principal of, interest and redemption premium on the Refunded Bonds being refunded when due, and to call the Refunded Bonds being refunded for redemption on the first date such Refunded Bonds may be called for redemption. Any Authorized Officer is hereby authorized and directed to select an Escrow Agent to serve pursuant to the Escrow Agreement and to execute the Escrow Agreement on behalf of the City. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal of, interest and redemption premium on the Refunded Bonds being refunded when due at maturity or call for redemption as required by this section. Upon establishment of the Escrow Fund, any debt retirement funds held by the City for the Refunded Bonds being refunded shall be transferred to the Escrow Fund in amounts specified by the City's financial advisor. Each Authorized Officer is authorized and directed to purchase or cause to be purchased, Escrow Securities, including United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund.

Each Authorized Officer is hereby authorized and directed, for and on behalf of the City, in consultation with the City's financial advisor, to determine if, and when, to refund the Refunded Bonds and the portion thereof, if any, to be refunded; provided, however, that the Bonds shall not be issued unless an Authorized Officer determines that the net present value savings to the City is equal to or greater than 2% of the debt service on the portion of the Refunded Bonds being refunded.

6. Bond Form. The Bonds shall be in substantially the following form with such changes as may be approved by an Authorized Officer and Bond Counsel:

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

CITY OF PORT HURON
GENERAL OBLIGATION LIMITED
TAX REFUNDING BOND,
SERIES 2006**

	Date of		
Interest Rate	Maturity Date	Original Issue	CUSIP
	October 1, 20__	_____, 2006	
Registered Owner:			
Principal Amount:			Dollars

The CITY OF PORT HURON, County of St. Clair, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, payable on October 1, 2006, and semiannually thereafter. Principal of this bond is payable at the _____ office of _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (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 the 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 aggregating the principal sum of \$_____, issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended, and a resolution duly adopted by the City Council of the City for the purpose of refunding a portion of the City's outstanding General Obligation Limited Tax Bonds, Series 1999A, dated as of June 1, 1999.

This bond and the interest thereon are payable from the debt retirement fund of the City established for such purpose and the City is obligated to levy annually sufficient taxes upon all taxable property within the boundaries of the City to provide for the payment of the principal of and interest on the bonds of this issue as they mature, subject to applicable constitutional, statutory and charter tax rate limitations.

Bonds of this issue maturing in the years 2007 to 20__, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 20__ and thereafter, shall be subject to redemption prior to maturity, at the option of the City, in such order as the City shall determine, on any date on or after October 1, 20__, at par and accrued interest to the date fixed for redemption.

[Term Bond provisions, if applicable]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part 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.

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 upon the payment of the charges, if any, prescribed in the resolution authorizing this bond, 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. Neither the City nor the Transfer Agent shall be required to transfer or exchange this bond or portion of this bond either during the period of fifteen (15) days immediately preceding the date of the mailing of any notice of redemption or (except as to the unredeemed portion, if any, of this bond) after this bond or any portion of this bond has been selected for redemption.

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 of Port Huron, County of St. Clair, State of Michigan, 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 its Director of Finance, all as of the Date of Original Issue.

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

By _____ [facsimile]
Its Mayor

(SEAL)

By _____ [facsimile]
Its Director of Finance

[FORM OF TRANSFER AGENT'S
CERTIFICATE OF AUTHENTICATION]

Date of Registration:

Certificate of Authentication

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

_____,
_____, Michigan
Transfer Agent

By _____
Authorized Signature

7. The City has considered the option of selling the Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, and based on the advice of the City's financial advisor, determines that a negotiated sale of the Bonds will allow greater flexibility in the timing of the sale and structure of the Bonds and the funding of the Escrow Fund in response to changing market conditions.

8. The City hereby appoints Robert W. Baird & Co. Incorporated as senior managing underwriter for the Bonds (the "Underwriter"). Each Authorized Officer is individually authorized to negotiate and, subject to the parameters set forth in this resolution, award the sale of the Bonds to the Underwriter pursuant to the Order and a Bond Purchase Agreement, if any, without further action of this City Council. Any Authorized Officer is authorized to execute and deliver a Bond Purchase Agreement on behalf of the City.

Pursuant to the provisions of Act 34, each Authorized Officer is further authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, bond and series designations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, allowable premium, and other matters necessary or convenient to complete the transaction authorized herein on terms favorable to the City; provided, however, that the interest rate per annum shall not exceed five percent (5%), the final maturity date of the Bonds shall be no later than October 1, 2020, and the Bonds shall not be issued in an aggregate principal amount greater than the amount authorized by this resolution.

9. Each Authorized Officer is authorized and directed to approve circulation of a preliminary Official Statement describing the Bonds and to deem such preliminary Official Statement as "near final" for purposes of compliance with Rule 15c2-12 of the U.S. Securities and Exchange Commission ("Rule 15c2-12" or the "Rule"), and thereafter to approve circulation of a final Official Statement with respect to the Bonds.

10. The City agrees to enter into a continuing disclosure undertaking (the "Undertaking") for the benefit of the holders and beneficial owners of the Bonds pursuant to Rule 15c2-12, and the Director of Finance is authorized to approve and execute such Undertaking on behalf of the City prior to delivery of the Bonds.

11. Any Authorized Officer is further authorized and directed: (a) to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; (b) to obtain ratings on the Bonds; and (c) to take all other actions necessary or advisable, and make such other filings with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

12. 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 interest on the Bonds from adjusted gross income for federal income purposes under the Internal Revenue Code of 1986, as amended, 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.

13. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict. (See City Clerk File #06-22 for detail of "Refunding of 1999 LTGO Sanitary Sewer & Storm Drain Bonds.")

Motion adopted by the following vote:

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

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Cutcher** gave highlights of his recent trip to Chiquimula with other community members: a Kiwanis Club was formed; exchange program with SC4 and the University of Santa Carlos teachers/students was agreed upon; 26 Habitat for Humanities have been built; the artist exchange program will have two artists from here visiting Chiquimula next year; and discussion held with their City officials about visiting Port Huron during our Sesquicentennial celebration. Mayor Cutcher also stated for the record that no City funds were used to finance this recent trip.

Councilmember Neal moved to go into Executive Session to discuss land acquisition (9:08 p.m.).

Motion adopted by the following vote:

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

Councilmember Neal moved to reconvene into regular session (9:45 p.m.).

Motion adopted by the following vote:

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

On motion (9:45 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 Thursday, February 23, 2006, at 8:00 a.m. at the Maritime Center, Vantage Point, at the foot of Water Street.

The meeting was called to order by Mayor Cutcher.

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

The meeting was held as a retreat and goal setting session with City Council, City Manager and City Department Heads. Nancy Ohle, PT & DR, a consulting and training firm, (recommended by the MML) was the facilitator.

I. Introductions

II. Review of City's mission statement

III. Established goals reviewed

- a. Neighborhood development
- b. Downtown development
- c. Job creation including tax base and population
- d. Put the "port" back in Port Huron

IV. Criteria for decision making on goals

- a. Suggestions were made by the group and then voted on.
- b. Criteria with most votes: cost versus benefit, quality of life, revenue generation, increased tax base, downtown residential/increase total number of residents in City with balanced mix.

V. Brainstorming

a. Divided into three groups as follows, based upon criteria established:

1. Increased tax base
2. Quality of life
3. Revenue generation

b. Discussion held on what group envisions community to be and what will get in the way.

VI. Action Item - Following extensive conversation about whether there is a specific plan for downtown development, facilitator suggested that the City Council meet within the next month to review plans stating that each Council member should read through the various documents such as master plan, Development Concepts, parking study, 64-point downtown plan, etc., and be prepared to discuss.

VII. SMART Goals - Stands for Specific, Measurable, Attainable, Relevant, Trackable. The four that most voted for were:

- a. Mixed use downtown development
- b. Develop vertically
- c. Encourage more white collar good paying jobs
- d. Quality long term neighborhood development

See City Clerk File #06-28 for complete copy of facilitator's notes.

NOTE: Councilmember McCulloch left the meeting at 4:50 p.m.

Following goals session, Council discussed the recommended legislative initiatives which will be before them at their next regular meeting.

On motion (5:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, February 27, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Rev. Bill Terry, St. John's United Church of Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular and special meeting of February 13, 2006, were approved.

PRESENTATIONS

1. Rick Mills announced reconstruction plans for the former Goldie's Pawn Shop on Lapeer Avenue.
2. Ray Bollaert, Regional Manager, and David Trzemzalski, Forester/Arborist, DTE Energy, presented details concerning their tree trimming program.
3. Police Chief William Corbett, Port Huron Police Department, gave an update on the CAPTURE program.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

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

Adopted unanimously.

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

- The Mother/Son Hoe Down will be held March 3rd at Palmer Park from 6:30 p.m. - 8:00 p.m. For more information, contact the Recreation Department at 984-9760.
- CelticFest celebrations will be held March 1 - 17. The St. Patrick's Parade is set for Saturday, March 11, at 12 noon, starting in Pine Grove Park and continuing through downtown. For more information, contact Terry Nolan at 982-5487.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

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

Received and filed and request granted.

FROM THE CITY MANAGER

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

Transmitting the recommended federal and state 2006 legislative initiatives (see City Clerk File #06-26).

Adopted unanimously.

2-3. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendations:

CM-2. On February 14, 2006, the City of Port Huron received three (3) quotes for the purchase of fifty-two (52) ballistic helmets for use in the Port Huron Police Department:

On Duty Gear, L.L.C.	\$20,312.76
Michigan Police Equipment Co.	\$27,040.00
Central Lake Armor Express Inc.	\$51,584.00

It is recommended that the bid of On Duty Gear, L.L.C., 5674 Rowling Meadows Lane, Kimball, Michigan 48074, in the amount of Twenty Thousand Three Hundred Twelve and 76/100 Dollars (\$20,312.76) be accepted with full funding from the State of Michigan Office of Homeland Security Buffer Zone Protection Plan funds and that the appropriate City officials be authorized to execute the necessary documents.

CM-3. On February 14, 2006, the City of Port Huron received three (3) quotes for the purchase of thirty-four (34) tactical body armor vests for use in the Port Huron Police Department:

On Duty Gear, L.L.C.	\$ 62,765.70
Michigan Police Equipment Co.	\$ 64,090.00
Central Lake Armor Express Inc.	\$117,653.60

It is recommended that the bid of On Duty Gear, L.L.C., 5674 Rowling Meadows Lane, Kimball, Michigan 48074, in the amount of Sixty Two Thousand Seven Hundred Sixty Five and 70/100 Dollars (\$62,765.70) be accepted with full funding from the State of Michigan Office of Homeland Security Buffer Zone Protection Plan funds and that the appropriate City officials be authorized to execute the necessary documents.

Motion to adopt City Manager's recommendations 2 and 3 adopted unanimously.

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

On February 16, 2006, the City of Port Huron received three (3) bids for a Trailer Mount Utility Vacuum Valve Box Cleaner for the Utilities Division:

Jack Doheny Supplies	\$19,500.00
E. H. Wachs Factory Direct	\$23,500.00
Intermountain Sales	\$24,895.00

It is recommended that the bid of Jack Doheny Supplies, P. O. Box 609, Northville, MI 48167, in the amount of Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On February 14, 2006, the City of Port Huron received three (3) bids for the Downtown Development Authority (DDA) Quay Street Seawall and Sidewalk Project, Project No. G06-0030:

Waterfront Construction, Inc.	\$190,876.25
E. C. Korneffel Company	\$212,747.00
Malcolm Marine, Inc.	\$296,423.00

It is recommended that the bid of Waterfront Construction, Inc., 39272 Chart Street, Harrison Twp., Michigan, 48045, in the amount of One Hundred Ninety Thousand Eight Hundred Seventy-Six and 25/100 Dollars (\$190,876.25) 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 McCulloch offered and moved the adoption of the following City Manager's recommendation:

On February 14, 2006, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for four (4) 2006 Crown Victoria Police Patrol Cars:

Gorno Ford, Inc. (\$20,693.00 ea.)	\$82,772.00
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Eighty-Two Thousand Seven Hundred Seventy-Two and 00/100 Dollars (\$82,772.00) be accepted in accordance with the State of Michigan MIDEAL Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-7. Councilmember Fisher offered and moved the adoption of the following City Manager's recommendation:

On February 14, 2006 the City of Port Huron received one (1) unit price bid for dredging of the River Street Marina (estimated 2,900 cubic yards) and the Water Street Municipal Marina (estimated 800 cubic yards). Based on estimated quantities, the following is a summary of bid received:

Malcolm Marine, Inc	\$110,925.00
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It is recommended that the unit price bid of Malcolm Marine, Inc., 1159 Fred Moore Highway, P.O. Box 177, St. Clair, Michigan, 48079-0177, in the estimated amount of One Hundred Ten Thousand Nine Hundred and Twenty Five and 00/100 Dollars (\$110,925.00) 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.** WHEREAS, Pro-Weld, Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (land and building improvements and machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, March 13, 2006, in order to hear comments on the application of Pro-Weld, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-2.** WHEREAS, Blue Water Automotive Systems, Inc., 1717 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, March 13, 2006, in order to hear comments on the application of Blue Water Automotive Systems, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-3.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1169 effective January 9, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

WHITE STREET - There shall be NO PARKING on the north side and south side of White Street, east of Military Street to the end of the public roadway.

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

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

Adopted.

***R-4.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1170 effective January 9, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

CANAL DRIVE - There shall be NO PARKING on the north side of Canal Drive from Riverwood Drive to the beginning of the cul de sac.

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

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

Adopted.

***R-5.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 52, Zoning, Article III, District Regulations, Division 14. Historic District, Section 52-580(b):

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

architect registered in this state. A majority of the members of the commission shall have a clearly demonstrated interest in and knowledge of historic preservation.....";

NOW, THEREFORE, BE IT RESOLVED that the following people are reappointed to the Historic District Commission:

Michael Artman - term to expire 03-10-09
 Carl Moss - term to expire 03-10-09
 Gerald Saunders - term to expire 03-10-09

Adopted.

***R-6.** WHEREAS, on January 9, 2006, 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, \$1,191.70, plus additional penalty, if any; plus City income tax reporting and/or monies due; and

Martini Joe's, 3954 - 24th Avenue, Class C/SDM (Michelle Anter); Personal property taxes, \$186.51, plus additional penalty, if any.

WHEREAS, on February 13, 2006, 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 9, 2006, and February 27, 2006, concerning aforementioned license;
- 2) Certified copy of notice to licensee;
- 3) Certified copy of notice published in The Times Herald.

Adopted.

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

WHEREAS, it is necessary to perform professional engineering design services for the Grandview Towers Underground Storage Tank project; and

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Huron Consultants for professional engineering design services for Project No. P06-0070;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Huron Consultants for professional engineering design services for the Grandview Towers Underground Storage Tank project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-25).

Adopted unanimously.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$213.10 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #06-26).

Adopted.

R-9. Councilmember Sample-Wynn 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 Michigan Department of Environmental Quality 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 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 Tetra Tech MPS (formerly McNamee, Porter & Seeley, Inc.), dated June 1998, as the same is updated and amended from time to time (collectively, the "Project"); and

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

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

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

WHEREAS, the City previously has issued its \$8,000,000 General Obligation Limited Tax Bonds, Series 1999A, dated June 1, 1999, its \$7,775,000 General Obligation Limited Tax Bonds, Series 1999B, dated June 24, 1999, its \$5,230,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000A, dated March 30, 2000, its \$9,470,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2000B, dated June 29, 2000, its \$8,120,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001A, dated March 29, 2001, its \$640,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2001B, dated September 28, 2001, its \$10,000,000 General Obligation Limited Tax Bonds, Series 2002, dated June 1, 2002, its \$3,650,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002A, dated March 28, 2002, its \$3,310,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002B, dated September 26, 2002, its \$10,220,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2002C, dated September 26, 2002, its \$1,670,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2003A, dated March 27, 2003, its \$5,500,000 General Obligation Limited Tax Bonds, Series 2003B, dated November 18, 2003, its \$3,770,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2004A, dated March 25, 2004, its \$1,170,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2004B, dated December 16, 2004, its \$2,535,000 General Obligation Limited Tax Bonds (State Revolving Fund), Series 2005A, dated March 31, 2005, and its \$6,500,000 General Obligation Limited Tax Bonds, Series 2005B, dated September 29, 2005; 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 Nine Million Dollars (\$9,000,000) 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 2006** (the "Series 2006 SRF Bonds") are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Nine Million Dollars (\$9,000,000), as finally determined by

an order or orders of the MDEQ, for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2006 SRF Bonds. Each series of Series 2006 SRF Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2006 SRF Bonds, payable in principal installments serially as finally determined by order of the MDEQ at the time of sale of the Series 2006 SRF Bonds and approved by the MMBA and the Director of Finance. Final determination of the principal amount of a series of Series 2006 SRF Bonds and the payment dates and amounts of principal installments of a series of Series 2006 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 2006 SRF Bonds, and the City Manager, Director of Finance and City Clerk (the "Authorized Officers") are each authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each series of Series 2006 SRF Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2006 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 2006 SRF Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2006 SRF Bonds or by the MMBA at the time of prepayment.

The Series 2006 SRF Bonds shall bear interest at a rate of one and five-eighths percent (1.625%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2006 SRF Bonds in accordance with the delivery instructions of the MMBA.

Each Series 2006 SRF Bond principal amount is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City.

The Series 2006 SRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2006 SRF Bonds shall be payable as provided in the Series 2006 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 2006 SRF Bond, the MMBA shall deliver the respective Series 2006 SRF Bond to the City for cancellation.

2. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2006** (the "Series 2006 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the actual face amount of Series

2006 SRF Bonds and Series 2006 MMBA Bonds (hereinafter defined) issued and to be issued hereunder, for the purpose of paying part of the cost of the current phase of the Project not eligible for SRF financing and not otherwise payable from other available funds of the City, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2006 Public Sale Bonds.

The Series 2006 Public Sale Bonds shall be sold by competitive public sale and shall be issued in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, and shall be dated as of the date of delivery, or such other date as may be determined by an Authorized Officer, and shall mature on November 1, or such other date as may be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance.

The Series 2006 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding seven percent (7%) per annum, payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer. The Director of Finance is authorized and directed to approve of a series designation with respect to each series of the Series 2006 Public Sale Bonds, and to make appropriate changes to the designation hereinbefore set forth.

The Series 2006 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in Section 9 hereof, subject to revision as determined by an Authorized Officer, provided that the redemption premium may not exceed three percent (3%).

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Series 2006 Public Sale Bonds shall be payable upon presentation and surrender to the Transfer Agent.

The Authorized Officers are authorized to select a qualified bank or financial institution to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Series 2006 Public Sale Bonds not less than sixty (60) days prior to an interest payment date.

The Series 2006 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 2006 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2006 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2006 Public Sale Bonds purchased. If the Series 2006 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 2006 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2006 Public Sale Bonds and the notice of sale as shall be necessary or convenient to enable the Series 2006 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2006 Public Sale Bonds to be so issued.

3. Bonds of the City designated **GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2006** (the "Series 2006 MMBA Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the full amount authorized by Section 1 of this Resolution less the actual face amount of Series 2006 SRF Bonds and Series 2006 Public Sale Bonds issued and to be issued hereunder, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the current phase of the Project not eligible for SRF financing and not otherwise payable from other available funds of the City, including capitalized interest and the costs incidental to the issuance, sale and delivery of the Series 2006 MMBA Bonds. Each series of Series 2006 MMBA Bonds shall be sold to the Authority and shall be in the form of a single fully-registered, nonconvertible bond in the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2006 MMBA Bonds, payable in not to exceed thirty (30) principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2006 MMBA Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount of a series of Series 2006 MMBA Bonds and the payment dates and amounts of principal installments of a series of Series 2006 MMBA Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the MMBA providing for sale of the Series 2006 MMBA Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. The Director of Finance is authorized and directed to approve of a separate series designation with respect to each series of Series 2006 MMBA Bonds and to make appropriate changes to the designation hereinbefore set forth.

The Series 2006 MMBA Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2006 MMBA Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Series 2006 MMBA Bonds or by the MMBA at the time of prepayment.

The Series 2006 MMBA Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2006 MMBA Bonds in accordance with the delivery instructions of the MMBA.

The Series 2006 MMBA Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2006 MMBA Bonds shall be payable as provided in the Series 2006 MMBA Bond form in this Resolution as the same may be amended to conform to MMBA requirements.

An Authorized Officer shall record on the registration books payment by the City of each installment of principal or interest or

both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Authorized Officer.

Upon payment by the City of all outstanding principal of and interest on a Series 2006 MMBA Bond, the MMBA shall deliver the respective Series 2006 MMBA Bond to the City for cancellation.

4. The Series 2006 SRF Bonds, the Series 2006 Public Sale Bonds and the Series 2006 MMBA Bonds (collectively, the "Bonds," and each a "Series") shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Director of Finance of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. If the Bonds shall bear facsimile signatures, no Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.

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

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

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

6. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated 2006 WASTEWATER SYSTEM BONDS DEBT RETIREMENT FUND (with an appropriate series designation for each Series) (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series of Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the fiscal year beginning July 1, 2006, the City shall provide in its budget each year until the Bonds are paid, in the manner provided by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient to promptly pay, when due, after taking into account other available funds of the City, the principal of and interest on the Bonds becoming due prior to the

next annual tax levy. The limited tax full faith, credit and resources of the City are hereby pledged for the prompt payment of the principal of and interest on the Bonds as they become due, which pledge shall include the City's obligation to pay from its general funds as a first budget obligation said principal and interest and, if necessary, to levy ad valorem taxes on all taxable property in the City, within applicable constitutional, statutory and charter tax rate limitations.

7. The Director of Finance is authorized to open a separate depository account for each Series with a bank or trust company designated by the Director of Finance, to be designated SERIES 2006 WASTEWATER SYSTEM BONDS CONSTRUCTION FUND (with an appropriate series designation for each Series) (the "Construction Fund") and deposit into said Construction Fund the proceeds of the respective Series of Bonds. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

8. The Series 2006 SRF Bonds and Series 2006 MMBA Bonds, if and when issued, shall be in substantially the following form, subject to such modifications which may be required by the Michigan Attorney General and the MMBA and approved by bond counsel:

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

CITY OF PORT HURON
GENERAL OBLIGATION LIMITED TAX BOND
[(STATE REVOLVING FUND)], SERIES 2006__**

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars (\$____,000)
DATE OF ORIGINAL ISSUE: _____, 2006

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

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

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth in Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$____,000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said

principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of _____ percent (____%) per annum. Interest is first payable on _____ 1, 200__, and semiannually thereafter on the first day of _____ and _____ of each year, as set forth in the Purchase Contract.

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

Additional Interest

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

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

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

This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable

property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

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

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

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

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

By _____
Its Mayor

(SEAL)
By _____
Its Director of Finance

DEQ Project No.
DEQ Approved Amt: \$

SCHEDULE A

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

Principal Installment	Amount of Principal
Due on <u> 1 </u>	<u> </u> Installment

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

9. The Series 2006 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 2006__**

	Date of		
<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue</u>	<u>CUSIP</u>
Registered Owner:		_____, 1, 2006	
Principal Amount:		Dollars	

KNOW ALL MEN BY THESE PRESENTS, that the City of Port Huron, County of St. Clair, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on _____ 1, 200_ and semiannually thereafter. Principal of this bond is payable at the designated office of _____, _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the 15th day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

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

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

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

[Insert term bond provisions, if applicable].

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

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

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

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

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

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

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

CITY OF PORT HURON

County of St. Clair
State of Michigan

By _____

Its Mayor

(SEAL)

By _____
Its Director of Finance

Date of Authentication:

CERTIFICATE OF AUTHENTICATION

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

_____, Michigan,
Transfer Agent

By _____
Authorized Representative

[insert form of assignment]

10. If Series 2006 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2006 Public Sale Bonds and publish a notice of sale of the Series 2006

Public Sale Bonds in the form and manner required by applicable law and regulations.

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

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

13. The Authorized Officers are each hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2006 SRF Bonds and the Series 2006 MMBA Bonds with the Authority. Any of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2006 SRF Bonds and the Series 2006 MMBA Bonds, including a Purchase Contract, a Supplemental Agreement, and Issuer's Certificate.

14. If then required in connection with the issuance and sale of the Series 2006 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, 2006, (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 2006 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

15. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the issuance and sale of the Series 2006 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

16. The Director of Finance is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in

pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of Series, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed seven percent (7%), and the Bonds shall mature in not more than thirty (30) principal installments.

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

Adopted unanimously.

***R-10.** WHEREAS, the United States Department of Housing and Urban Development (HUD) allocated \$569,785 in FY 2004 and FY 2005 in HOME funding to the City of Port Huron for use in developing affordable housing for moderate 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 Economic Opportunity Committee of St. Clair County, a certified CHDO, has submitted a proposal to use HOME CHDO funding in the amount of \$85,468.25 (contingent upon meeting all applicable regulations and execution of contract agreements) for the purpose of constructing a new, single-family, owner-occupied home within the Community Renaissance Area; and

WHEREAS, the City desires to receive public input on the proposal;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for March 13, 2006, to hear comments on the request from the Economic Opportunity Committee of St. Clair County for HOME funding for the Community Renaissance Area project.

Adopted.

ORDINANCES

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

ORDINANCE NO. 1258

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF ADDITIONS AND IMPROVEMENTS TO THE EXISTING WATER SUPPLY SYSTEM OF THE CITY OF PORT HURON, MICHIGAN; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF EQUAL STANDING AND OF SENIOR STANDING WITH REVENUE BONDS NOW OUTSTANDING AND TO PAY THE COSTS OF ISSUANCE THEREOF; TO PROVIDE FOR THE RETIREMENT AND

SECURITY OF THE BONDS HEREIN AUTHORIZED; TO CONFIRM THE EXISTING RATES FOR THE SYSTEM; TO AMEND THE PRIOR BOND AUTHORIZING ORDINANCES OF THE CITY; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE SYSTEM AND THE BONDS.

THE CITY OF PORT HURON ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be known and cited as the "Series 2006 Water Bond Ordinance." Pursuant to the authority granted under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, the Code of the City of Port Huron is hereby amended by adding this Ordinance.

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

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

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

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

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

(e) "Outstanding Bonds" means the City's outstanding Water Supply System Revenue Bonds (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 24, 1999, authorized as Junior Lien Bonds in the original principal amount of \$10,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, authorized as Junior Lien Bonds in the original principal amount of \$8,945,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, authorized as Junior Lien Bonds in the original principal amount of \$3,930,000; Water Supply System Revenue Bonds (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, authorized as Junior Lien Bonds in the original principal amount of \$1,805,000; Water Supply System Revenue Bonds (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, authorized as Junior Lien Bonds in the original principal amount of \$1,800,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, authorized as Junior Lien Bonds in the original principal amount of \$3,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, authorized as Junior Lien Bonds in the original principal amount of \$2,315,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, authorized as Junior Lien Bonds in the original principal amount of \$600,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of \$520,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of \$2,015,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of \$2,105,000; and Water Supply System Revenue Bonds (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, authorized as Junior Lien

Bonds in the original principal amount of \$510,000.

(f) "Series 2006 DWRF Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), issued pursuant to Section 6 of this Ordinance.

(g) "Series 2006 MMBA Bonds" means the Water Supply System Revenue Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation), issued pursuant to Section 6B of this Ordinance.

(h) "Series 2006 Public Sale Bonds" means the Water Supply System Revenue Bonds, Series 2006 (Limited Tax General Obligation), issued pursuant to Section 6A of this Ordinance.

(i) "Series 2006 Bonds" means, collectively, the Series 2006 Public Sale Bonds, the Series 2006 DWRF Bonds and the Series 2006 MMBA Bonds.

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

Section 4. Costs; Useful Life. The cost of the current phase of the Project is estimated to be not less than Eight Million Dollars (\$8,000,000), plus the payment of incidental expenses as specified in Section 5 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than thirty (30) years.

Section 5. Payment of Cost; Bonds Authorized. To pay part of the cost of acquiring, constructing and installing the current phase of the Project, legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2006 Bonds, the Issuer shall borrow the sum of not to exceed Eight Million Dollars (\$8,000,000) and issue the Series 2006 Bonds therefor in one or more series pursuant to the provisions of Act 94. The remaining cost of the Project shall be defrayed from Issuer funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Master Ordinance shall apply to the Series 2006 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 2006 DWRF Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2006 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2006 DWRF Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed Eight Million Dollars (\$8,000,000), 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 2006 DWRF Bonds. The Series 2006 DWRF Bonds shall be sold to the Authority and shall be Junior Lien Bonds payable out of the Net Revenues, as set forth more fully in Section 7 hereof, provided that said Series 2006 DWRF Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2006 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The

Series 2006 DWRF Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2006 DWRF Bonds, payable in principal installments as finally determined by the order of the MDEQ at the time of sale of the Series 2006 DWRF Bonds and approved by the Authority and an Authorized Officer. Final determination of the principal amount and the payment dates and amounts of principal installments of the Series 2006 DWRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2006 DWRF Bonds, and any of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above. If the Series 2006 DWRF Bonds are issued in more than one series, the Director of Finance of the Issuer shall assign a specific series designation to each respective series of Series 2006 DWRF Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2006 DWRF Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2006 DWRF Bond contained in Section 10A of this Ordinance or as may be approved by an Authorized Officer at the time of sale of the Series 2006 DWRF Bonds or by the Authority at the time of prepayment.

The Series 2006 DWRF Bonds shall bear interest at a rate of two and one-eighth percent (2.125%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2006 DWRF Bonds in accordance with the delivery instructions of the Authority. The Series 2006 DWRF Bonds shall be signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon.

The Series 2006 DWRF Bonds principal amount is expected to be drawn down by the Issuer periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2006 DWRF Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2006 DWRF Bonds shall be payable as provided in the Series 2006 DWRF Bond form set forth in Section 10A of this Ordinance.

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

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2006 DWRF Bond, the Authority shall deliver the Series 2006 DWRF Bond to the City for cancellation.

Section 6A. Issuance of Series 2006 Public Sale Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 2006** (the "Series 2006 Public Sale Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2006 DWRF Bonds and Series 2006 MMBA Bonds issued and to be issued pursuant to Section 6 and 6B of this Ordinance, for the purpose of paying part of the cost of the current phase of the Project not eligible for DWRF program financing, including the costs incidental to the issuance, sale and delivery of the Series 2006 Public Sale Bonds. Said Series 2006 Public Sale Bonds shall be sold by

competitive public sale and shall be issued as Senior Lien Bonds, of senior standing and priority of lien as to the Net Revenues with the Outstanding Bonds, the Series 2006 DWRP Bonds and the Series 2006 MMBA Bonds. The Series 2006 Public Sale Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 7 hereof, and shall consist of fully-registered bonds of the denomination of \$5,000 each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as the date of delivery of the Series 2006 Public Sale Bonds, or such other date as determined by an Authorized Officer, numbered in order of registration, and shall mature on November 1, or such other date as shall be determined by an Authorized Officer, in the years and amounts as determined by an Authorized Officer, provided that the final maturity shall not be greater than twenty-five (25) years from the date of issuance. The Director of Finance shall assign a specific series designation to each respective series of Series 2006 Public Sale Bonds pursuant to the authority granted by Section 13 of this Ordinance.

The Series 2006 Public Sale Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding seven percent per annum (7%), payable on May 1 and November 1 of each year, or such other dates as shall be determined by an Authorized Officer, commencing as determined by order of an Authorized Officer by check or draft mailed by the transfer agent selected by an Authorized Officer to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the transfer agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The Series 2006 Public Sale Bonds shall be sold at not less than 97% of their par value. The principal of the Series 2006 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 2006 Public Sale Bonds may be issued as serial bonds or term bonds or both and shall be subject to redemption prior to maturity at the times, in the amounts and at the prices as approved by order of an Authorized Officer at the time of sale and in the manner and with notice as set forth in the form of Series 2006 Public Sale Bonds contained in Section 10B of this Ordinance.

In case less than the full amount of an outstanding Series 2006 Public Sale Bond is called for redemption, the transfer agent upon presentation of the Series 2006 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 2006 Public Sale Bonds contained in Section 10B of this Ordinance.

The Series 2006 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 2006 Public Sale Bonds are issued in book-entry only form, DTC will act as securities depository for the Series 2006 Public Sale Bonds, and purchasers will not receive certificates representing their interest in Series 2006 Public Sale Bonds purchased. If the Series 2006 Public Sale Bonds are issued in book-entry only form, provisions in this Ordinance to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Series 2006 Public Sale Bonds shall be issued in book-entry only form, to make such changes in the form of the Series 2006 Public Sale Bonds and the notice of sale as shall be

necessary or convenient to enable the Series 2006 Public Sale Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Series 2006 Public Sale Bonds to be so issued.

The Series 2006 Public Sale Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon. The Series 2006 Public Sale Bonds shall be delivered to the transfer agent for authentication and thereafter be delivered by the transfer agent to the purchaser thereof in accordance with instructions from the Director of Finance upon payment of the purchase price for the Series 2006 Public Sale Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

Section 6B. Issuance of Series 2006 MMBA Bonds; Details. Bonds of the Issuer, to be designated **WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 2006 (LIMITED TAX GENERAL OBLIGATION)** (the "Series 2006 MMBA Bonds"), are authorized to be issued in one or more series in the aggregate principal sum of not to exceed the maximum amount authorized pursuant to this Ordinance less the actual face amount of Series 2006 DWRP Bonds and Series 2006 Public Sale Bonds issued and to be issued pursuant to Section 6 and Section 6A of this Ordinance, as finally determined by execution of the Purchase Contract (hereinafter defined), for the purpose of paying part of the cost of the Project not eligible for participation in the DWRP Program and not otherwise payable from other available funds of the Issuer, including the costs incidental to the issuance, sale and delivery of the Series 2006 MMBA Bonds. The Series 2006 MMBA Bonds shall be sold to the Authority and shall be Junior Lien Bonds, payable out of the Net Revenues as set forth more fully in Section 7 hereof, provided that said Series 2006 MMBA Bonds shall be junior and subordinate to the prior lien with respect to the Net Revenues of the Series 2006 Public Sale Bonds and any additional Senior Lien Bonds hereafter issued. The Series 2006 MMBA Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2006 MMBA Bond, payable in not to exceed thirty (30) principal installments serially as finally determined in the Purchase Contract at the time of sale of the Series 2006 MMBA Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2006 MMBA Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2006 MMBA Bonds, and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above and in Section 13 of this Ordinance.

The Series 2006 MMBA Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2006 MMBA Bond contained in Section 10A of this Ordinance or as may be approved by the Authorized Officers at the time of sale of the Series 2006 MMBA Bonds or by the Authority at the time of prepayment.

The Series 2006 MMBA Bonds shall bear interest at a rate to be finally determined by execution of the Purchase Contract, but in any event not to exceed seven percent (7%) per annum, and the Authorized Officers shall deliver the Series 2006 MMBA Bonds in accordance with the delivery instructions of the Authority. The Series 2006 MMBA Bonds shall be signed with the manual or

facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon.

The Series 2006 MMBA Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2006 MMBA Bonds shall be payable as provided in the Series 2006 MMBA Bond form set forth in Section 10A of this Ordinance.

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

Upon payment by the Issuer of all outstanding principal of and interest on a Series 2006 MMBA Bond, the Authority shall deliver the Series 2006 MMBA Bond to the Issuer for cancellation.

Section 7. Payment of Bonds; Security; Priority of Lien. Principal of and interest on the Series 2006 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 2006 DWRP Bonds and the Series 2006 MMBA Bonds authorized by this Ordinance, and the Outstanding Bonds, which shall have a statutory second lien on the Net Revenues) to continue until payment in full of the principal of and interest on all Bonds or Junior Lien Bonds payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds or Junior Lien Bonds of a series then outstanding, principal and interest on such Bonds or Junior Lien Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds or Junior Lien Bonds, the holders of that series shall have no further rights under the Master Ordinance or this Ordinance, except for payment from the deposited funds, and the Bonds or Junior Lien Bonds of that series shall no longer be considered to be outstanding under the Master Ordinance or this Ordinance.

In addition, the Series 2006 DWRP Bonds and the Series 2006 MMBA Bonds being sold to the Authority, the Issuer hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Series 2006 DWRP Bonds and the Series 2006 MMBA Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2006 DWRP Bonds or the Series 2006 MMBA Bonds as the same become due, then the Issuer shall advance from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the Issuer, subject to constitutional, statutory and charter limitations, such sums as may be necessary to pay said principal and interest. The Issuer shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Master Ordinance.

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

Section 9. Bond Proceeds. Upon delivery of any series of the Series 2006 Bonds there shall be first immediately deposited from the

proceeds of the Series 2006 Bonds in a separate account in the Redemption Fund or the Junior Lien Redemption Fund, as applicable, an amount equal to the accrued interest and premium, if any, received on delivery of the Series 2006 Bonds. With respect to the Series 2006 Public Sale Bonds there shall next be deposited in the Bond Reserve Account an amount sufficient to satisfy the Reserve Amount; provided, however, that alternatively the Bond Reserve Account may be funded from monthly deposits from Net Revenues over not more than a five-year period from the delivery date of the Series 2006 Public Sale Bonds, as determined by an Authorized Officer. The balance of the proceeds of the sale of the Series 2006 Bonds shall be deposited in a bank or banks, designated by the Director of Finance, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated 2006 WATER PROJECTS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof, and shall be fully expended on Project costs within three years after the date of delivery of the Series 2006 Bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Council of the Issuer a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of sale of the Series 2006 Bonds remaining after completion of the Project in the Construction Fund shall, in the discretion of the City Council of the Issuer, be used either for further improvements, enlargements and extension to the System, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law, or for the purpose of purchasing Series 2006 Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Series 2006 Bonds may next be called for redemption, or used for the purpose of paying principal of the Series 2006 Bonds upon maturity or calling Series 2006 Bonds for redemption.

Section 10A. Bond Form. The Series 2006 DWRP Bonds and Series 2006 MMBA Bonds shall be in substantially the following forms, with such changes or completions as necessary or appropriate to give effect to the intent of this Ordinance:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF ST. CLAIR
CITY OF PORT HURON
WATER SUPPLY SYSTEM REVENUE BOND
(JUNIOR LIEN), SERIES 2006__
(LIMITED TAX GENERAL OBLIGATION)**

REGISTERED OWNER: Michigan Municipal Bond Authority
PRINCIPAL AMOUNT: _____ Dollars (\$ ____,000)
DATE OF ORIGINAL ISSUE: _____, 2006

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

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

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

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

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

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

Additional Interest

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

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

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

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

The bonds of this issue are equally secured and on parity in all respects as to the Net Revenues with the City's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 22, 1999, Water Supply System Revenue Bond (Junior Lien), Series 2001B (Limited Tax General Obligation), dated December 20, 2001, Water Supply System Revenue Bond (Junior Lien), Series 2002B (Limited Tax General Obligation), dated March 28, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2002C (Limited Tax General Obligation), dated September 26, 2002, Water Supply System Revenue Bond (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, Water Supply System Revenue Bond (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, and Water Supply System Revenue Bond (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005 (the "Outstanding Bonds").

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

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

Water Supply System Revenue Bond (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, Water Supply System Revenue Bond (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, Water Supply System Revenue Bond (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, and Water Supply System Revenue Bond (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005 (the "Outstanding Bonds").

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

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

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

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

[Insert term bond provisions, if applicable].

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

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

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the principal of and interest on the bonds

of this issue, the Outstanding Bonds, and any additional bonds of equal standing as and when the same shall become due and payable, and to maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

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

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

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

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

CITY OF PORT HURON

By _____

Mayor

(Seal)

Countersigned:

Director of Finance

Date of Registration:

CERTIFICATE OF AUTHENTICATION

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

Transfer Agent

By _____

Authorized Signatory

Section 11. Application to MDEQ and Authority. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2006 DWRF Bonds and the Series 2006 MMBA Bonds with the Authority. Any of the Authorized Officers is further authorized to execute and deliver such contracts, documents and certificates as may be required by the Authority or MDEQ or as may be otherwise necessary to effect the approval, sale and delivery of the Series 2006 DWRF Bonds and the Series 2006 MMBA Bonds, including a Purchase Contract, a Supplemental Agreement and Issuer's Certificate. In the event of a sale of the Series 2006 DWRF Bonds or the Series 2006 MMBA Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of bond contained in Section 10A of this Ordinance as may be necessary to conform to the requirements of 1985 PA 227 ("Act 227"), including, but not limited to, changes in the principal maturity and interest payment dates and references to

additional security required by Act 227. In the event the Series 2006 DWRF Bonds or the Series 2006 MMBA Bonds are sold to the Authority, the taxes collected by the State of Michigan and returned to the Issuer may be pledged for payment of the Series 2006 DWRF Bonds or the Series 2006 MMBA Bonds, and an Authorized Officer is further authorized to negotiate, execute and deliver an agreement with the Authority for payment of such taxes to the Authority or to a trustee as provided in Section 23 of Act 227.

Section 12. Covenant Regarding Tax Exempt Status of the Bonds. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2006 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2006 Bond proceeds and moneys deemed to be Series 2006 Bond proceeds.

Section 13. Approval of Bond Details. Any of the Authorized Officers is hereby authorized to adjust the final Series 2006 Bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94 and Section 315(1)(d) of Act 34, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, series designations and other matters necessary to complete the transactions authorized by the Master Ordinance and this Ordinance, provided that the principal amount of Series 2006 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2006 Bonds shall not exceed seven percent (7%) per annum, and the Series 2006 Bonds shall mature in not more than thirty (30) principal installments.

Section 14. Sale of Series 2006 Public Sale Bonds. If the Series 2006 Public Sale Bonds are to be issued and sold, the Director of Finance shall fix a date of sale for the Series 2006 Public Sale Bonds and publish a notice of sale of the Series 2006 Public Sale Bonds in the form and manner required by applicable law and regulations.

Section 15. Continuing Disclosure. If then required in connection with the issuance and sale of the Series 2006 Public Sale Bonds, the City hereby agrees that it shall execute a Continuing Disclosure Undertaking in form and substance satisfactory to bond counsel (the "Undertaking") to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule"), on or prior to the last day of the 6th month after the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2006, (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 2006 Public Sale Bonds to meet their obligations under the Rule, and the Director of Finance is authorized and directed to execute the Undertaking.

Section 16. Treasury Filings; Other Actions. The Authorized Officers are authorized and directed to file an application for waivers and approvals, to the extent necessary, for the Bonds from the Michigan Department of Treasury (the "Department"), to make post-delivery filings and to pay all fees related thereto; to cause the preparation and circulation of a preliminary and final Official Statement with respect to the issuance and sale of the Series 2006 Public Sale Bonds, if then required; to procure a policy of municipal bond insurance with respect to the Series 2006 Bonds or cause the qualification of the Series 2006 Bonds therefor if, upon the advice of the City's financial advisor, the acquisition of such insurance would be of economic benefit to the City; to obtain ratings on the Series 2006 Bonds; and to take all other actions necessary or advisable, and to make such other filings for waivers or other approvals with the Department or with other parties, to enable the sale and delivery of the Series 2006 Bonds as contemplated herein.

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

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

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

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

PAULINE M. REPP, MMC
CITY CLERK

ADOPTED: 02/27/06
PUBLISHED: 03/04/06
EFFECTIVE: 02/27/06

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Sample-Wynn** asked that any controversial items not be on the next agenda due to the fact that she and Councilmember Fisher would be in Washington, D.C. and not in attendance at the meeting.

On motion (9:08 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 6, 2006, at 8:01 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher at 8:05 a.m.

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

I. Welcome/Wayfinder Signs: Randy Maiers, Community Foundation of St. Clair County, and Paul Maxwell, Acheson Ventures, presented plans for new lighted welcome/wayfinder signs on Oak Street, the gateway into Port Huron from the expressway, to better direct visitors. They are planned as follows: one on 28th Street between Oak and Griswold, one at 24th Street and Oak; one at 8th Street and Oak; and one at 3rd Street and Oak. The Community Foundation would acquire the private property necessary for placement and/or work with MDOT for use of their ROW's and they are asking the City to partner in the cost of the signs.

II. Resort Hotel Complex Proposal - Downtown Site: Kim Lewis, representing Port Huron Development, LLC, presented their plan for a casino/hotel/waterpark. Dr. Troy Prince presented their plans for McMorran which would include a professional hockey team and would involve connecting the two arenas while increasing the capacity of the main arena to 5,000 plus six private suites and the addition of private club and banquet facilities, redoing the concession area, updating the locker rooms and bathrooms, providing a five-story parking structure with glass enclosed walkway with retail shops on the first floor, an attached brownstone for residential living with retail and a park area to the north of the building. It was stated that the proposed hotel would have 500 rooms with 25 suites, an attached conference center and an indoor waterpark. They are also proposing a casino through the Lac Vieux Desert Band of Lake Superior Chippewa Indians but stated that this project would go forth with or without. Dr. Prince stated they are willing to lease McMorran. (See City Clerk File #06-27 for copy of proposal)

III. Public Audience:

1. Ken Harris, Wells Street, Port Huron, stated he thought their estimate of the number of current seats at McMorran to be incorrect (said there is 3,200 and not 2,300).

2. Mike Malik, Blue Water Resorts, representing the Bay Mills Indian tribe, stated they are the only group that has a signed compact with the State of Michigan and that he thinks the Lac Vieux Desert Band of Lake Superior Chippewa Indians does not have anything in writing, they haven't talked to Frank Kelly and that the lawyers need to check this out. He also stated that a 500 room hotel is larger than what is currently going in downtown Detroit and that the cost would be prohibitive. Additionally, he said that until there is money on the table everyone should be cautious and that if this were to happen all 11 tribes in the state of Michigan would need to agree and he doesn't believe that will ever happen.

3. Tony Defeo, Port Huron Development LLC, stated that they have talked to Frank Kelly and also the unions who are working with them on this.

4. Marci Fogal, Blue Water Area Convention and Visitor's Bureau, asked questions about the square footage of any proposed convention center.

5. Dick Reynolds, union representative, stated that this was a proposal presented for input and it would be a win-win if the hotel is constructed regardless of the casino.

6. Dick Cummings, Avoca, talked about the time and money already spent by Mr. Malik on trying to get a casino in Port Huron following voter approval five years ago.

7. Ted Franz, stated he is encouraged by all the developers the City has had looking at them recently and feels they could tie in together.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 13, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch, and Neal.

Absent: Councilmembers Fisher and Sample-Wynn.

The minutes of the regular meeting of February 27, 2006, and the special meetings of February 23, and March 6, 2006, were approved.

PRESENTATIONS

1. Janice Rose, CEO, E & A Credit Union, presented an update on the construction of their new downtown location.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone the Wittliff Insurance parking lot on Pine Grove Avenue, generally located between Pine Grove Avenue, Stone Street, Washington Avenue and Sedgwick Street, from R-1, Single- and Two-Family Residential District to C-1, General Business District. (See Ordinance #1)

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 various properties located in the area generally bound by Pine Grove Avenue, Stone Street, Washington Avenue and Sedgwick Street from R-1 Single- and Two-Family Residential District to I, Institutional District. (See Ordinance #2)

Dennis Hoover, Port Huron Hospital, 1221 Pine Grove Avenue, appeared requesting City Council's support of this rezoning and stating that they are working toward finding someone interested in the historical homes that they own in this area.

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 Willow Street, Washington Avenue and St. Clair Street, located in the area generally bound by Pine Grove Avenue, the formerly vacated Richardson Street, Stone Street and Washington Avenue, with the reservation of a full-width utility easement. (See Resolution #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 application of Pro-Weld, Inc., 1720 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #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 application of Blue Water Automotive Systems, Inc., 1717 Beard Street, for an Industrial Facilities Exemption Certificate. (See Resolution #4)

Doug Alexander, EDA, and Jim Breen, Blue Water Automotive Systems, Inc., appeared requesting City Council's support for this application.

The Mayor declared the hearing closed.

6. **The Mayor** announced that this was the time to hear comments on consideration of awarding combined 2004 and 2005 Community Development CHDO (Community Housing Development Organization) funds to the Economic Opportunity Committee of St. Clair County for the purpose of construction of a new, single-family, owner-occupied home in the Community Renaissance Area.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed City Council suggesting that the City, along with the townships, petition the Corps of Engineers to dredge the Black River; and stating that he wasn't to enthused about only two proposals for the MOC but was enthused about the Port Huron Development LLC presentation last week.

CONSENT AGENDA

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

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.

No: None.

Absent: Councilmembers Fisher and Sample-Wynn.

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

- The CelticFest celebration continues through March 17. For more information, contact Terry Nolan at 982-5487.

- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

FROM THE CITY MANAGER

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

On February 28, 2006, the City of Port Huron received two (2) unit price bids for 415 dry tons of aluminum sulfate for the Water Filtration Plant and the Water Reclamation Plant:

GAC Mid America, Inc.	\$162.40 per ton
General Chemical	\$250.00 per ton

It is recommended that the unit price bid of GAC Mid America, Inc., P. O. Box 352230, Toledo, Ohio 43635, in the amount of \$162.40 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.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
 No: None.
 Absent: Councilmembers Fisher and Sample-Wynn.

***CM-2.** On February 23, 2006, the City of Port Huron received three (3) unit price bids for City street striping. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Michigan Pavement Markings	\$8,012.40
R.S. Contracting	\$8,480.60
Clark Highway Services	\$9,391.33

It is recommended that the unit price bid of Michigan Pavement Markings, P. O. Box 9673, Wyoming, Michigan 49509-0673, in the estimated amount of Eight Thousand Twelve and 40/100 Dollars (\$8,012.40) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted.

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

The City of Port Huron received four (4) quotes for uninterrupted power supply equipment for the Police Department's Communications Center:

Eaton Power Quality Corporation	\$10,544.00
Major Power	\$11,390.00
CDW-G	\$11,603.98
GTSI Corporation	\$16,637.23

It is recommended that the quote of Eaton Power Quality Corporation, 8609 Six Forks Road, Raleigh, North Carolina 26715, in the amount of Ten Thousand Five Hundred Forty-Four and 00/100 dollars (\$10,544.00) be accepted as the lowest cost responsive and responsible quote, with funding from Enhanced 911 funds, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
 No: None.
 Absent: Councilmembers Fisher and Sample-Wynn.

RESOLUTIONS

R-1. Councilmember Neal 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 #06-01)

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
 No: None.
 Absent: Councilmembers Fisher and Sample-Wynn.

***R-2.** WHEREAS, the City of Port Huron owns the following described streets:

1) That portion of Willow Street between the southwest right-of-way line of Pine Grove Avenue and the north right-of-way line of Washington Avenue, and adjacent to Lots 5, 6, and 7, Block 36, Subdivision of the Fort Gratiot Military Reservation. For purposes of this vacation, Willow Street right-of-way shall include any land which lay southwest of the southwest right-of-way line of Pine Grove Avenue, north of the north right-of-way line of Washington Avenue, and east of Block 36, Subdivision of the Fort Gratiot Military Reservation; and

2) That portion of Washington Avenue between the east right-of-way line of Stone Street and the southwest right-of-way line of Pine Grove Avenue, and adjacent to Lots 1, 2, 3, and 4, Block 31; Lot 1, Block 32; and Lots 7, 8, and 9, Block 36, Subdivision of the Fort Gratiot Military Reservation; and

3) That portion of St. Clair Street between the southwest right-of-way line of Pine Grove Avenue and the north right-of-way line of vacated Richardson Street, and adjacent to Lots 5, 6, and 9, Block 32, Subdivision of the Fort Gratiot Military Reservation; and

WHEREAS, on February 7, 2006, the City Planning Commission held a public hearing to hear comments on the proposed vacations and recommended approval (vote: 7 ayes; 0 nays; 1 absent; 1 abstain); and

WHEREAS, the City Council on March 13, 2006, held a public hearing for the purpose of hearing and considering any objections to the vacations and after due consideration, it is the judgement of the Port Huron City Council that the vacations 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 streets are hereby vacated with the reservation of a full-width utility easement.

Adopted.

***R-3.** WHEREAS, in February 2001, Pro-Weld, Inc., 1720 Dove Street, Port Huron, Michigan, began renovations of their facility with the understanding that the facility was located within an established industrial development district; and

WHEREAS, in July 2001, Pro-Weld submitted the paperwork to the City for an exemption certificate for the renovation and it was discovered at that time that the facility was not located within an existing industrial development district and therefore would not be eligible for the exemptions; and

WHEREAS, in August 2001, Pro-Weld requested the City expand the industrial development district to include their facility and the district was expanded in September 2001; and

WHEREAS, since that time, Pro-Weld has been working with state legislators to pass legislation that would allow them a one-time exception so that an Industrial Facilities Exemption Certificate could be issued retroactively for the 2001 facility renovations; and

WHEREAS, Act No. 22 of the Public Acts of 2006 was passed allowing this exception for Pro-Weld; 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 the Port Huron City Council held a public hearing on March 13, 2006, 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 Pro-Weld, Inc., application for an Industrial Facilities Exemption Certificate for twelve (12) years on real 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 retroactively for the following dates:

All real property: 12/31/01 to 12/31/13 (12 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Pro-Weld, Inc., is located.

Adopted.

***R-4.** WHEREAS, Blue Water Automotive Systems, Inc., 1717 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on March 13, 2006, 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 Blue Water Automotive Systems, 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: 12/31/06 to 12/31/12 (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 Blue Water Automotive Systems, Inc., is located.

Adopted.

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

WHEREAS, it is necessary to perform professional engineering design services for the Vanness Area Phase I Sewer Separation project; and

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

WHEREAS, there has been prepared an agreement between the City of Port Huron and Rowe Incorporated for professional engineering design services for Project No. D05-0060;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Rowe Incorporated for professional engineering design services for the Vanness Area Phase I Sewer Separation project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-29).

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.

No: None.

Absent: Councilmembers Fisher and Sample-Wynn.

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

WHEREAS, the City of Port Huron has the opportunity to purchase a vacant industrial building in the industrial park on favorable terms; and

WHEREAS, it is in the best interest of the citizens of the City of Port Huron to maintain availability of industrial speculative buildings to encourage and increase the available employment and the industrial tax base of the City; and

WHEREAS, an agreement between the City of Port Huron and Takata Petri, Inc., for the purchase of an industrial park building commonly know as 2223 Dove Street, Port Huron, Michigan 48060 and associated land has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Takata Petri, Inc., for the purchase of the industrial park building commonly know as 2223 Dove Street, Port Huron, Michigan 48060, and associated land located at 2223 Dove Street in the Port Huron Industrial Park. (See City Clerk File #06-30)

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.

No: None.

Absent: Councilmembers Fisher and Sample-Wynn.

***R-7.** WHEREAS, from time to time the role of a member of City Council and their particular job (profession) and/or community involvement can be construed to be in conflict; and

WHEREAS, it is important that any potential conflict be reviewed and reported publicly and any necessary further action be taken; and

WHEREAS, the City Council adopted a policy on November 27, 2000, that:

1) Required all seven (7) members of City Council elected at the November Odd-Year General Election to fill out a conflict of interest statement within thirty (30) days following the election; and

2) Required that the conflict of interest statements be reviewed and presented to City Council at the first regular meeting in the month of March following the November election; and

WHEREAS, two members of Council will be absent at the first regular meeting in the month of March;

NOW, THEREFORE, BE IT RESOLVED that the conflict of interest resolution required by policy to be presented at the first regular meeting of March following the November Odd-Year General Election be postponed until the second regular meeting of March due to the absence of two members of Council.

Adopted.

***R-8.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, March 27, 2006, in order to hear comments on the application of SMW Automotive Corporation for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY GENERALLY BOUND BY PINE GROVE AVENUE, STONE STREET, WASHINGTON AVENUE AND SEDGWICK STREET, FROM R-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO C-1, GENERAL BUSINESS DISTRICT.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.

No: None.

Absent: Councilmembers Fisher and Sample-Wynn.

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES GENERALLY BOUND BY PINE GROVE AVENUE, STONE STREET, WASHINGTON AVENUE, AND SEDGWICK STREET, FROM R-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO I, INSTITUTIONAL DISTRICT.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
- No: None.
- Absent: Councilmembers Fisher and Sample-Wynn.

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

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE X, PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND SPECIAL EVENTS VENDORS, DIVISION 1, GENERALLY, AND DIVISION 4, TRANSIENT MERCHANT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING A SPECIAL TRANSIENT MERCHANT LICENSE.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
- No: None.
- Absent: Councilmembers Fisher and Sample-Wynn.

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, SECTION 52-3, DEFINITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CLARIFYING THE DEFINITION OF A PROFESSIONAL OFFICE BUILDING.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
- No: None.
- Absent: Councilmembers Fisher and Sample-Wynn.

O-5. Councilmember Neal moved that the following ordinance, entitled and reading as follows, be given its first and second reading:

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE VIII, MASSAGE ESTABLISHMENTS, SECTION 12-309, LOCATION OF ESTABLISHMENT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ALLOWING A MASSAGE ESTABLISHMENT TO OPERATE IN A PROFESSIONAL OFFICE IN A RESIDENTIALLY ZONED PROPERTY.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.
- No: None.
- Absent: Councilmembers Fisher and Sample-Wynn.

MOTIONS & MISCELLANEOUS BUSINESS

1. Mayor Pro-tem Neal recognized Rev. Portis for his 37 years of service to the church and the community.

On motion (8:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, March 27, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Rev. David Gladstone, First United Methodist Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of March 13, 2006, were approved.

PRESENTATIONS

1. Proclamation designating April 2006 as "Sexual Assault Awareness Month" was presented to Diane Bauer from Safe Horizons.
2. Peter Karadjoff, President of Mercy Hospital, presented Mercy Hospital's neighborhood housing program.
3. Councilmember Fisher presented a summary of Councilmember Sample-Wynn's and his recent trip to Washington, D.C., as part of the National League of Cities 2006 Annual Congressional City Conference.
4. Chris Frazier, Port Huron Police Department Community Services Officer, gave an update on the CAPTURE program.
5. Kim Harmer, Planning Director, gave a progress report on "Revitalizing Port Huron."

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of SMW Automotive Corporation, 3150 Dove Street, for an Industrial Facilities Exemption Certificate.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Rich Engle and Brian Connelly, members of the Downtown Development Authority (DDA), addressed City Council requesting that the City Council approve funding a benefit package for a new DDA director's position stating that Citizens First and Acheson Ventures have each committed up to \$35,000 per year toward the salary and the DDA has committed \$30,000 per year toward the salary, for three years. (See Resolution No. 11)
2. Sherry Archibald, Economic Opportunity Committee, addressed the City Council relative to their joint venture with the James C. Acheson Foundation and the St. Clair County Community Foundation in the Oak Crest homes project and asked for Council's support of Resolutions No. 7 and 8 which assist with this project.

3. John Rigney, President, MainStreet, addressed the City Council relative to the closing of the Welcome Center. (See City Clerk File No. 06-31 for a copy of the letter read.)

4. Ken Harris, 1521 Wells Street, addressed the City Council relative to Resolution No. 3 stating that he thinks there should be a time limit included in approval of conflicts rather than the word "indefinitely" and stating that the vehicle accident on Pine Grove Avenue last week showed that we need an evacuation plan.

CONSENT AGENDA

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

Adopted unanimously.

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

- Neighborhood leadership training sessions will be held April 3, 10 and 24. Contact Community Development at 984-9736 for more information.
- On Monday, April 3, pickup at the curb of yard waste in containers and compost bags will begin on residents' regular pickup days. The large set out of brush, branch and tree trimmings also begins April 3 and will follow a 4-day pickup schedule. Refer to the City's newsletter, which will be mailed at the end of this week, to read about the guidelines for the programs or visit our website at www.porthuron.org.
- The Recreation Department's Easter Egg Hunt will be held on Saturday, April 8, beginning at 11 a.m. at the Seaway Terminal. For more information, contact Recreation at 984-9760.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 6, and/or Saturday, May 20, at 8:00 a.m. in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Municipal League that the Region V annual meeting will be held May 18, 2006, in Marysville, Michigan.

Received and filed and Councilmembers authorized to attend.

FROM THE CITY MANAGER

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

On March 16, 2006, the City of Port Huron received two (2) bids for the Grandview Tower Boiler Replacement project, Project No. G05-0180:

Watson Brothers	\$294,604.76 *
L. A. Mechanical	\$554,658.70 *

It is recommended that the bid of Watson Brothers, 325 Court Street, Port Huron, Michigan, 48060, in the amount of Two Hundred Ninety-Four Thousand Six Hundred Four and 76/100 Dollars (\$294,604.76) 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 Haynes offered and moved the adoption of the following City Manager's recommendation:

On March 16, 2006, the City of Port Huron received two (2) bids for the Municipal Office Center Boiler Replacement project, Project No. G05-0230:

Watson Brothers	\$306,166.00
L. A. Mechanical	\$597,090.00

It is recommended that the bid of Watson Brothers, 325 Court Street, Port Huron, Michigan, 48060, in the amount of Three Hundred Six Thousand One Hundred Sixty-Six and 00/100 Dollars (\$306,166.00) 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.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Adopted.

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

WHEREAS, costs totaling Four Thousand Eighty-one and 50/100 Dollars (\$4,081.50) have been incurred by the City of Port Huron for demolition work on the following described property LOTS 13 & 14 BLK 4 FACTORY LAND COMPANY'S PLAT NO. 2 INCL 1/2 OF VAC ALLEY ADJ, further described as 2419 Little Street, property no. 74-06-343-0079-000;

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

NOW, THEREFORE, BE IT RESOLVED that the amount of Four Thousand Eighty-one and 50/100 Dollars (\$4,081.50) for demolition of the structure at 2419 Little Street is hereby confirmed and declared a single lot special assessment.

Adopted unanimously.

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

WHEREAS, from time to time the role of a member of City Council and their particular job (profession) and/or community involvement can be construed to be in conflict; and

WHEREAS, it is important that any potential conflict be reviewed and reported publicly and any necessary further action be taken; and

WHEREAS, the City Council adopted a policy on November 27, 2000, that:

1) Required all seven (7) members of City Council elected at the November Odd-Year General Election to fill out a conflict of interest statement within thirty (30) days following the election; and

2) Required that the conflict of interest statements be reviewed and presented to City Council at the first regular meeting in the month of March following the November election; and

WHEREAS, Section 3 of Public Act 317 of 1968, as amended, provides that a contract in an amount of \$250.00 or more between a public servant and public entity otherwise prohibited under Section 1 may be approved by a vote at a public meeting held at least seven days after the initial disclosure of the potential conflict so long as the following information appears in the official minutes of the public body:

“(i) the name of each party involved in the contract;
 (ii) the terms of the contract, including duration, financial consideration between the parties, facilities or service of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract;
 (iii) the nature of any pecuniary interest.”; and

WHEREAS, Section 8 of Act 317 was amended March 2, 1998, stating that “this act shall constitute the sole law in this state and shall supercede all other acts in respect to conflicts of interest relative to public contracts involving public servants other than members of the legislature and state officers.....;” therefore, the City Charter provision (Section 5a) does not apply in this case but rather Public Act 317 requiring a 2/3 affirmative vote rather than a unanimous vote by the remaining members of City Council;

WHEREAS, the following City Councilmembers have provided information regarding business ownership, employment, ownership of property or other activities which may be, or may be perceived to be, in conflict:

Alan D. Cutcher - Mayor Cutcher is retired from Domtar, owns rental property within the City of Port Huron, serves as the City representative on the Board of Directors for the Economic Opportunity Committee of St. Clair County (EOC) and serves as a board member for the Port Huron Hospital Foundation. The City of Port Huron regulates and inspects rental housing within the City and acts upon zoning requests for Port Huron Hospital. Further, the City of Port Huron, the EOC and other community organizations jointly participate in various housing initiatives.

James M. Fisher - Councilmember Fisher is employed by Home Depot as a kitchen designer and serves as the City representative on the Board of Directors for the Blue Water Area Transit Commission. The City of Port Huron purchases products, primarily repair and maintenance items, from Home Depot in the ordinary course of business. The City also approves tax levies and provides services to the Blue Water Area Transit Commission.

David Haynes - Councilmember Haynes is self-employed with Haynes Realty. He does consulting work for the James C. Acheson Charitable Foundation and serves on the Economic Restructuring Committee for MainStreet Port Huron, Inc. The City of Port Huron has joined with other community organizations, including the James C. Acheson Charitable Foundation and MainStreet Port Huron, Inc., in various community development initiatives.

Sally A. Jacobs - Councilmember Jacobs was formerly employed by the Hock Shop and Sports Center as a sales clerk, but is currently not working due to a disability. The City of Port Huron purchases products, primarily ammunition and other supplies, from the Hock Shop in the ordinary course of business.

Timothy McCulloch - Councilmember McCulloch is employed by the St. Clair County Health Department as an accountant/financial systems analyst. The City of Port Huron receives permits and oversight from the St. Clair County Health Department for a variety of projects and activities.

B. Mark Neal - Councilmember Neal has an ownership interest in the Credit Bureau Services of Michigan and serves as the City representative on the board of directors of the Economic Development Alliance of St. Clair County (EDA). The City of Port Huron utilizes the services of the Credit Bureau in three areas. The first service is for background checks, including credit reports, on candidates for employment, primarily in the area of law enforcement (cost per credit report - \$10; approximate annual cost \$100). This service is actually provided by a vendor which has a business relationship with the Credit Bureau. The second service is for a subscription to the bi-weekly Public Record Bulletin. This bulletin is used by the assessor's office in their personal property assessment management and the income tax office to track new business establishments and review federal and state tax liens (cost per month - \$25; annual cost \$300). The third service is assistance in collecting delinquent accounts owed the City, including parking and OUIL fees (contingent fee per collection - 30%, 40% or 50%, depending on circumstances; approximate annual collections for 2005 \$22,000 to \$23,000 before contingent fee of \$7,000 to \$8,000). The City and the EDA jointly participate in a variety of economic development activities.

Laurie Sample-Wynn - Councilmember Sample-Wynn is employed by St. John Hospital, Detroit, as an RN-Patient Placement coordinator and serves as president of First Night Port Huron, a non-profit community service group. The City of Port Huron provides various facilities and services for the First Night New Year's Eve event.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the Credit Bureau Services of Michigan to provide various services for an indefinite period, recognizing the ownership interest of Councilmember Neal; and

BE IT FURTHER RESOLVED that the City Council hereby declares that it is in the best interest of the City of Port Huron to engage the services of, participate in initiatives with and, if appropriate, continue and expand similar such activities for an indefinite period with various other organizations and activities noted by Councilmembers in their conflict of interest statements, recognizing the potential appearance of a conflict.

Councilmember Sample-Wynn moved to amend the resolution so that it says "until April 1, 2008" instead of "for an indefinite period" in each of the last two paragraphs.

Motion to amend resolution adopted unanimously.

Motion to adopt amended resolution adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.
- No: None.
- Absent: None.
- Abstain: Councilmember Neal.

***R-4.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there exists terms that have expired;

NOW, THEREFORE, BE IT RESOLVED that Kathy Holth and Deborah Lemke are hereby reappointed to the Beautification Commission for three year terms to expire on January 30, 2009.

Adopted.

***R-5.** WITHDRAWN.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$433.91 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #06-32).

Adopted.

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

WHEREAS, the City of Port Huron has prepared the "Annual Action Plan" for use of Community Development Block Grant (CDBG) and HOME funds in accordance with the five year Consolidated Plan (2005-2010), as mandated by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, in accordance with federal regulations, the City has held two public hearings regarding the housing and community development needs of the City and reviewed any comments of the proposed 2006 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 the program year 2006 to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File #06-33);

BE IT FURTHER RESOLVED that the City Council also authorizes and approves the Community Development Director and/or Supervisor to sign all necessary sub-recipient and rehabilitation program agreements.

Adopted unanimously.

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

WHEREAS, in FY 2004 and FY 2005, the United States Department of Housing and Urban Development (HUD) allocated \$569,785 in HOME funding to the City of Port Huron for use in developing affordable housing and home ownership opportunities for moderate-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 Economic Opportunity Committee of St. Clair County (EOC), a certified CHDO, has submitted a request to use HOME CHDO funding in the amount of \$113,957 (contingent upon meeting all applicable regulations and execution of contract agreements) to continue their work in the Community Renaissance Program Area (which may include the proposed Oak Crest area) for the purpose of constructing a new single-family, owner-occupied dwelling; and

WHEREAS, the EOC and the City of Port Huron are committed to cooperatively working toward the City's goal of providing decent, affordable housing and home ownership opportunities for low- to moderate-income persons within the corporate limits of the City of Port Huron; and

WHEREAS, the EOC and the City wish to leverage resources and available HOME funds; and

WHEREAS, a public hearing was conducted on March 13, 2006, to receive comments on the public regarding the proposal;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby allocates the remaining non-committed HOME funds in the amount of \$113,957 to the Economic Opportunity Committee of St. Clair County to continue their work in the neighborhood and general area of the Community Renaissance Program and authorizes the

appropriate City officials to execute any necessary documentation for the allocation.

Adopted unanimously.

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

WHEREAS, the Economic Opportunity Committee of St. Clair County (EOC) and the Community Foundation of St. Clair County have provided the City Council with a formal presentation regarding the proposed new housing plan entitled "Oak Crest Condominiums;" and

WHEREAS, the proposed project will provide approximately 15 new single-family, owner-occupied housing units of which half will benefit moderate-income home buyers; and

WHEREAS, the EOC has applied for a Michigan State Housing Development Authority (MSHDA) grant for a portion of the development costs of the Oak Crest Condominium plan; and

WHEREAS, MSHDA requires a local governmental match to ensure public-private partnerships and local support for such projects; and

WHEREAS, it is the City Council's desire to support such endeavors which provide a variety of housing opportunities; and

WHEREAS, a request has been made by the EOC for consideration of specific funding as the match for the Oak Crest Condominium plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby supports the Oak Crest Condominium plan by authorizing the required local match totaling \$466,957 from Community Development Block Grant (CDBG), Community Housing Development Organization (CHDO), and HOME funds, as detailed in Exhibit A attached, and hereby authorizes the appropriate City officials to execute any necessary contracts and subrecipient agreements (see City Clerk File #06-34).

Adopted unanimously.

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

WHEREAS, the Michigan Department of State Police, Emergency Management and Homeland Security Division (EMHS), received a federal department of homeland security award for fiscal year 2004 to continue funding for emergency prevention, preparedness and response personnel to prevent, deter, respond to and recover from threats and incidents of terrorism; and

WHEREAS, the EMHS will be distributing additional grant funding to enhance the critical issue of interoperable communications as part of the 2004 homeland security grant program; and

WHEREAS, the City of Port Huron has been identified as a sub-grantee eligible for additional funding in the amount of \$22,000.00 for specified interoperable communication equipment, which can include individual/portable radios, software radios, portable repeaters, radio interconnect systems, satellite phones, batteries, chargers and battery conditioning systems; radio interconnect

devices; and, aviation and maritime security voice and data transmission equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with the Michigan Department of State Police, Emergency Management and Homeland Security Division, for funding in the amount of \$22,000.00, and that the City of Port Huron does hereby specifically agree, but not by way of limitation, to the following:

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

BE IT FURTHER RESOLVED that Robert W. Eick, Fire Chief/Emergency Management Coordinator, be appointed as project coordinator and authorized representative for all aspects of the grant agreement, including determining the appropriate equipment purchase; and

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute said grant agreement (see City Clerk File #06-35).

Adopted unanimously.

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

WHEREAS, the Downtown Development Authority (DDA) has approved hiring a full-time Executive Director to carry out its new mission statement and goals with a large emphasis to be placed on business recruitment and business retention; and

WHEREAS, the DDA will be setting aside \$30,000 to \$35,000 per year for the next three years for salary expenses and Acheson Ventures and Citizens First Bank have pledged the same three-year commitment; and

WHEREAS, the DDA has requested that the City Council consider becoming a partner in this endeavor to hire a full-time Executive Director by assisting with a benefit package for the new hire for the next three-years (see City Clerk File #06-36); and

WHEREAS, the cost to provide the benefit package for the new DDA Executive Director's position for the next three years is estimated to range from \$20,300 to \$32,000 per year; and

WHEREAS, the City will benefit from having a full-time director to work with key stakeholders, for the economic, social, and cultural benefit of the Port Huron community;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the budgeting for a benefit package for the Downtown Development Authority Executive Director for a three-year period.

Councilmember Neal moved to postpone action until May 22, 2006, following City Council budget workshop.

Motion adopted unanimously.

ORDINANCES

O-1. Councilmember Fisher moved that an ordinance introduced March 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1259

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING PROPERTY GENERALLY BOUND BY PINE GROVE AVENUE, STONE STREET, WASHINGTON AVENUE AND SEDGWICK STREET, FROM R-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO C-1, GENERAL BUSINESS DISTRICT.

THE CITY OF PORT HURON ORDAINS:

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

Lot 5, Block 36, Subdivision of the Fort Gratiot Military Reservation, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: March 27, 2006
PUBLISHED: April 1, 2006
EFFECTIVE: April 1, 2006

Adopted unanimously.

O-2. Councilmember Jacobs moved that an ordinance introduced March 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1260

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES GENERALLY BOUND BY PINE GROVE AVENUE, STONE STREET, WASHINGTON AVENUE, AND SEDGWICK STREET, FROM R-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO I, INSTITUTIONAL DISTRICT.

THE CITY OF PORT HURON ORDAINS:

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

Lots 6, 7, 8 and 9, Block 36, Subdivision of the Fort Gratiot Military Reservation, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: March 27, 2006
PUBLISHED: April 1, 2006
EFFECTIVE: April 1, 2006

Adopted unanimously.

O-3. Councilmember Fisher moved that an ordinance introduced March 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1261

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE X, PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND SPECIAL EVENTS VENDORS, DIVISION 1, GENERALLY, AND DIVISION 4, TRANSIENT MERCHANT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ADDING A SPECIAL TRANSIENT MERCHANT LICENSE.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, Article X, Peddlers, Solicitors, Transient Merchants and Special Events Vendors, Division 1, Generally, and Division 4, Transient Merchant, of the Code of Ordinances of the City of Port Huron for the purpose of adding a special transient merchant license is hereby amended as follows:

ARTICLE X.

**PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS
AND SPECIAL EVENTS VENDORS**

DIVISION 1. GENERALLY

Sec. 12-381. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized officer of the City of Port Huron includes any Port Huron city police officer and all City of Port Huron administrative officers and their designees.

Peddler shall mean any person, whether a resident of the city or not, or any firm, partnership, corporation or other business entity, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, magazines, meats, fish, vegetables, fruits, garden truck, farm products or provisions offering and exposing the same for sale or rent, or making sales or rentals and delivering articles to purchasers or renters; and further provided that one who solicits orders and, as a separate transaction, makes deliveries to purchasers or renters as part of a scheme or design to evade the provisions of this article, shall be deemed a "peddler" subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

Solicitor shall mean and include any person, whether a resident of the city or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to

house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, books, magazines or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. The word "solicitor" shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include the word "canvasser."

Special events committee is a committee of administrative officers or their designees as designated by the city manager to review special events held in the City of Port Huron.

Special events vendor means any person, firm, partnership, corporation, club, voluntary association or other entity licensed and authorized under this article to sell food or beverage products on city-owned property at specific city special events such as, but not limited to, Art in the Park, the Robinson Tennis Tournament, etc.

Special transient merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering food prepared and intended for immediate consumption, and in compliance with applicable health codes, from a fixed location within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public rooms in hotels, motels, lodging houses, apartments, shops, or other place within the city, for the exhibition and sale of such food prepared and intended for immediate consumption. The person so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader or merchant.

Transaction of business, as defined in this article, by any person for a period of less than six months consecutively shall be prima facie evidence that such person is a transient merchant within the meaning and intent of this article.

Transient merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise from a fixed location within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public rooms in hotels, motels, lodging houses, apartments, shops, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction excluding any person who, while occupying such temporary location does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Secs. 12-382--12-405. Reserved.

DIVISION 2. PEDDLERS

Sec. 12-406 through Sec. 12-435
No changes.

DIVISION 3. SOLICITORS

Sec. 12-436 through 12-465

No changes.

DIVISION 4. TRANSIENT MERCHANTS

Sec. 12-466. License and certification required; exceptions.

(a) No person shall engage in the business of a transient merchant or a special transient merchant without first obtaining a license therefor issued pursuant to this division and article II of this chapter. No such license shall be granted except upon certification of the police chief, city clerk and other applicable persons.

(b) This division shall not apply to the following:

- (1) Societies making sales for charitable, religious or public purposes;
(2) Sales made by persons or organizations where such sale is sponsored and supervised by an organization conducted for charitable, religious or public purposes;
(3) Transactions commonly described as yard, garage, basement, and like sales;
(4) Any person foreclosing any chattel mortgage, when the property is disposed of under the power of sale contained in such instrument and not sold at retail; or
(5) Sales made under order of any court.

Sec. 12-467 through Sec. 12-468

No changes.

Sec. 12-469. Special transient merchant license; conditions.

(a) A special transient merchant license may be issued for a period of up to seven (7) months under the following conditions:

- (1) The application for a special transient merchant license must meet all the requirements provided in section 12-468.
(2) The special transient merchant shall only vend food items prepared and intended for immediate consumption.
(3) The issuance of a special transient merchant license shall not be approved unless the city administration shall find in each case, that:
(i) The business and the proposed location for the licensee to conduct business will not create any threat to the public's health, safety and welfare and will not unduly aggravate any traffic problem in the area.
(ii) The proposed use will not be injurious to the surrounding neighborhood.
(iii) The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.
(iv) The proposed use shall provide sufficient space for the required off street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this chapter for its particular district or use.

(b) Fees for a special transient merchant license shall be the same as a transient merchant, which is set by resolution of the City Council. If the special transient merchant has a permanent business location within the city for the sale of food products, no fee shall be required.

DIVISION 5. SPECIAL EVENTS VENDORS

Sec. 12-476 through 12-500.

No changes.

Pauline M. Repp, MMC
City Clerk

ADOPTED: March 27, 2006
PUBLISHED: April 1, 2006
EFFECTIVE: April 1, 2006

Adopted unanimously.

O-4. Councilmember Sample-Wynn moved that an ordinance introduced March 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1262

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, SECTION 52-3, DEFINITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF CLARIFYING THE DEFINITION OF A PROFESSIONAL OFFICE BUILDING.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of clarifying the definition of a professional office building, as follows:

CHAPTER 52. ZONING
ARTICLE I. IN GENERAL

Sec. 52-1. to Sec. 52-2.

No change.

Sec. 52-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building, including but not limited to detached garages, carports and storage sheds.

Accessory use means a use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

Adult day care center means a facility, other than a private residence, operating as a business which provides care or supervision for one or more adults 18 years of age or older for periods of less than 24 hours a day, unattended by a relative or legal guardian, for more than four weeks during a calendar year. These centers, on February 1, 1999, do not need to be licensed by the state. However, all city codes and ordinances shall apply as to any commercial business.

Alley means a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to as "altered" or "reconstructed."

Apartment means a room or suite of rooms in a multiple-family residential building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit. The dwelling unit in a multiple-family dwelling is defined as follows:

(1) *One-bedroom unit* means a dwelling unit consisting of not more than two rooms, in addition to kitchen and necessary sanitary facilities.

(2) *Two-bedroom unit* means a dwelling unit consisting of not more than three rooms in addition to kitchen and necessary sanitary facilities.

Apartment house means a residential structure containing three or more attached apartments.

Architectural features means the features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, decorative ornaments and uncovered stairways, stair treads, railings or landings.

Automobile repair means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, painting, vehicle rustproofing and any related activities.

Automobile service station means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles and space for facilities for temporary storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

Automobile wash establishment means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Basement means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

Bed and breakfast facility means an owner-occupied single-family dwelling used for transient guests that provides a sleeping room and breakfast in return for payment. This definition shall also include a tourist home.

Bedroom means a room in a dwelling unit for or intended to be used for sleeping purposes by human beings with a minimum of 70 square feet in size and in conformance with the appropriate building code.

Billboard. See standard off- and on-premises signs in article VII of this chapter.

Block means a tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

Board of zoning appeals means the board of appeals for the city. The term "board of appeals" or "board" shall have the same meaning.

Boardinghouse means an establishment or building where meals, lodging or both are provided for compensation with the following stipulations:

(1) Rental shall be prearranged and without limitations or time periods involved.

(2) No cooking facilities shall be permitted in sleeping rooms.

(3) There shall not be more than ten sleeping rooms per establishment.*

(4) No more than one person shall occupy each sleeping room.

(5) Sufficient offstreet parking shall be provided pursuant to article VI of this chapter.

(6) There shall be provided one toilet and bathing facility per three sleeping rooms.

* In larger structures, located in A-1 districts, up to a maximum of ten sleeping rooms (bedrooms) may be used in accordance with all other city ordinances and applicable codes.

Boat hoist means an open structure for the purpose of seasonal, temporary storage of boats or watercraft. Hoist may include overhead cover, but may not include side covers or be enclosed. The hoist must not exceed one story and may not be permanent in nature. Boat hoists are allowed on the Black River, St. Clair River, Lake Huron and canals.

Boathouse means an enclosed, covered accessory structure that provides dockage and/or storage of boats or personal watercraft. A boathouse is only allowed on the Black River and St. Clair River. They are not allowed on Lake Huron or the canals.

Buffer strip means a greenbelt which also provides screening by means of continuous landscaping, solid masonry wall, screening fence, or other protective barrier of suitable material between conflicting districts or uses as required by ordinance. For example, a buffer is required between a commercial or industrial district or use and a residential district or use.

Buildable area means the space of a lot remaining after the minimum open space requirements of this chapter have been complied with.

Building means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Building, main, and building, principal, mean a building in which is conducted the principal use of the lot upon which it is situated and includes enclosed porches and covered porches as defined.

Building permit means the written authority issued by the chief inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with this chapter.

Building setback line means the line which pertains to and defines those minimum building setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this chapter.

Chief inspector means the chief building inspector/zoning administrator of the city or his authorized representative.

Clinic means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from more than one professional, such as a physician, dentist, or the like.

Commercial boat well means a boat well not utilized to store watercraft owned by the property owner for private use, rather seasonal boat storage provided for watercraft owned by individuals other than the property owner.

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage and basement sales conducted on residential premises for more than six calendar days during a given one-year period.

Commission means the city planning commission. The term "planning commission" means the same.

Condominium, residential, means individual ownership of a dwelling unit in a multiple-family dwelling.

Convalescent home and nursing home mean a home for the care of children, the aged or the infirm or a place of rest for those

suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for license under applicable state laws.

Country club means an organization of persons, having for its chief purpose the enjoyment by its members of lawful participation in outdoor sports and as to which such country club has provided its members with suitable grounds and equipment for the enjoyment and participation in such sports.

Deck means an open, unenclosed structure located above existing grade level and elevated more than 30 inches high. Proper guardrails, steps and handrails are required pursuant to the building code.

Density means the number of dwelling units developed on an acre of land, excluding publicly dedicated streets, parks and utility easements, if the easement is not useable for recreation purposes.

District means a portion of the city within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this chapter.

Drive-in establishment means a business or restaurant so developed that its principal retail or service character is dependent on providing a parking space for motor vehicles so as to serve patrons while parked in the motor vehicle. It is intended that in most situations the engine of the vehicle would be turned off. A drive-in establishment ordinarily will not have indoor facilities to service the customer, but may as an accessory use. Such establishments could be but are not limited to drive-in restaurants and movie theaters.

Drive-thru establishment and *an establishment with a drive-up window* mean a business, bank, or restaurant with a drive-thru facility or drive-up window used as an accessory use for the business. The primary function of such business is to serve the patrons while inside the principal building. The drive-thru facility or drive-up window is used as a convenience for customers, and in most instances the motor of the vehicle is left on while the customer is being served.

Drive-thru facility and *drive-up window* mean a station or window where customers can quickly order and pickup goods without leaving their vehicle. The vehicle is meant to be stopped for short periods of time with the motor running.

Dwelling, multiple, means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including manufactured home parks. A multiple dwelling of four or more stories in height shall be considered as a high-rise multiple dwelling.

Dwelling, one-family, means a detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only. Also known as a single-family dwelling. The dwelling unit shall be designed for residential use, complying with the following standards:

(1) It complies with the minimum square footage requirements for the district in which it is located.

(2) It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the single state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the single state construction code, such federal or state standard or regulation shall apply.

(3) It is firmly attached to a permanent foundation constructed on site in accordance with the single state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the applicable building code for single-family dwellings. If the dwelling is a manufactured home, as defined in this section, such dwelling shall be

installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required in this subsection.

(4) If a dwelling is a manufactured home, as defined in this section, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.

(6) The dwelling contains a storage capability area in a basement located under the dwelling or in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 15 percent of the square footage of the dwelling or 200 square feet, whichever shall be less.

(7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with windowsills and roof drainage systems concentrating roof drainage along the side of the dwelling; with not less than two exterior doors, with one being in the front of the dwelling and the other being either in the rear or side of the dwelling; contains permanently attached steps connected to the exterior door areas or to porches connected to such door areas, where a difference in elevation requires the steps. The compatibility of design and appearance shall be determined in the first instance by the building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the board of zoning appeals within a period of 15 days from the receipt of notice of the building inspector's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of the term "dwelling," as well as the character of residential development outside of manufactured home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of such area; or, where the area is not so developed, by the character of residential development outside of manufactured home parks throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.

(8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this chapter.

(9) The dwelling complies with all pertinent building and fire codes. For a manufactured home, all construction and all plumbing, electrical apparatus and installation with and connected to the manufactured home shall be of a similar type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(10) The longest side of the dwelling, being the natural front, shall be as closely parallel as possible to the street.

The standards of subsections (1) through (10) of this definition shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law or otherwise specifically required in city ordinances pertaining to such parks.

Dwelling, row, terrace, and townhouse, means a row of three or more attached dwelling units, not more than 2 1/2 stories in height, in which each dwelling has its own front entrance and rear entrance.

Dwelling, two-family, means a dwelling occupied by two families, each provided with separate facilities for living accommodations. Also known as a duplex dwelling.

Dwelling unit means a house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered a dwelling. For mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the sections of this chapter relative to dwellings.

Dwelling unit size or area means the sum of the horizontal areas of the several floors of the dwelling measured from the interior face of the exterior walls. This area shall not include carports, open breezeways or porches, unfinished attics, basements, attached or detached garages, or accessory buildings.

Efficiency unit means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than 450 square feet of floor area.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration, or maintenance and operation by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment; and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities or city departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of such essential service equipment.

Family means one or two persons or parents, with such persons' or parents' direct lineal descendants and adopted or foster children, and including the domestic employees thereof, together with not more than three persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for purposes of this chapter.

Fence means any protective barrier or wall constructed of stone, wood, wire, concrete, vinyl or other building material. A fence also includes any landscape material such as shrubs placed as a hedge which at maturity provide a physical or visual barrier or obstacle exceeding three feet in height.

Floor area, gross, means the sum of the gross horizontal areas of the several floors of the principal building, including enclosed porches, measured from the exterior faces of the exterior walls. Any space devoted to offstreet parking or loading, basements, breezeways, unfinished attics, and open porches shall not be included.

Floor area, useable, means that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. For a half story,

the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more.

Garage, community, means a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two or more owners or occupants in the vicinity.

Garage, private, means a space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot or his family or domestic employees.

Garage, public, means a space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this chapter.

Garage sale, yard sale, porch sale and basement sale mean a sale conducted on residential property for less than six calendar days during a given one-year period.

Grade, building, means the average elevation of the ground adjacent to the walls of a building.

Greenbelt means a strip of land which is planted with trees or shrubs acceptable in species and caliper to the planning commission.

Height, building, means the vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall.

Home occupation means an activity carried out for gainful purposes by a resident of the dwelling and conducted as a customarily incidental use to the dwelling unit and further defined in section 52-695.

Hospital means a building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the state health department.

Hotel means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.

Junk means any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap materials that are damaged, are deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard means automobile wrecking yards, salvage areas or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

Kennel means any lot or premises on which three or more dogs, four or more months old, are kept either permanently or temporarily boarded.

Lot means a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of

contiguous lots may have as many of such contiguous lots considered as a single lot for the purpose of this chapter as he so elects, and in such case the outside perimeter of such group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot."

Lot area means the total horizontal area within the lot lines, as defined in this section, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street and not the centerline of such street.

Lot, corner, means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. For a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the mean horizontal distance from the center of the front street line to the center of the rear lot line.

Lot, double-frontage, (also known as a through lot) means a lot, other than a corner lot, having frontage on two streets. For a row of double-frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit all buildings shall be addressed off of one street and the fronts of all buildings shall face that street. Each lot will have two front yards and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences, or accessory buildings, etc. Waterfront lots are also considered double-frontage lots. Setback requirements pursuant to section 52-621, footnote b., will apply to all buildings, accessory structures and storage of vehicles, campers and recreational vehicles.

Lot, interior, means a lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the boundary lines of a lot and is further defined as follows:

(1) *Front lot line*, for an interior lot abutting on one public or private street, means the line separating the lot from such street right-of-way. For a corner or double-frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

(2) *Rear lot line* means that lot line which is opposite and most distant from the front lot line of the lot. For an irregular lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. When none of these definitions are applicable, the planning commission shall designate the rear lot line.

(3) *Side lot line* means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines. A lot must abut a public right-of-way and must be the minimum width as required in Division 16, Schedule of Regulations, for the zoning district in which the property is located.

Major thoroughfare means a main traffic artery designated on the city's land use plan as a major thoroughfare or a collector street.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under this chapter. For the purpose of this chapter, a mobile home shall be considered a manufactured home. A manufactured home does not include a recreational vehicle or travel trailer.

Manufactured home park means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary travel trailer park.

Manufactured home site means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

Marina means a facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing, such as refueling, of recreational watercraft.

Motel means a series of attached, semidetached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the planning commission, with the exception of units for use of the manager and/or caretaker.

Motor home means a motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to manufactured homes.

Multi-family residential development means an apartment housing complex within a single building that contains and is limited to rental or owner-occupied dwelling units. There shall be no retail or commercial use of the building. It's intention and design is for residential living only.

Nonconforming use or building means as follows:

(1) *Nonconforming building* means a building or portion thereof lawfully existing at the original effective date of the ordinance from which this chapter is derived or amendments thereto and which does not conform to the sections (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located.

(2) *Nonconforming use* means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived or amendments thereto and that does not conform to the use regulations of the zoning district in which it is located.

Nursery, plant materials, means a space, building or structure or combination thereof for the storage of live trees, shrubs, or plants offered for wholesale or retail sale, including products used for gardening or landscaping. The definition of the term "nursery" within

the meaning of the chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Office means as follows:

(1) *Business office* means an establishment where administrative or clerical duties take place for a commercial entity.

(2) *Professional office* means a place of business and not part of a residential dwelling in an R-1 zone, and is not a home occupation, of an individual whose occupation requires considerable college education or specialized study in order to be qualified for his profession. A license from the state *or city* is necessary in order to operate such office. For purposes of this chapter, the following shall be considered a professional office: office of a medical doctor or dentist, chiropractor, licensed massage therapist or licensed physical therapist, attorney, architect, engineer, insurance agent, real estate brokerage, etc. The following shall not be considered a professional office: beauty salons or barber shops, tattoo establishments, veterinarian offices, psychic reading rooms, among others. When located in a residentially zoned district, a professional office shall be restricted from any retail sales of merchandise other than that of professional services.

Offstreet parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Open air business uses include the following business uses:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

(2) Retail sale of fruit and vegetables.

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

(4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.

(5) Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.

Open space means any area, open to the sky, on a lot not covered by a principal or accessory building.

Open storage means the outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parking space means an area of not less than nine feet wide by 20 feet long, for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Patio means an open unenclosed structure located at/on existing grade level and not elevated more than eight inches.

Porch, covered, means an open entrance with a covered roof and that is attached to the main building. If the roof area of the covered porch extends more than four feet from the main structure, such covered porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, open, means an uncovered entrance to a building or structure which projects out from the main wall of such building.

Public utility means any person, firm, corporation, city department or board duly authorized to furnish and furnishing to the public, under city or state regulation, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal services.

Restaurant, carryout, means an establishment where food is prepared and served to a customer solely for the consumption off the premises.

Restaurant, drive-in, means an establishment serving food and/or drink so developed that its retail or service character is dependent on providing spaces for motor vehicles so as to serve patrons food while parked in the motor vehicle. This type of restaurant may have seating facilities for dining, as an ancillary use.

Restaurant, sit-down, means an establishment where food is prepared and served for consumption within the principal building, with or without carryout facilities. A drive-up window may be an accessory service facility for customers.

Room means, in a multiple-family residential district, a living room, equal to at least 220 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Roominghouse means any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented as rooms shall not exceed three, unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

Setback means the minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

Setback, average, means the average line of setback allowed when placing a straight line drawn from the furthest projected corner of the main building on either side of the questioned lot.

Sleeping or living quarters of a night watchman, security guard, or caretaker may consist of a room containing sleeping and/or cooking facilities with a separate room for sanitary facilities (limit one room for each use). These quarters are intended for the use of security personnel who guard the premises or property upon which such quarters are located. Such quarters shall be subject to all local building codes for residential occupancy. One such quarters per commercial or industrial establishment is allowed. These quarters are not meant to be used as a rental unit to lease to someone not intended to guard the premises. A separate building may be constructed for these purposes. Any sleeping quarters shall not exceed 500 square feet in total size.

Sleeping room. See Bedroom.

State-licensed care facilities means:

(1) *Foster care homes.*

a. *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults 18 years of age or older to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

b. *Adult foster care large group home* means a facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

c. *Adult foster care small group home* means a facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

d. *Child foster family group home* means a private home in which more than four but fewer than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

e. *Child foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

f. *Foster care* means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(2) *Child day care facilities.*

a. *Child care center* and *day care center* mean a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. The terms "child care center" and "day care center" include a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period or not greater than eight hours per day for a period of not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.

b. *Family day care home* means a private home in which six or fewer minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises. Care is limited to temporary daytime hours typically provided during normal daytime working hours.

c. *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises.

d. *Private home or residence*, as it applies to foster care and day care homes, means a single-family dwelling or as a unit of a multiple-dwelling facility so long as the occupant owns, rents or leases the property and has control over the contents of the dwelling. It is a private residence in which the licensee or registrant permanently resides as a member of the household.

Storage trailer means a semitruck trailer or straight truck box with axles and wheels detached from the body. Such trailer box shall be used for storage of goods at a commercial storage facility. The rules and regulations of accessory buildings shall apply to the location of storage trailers.

Story means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

(1) A mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 14 feet or more.

(2) For the purpose of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured at the finished grade, or if it is used for business purposes.

Story, half, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of the full story.

Street means a public thoroughfare which affords traffic circulation and a principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in width or number of exits.

Structure means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Swimming pool means any structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than 24 inches.

Temporary building and *temporary use* mean a structure or use permitted by the board of zoning appeals to exist during periods of construction of the main use or for special events, not to exceed one year.

Tent means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and not including those types of tents used solely for children's recreational purposes.

Terrace means an open, unenclosed structure located above the existing grade level, but not elevated more than 30 inches high. It does not require guardrails.

Tourist home. See *Bed and breakfast.*

Townhouse means one of a row of houses joined by common side walls.

Travel trailer means a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight feet in width or 32 feet in length. This term also includes folding campers and truck-mounted campers, but not manufactured homes.

Use means the purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Variance means a modification of the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance. A variance granted by the board of zoning appeals shall be valid for six months.

Yacht club means an organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, and a majority of whose members are the owners and operators of boats and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized and operated on a nonprofit basis.

Yard means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. This definition shall not include eaves, provided that an eight-foot height clearance is provided above the adjacent ground level.

Yard, front, means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. For parking purposes in an A-1 or A-2 district, the front yard shall be considered to be the minimum setback of the district. Parking is permitted behind the minimum setback.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, side, means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Pauline M. Repp, MMC
City Clerk

ADOPTED: March 27, 2006
PUBLISHED: April 1, 2006
EFFECTIVE: April 1, 2006

Adopted unanimously.

O-5. Councilmember Sample-Wynn moved that an ordinance introduced March 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1263

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE VIII, MESSAGE ESTABLISHMENTS, SECTION 12-309, LOCATION OF ESTABLISHMENT, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF ALLOWING A MESSAGE ESTABLISHMENT TO OPERATE IN A PROFESSIONAL OFFICE IN A RESIDENTIALLY ZONED PROPERTY.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, Article VIII, Message Establishments, Section 12-309, Location of Establishment, of the Code of Ordinances of the City of Port Huron for the purpose of allowing a message establishment to operate in a professional office in a residentially zoned property, is hereby amended as follows:

**CHAPTER 12. BUSINESSES
ARTICLE VIII. MESSAGE ESTABLISHMENTS**

Sec. 12-286 through 12-308

No changes

Sec. 12-309. Location of establishment.

A message establishment shall not be located within 1,000 feet of a property line of another message establishment or within 150 feet measured from the nearest lot lines of residentially zoned property, churches or schools unless a zoning variance has been approved or it is located within a professional office with a special use permit, as defined in Section 52-03. In addition, message establishments must comply with all other applicable city zoning ordinances. A message establishment existing as of the effective date of the ordinance from which this article is derived shall be deemed in compliance with this section.

Sec. 12-310 through 12-345

No changes

Pauline M. Repp, MMC
City Clerk

ADOPTED: March 27, 2006
PUBLISHED: April 1, 2006
EFFECTIVE: April 1, 2006

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn announced that First Night is seeking artists to design their pin for this year with the Sesquicentennial theme, with \$200 going to the person chosen for the design and posters. The deadline is May 15.

2. Mayor Pro-tem Neal stated that he has resigned as the City's representative as a non-voting member on the Board of Directors for the Flags, due to his recent appointment as president. He asked if anyone on Council or another City representative had an interest in serving in this capacity and, if so, to contact the Mayor.

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

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 3, 2006, at 8:01 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher at 8:08 a.m.

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

Absent: Councilmember Sample-Wynn.

MISCELLANEOUS BUSINESS

1. Mayor Cutcher reviewed the following goal from the February 23, 2006, goal session stating that this session was to determine the scope of what the goal was meant to do and to define boundaries:

“Council will meet to determine implementation plans within the next month in order to generate options for development, know that decisions will have flexibility around the site. Some imaginering needs to take place.”

The Mayor then stated the need to define the problem better and asked each Councilmember to put it in their words what they believed their mission to be (based upon the many plans/proposals that have been generated in the past). Mayor then summarized that discussion as follows: Council needs to take all of the plans/proposals/studies they currently have and mesh them together into some overall general plan of how they want to see the city developed.

The Mayor then stated that some of the various documents mentioned cover the entire city, some just downtown, and some the south side and residential and asked Councilmembers what they believe the focus should be. Mayor then summarized that discussion as follows: Council to deal with this in two phases – initially the downtown and then residential to balance. He further asked Council whether talking about downtown they were thinking about just city-owned property only or all of the property. The consensus was to look at all properties.

The next questions were how to proceed with Phase I.... should other groups be involved, should there be a day long meeting and should there be a facilitator? The Mayor summarized the comments of Councilmembers by saying that the Council initially needs to have a discussion and get a consensus amongst themselves and then have another meeting with a facilitator conducting it (someone who is not connected to any of the plans in the past, perhaps an independent urban planner). Consensus of Council was that a day long meeting was too long but two evening meetings, without an ending time restriction, in a row should work.

Don Mitchell, Development Concepts, will be asked to attend and answer questions from Council about his plan which had been presented to Council in the recent past but that a neutral facilitator will guide the discussion. Discussion was held as to whether other partners should be included in the second meeting. The Mayor will start searching for an urban planner to be the facilitator and then Council will be contacted about scheduling two evening sessions.

2. Mayor Cutcher congratulated Bob Clegg, City Engineer, on the meeting he and his staff held the previous week about the Michigan/Merchant Street construction area and stated that the discussion about a bicycle path, Pine Grove Park and traffic flow was handled very well. Councilmember McCulloch added that he heard that Bob Clegg and his staff did an excellent job.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed City Council suggesting that the public needs to be involved in the process of developing the City and that the City newsletter could have a survey (like the parking one) asking the public's input on development. He stated he doesn't like surprise announcements of proposed developments.

On motion (9:08 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 10, 2006, at 8:01 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs (arrived at 8:15 a.m.), McCulloch, Neal and Sample-Wynn.

MISCELLANEOUS BUSINESS

1. Waste collection contract: Bob Clegg, City Engineer, gave a presentation on the bid process followed for the waste collection contract that will be on the regular agenda this evening. He gave a history of waste collection in the City, talked about the pre-bid meeting and when the bids were sent out formally and received back for review. He responded to concerns by Dr. Frederick Hambleton, Vice President, Richfield Management, LLC, about the bid process (see City Clerk File #06-37 for copies of letter from Dr. Hambleton and response from Bob Clegg). Mr. Clegg went over the rationale for recommending the bid of Waste Management citing their low bid for five-day pickup. City Council then had an opportunity to discuss and ask questions. During this time, Joe Denzik, Marketing Representative, Waste Management, and Dr. Hambleton, Richfield Management, both made comments.

2. Insurance coverage: John Ogden, Director of Finance, distributed a summary of the City's current risk management, loss control and insurance coverages (see City Clerk File #06-38) and gave an overview.

PUBLIC AUDIENCE

1. Ken Harris, 1521 Wells Street, addressed City Council congratulating John Ogden on presentation and commented on the article about speeders in Sunday's Times Herald and how a woman got out of paying a fine for speeding three times because the officer did not show up in court.

On motion (9:27 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April , 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Councilmember Laurie Sample-Wynn, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs (arrived at 7:35 p.m.), McCulloch, Neal and Sample-Wynn.

The minutes of the regular meeting of March 27, 2006, and the special meeting of April 3, 2006, were approved.

PRESENTATIONS

1. Amber Beedy, Marketing Team Leader, Sam’s Club, presented a check on behalf of Sam’s Club and the Wal-Mart Foundation for \$1,250.00 to the Port Huron Police Department as part of their "Safe Neighborhood Award Program."

PUBLIC AUDIENCES

1. Doug Alexander, Executive Director, EDA, addressed the City Council in support of SMW Automotive’s application for an amended industrial facilities exemption certificate.
2. Joe Brooks, Port Huron, addressed the City Council stating he is a disabled veteran attending beauty school and that he and other veterans need assistance.
3. Sherry Archibald, Economic Opportunity Committee, addressed the City Council in support of rezoning request for properties in Oak Crest area.
4. James Hall, 1402 - 14th Street, addressed the City Council thanking everyone for hard work especially Tom Hutka, City Manager, and stating that people in Port Huron are watching what is going on (he submitted letters from various residents expressing this same view - see Communication #3).
5. Dr. Frederick Hambleton, Richfield Management, addressed the City Council stating their reasons for not bidding the five-day alternate for solid waste collection services and requested that Council either reject all the bids and re-bid or negotiate so that they have a second 5-day bid to look at.

CONSENT AGENDA

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

Adopted unanimously.

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

- Pickup at the curb of yard waste in containers and compost bags has begun on residents’ regular pickup days. Set out of large brush, branch and tree trimmings has also begun and will follow a 4-day pickup schedule. Refer to the recently mailed City newsletter to read about the guidelines for the programs or visit our website at www.porthuron.org.
- MainStreet’s Wabbit Walk downtown will be held on April 15. For more information contact MainStreet at 985-8843.
- A neighborhood leadership training session will be held April 24. Contact Community Development at 984-9736 for more information.
- The City’s Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 6, and/or Saturday, May 20, at 8:00 a.m. in front of the County Building, 201 McMorrin Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is “Celebrate our past. Imagine our future.” A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

***C-1.** From Stephen R. Williams, Port Huron Museum Director, requesting that the vendor permit fees be waived for the Feast of the Ste. Claire.

Received and filed and request granted.

C-2. Councilmember Sample-Wynn moved to receive and file the following communication:

From Barbara Palmer, 2021 Elmwood St., thanking Councilmember Fisher for repairing her mailbox following sewer separation.

Adopted unanimously.

C-3. Councilmember Fisher moved to receive and file the following communications:

From various residents (22) expressing their excitement with announcement of development projects and applauding City Manager Thomas J. Hutka.

Adopted unanimously.

FROM THE CITY MANAGER

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

On March 9, 2006, the City of Port Huron received two (2) unit price bids for the 2006 Annual Sidewalk Contract, Project No. F06-0020. Based on estimated annual quantities, the following is a comparative summary of the bids received:

Hinojosa Construction	\$231,812.50
Black River Construction	*

* Incomplete Bid

It is recommended that the bid of Hinojosa Construction, 209 Melvin, Crosswell, Michigan 48422, in the amount of Two Hundred Thirty-One Thousand Eight Hundred Twelve and 50/100 Dollars (\$231,812.50) 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 24, 2006, the City of Port Huron received three (3) quotes for a four-door sedan for the Police Department:

Vanover Chevrolet	\$16,865.00
Cawood Auto	\$20,999.00
Blue Water Chrysler	*

* Did not meet specs.

It is recommended that the quote of Vanover Chevrolet, 4281 - 24th Avenue, Fort Gratiot, MI 48059, in the amount of Sixteen Thousand Eight Hundred Sixty-Five and 00/100 Dollars (\$16,865.00.) 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.

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

On March 24, 2006, the City of Port Huron received the results of the State of Michigan MIDEAL Purchasing Program bids for a 2007 Taurus SE for the Police Department:

Gorno Ford, Inc.	\$13,849.00
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It is recommended that the bid of Gorno Ford, Inc., 22025 Allen Road, Woodhaven, Michigan 48183, in the amount of Thirteen Thousand Eight Hundred Forty-Nine and 00/100 Dollars (\$13,849.00) be accepted, in accordance with the State of Michigan MIDEAL Purchasing Program, and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On March 2, 2006, the City of Port Huron received two (2) bids for solid waste/ recycling services for a five-year period from July 1, 2006, to June 30, 2011:

	<u>Two-Day Program</u>	<u>Five-Day Program</u>
Waste Management, Inc.	\$10,199,046.00	\$ 8,105,033.00
Richfield Management	\$ 9,946,566.00	*

* No Bid

It is recommended that the bid of Waste Management, Inc., 11664 East M-21 Highway, Lennon, Michigan 48449, for a five-day solid waste/recycling services program for the period July 1, 2006, to June 30, 2011, in the amount of Eight Million One Hundred Five Thousand Thirty-Three and 00/100 Dollars (\$8,105,033.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmember Fisher, Haynes, Jacobs, Neal and Sample-Wynn.

No: Councilmember McCulloch.

Absent: None.

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 #06-01)

Adopted unanimously.

***R-2.** WHEREAS, the Board of Review has completed the review, correction and certification of the 2006 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 2006 Assessment Roll is fully and finally confirmed by the City Council of the City of Port Huron. (See City Clerk File #06-39).

Adopted.

***R-3.** WHEREAS, in 2005, the U.S. Department of Justice eliminated the Local Law Enforcement Block Grant (LLEBG) Program mandated for the purpose of acquiring equipment and monies for overtime for use by local law enforcement agencies; and

WHEREAS, the U.S. Department of Justice replaced the LLEBG Program with the Edward Byrne Memorial Justice Assistance Grant (JAG) which provides 100 percent funding for the purpose of acquiring equipment and technology; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice to upgrade the Department’s computer hardware and software for its Department’s information management system; and

WHEREAS, the Police Department received notification that a grant in the amount of Fourteen Thousand Two Hundred Thirty Seven and 00/100 Dollars (\$14,237.00) has been approved; and

WHEREAS, prior to implementing the purchase of any equipment, a public hearing must be conducted to fulfill the grant requirements and to hear additional views of citizens from the community with regard to this equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron will hold a public hearing on Monday, April 24, 2006, at 7:30 p.m., in the Municipal Office Center, Public Meeting Room, in order to obtain the views of citizens regarding the upgrade and purchase of computer equipment for the Port Huron Police Department.

Adopted.

***R-4.** WHEREAS, on February 27, 2006, the City Council, after due notice and proper hearing, adopted a resolution objecting to renewal of the following on-premise Class C/SDM license:

Martini Joe's, 3954 24th Avenue, Port Huron (Michelle Anter)

for non-payment of personal property taxes and/or income tax reporting; and

WHEREAS, all payments 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 2006-07 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-5.** WHEREAS, Huron Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, April 24, 2006, 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
- St. Clair County Regional Educational Service Agency
- Downtown Development Authority

Adopted.

***R-6.** WHEREAS, SMW Automotive Corporation, 3150 Dove Street, Port Huron, Michigan, has applied for an amended Industrial Facilities Exemption Certificate #068-2005 and #2005-042 for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. Of 1998 as amended by virtue of Act 20 of 1999; and

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

WHEREAS, the Port Huron City Council held a public hearing on March 27, 2006, to hear comments on the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the SMW Automotive Corporation amended application for an Industrial Facilities Exemption Certificates #068-2005 and #2005-042 for twelve (12) years on personal property, and hereby authorizes the appropriate City officials to execute the necessary agreements and the City Clerk to forward the application to the State Tax Commission; and

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

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

All personal property:

- 12/31/05 to 12/31/07 (2 years - 100% abatement) - #068-2005
- 12/31/05 to 12/31/17 (12 years - 50% abatement) - #2005-042

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as SMW Automotive Corporation is located.

Adopted.

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

WHEREAS, the St. Clair County Child Abuse Neglect Council, Port Huron, Michigan, 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 St. Clair County Child Abuse Neglect Council as a non-profit organization in the City of Port Huron.

Adopted unanimously.

NOTE: Mayor Cutcher disclosed his membership on the board of directors for this organization.

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

WHEREAS, it is necessary that the contractor for the Michigan/Merchant Street sewer separation project obtain property for use as a staging area; and

WHEREAS, there is no vacant private property available near this construction area; and

WHEREAS, the City of Port Huron owns certain real property that is suitable for location of a staging area for a construction contractor; and

WHEREAS, a lease has been prepared between the City of Port Huron and Raymond Excavating Company for City-owned property, as described below, for use as the staging area for contractor's work on the Michigan/Merchant Street sewer separation project:

Block 8 of Butler Plat consisting of Lot No. 3 and Lot No. 4 of Butler Plat which is an area 100 foot by 100 foot in the center of the west side of said block along Michigan Street and property owned by the City along and adjacent to Fort Street and north of Glenwood Avenue, as designated in the cross-hatched areas of the property;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached lease with Raymond Excavating Company for use of City-owned property during the Michigan/Merchant Street sewer separation project and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #06-40)

Adopted unanimously.

R-9. 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 City such as: housing rehabilitation programs, street re-paving 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 and Fire Truck), home ownership programs and neighborhood preservation programs, homeless facilities; 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 toward meeting the needs of persons of low or moderate income;

NOW, THEREFORE, BE IT RESOLVED, that the City of Port Huron joins other states, municipalities and agencies around the United States in calling attention to the importance of 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 17-23, 2006, for observation and celebration of "National Community Development Week."

Adopted unanimously.

***R-10.** WHEREAS, the City Planning Commission has received a request from the Economic Opportunity Committee of St. Clair County to rezone the following described property as follows:

a. Rezone from a C-1 (General Business) to A-1 (Medium Density Multiple Family zoning district: Lots 1 through 4, Reid and Stewart Plat, the north 35 feet of Lot 18, Block 32, White Plat, also known as: 702 and 718 Griswold Street, and the south 35 feet of the parking lot on southeast corner of Griswold and 8th Streets; and

b. Rezone from R-1 (Single- and Two-Family Residential) to an A-1 (Medium Density Multiple Family) zoning district: Lots 5 through 14; and Lots 17 through 21, Reid and Stewart Plat, and the north 40 feet of Lot 15, Lots 16, 17, and the south 15 feet of Lot 18, Block 32, White Plat, also known as: 1611, 1615, and 1621-7th Street, 1611, 1612, 1615, 1616, 1617, 1620, 1623, and 1626 Jay Street, 1616 and 1622 8th Street, and three State Highway parcels which are part of Oak Street right-of-way, City of Port Huron; and

WHEREAS, on April 4, 2006, 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: 9 ayes; 0 nays; 0 absent; 0 abstained) of the rezoning;

WHEREAS, the next step in the rezoning process is for the City Council to hold a public hearing on the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for May 8, 2006, to hear comments on the request from the Economic Opportunity Committee for the rezoning of the above-described property.

Adopted.

ORDINANCES

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

ORDINANCE NO. 1264

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS TO PROVIDE FOR THE REFUNDING OF ALL OR PART OF THE WATER SUPPLY SYSTEM REVENUE BONDS (JUNIOR LIEN), SERIES 1999 (LIMITED TAX GENERAL OBLIGATION) OF THE CITY OF PORT HURON, MICHIGAN, AND TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE SYSTEM AND THE BONDS AND THE OUTSTANDING BONDS OF THE SYSTEM.

THE CITY OF PORT HURON ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be known and cited as the "Series 2006 Refunding Ordinance." Pursuant to the authority granted under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, the Code of the City of Port Huron is hereby amended by adding this Ordinance.

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

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

(b) "Bond Purchase Agreement" means the Bond Purchase Agreement between the Issuer and the Underwriter relating to the sale and purchase of the Refunding Bonds.

(c) "Escrow Agent" means a bank or trust company selected by any of the Authorized Officers to serve as escrow agent, or any successor thereto.

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

(e) "MMBA" means the Michigan Municipal Bond Authority.

(f) "1999C Bonds" means the Issuer's outstanding Water Supply System Revenue Bonds (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 24, 1999, and sold to MMBA pursuant to the Local Government Loan Program administered by MMBA.

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

Revenue Bonds (Junior Lien), Series 2003A (Limited Tax General Obligation), dated March 27, 2003, authorized as Junior Lien Bonds in the original principal amount of \$1,800,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004A (Limited Tax General Obligation), dated February 18, 2004, authorized as Junior Lien Bonds in the original principal amount of \$3,000,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004B (Limited Tax General Obligation), dated March 25, 2004, authorized as Junior Lien Bonds in the original principal amount of \$2,315,000; Water Supply System Revenue Bonds (Junior Lien), Series 2004D (Limited Tax General Obligation), dated June 24, 2004, authorized as Junior Lien Bonds in the original principal amount of \$600,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005A (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of \$520,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005B (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of \$2,015,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005C (Limited Tax General Obligation), dated March 31, 2005, authorized as Junior Lien Bonds in the original principal amount of \$2,105,000; Water Supply System Revenue Bonds (Junior Lien), Series 2005D (Limited Tax General Obligation), dated June 23, 2005, authorized as Junior Lien Bonds in the original principal amount of \$510,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006A (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of \$1,355,000; Water Supply System Revenue Bonds (Junior Lien), Series 2006B (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of \$1,025,000; and Water Supply System Revenue Bonds (Junior Lien), Series 2006C (Limited Tax General Obligation), dated March 30, 2006, authorized as Junior Lien Bonds in the original principal amount of \$705,000.

(h) "Refunded Bonds" means all or a portion of the 1999C Bonds maturing on November 1 in the years 2009 to 2019, inclusive, as shall be finally identified in the Sale Order.

(i) "Refunding Bonds" means the Issuer's Water Supply System Revenue Refunding Bonds (Junior Lien), Series 2006 (Limited Tax General Obligation) authorized by this Ordinance.

(j) "Sale Order" means the Sale Order to be executed by any of the Authorized Officers respecting the sale of the Refunding Bonds.

(k) "Transfer Agent" means a bank or trust company selected by any of the Authorized Officers to serve as paying agent, transfer agent and registrar with respect to the Refunding Bonds.

(l) "Underwriter" means Robert W. Baird & Co.

Section 3. Necessity; Public Purpose. It is hereby determined to be a necessary public purpose of the Issuer to refunded the Refunded Bonds.

Section 4. Payment of Costs; Bonds Authorized. To pay for the refunding of the Refunded Bonds, including all legal, financial and other expenses incident thereto and incident to the sale of the Refunding Bonds, the Issuer shall borrow the sum of not to exceed Eight Million Dollars (\$8,000,000), or such lesser amount as shall be determined by any of the Authorized Officers in the Sale Order, and issue the Refunding Bonds therefor pursuant to the provisions of Act 94 and Act 34. The remaining costs, if any, of refunding the Refunded Bonds shall be defrayed from Issuer funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Master Ordinance shall apply to the Refunding 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 revenue refunding bonds of equal lien with respect to the Outstanding Bonds for the purpose of refunding the Refunded Bonds in accordance with Act 94 and Act 34, additional bonds of equal standing with the Outstanding Bonds for such purpose being authorized by the provisions of Section 22 of the Master Ordinance, upon the conditions therein stated, which conditions have been fully met.

Section 5. Issuance of Refunding Bonds; Details. The Refunding Bonds hereby authorized shall be designated WATER SUPPLY SYSTEM REVENUE REFUNDING BONDS (JUNIOR LIEN), SERIES 2006 (LIMITED TAX GENERAL OBLIGATION). The Refunding Bonds shall be Junior Lien Bonds payable out of the Net Revenues, as set forth more fully in Section 6 hereof, provided that the Refunding Bonds shall be junior and subordinate as to the prior lien with respect to the Net Revenues of any Senior Lien Bonds hereafter issued. The Refunding Bonds shall consist of registered bonds of the denomination of \$5,000 each, or integral multiples of \$5,000 not exceeding in any one year the amount maturing in that year, and dated as of the date of delivery, or such other date as set forth in the Sale Order. The Refunding Bonds shall mature on the dates, in the principal amounts, at the times and in the manner determined at the time of sale and confirmed in the Sale Order.

The Refunding Bonds shall bear interest at a rate or rates set forth in the Bond Purchase Agreement determined upon the sale thereof, but in any event not to exceed six percent (6%) per annum, payable semiannually on the dates approved by any of the Authorized Officers in the Sale Order, by check or draft mailed by the Transfer Agent to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent.

The Refunding Bonds may be subject to optional redemption prior to maturity at the times and prices as finally determined in the Sale Order and in the manner provided in the form of the Refunding Bonds set forth in Section 9 of this Ordinance. Notice of redemption shall be given in the manner specified in the form of the Refunding Bonds contained in Section 9 of this Ordinance.

In case less than the full amount of an outstanding Refunding Bond is called for redemption, the Transfer Agent upon presentation of the Refunding 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. The Refunding 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 Refunding Bonds are issued in book-entry only form, DTC will act as securities depository for the Refunding Bonds, and purchasers will not receive certificates representing their interest in Refunding Bonds purchased. If the Refunding Bonds are issued in book-entry only form, provisions in this Ordinance to the contrary shall be of no force nor effect unless and until the suspension of the book-entry only system. The Authorized Officers are authorized to determine whether the Refunding Bonds shall be issued in book-entry only form, to make such changes in the form of the Refunding Bonds as shall be necessary or convenient to enable the Refunding Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Refunding Bonds to be so issued.

The Refunding Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Director of Finance and shall have the corporate seal of the Issuer or a facsimile thereof impressed or imprinted thereon. The Refunding Bonds shall be delivered to the Transfer Agent for authentication and thereafter be delivered by the Transfer Agent to

the Underwriter in accordance with instructions from the Director of Finance upon payment of the purchase price for the Refunding Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

Section 6. Payment of Bonds; Security; Priority of Lien. Principal of and interest on the Refunding Bonds shall be payable primarily from the Net Revenues. To pay the principal of and interest on the Refunding Bonds as and when the same shall become due, there is hereby recognized the statutory lien upon the whole of the Net Revenues created by the Master Ordinance, which shall be a statutory second lien, subject only to the prior lien in favor of any Senior Lien Bonds hereafter issued, to continue until payment in full of the principal of and interest on the Refunding Bonds, the Outstanding Bonds and any additional Junior Lien Bonds hereafter issued payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all of the Refunding Bonds, the Outstanding Bonds and any additional Junior Lien Bonds then outstanding, principal and interest on such bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any.

In addition, pursuant to the provisions of Act 94 and Act 34, particularly those provisions governing the pledge and security of bonds issued for the purpose of refunding outstanding bonds, the Issuer hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Refunding Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Refunding Bonds as the same become due, then the Issuer shall advance from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the Issuer, subject to constitutional, statutory and charter limitations, such sums as may be necessary to pay said principal and interest. The Issuer shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Master Ordinance.

Section 7. Rates and Charges. The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance. No free service or use of the System, or service or use of the System at less than cost, shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 8. Bond Proceeds. Upon delivery of the Refunding Bonds, there shall be first immediately deposited from the proceeds of the Refunding Bonds in a separate account in the Junior Lien Redemption Fund an amount equal to the accrued interest, if any, received on delivery of the Refunding Bonds. Any net original issue premium received upon sale and delivery of the Refunding Bonds shall be deposited in the appropriate account consistent with State and federal law, and if required by State or federal law, may be used to reduce the principal amount of Refunding Bonds issued. Certain of the proceeds of the Refunding Bonds, and if deemed necessary or advisable by the Issuer, moneys on hand in the Junior Lien Redemption Fund and allocable to the Refunded Bonds, shall be deposited in an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, or other obligations the principal of and interest on which are fully secured by the forgoing not redeemable at the option of the Issuer, in amounts fully sufficient to pay the

of refunding a portion of the Issuer's Water Supply System Revenue Bond (Junior Lien), Series 1999 (Limited Tax General Obligation), dated June 24, 1999.

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.

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 shall be subject to redemption prior to maturity at the option of the Issuer, in such order of maturity as the Issuer shall determine and within a single maturity by lot, on any date on or after _____ 1, ____, at a redemption price of par plus accrued interest to the date fixed for redemption.

[Insert term bond provisions, if applicable].

In case less than the full amount of an outstanding bond is called for redemption the transfer agent upon presentation of the 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 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 payable, both as to principal and interest, primarily from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory second lien hereinbefore mentioned. As additional security, the Issuer 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 Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the principal of and interest on the bonds of this issue, the Outstanding Bonds, and any additional bonds of superior or equal standing as and when the same shall become due and payable, and to maintain a bond redemption fund therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by the registered

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

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

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

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

CITY OF PORT HURON

By _____
Mayor

(Seal)
Countersigned:

Director of Finance

Date of Registration:

CERTIFICATE OF AUTHENTICATION

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

Transfer Agent
By _____
Authorized Signatory

Section 10. Sale of Bonds. The Issuer has considered the option of selling the Refunding Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, determines that a negotiated sale of the Refunding Bonds provides the Issuer with greater flexibility in the timing of the sale and structure of the Refunding Bonds and the funding of the Escrow Fund in response to changing market conditions and will result in the lowest interest cost to the Issuer. The Issuer hereby appoints the Underwriter to act as senior managing underwriter for the Refunding Bonds. Any of the Authorized Officers may appoint one or more additional co-managing underwriters.

Section 11. Approval of Bond Details. Each Authorized Officer is individually authorized to negotiate and, subject to the parameters set forth in this Ordinance, award the sale of the Refunding Bonds to the Underwriter pursuant to the Sale Order and the Bond Purchase Agreement, without further action of this City Council. Each Authorized Officer is authorized to negotiate, approve, execute and deliver the Bond Purchase Agreement on behalf of the Issuer.

Any of the Authorized Officers is further authorized to adjust the final Refunding Bonds 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, however, that the principal amount of the Refunding Bonds shall not exceed the principal amount authorized by this Ordinance, the interest rate on the Refunding Bonds shall not exceed six percent (6%) per annum, and the final maturity date of the Refunding Bonds shall not be later than November 1, 2020.

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

Section 13. Continuing Disclosure. The Issuer agrees to enter into a continuing disclosure undertaking (the "Undertaking") for the benefit of the holders and beneficial holders of the Refunding Bonds pursuant to Rule 15c2-12 of the U.S. Securities and Exchange Commission ("Rule 15c2-12"), and the Director of Finance is authorized to approve and execute the Undertaking on behalf of the Issuer prior to delivery of the Refunding Bonds.

Section 14. Preliminary and Final Official Statements. Each Authorized Officer is authorized and directed to approve circulation of a preliminary official statement describing the Refunding Bonds, the System, and other pertinent matters, and to deem such preliminary official statement "final" for purposes of compliance with Rule 15c2-12, and thereafter to approve circulation of a final official statement with respect to the Refunding Bonds.

Section 15. Other Actions. Any Authorized Officer is further authorized and directed: (a) to procure a policy of municipal bond insurance with respect to the Refunding Bonds or cause the qualification of the Refunding Bonds therefor if, upon the advice of the Issuer's financial advisor, the acquisition of such insurance would be of economic benefit to the Issuer; (b) to obtain ratings on the Refunding Bonds; and (c) to take all other actions necessary or advisable, and make such other filings with other parties, to enable the sale and delivery of the Refunding Bonds as contemplated herein.

Section 16. Repeal; Savings Clause. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 17. 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 18. Publication and Recordation. This Ordinance shall be published in full in the *Times Herald*, a newspaper of general circulation in the Issuer qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 19. Effective Date. Pursuant to the provisions of Act 94, this Ordinance shall be effective upon its adoption.

PAULINE M. REPP, MMC
City Clerk

ADOPTED: 04/10/06
PUBLISHED: 04/15/06
EFFECTIVE: 04/10/06

Adopted unanimously.

O-2. 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 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn stated that the sewer separation project is impacting parking in the lot at the Senior Center and asked whether an arrangement could be made for seniors to park in the McMorran lot for free, perhaps using a stamp. Tom Hutka, City Manager, stated he will look into this.

2. Councilmember Jacobs complimented Richfield Management on the good service they have provided to the City and asked what kind of advertising will be done to inform residents of new five-day schedule. Bob Clegg, City Engineer, responded that they will do an informational campaign with press releases, newspaper and radio. Councilmember Jacobs asked that it be emphasized to the public to not set out their trash before 4 p.m. the day before.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, April 24, 2006, 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 Cutcher.

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

The minutes of the special meeting and the regular meeting of April 10, 2006, were approved.

PRESENTATIONS

1. Major James Carmody gave an update on the CAPTURE program.
2. Tyrone Burrell, Director, SONS, presented a status report on the programs and activities offered by their organization.
3. Proclamation declaring May 13, 2006, as National Association of Letter Carriers Food Drive Day was presented to Christine Brown, Food Drive Coordinator, and Bob Wagenaar, Port Huron Postmaster.
4. Proclamation declaring the week of May 7-14, 2006, to be National Music Week was presented to Margaret Kearns of the Port Huron Musicale.
5. John Livesay, City Attorney, on behalf of the St. Clair County Bar Association, gave a presentation about Law Day on May 1, 2006.
6. Tom Hutka, City Manager, announced his resignation effective June 30, 2006.

Councilmember Sample-Wynn moved to receive, file and accept his letter of resignation (see City Clerk File #06-41).

Motion adopted unanimously.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments regarding the upgrade and purchase of computer equipment for the Port Huron Police Department as part of a U. S. Department of Justice law enforcement block grant. (See Resolution #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of Huron Inc., 2347 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #1)

The City Clerk read into the record a letter received from Paul R. Ososki, Vice-President and CFO, Huron Inc., requesting a twelve-year exemption on their application for personal property.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Dick Reynolds, 3268 Krafft Road, Fort Gratiot, representing labor union, addressed City Council stating the City is losing an excellent City Manager and hoped that the Council will look for someone with his vision and he pledged his support to Mr. Hutka during the rest of his employment.
2. Lonnie Stevens, Executive Director, United Way, addressed the City Council announcing that on April 27, 2006 there will be a fundraising event entitled "The Titanic Experience" by Ralph White at McMorran and encouraged everyone's attendance.

CONSENT AGENDA

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

Adopted unanimously.

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

- The City, in cooperation with the Port Huron Area School District, will celebrate Arbor Day on April 28, 2006, by planting trees at the following locations: Cleveland Elementary at 9:00 a.m. and McKinley Elementary at 1:15 p.m. Contact the Forestry Department at 984-9751 for more information. Notification has been received from The National Arbor Day Foundation that Port Huron has been named a 2005 Tree City USA for the ninth year in a row.
- The City's Beautification Commission needs volunteers to help with preparing and planting of 22 flower beds. Please join them on Saturday, May 6, and/or Saturday, May 20, at 8:00 a.m. in front of the County Building, 201 McMorran Boulevard. For more information or to volunteer, contact Jean Webb at 987-3705.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

***C-1.** From Tyrone C. Burrell, Executive Director, SONS, extending an invitation to attend the 13th Annual SONS Benefit Banquet, May 8, 2006, and requesting a financial contribution of \$10,000 to the SONS Outreach Center.

Received and filed.

FROM THE CITY MANAGER

***CM-1.** Transmitting the proposed Operating Budget for fiscal year 2006-07 and scheduling a public hearing for May 8, 2006, to hear comments from interested citizens (see City Clerk File #06-42).

Received and filed and public hearing scheduled.

***CM-2.** Transmitting the proposed Capital Improvement Program for 2006-07 through 2010-11 and scheduling a public hearing for May 8, 2006, to hear comments from interested citizens (see City Clerk File #06-43).

Received and filed and public hearing scheduled.

CM-3. 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 nine-month period ending March 31, 2006 (see City Clerk File #06-44).

Adopted unanimously.

RESOLUTIONS

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

WHEREAS, Huron Inc., 2347 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on April 24, 2006, 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: 12/31/06 to 12/31/12 (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 unanimously.

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

WHEREAS, in 2005, the U.S. Department of Justice eliminated the Local Law Enforcement Block Grant (LLEBG) Program mandated for the purpose of acquiring equipment and monies for overtime for use by local law enforcement agencies; and

WHEREAS, the U.S. Department of Justice replaced the LLEBG Program with the Edward Byrne Memorial Justice Assistance Grant (JAG) which provides 100 percent funding for the purpose of acquiring equipment and technology; and

WHEREAS, the Port Huron Police Department submitted a grant application to the U.S. Department of Justice to upgrade the Department's computer hardware and software for its information management system; and

WHEREAS, the Police Department received notification that a grant in the amount of Fourteen Thousand Two Hundred Thirty Seven and 00/100 Dollars (\$14,237.00) has been approved; and

WHEREAS, a public hearing was held on April 14, 2006, in order to obtain the views of citizens regarding the purchase of the above equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the terms of the U.S. Department of Justice agreement and that the City of Port Huron does specifically agree, but not by way of limitation, as follows:

1. To maintain satisfactory financial accounts, documents and records to file reports quarterly with the U.S. Department of Justice;
2. To administer the project and provide such funds, services and materials as may be necessary to satisfy the terms of said agreement; and
3. To comply with any and all terms of said agreement including all terms not specifically set forth in the foregoing portion of this resolution.

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized to execute the grant agreement on behalf of the City of Port Huron and appoint James E. Carmody, Police Major, as the Project Coordinator.

Adopted unanimously.

***R-3.** 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 2006-2007 fiscal year in the amount of \$1,587,000 based upon anticipated revenues of a 1.9874 mill levy on the taxable value of real and personal property within the Downtown Development District and captured taxes from Tax Increment Financing within the Downtown Development District; and

WHEREAS, both the 1.9874 mill ad valorem tax levy and the budget for the 2006-2007 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 No. 06-45) be received for further review by the City Council and that a public hearing thereon be held May 8, 2006.

Adopted.

***R-4.** WHEREAS, it is stated in the City Ordinance Code, Section 46-6, Traffic Study Committee, Chapter 46, Traffic and Vehicles:

"The police chief, the assistant city attorney, one member of the traffic division of the police department, and two residents of this city, who shall be appointed by the mayor for a term of two years from the date of their appointments or until their successors are appointed or qualified, shall be and constitute the traffic study committee;"

NOW, THEREFORE, BE IT RESOLVED that the Mayor's reappointment of Walt Crosby, Jr., as a member of the Traffic Study Committee for a term to expire January 11, 2008, is hereby received and filed.

Adopted.

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

WHEREAS, since 1983, the City has provided emergency services to the Blue Water Bridge as provided in an emergency services contract between the City and the Michigan Department of Transportation (MDOT); and

WHEREAS, the existing agreement expired on September 30, 2003; and

WHEREAS, the City and MDOT have completed negotiations for a new emergency services contract for the period starting October 1, 2003;

NOW, THEREFORE, BE IT RESOLVED that an agreement between the City and the Michigan Department of Transportation for the provision by the City of Port Huron of emergency services to the Blue Water Bridge facility is hereby approved and the appropriate City officials are authorized to execute said agreement (see City Clerk File #06-46).

Adopted unanimously.

***R-6.** WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the Forestry Department of the City of Port Huron in cooperation with the Port Huron Area School District will celebrate this year's Arbor Day on April 28, 2006 by planting trees at the following locations: Cleveland Elementary at 9:00 a.m. and McKinley Elementary at 1:15 p.m.; and

WHEREAS, Port Huron has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron joins other states, municipalities and agencies around the United States in calling attention to the importance of planting trees by designating Friday, April 28, 2006 for observation and celebration of "Arbor Day".

Adopted.

***R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$90.91 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #06-47).

Adopted.

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

WHEREAS, the Council, in agreement with the City Manager, shall fix any such other terms and conditions of employment for the City Manager, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the Manager's employment contract, the City Charter or any other law; and

WHEREAS, Thomas Hutka has served the City of Port Huron well as City Manager since May 7, 2001; and

WHEREAS, City Council may, at their sole discretion, grant bonuses and/or benefits to the City Manager for performance, excellence or meritorious service; and

WHEREAS, it is desired and in the best interests of the City of Port Huron and its citizens to provide a smooth transition with any changes in city administration; and

WHEREAS, the City Manager's employment contract states that should the Manager "resign from employment, he will provide as much advance written notice ... as is practicable, preferably at least 60 days;"

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron City Council hereby accepts the resignation of Thomas Hutka as City Manager effective on the date Mr. Hutka has used all currently accrued unused vacation days, with said vacation starting July 1, 2006. Mr. Hutka will remain in the position of City Manager with full duties and authority of the office until June 30, 2006. After June 30, 2006, until his accrued unused vacation days have been completely used, Mr. Hutka will remain as a full-time City of Port Huron employee in the status of being on vacation. Mr. Hutka's final employment date will be on the last vacation day in this period.

BE IT FURTHER RESOLVED that City Council will name an Acting City Manager per Section 39 of the City Charter for the period commencing July 1, 2006; and

BE IT FURTHER RESOLVED that City Council approves the attached amendments to Mr. Hutka's March 26, 2001, employment contract and authorizes and directs the appropriate City officials to execute said agreement (see City Clerk File #06-48).

Adopted unanimously.

ORDINANCES

0-1. Councilmember Neal moved that an ordinance introduced April 10, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1265

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF UPDATING THIS CHAPTER.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of updating the chapter, as follows:

CHAPTER 52. ZONING ARTICLE I. IN GENERAL

Sec. 52-1. to Sec. 52-2.

No changes.

Sec. 52-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, permanently constructed or anchored to a cement slab or the ground and does not include a tent, canopy, or similar type of cover the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building, including but not limited to detached garages, carports and storage sheds.

Accessory use means a use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

Adult day care center means a facility, other than a private residence, operating as a business which provides care or supervision for one or more adults 18 years of age or older for periods of less than 24 hours a day, unattended by a relative or legal guardian, for more than four weeks during a calendar year. These centers, on February 1, 1999, do not need to be licensed by the state. However,

all city codes and ordinances shall apply as to any commercial business.

Alley means a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to as "altered" or "reconstructed."

Apartment means a room or suite of rooms in a multiple-family residential building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit. The dwelling unit in a multiple-family dwelling is defined as follows:

(1) *One-bedroom unit* means a dwelling unit consisting of not more than two rooms, in addition to kitchen and necessary sanitary facilities.

(2) *Two-bedroom unit* means a dwelling unit consisting of not more than three rooms in addition to kitchen and necessary sanitary facilities.

Apartment house means a residential structure containing three or more attached apartments.

Architectural features means the features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, decorative ornaments and uncovered stairways, stair treads, railings or landings.

Automobile repair means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, painting, vehicle rustproofing and any related activities.

Automobile service station means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles and space for facilities for temporary storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

Automobile wash establishment means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Basement means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

Bed and breakfast facility means an owner-occupied single-family dwelling used for transient guests that provides a sleeping room and breakfast in return for payment. This definition shall also include a tourist home.

Bedroom means a room in a dwelling unit for or intended to be used for sleeping purposes by human beings with a minimum of 70 square feet in size and in conformance with the appropriate building code.

Billboard. See standard off- and on-premises signs in article VII of this chapter.

Block means a tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

Board of zoning appeals means the board of appeals for the city. The term "board of appeals" or "board" shall have the same meaning.

Boardinghouse means an establishment or building where meals, lodging or both are provided for compensation with the following stipulations:

(1) Rental shall be prearranged and without limitations or time periods involved.

(2) No cooking facilities shall be permitted in sleeping rooms.

(3) There shall not be more than ten sleeping rooms per establishment.*

(4) No more than one person shall occupy each sleeping room.

(5) Sufficient offstreet parking shall be provided pursuant to article VI of this chapter.

(6) There shall be provided one toilet and bathing facility per three sleeping rooms.

* In larger structures, located in A-1 districts, up to a maximum of ten sleeping rooms (bedrooms) may be used in accordance with all other city ordinances and applicable codes.

Boat hoist means an open structure for the purpose of seasonal, temporary storage of boats or watercraft. Hoist may include overhead cover, but may not include side covers or be enclosed. The hoist must not exceed one story and may not be permanent in nature. Boat hoists are allowed on the Black River, St. Clair River, Lake Huron and canals.

Boathouse means an enclosed, covered accessory structure that provides dockage and/or storage of boats or personal watercraft. A boathouse is only allowed on the Black River and St. Clair River. They are not allowed on Lake Huron or the canals.

Buffer strip means a greenbelt which also provides screening by means of continuous landscaping, solid masonry wall, screening fence, or other protective barrier of suitable material between conflicting districts or uses as required by ordinance. For example, a buffer is required between a commercial or industrial district or use and a residential district or use.

Buildable area means the space of a lot remaining after the minimum open space requirements of this chapter have been complied with.

Building means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Building, main, and building, principal, mean a building in which is conducted the principal use of the lot upon which it is situated and includes enclosed porches and covered porches as defined.

Building permit means the written authority issued by the chief inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with this chapter.

Building setback line means the line which pertains to and defines those minimum building setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this chapter.

Chief inspector means the chief building inspector/zoning administrator of the city or his authorized representative.

Clinic means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from more than one professional, such as a physician, dentist, or the like.

Commercial boat well means a boat well not utilized to store watercraft owned by the property owner for private use, rather seasonal boat storage provided for watercraft owned by individuals other than the property owner.

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage and basement sales conducted on residential premises for more than six calendar days during a given one-year period.

Commission means the city planning commission. The term "planning commission" means the same.

Condominium, residential, means individual ownership of a dwelling unit in a multiple-family dwelling.

Convalescent home and nursing home mean a home for the care of children, the aged or the infirm or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for license under applicable state laws.

Country club means an organization of persons, having for its chief purpose the enjoyment by its members of lawful participation in outdoor sports and as to which such country club has provided its members with suitable grounds and equipment for the enjoyment and participation in such sports.

Deck means an open, unenclosed structure located above existing grade level and elevated more than 30 inches high. Proper guardrails, steps and handrails are required pursuant to the building code.

Density means the number of dwelling units developed on an acre of land, excluding publicly dedicated streets, parks and utility easements, if the easement is not useable for recreation purposes.

District means a portion of the city within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this chapter.

Drive-in establishment means a business or restaurant so developed that its principal retail or service character is dependent on providing a parking space for motor vehicles so as to serve patrons while parked in the motor vehicle. It is intended that in most situations the engine of the vehicle would be turned off. A drive-in establishment ordinarily will not have indoor facilities to service the customer, but may as an accessory use. Such establishments could be but are not limited to drive-in restaurants and movie theaters.

Drive-thru establishment and an establishment with a drive-up window mean a business, bank, or restaurant with a drive-thru facility or drive-up window used as an accessory use for the business. The primary function of such business is to serve the patrons while inside the principal building. The drive-thru facility or drive-up window is used as a convenience for customers, and in most instances the motor of the vehicle is left on while the customer is being served.

Drive-thru facility and drive-up window mean a station or window where customers can quickly order and pickup goods without leaving their vehicle. The vehicle is meant to be stopped for short periods of time with the motor running.

Dwelling, multiple, means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including manufactured home parks. A multiple dwelling of four or more stories in height shall be considered as a high-rise multiple dwelling.

Dwelling, one-family, means a detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only. Also known as a single-family dwelling. The dwelling unit shall be designed for residential use, complying with the following standards:

(1) It complies with the minimum square footage requirements for the district in which it is located.

(2) It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the single state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the single state construction code, such federal or state standard or regulation shall apply.

(3) It is firmly attached to a permanent foundation constructed on site in accordance with the single state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the applicable building code for single-family dwellings. If the dwelling is a manufactured home, as defined in this section, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required in this subsection.

(4) If a dwelling is a manufactured home, as defined in this section, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.

(6) The dwelling contains a storage capability area in a basement located under the dwelling or in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 15 percent of the square footage of the dwelling or 200 square feet, whichever shall be less.

(7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with windowsills and roof drainage systems concentrating roof drainage along the side of the dwelling; with not less than two exterior doors, with one being in the front of the dwelling and the other being either in the rear or side of the dwelling; contains permanently attached steps connected to the exterior door areas or to porches connected to such door areas, where a difference in elevation requires the steps. The compatibility of design and appearance shall be determined in the first instance by the building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the board of zoning appeals within a period of 15 days from the receipt of notice of the building inspector's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of the term "dwelling," as well as the character of residential development outside of manufactured home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of such area; or, where the area is not so developed, by the character of residential development outside of manufactured home parks throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.

(8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this chapter.

(9) The dwelling complies with all pertinent building and fire codes. For a manufactured home, all construction and all plumbing, electrical apparatus and installation with and connected to the manufactured home shall be of a similar type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(10) The longest side of the dwelling, being the natural front, shall be as closely parallel as possible to the street.

The standards of subsections (1) through (10) of this definition shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law or otherwise specifically required in city ordinances pertaining to such parks.

Dwelling, row, terrace, and townhouse, means a row of three or more attached dwelling units, not more than 2 1/2 stories in height, in which each dwelling has its own front entrance and rear entrance.

Dwelling, two-family, means a dwelling occupied by two families, each provided with separate facilities for living accommodations. Also known as a duplex dwelling.

Dwelling unit means a house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered a dwelling. For mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the sections of this chapter relative to dwellings.

Dwelling unit size or area means the sum of the horizontal areas of the several floors of the dwelling measured from the interior face of the exterior walls. This area shall not include carports, open breezeways or porches, unfinished attics, basements, attached or detached garages, or accessory buildings.

Efficiency unit means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than 450 square feet of floor area.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration, or maintenance and operation by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment; and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities or city departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of such essential service equipment.

Family means one or two persons or parents, with such persons' or parents' direct lineal descendants and adopted or foster children, and including the domestic employees thereof, together with not more than three persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for purposes of this chapter.

Fence means any protective barrier or wall constructed of stone, wood, wire, concrete, vinyl or other building material. A fence also includes any landscape material such as shrubs placed as a hedge which at maturity provide a physical or visual barrier or obstacle exceeding three feet in height.

Floor area, gross, means the sum of the gross horizontal areas of the several floors of the principal building, including enclosed porches, measured from the exterior faces of the exterior walls. Any space devoted to offstreet parking or loading, basements, breezeways, unfinished attics, and open porches shall not be included.

Floor area, useable, means that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. For a half story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more.

Garage, community, means a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two or more owners or occupants in the vicinity.

Garage, private, means a space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot or his family or domestic employees. A garage must be constructed of wood, concrete, vinyl composites or similar, permanent material. It shall not include a canvas, canopy, tarp, tent or other temporary material.

Garage, public, means a space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this chapter.

Garage sale, yard sale, porch sale and basement sale mean a sale conducted on residential property for less than six calendar days during a given one-year period.

Grade, building, means the average elevation of the ground adjacent to the walls of a building.

Greenbelt means a strip of land which is planted with trees or shrubs acceptable in species and caliper to the planning commission.

Height, building, means the vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall.

Home occupation means an activity carried out for gainful purposes by a resident of the dwelling and conducted as a customarily incidental use to the dwelling unit and further defined in section 52-695.

Hospital means a building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the state health department.

Hotel means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.

Junk means any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other

scrap materials that are damaged, are deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard means automobile wrecking yards, salvage areas or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

Kenel means any lot or premises on which three or more dogs, four or more months old, are kept either permanently or temporarily boarded.

Lot means a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of such contiguous lots considered as a single lot for the purpose of this chapter as he so elects, and in such case the outside perimeter of such group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot."

Lot area means the total horizontal area within the lot lines, as defined in this section, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street and not the centerline of such street.

Lot, corner, means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. For a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the mean horizontal distance from the center of the front street line to the center of the rear lot line.

Lot, double-frontage, (also known as a through lot) means a lot, other than a corner lot, having frontage on two streets. For a row of double-frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit all buildings shall be addressed off of one street and the fronts of all buildings shall face that street. Each lot will have two front yards and the required minimum front yard setback shall be observed on both street frontages for any construction such as the main structure, fences, or accessory buildings, etc. Waterfront lots are also considered double-frontage lots. Setback requirements pursuant to section 52-621, footnote b., will apply to all buildings, accessory structures and storage of vehicles, campers and recreational vehicles.

Lot, interior, means a lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the boundary lines of a lot and is further defined as follows:

(1) *Front lot line*, for an interior lot abutting on one public or private street, means the line separating the lot from such street right-of-way. For a corner or double-frontage lot, the front lot line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

(2) *Rear lot line* means that lot line which is opposite and most distant from the front lot line of the lot. For an irregular lot, a line ten

feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. When none of these definitions are applicable, the planning commission shall designate the rear lot line.

(3) *Side lot line* means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds or a lot or parcel described by metes and bounds or other legal description, the description of which has been so recorded as of the date of the effective date of this ordinance (January 28, 2006), including approved lot splits as of that date.

Lot width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines. A lot must abut a public right-of-way and must be the minimum width as required in Division 16, Schedule of Regulations, for the zoning district in which the property is located.

Major thoroughfare means a main traffic artery designated on the city's land use plan as a major thoroughfare or a collector street.

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under this chapter. For the purpose of this chapter, a mobile home shall be considered a manufactured home. A manufactured home does not include a recreational vehicle or travel trailer.

Manufactured home park means a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary travel trailer park.

Manufactured home site means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

Marina means a facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing, such as refueling, of recreational watercraft.

Motel means a series of attached, semidetached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the planning commission, with the exception of units for use of the manager and/or caretaker.

Motor home means a motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to manufactured homes.

Multi-family residential development means an apartment housing complex within a single building that contains and is limited to rental or owner-occupied dwelling units. There shall be no retail or commercial use of the building. Its intention and design is for residential living only.

Nonconforming use or building means as follows:

(1) *Nonconforming building* means a building or portion thereof lawfully existing at the original effective date of the ordinance from which this chapter is derived or amendments thereto and which does not conform to the sections (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located.

(2) *Nonconforming use* means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived or amendments thereto and that does not conform to the use regulations of the zoning district in which it is located.

Nursery, plant materials, means a space, building or structure or combination thereof for the storage of live trees, shrubs, or plants offered for wholesale or retail sale, including products used for gardening or landscaping. The definition of the term "nursery" within the meaning of the chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Office means as follows:

(1) *Business office* means an establishment where administrative or clerical duties take place for a commercial entity.

(2) *Professional office* means a place of business and not part of a residential dwelling in an R-1 zone, and is not a home occupation, of an individual whose occupation requires considerable college education or specialized study in order to be qualified for his profession. A license from the state or city is necessary in order to operate such office. For purposes of this chapter, the following shall be considered a professional office: office of a medical doctor or dentist, chiropractor, licensed massage therapist or licensed physical therapist, attorney, architect, engineer, insurance agent, real estate brokerage, etc. The following shall not be considered a professional office: beauty salons or barber shops, tattoo establishments, veterinarian offices, psychic reading rooms, among others. When located in a residentially zoned district, a professional office shall be restricted from any retail sales of merchandise other than that of professional services.

Offstreet parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Open air business uses include the following business uses:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

(2) Retail sale of fruit and vegetables.

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

(4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.

(5) Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.

Open space means any area, open to the sky, on a lot not covered by a principal or accessory building.

Open storage means the outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parking space means an area of not less than nine feet wide by 20 feet long, for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits

and being fully accessible for the storage or parking of permitted vehicles.

Patio means an open unenclosed structure located at/on existing grade level and not elevated more than eight inches.

Porch, covered, means an open entrance with a covered roof and that is attached to the main building. If the roof area of the covered porch extends more than four feet from the main structure, such covered porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch shall be considered a part of the dwelling to which it is attached and shall meet all yard setback requirements for the structure itself.

Porch, open, means an uncovered entrance to a building or structure which projects out from the main wall of such building.

Public utility means any person, firm, corporation, city department or board duly authorized to furnish and furnishing to the public, under city or state regulation, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal services.

Restaurant, carryout, means an establishment where food is prepared and served to a customer solely for the consumption off the premises.

Restaurant, drive-in, means an establishment serving food and/or drink so developed that its retail or service character is dependent on providing spaces for motor vehicles so as to serve patrons food while parked in the motor vehicle. This type of restaurant may have seating facilities for dining, as an ancillary use.

Restaurant, sit-down, means an establishment where food is prepared and served for consumption within the principal building, with or without carryout facilities. A drive-up window may be an accessory service facility for customers.

Room means, in a multiple-family residential district, a living room, equal to at least 220 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Roominghouse means any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented as rooms shall not exceed three, unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

Setback means the minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

Setback, average, means the average line of setback allowed when placing a straight line drawn from the furthest projected corner of the main building on either side of the questioned lot.

Sleeping or living quarters of a night watchman, security guard, or caretaker may consist of a room containing sleeping and/or cooking facilities with a separate room for sanitary facilities (limit one room for each use). These quarters are intended for the use of security personnel who guard the premises or property upon which such quarters are located. Such quarters shall be subject to all local building codes for residential occupancy. One such quarters per commercial or industrial establishment is allowed. These quarters are not meant to be used as a rental unit to lease to someone not intended

to guard the premises. A separate building may be constructed for these purposes. Any sleeping quarters shall not exceed 500 square feet in total size.

Sleeping room. See *Bedroom*.

State-licensed care facilities means:

(1) *Foster care homes*.

a. *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults 18 years of age or older to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

b. *Adult foster care large group home* means a facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

c. *Adult foster care small group home* means a facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

d. *Child foster family group home* means a private home in which more than four but fewer than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

e. *Child foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

f. *Foster care* means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(2) *Child day care facilities*.

a. *Child care center* and *day care center* mean a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. The terms "child care center" and "day care center" include a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period or not greater than eight hours per day for a period of not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.

b. *Family day care home* means a private home in which six or fewer minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises. Care is limited to temporary daytime hours typically provided during normal daytime working hours.

c. *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and

supervision for less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The provider must live on the premises.

d. *Private home or residence*, as it applies to foster care and day care homes, means a single-family dwelling or as a unit of a multiple-dwelling facility so long as the occupant owns, rents or leases the property and has control over the contents of the dwelling. It is a private residence in which the licensee or registrant permanently resides as a member of the household.

Storage trailer means a semitruck trailer or straight truck box with axles and wheels detached from the body. Such trailer box shall be used for storage of goods at a commercial storage facility. The rules and regulations of accessory buildings shall apply to the location of storage trailers.

Story means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

(1) A mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 14 feet or more.

(2) For the purpose of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured at the finished grade, or if it is used for business purposes.

Story, half, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of the full story.

Street means a public thoroughfare which affords traffic circulation and a principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in width or number of exits.

Structure means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Swimming pool means any structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than 24 inches.

Temporary building and *temporary use* mean a structure or use permitted by the board of zoning appeals to exist during periods of construction of the main use or for special events, not to exceed one year.

Tent means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and not including those types of tents used solely for children's recreational purposes.

Terrace means an open, unenclosed structure located above the existing grade level, but not elevated more than 30 inches high. It does not require guardrails.

Tourist home. See *Bed and breakfast*.

Townhouse means one of a row of houses joined by common side walls.

Travel trailer means a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight feet in width

or 32 feet in length. This term also includes folding campers and truck-mounted campers, but not manufactured homes.

Use means the purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Variance means a modification of the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance. A variance granted by the board of zoning appeals shall be valid for six months.

Yacht club means an organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, and a majority of whose members are the owners and operators of boats and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized and operated on a nonprofit basis.

Yard means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. This definition shall not include eaves, provided that an eight-foot height clearance is provided above the adjacent ground level.

Yard, front, means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. For parking purposes in an A-1 or A-2 district, the front yard shall be considered to be the minimum setback of the district. Parking is permitted behind the minimum setback.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, side, means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Secs. 52-4. --52-41.

No changes.

Sec. 52-42. Plat to accompany building permit application.

In order to facilitate administration of the conditions of this chapter, each application for a building permit shall be accompanied by a drawing or plat, in duplicate, drawn to scale and showing the following:

- (1) The plot and the proposed building and dimensions of both;
- (2) The exact location of the proposed building on the plot;
- (3) Notations as to the use for which such building and any existing building on the same plot is to be used;
- (4) Such information on front yard depths and other yard sizes on other lots or plots; and
- (5) Such other information as the chief inspector shall require for the proper enforcement of this chapter.

(6) A certified boundary survey performed by a professional surveyor, licensed by the State of Michigan, is required for all new construction of residential, commercial, or industrial buildings, including additions (as determined by the chief inspector and based upon square footage of existing building). A mortgage survey is required for the installation of fences, driveways, and construction of accessory buildings.

Secs. 52-43--52-675.

No changes.

Sec. 52-676. Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following:

(1) When the accessory building is structurally altered and attached to a main building, it shall be subject to and must conform to all sections of this chapter applicable to main or principal buildings.

(2) Accessory buildings shall only be erected in a side yard or rear yard and shall not be closer than three feet to any side lot line or rear lot line. This may be waived for double-frontage lots as provided in subsection (6) of this section.

(3) An accessory building shall not exceed one story or 15 feet in height, and in no instance shall the accessory building exceed the ground floor area of the main building. A canopy, tent, tarp or similar type structure shall not be considered or allowed as an accessory building.

(4) No detached accessory building shall be located closer than ten feet to any dwelling on the same lot on which the accessory building is to be constructed.

(5) When any accessory building is located on a corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front of the residence located on the lot to the rear of such corner lot.

(6) For double-frontage lots, accessory buildings shall observe front yard requirements on both street frontages or be built in-line with existing adjacent structures. An accessory building can be located between the main structure and the street, provided it meets front yard setback requirements.

(7) When an accessory building is a boathouse, covered boat well, or substantially over the water, it shall only be allowed along the Black River or St. Clair River, and it shall conform to the following:

a. No more than 30 percent of the building area may have flooring, be it earth, concrete, wood or any flooring material other than water.

b. The building shall not exceed the floor area of the main building.

c. All boathouses which exceed 14 feet in height or with wells to accommodate more than two boats shall be subject to the prior approval of the board of zoning appeals. A commercial use of a boathouse is not permitted unless it is located within a commercial district pursuant to this chapter.

d. A second floor shall not be permitted in a boathouse nor shall a boathouse have sanitary facilities unless self-contained or connected to a sanitary sewer system.

e. A building permit for a boathouse shall not be issued unless and until the applicant has:

1. Complied with all the sections of this chapter, the city building code, and the inland lakes and streams act of 1972; and

2. Secured the written approval from the U.S. Army Corps of Engineers and the state department of natural resources when such permits are required within the jurisdiction of these two agencies.

3. The facility shall be in compliance with the rules and regulations of and approved by the county health department.

f. When an accessory structure is to serve both over the water boat storage and automobile storage (garage), the two areas shall be clearly defined. Each area shall be constructed as a separate building and shall meet the requirements for such building.

g. A garage, boathouse, storage, or any other accessory building shall not be erected upon a lot in any residential district without a residential structure existing on the same lot. If an accessory building is to be constructed on a vacant lot adjacent to a residence, the lots shall be combined and all requirements for an

accessory building shall be met before a building permit shall be issued. A fence may be constructed per zoning requirements on a vacant lot without a main structure.

8. In all residential districts, an accessory building shall be owned by the property owner who owns the property and the dwelling upon which the accessory building is located. The accessory building can only be leased to a tenant of said residence for storage purposes. The accessory building shall not be divided up into condominium units and sold or leased to other individuals. No commercial activities shall occur within said accessory building such as warehousing for a fee.

9. Temporary storage trailers or pods shall not be allowed or considered accessory buildings. They may be permitted only as part of a permitted storage facility in the proper zoning district and after issuance of a special approval use permit as needed.

10. A detached residential garage can have a bathroom with a toilet and sink on the first floor. Water and sewer shall be on the same lead as the main dwelling. Said bathroom shall meet all city code requirements. No part of said garage may be used as a separate dwelling unit. A site plan showing the garage on the property and floor plans of the building shall be submitted to obtain a building permit before construction or renovation of any garage.

11. A pool house, adjacent to an in-ground swimming pool, is allowed on a residential lot as an accessory building to a residence. Said pool house may include a toilet, sink, and shower. No cooking facilities may be installed. Water and sewer shall be on the same lead as the main dwelling. Said pool house shall be limited to two rooms, separated by a door, including the bathroom. No part of said pool house may be used as a separate dwelling unit. Said pool house shall meet all requirements of an accessory building in regard to setbacks, location on property, etc. Said pool house shall not exceed 300 square feet in area or include a second story. Any pool house shall be of the same style and exterior treatments of the main dwelling and shall be maintained according to all city codes. A site plan showing the pool house on the property and floor plans of the building shall be submitted to obtain a building permit before construction or renovation of any pool house.

Secs. 52-677--52.701.

No changes.

Sec. 52-702. Livestock - animals.

Livestock means that term as defined in the Animal Industry Act of 1987, Public Act No. 466 of 1988 (MCL 287.701 - 287.747).

There shall be no storage, staging, waiting, parking or maintaining of any livestock at any time or in any district within the city's corporate limits.

Sec. 52-703--52-733.

No changes.

Sec. 52-734. Nonconforming structural configuration.

Where a lawful structure exists at the effective date of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following:

(1) No such nonconforming structure's footprint may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) If any such nonconforming structure ceases being used for any reason for a period of more than six months, any subsequent use of such structure shall conform to the regulations specified by this chapter for the district in which such structure is located.

Sec. 52-735.

No change.

Sec. 52-736. Repairs and maintenance.

(a) On any nonconforming structure or portion of structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of walls, fixtures, wiring, or plumbing or other such items as the case may be, provided that the cubic content (footprint) existing when it became nonconforming shall not be increased.

(b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance and is declared by the chief inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Secs. 52-737--52.827.

No changes.

Sec. 52-828. Off-premises signs, nonaccessory signs, billboards.

Types of off-premises signs (billboards) allowed and standards for such signs shall be as follows:

(1) A billboard structure may be single or double faced, but any double-faced billboard structure shall have advertising surfaces of equal size and shape. For the purpose of this article, the following types of billboards shall be considered double-faced billboards:

a. A billboard structure where the signs are placed back to back as long as the backs of the signs are not separated by more than 36 inches.

b. A billboard structure when constructed in the form of a "V" when viewed from above, provided the internal angle of the apex is not greater than 45 degrees and the billboard's structure is not separated by more than 36 inches at the apex of the "V."

(2) Each face of a single- or double-faced off-premises (billboard) sign structure shall be allowed an advertising display area of not more than 300 square feet.

(3) No off-premises sign shall be constructed unless it is 500 feet from the nearest existing off-premises sign on the same side of the road.

(4) No off-premises sign shall be constructed unless it is more than 150 feet from residentially zoned property.

(5) All off-premises signs shall be erected on structural steel frames anchored to the ground by concrete piers. The framework shall be designed to resist wind pressure over the panel area of 80 pounds per square foot. Panels should be metal. Trim or border around the panels may be constructed of wood.

(6) No sign shall exceed the maximum height limitations of the district in which it is located. Where it can be shown that topography of the adjacent building would hamper visibility of a sign, the board of zoning appeals can rule on a height variation.

(7) If illuminated, off-premises signs shall be bottom-lit, and such lighting shall be designed to illuminate the sign face only. Hours of illumination shall be limited to dusk to dawn.

(8) The location of any sign to be relocated shall be approved by the planning department prior to construction. If at any time a sign becomes damaged, including support posts, it may not be replaced. Upon removal of a sign, the number of remaining signs shall serve as the total number allowed. At no time can the number of permitted off-premises sign faces in the city exceed the number of existing signs on file with the planning department.

(9) When replacing a permitted off-premises sign with a new sign, the square footage of the new sign face must be 300 square feet or less, regardless of the size of the former sign.

Secs. 52-829--833.

No changes.

Sec. 52-834. Schedule of sign regulations by zoning district.

The schedule of sign regulations by zoning district shall be as follows:

Zoning District	Type of Sign Allowed	Maximum Size of Sign	Number of Signs	Location of Sign
R, R-1, A-1, A-2 residential districts:				
In general	Subdivision or housing development signage	48 square feet, maximum six feet high	One per entryway into subdivision	Not in right-of-way (see applicable sections of this chapter)
Dwellings	Wall nameplate	One square foot	One	Attached to building
Permitted uses other than dwellings and uses permitted after special approval	Wall nameplate or bulletin or announcement board	12 square feet	One	Attached to building or if in yard: half the required front yard setback, the required side yard setback
B or C-1 commercial district, CCD community college district and MD marina district	Accessory	Wall and ground signs at 200 square feet (see applicable sections of this chapter for size requirements for portable, temporary, and swinging signs)	One wall sign per face of building; one ground sign per street frontage	Wall, ground, roof, no setbacks (see applicable sections of this chapter for variations and restrictions of each)
	Off-premise signs	300 square feet limited to height of district	Shall not exceed the number of existing signs on file with the planning department	Building setback required. Signs must be a minimum of 150 feet from any residential district.

Zoning District	Type of Sign Allowed	Maximum Size of Sign	Number of Signs	Location of Sign
CBD central business district	Accessory	200 square feet	One per face of building	Signs attached to building. Pole ground signs not allowed
M-1 or M-2 industrial district	Accessory	100 square feet	One wall sign per face of building; one ground sign per street frontage	Wall signs. Ground signs at half the required front yard setback required in side yard
	Off-premises (billboards)	300 square feet maximum, 50 feet high	Shall not exceed 64 total signs throughout city	Building setback required. Signs must be a minimum of 150 feet from any residential district

Pauline M. Repp, MMC
City Clerk

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

ADOPTED: 04-24-06
PUBLISHED: 04-29-06
EFFECTIVE: 04-29-06

PAULINE M. REPP, MMC
City Clerk

Adopted unanimously.

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 1, 2006, at 8:01 a.m., Conference Room 408, Municipal Office Center.

The meeting was called to order at 8:05 a.m. by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes (arrived at 8:08 a.m.), Jacobs (arrived at 8:13 a.m.), McCulloch, Neal and Sample-Wynn.

MISCELLANEOUS BUSINESS

1. Bob Clegg, City Engineer, made a presentation on the proposed bicycle path along the Michigan/Merchant Street corridor. He explained the Michigan/Merchant Street project and how the bicycle path could fit in should funds be available. This path would be on the west side of the roadway and connect to the existing sidewalk on the northeast side of Michigan/Huron/Lincoln and to the trail that ends at Glenwood Avenue. He talked about two-way versus one-way traffic on Michigan/Merchant Streets. Mr. Clegg stated that they will proceed with the project and set the curb and if a decision is made to change to one-way traffic a traffic order can be instituted in the future.

2. John Berry, Personnel Director, presented options for search firms and advertising methods to begin the search for a new city manager. He also distributed a sample advertisement and an evaluation form previously used. Council discussed whether to hire a search firm or proceed with various advertisements in publications, web sites and referrals using the City's Personnel Department for screening. Council discussed the qualifications and attributes they are looking for in a city manager and the method they wish to use in order to obtain candidates for the position. It was agreed that they would proceed without hiring a search firm. Mayor Cutcher, Mayor Pro-tem Neal and Councilmember Sample-Wynn will serve on a committee for the search for a new city manager.

3. Mayor Cutcher presented the qualifications of a potential consultant to assist the Council in reviewing the various development plans to come up with an overall general plan of how the City should be developed with the focus being downtown. It will be a two-evening session and Don Mitchell, Development Concepts, will be invited to be present to answer questions on his plan the first night. Mayor Cutcher asked Council to let the City Clerk know their availability the latter part of May or the first of June so that the sessions can be scheduled.

4. Mayor Cutcher requested a member of Council volunteer to be the non-voting member of the Flags board.

PUBLIC AUDIENCE

1. Janice Littlefield, 923 Michigan Street, addressed City Council complimenting Bob Clegg on his work with their neighborhood and offered hers and others assistance in pursuing grants to the proposed bicycle path. She additionally asked that a copy of the article about Port Huron in the March issue of Michigan Association of Planners magazine be given to Council members.

2. Ken Harris, 1521 Wells Street, addressed City Council encouraging meeting with County Parks Commission to get funding for the bicycle path on Michigan/Merchant corridor; commenting on requirement that city manager have a valid Michigan driver's license when applying and stating he did not think the screening committee for city manager should be just three members of Council.

On motion (9:15 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 8, 2006, at 8:01 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher at 8:07 a.m.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs (arrived at 8:17 a.m.) and McCulloch.

Absent: Councilmembers Fisher and Neal.

Doug Alexander, as a member of the McMorran Task Force, gave a PowerPoint presentation relative to the findings of the committee charged with the task of recommending an option for the McMorran Authority which expires in August of this year. He introduced members of the committee that were present: Marshall Campbell, Randy Maiers and Brian Connelly. The long-term recommendation is to create a Regional Recreation Authority as allowed by Public Act 321 of 2000 which could take approximately 18 months. The short-term recommendation is to extend the McMorran Authority through December 31, 2007, and charge the DDA with the task of facilitating the creation of a Regional Recreation Authority by July 1, 2007, providing City Council with a progress report every 60 days. Following his presentation, City Council asked questions.

Mayor Cutcher requested administration to prepare a resolution for presentation to City Council at its next regular meeting of May 22, 2006, that would extend the McMorran Authority through the end of 2007 and that this item be discussed at their June workshop. City Council was given a copy of the report entitled "McMorran Study Committee Recommendations to the Port Huron City Council" (see City Clerk File #06-49).

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed City Council stating the report was entertaining and interesting and he supports the entire concept and asked if there was any expectation of expanding McMorran.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 8, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Councilmember Tim McCulloch, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch, and Sample-Wynn.

Absent: Mayor Pro-tem Neal

The minutes of the regular meeting of April 24, 2006, and the special meeting of May 1, 2006, were approved.

PRESENTATIONS

1. Proclamation declaring the week of May 14 - 20, 2006, as Police Week and May 14, 2006, as Peace Officers Memorial Day was presented to Major James Carmody.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone various properties in the block bound by Oak, Griswold, 7th and 8th Streets from C-1 (General Business District) and R-1 (Single- and Two-Family Residential District) to A-1 (Medium-Density Multiple-Family Residential District). (See Ordinance #1)

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 operating budget for fiscal year 2006-07.

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 capital improvement program for fiscal years 2006-07 through 2010-11.

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 proposed Port Huron Downtown Development Authority budget for fiscal year 2006-07.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Linda Wrubel, 3900 Pine Grove Road, Fort Gratiot, owner of Massage and Therapy by Design, addressed the City Council thanking them for the adoption of the ordinance that will allow her to open her massage therapy business on Huron Avenue and thanking Kim Harmer, Planning Director, for her assistance.

2. Ken Harris, 1521 Wells Street, addressed the City Council inquiring about City Manager #1 and why another sidewalk bid was being awarded.

3. Sharon Bender, South Boulevard, addressed the City Council relative to the availability of the budgets for the public at the library; water quality issues, tourism and the City Manager’s resignation.

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 Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.

No: None.

Absent: Councilmember Neal.

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

- Registration for summer recreation events will begin at 8:00 a.m. at Palmer Park Recreation Center on May 9 for residents and May 16 for non-residents.
- The annual Feast of the Ste. Claire will be held in Pine Grove Park on May 27-28.
- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is “Celebrate our past. Imagine our future.” A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

FROM THE CITY MANAGER

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

On March 9, 2006, the City of Port Huron received four (4) unit price bids for the 2006 CDBG Sidewalk Program, Project No. F06-0010. Based on estimated annual quantities, the following is a comparative summary of the bids received:

All Type Cement	\$73,779.00
Black River Construction	\$81,125.00
Hinojosa Construction	\$118,450.00
Clyde’s Concrete & Masonry, Inc.	\$121,684.20

It is recommended that the bid of All Type Cement, 9280 Puttygut Road, Casco, Michigan 48064, in the amount of Seventy-Three Thousand Seven Hundred Seventy-Nine and 00/100 Dollars (\$73,779.00) 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 Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.
No: None.
Absent: Councilmember Neal.

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

On April 27, 2006, the City of Port Huron received four (4) bids for the Woodstock Phase III Utility and Pavement Reconstruction Project, Project No. C04-0030:

Pamar Enterprises	\$1,008,124.57
Raymond Excavating Co.	\$1,020,286.99
Boddy Construction Co.	\$1,078,805.60 *
Murray Underground Systems, Inc.	\$1,150,267.12

* As Corrected

It is recommended that the bid of Pamar Enterprises, 58021 Gratiot Avenue, New Haven, Michigan, 48048, in the amount of One Million Eight Thousand One Hundred Twenty-Four and 57/100 Dollars (\$1,008,124.57) 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 Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.
No: None.
Absent: Councilmember Neal.

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

On April 27, 2006, the City of Port Huron received five (5) bids for the Watermain Improvement Project under the Black River Canal, Project No. E06-0020:

Trojan Development Company, Inc.	\$280,520.00
Pamar Enterprises, Inc.	\$357,312.20 *
Raymond Excavating Co.	\$373,939.50
Boddy Construction Co.	\$495,488.82
Ferguson Enterprises, Inc.	\$767,125.00

* As Corrected

It is recommended that the bid of Trojan Development Company, Inc., 2260 Metamora Road, Oxford, Michigan, 48371, in the amount of Two Hundred Eighty Thousand Five Hundred Twenty and 00/100 Dollars (\$280,520.00) 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 Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.
No: None.
Absent: Councilmember Neal.

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 #06-01)

Motion adopted by the following vote:

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

***R-2. WHEREAS**, Diemould Tooling Services, 1605 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, May 22, 2006, in order to hear comments on the application of Diemould Tooling Services, 1605 Beard Street, for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-3. WHEREAS**, the City Council has created a Brownfield Redevelopment Authority consistent with the provisions of Act No. 381 of the Public Acts of 1996; and

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

NOW, THEREFORE, BE IT RESOLVED, that Mike Rossow is hereby appointed to the Brownfield Redevelopment Authority for a term to expire April 14, 2008, and that John Ogden and Keith Flemingloss are reappointed with terms to expire on April 14, 2009.

Adopted.

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

WHEREAS, Section 125.33(2) of the Municipal Planning Act (PA 285 of 1931) states in part that: "...the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote."; and

WHEREAS, the Code of Ordinances for the City of Port Huron, Section 2-234 states in part that: "The term of each member of the Planning Commission shall be three years or until his successor takes office."; and

WHEREAS, the Mayor has made the following reappointments:

- Jeffrey L. Wine, with a term to expire August 11, 2008
- Rock Stevens, with a term to expire August 26, 2008
- Janice Littlefield, with a term to expire August 26, 2008

and the following appointment:

- Jeffrey R. Smith, with a term to expire August 11, 2008

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the Mayor's reappointments and appointment as listed above.

Motion adopted by the following vote:

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

***R-5.** WHEREAS, the Community Development Division of the City of Port Huron has requested to schedule a public hearing on May 22, 2006, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2005 (04/01/05 - 03/31/06); 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 Tuesday, May 16, 2006, for public viewing and written comments for a period of at least fifteen days; and

WHEREAS, the report will be submitted to the HUD after City Council approval on Monday, June 12, 2006, after all comments are considered;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby schedules a public hearing for Monday, May 22, 2006, to hear comments on the Consolidated Annual Performance Evaluation Report.

Adopted.

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

WHEREAS, it is anticipated that there will be no need to hold the second meetings in the months of June, July and August;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meetings of June 26, July 24 and August 28, 2006; and
- b) Instructs the City Manager to not prepare an agenda for these regular meetings; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meetings of June 26, July 24 and August 28, 2006, will not be held.

Councilmember Sample-Wynn moved to postpone action until the May 22, 2006, regular meeting.

Motion adopted by the following vote:

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

***R-7.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1171 effective March 16, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

NORTH BOULEVARD - North Boulevard traffic shall "STOP" for 28th Street.

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

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

Adopted.

***R-8.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1172 effective March 16, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

SOUTH BOULEVARD - South Boulevard traffic shall "STOP" for 28th Street.

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

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

Adopted.

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

WHEREAS, the City of Port Huron deeded real property to the St. Clair County Community College District by Quit Claim Deed dated March 12, 1973 and recorded in St. Clair County Records at Liber 996, Page 41, et seq., during the Community College Urban Renewal Project:

WHEREAS, said Quit Claim Deed contained certain restrictions outlined as follows:

1) All conditions, covenants and restrictions set forth and referred to in the Agreement dated March 12, 1968, between the City of Port Huron and the St. Clair County Community College District, as amended on October 14, 1971, and on June 29, 1972, and as otherwise amended (the "UR Contract");

2) The requirement that redevelopment of the Property be completed through the construction of improvements to the Property as required by the UR Contract;

3) The requirement that the Property be devoted to, and only to and in accordance with, the uses specified in the Urban Renewal Plan described in the UR Contract; and

4) The requirement that free parking not be allowed on the Property, that parking facilities not be constructed on the Property except staff parking incidental to a building, and that student rates not be charged for on-campus parking that are less than those charged by the City of Port Huron in its public parking lots; and

WHEREAS, the St. Clair County Community College District is financing a building improvement project through the State Building Authority; and

WHEREAS, to arrange for bonding on the State Building Authority projects they need to have the restrictions removed; and

WHEREAS, the restrictions no longer serve the needs of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the removal of restrictions previously placed on a Quit Claim Deed dated March 12, 1973, which gave property to the St. Clair County Community College District during the Community College Urban Renewal Project and authorizing the appropriate City officials to execute said conveyance (see City Clerk File #06-50 for a copy of the conveyance document).

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.

No: None.

Absent: Councilmember Neal.

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

WHEREAS, a request has been received from Linda Wrobel, Therapy By Design, for a special approval use permit for a massage therapy business in an R-1, Single- and Two-Family Residential zoning district at 1025 Huron Avenue, legally described as:

the north 77 feet of Lots 1 and 2, Block 17, subdivision of the Fort Gratiot Reservation, City of Port Huron; and

WHEREAS, on May 2, 2006, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

WHEREAS, the Planning Commission, after due consideration, recommended approval (vote: 7 ayes; 0 nays; 2 absent; 0 abstained) of the special use permit request;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special use permit for the above request, or in the case of a negative vote, hereby denies the request of Linda Wrobel for a massage therapy business at 1025 Huron Avenue, City of Port Huron.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.

No: None.

Absent: Councilmember Neal.

***R-11.** WHEREAS, under the Provisions of Chapter 18 of the School Code of 1955 of the State of Michigan, as amended, school districts and various governmental units are authorized to cooperate in establishing and operating public recreation systems; and

WHEREAS, it is the desire of the City of Port Huron and the Port Huron Area School District (PHASD) to enter into such an agreement, as authorized by the aforesaid statute, to cooperate with each other in furthering and improving the public recreation system being operated by the City in the PHASD; and

WHEREAS, the PHASD agrees to provide the necessary school buses and drives for transportation purposes required in the operation of the City's public recreation system during the summer months while schools are closed for the summer recess and/or to make available school playgrounds and buildings, by mutual agreement, as may be required for the operation of such public recreation system; and

WHEREAS, the City agrees to reimburse the PHASD for transportation costs incurred, as well as custodial costs, plus any additional actual cost of utilities, supplies and/or materials; and

WHEREAS, the City agrees to save harmless and indemnify PHASD from any and all liabilities, claims and costs incident thereto, arising out of the use of the playgrounds and buildings under the terms of this agreement;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby approves the attached agreement with the Port Huron Area School District for the use of school buses for transporting children in the City's public recreation program and/or the use of the playgrounds and buildings during the summer months while schools are closed for the summer recess is hereby approved and the appropriate City officials are authorized to execute said agreement. (See City Clerk File #06-51)

Adopted.

*R-12. WHEREAS, the City Recreation Department will be offering the continuance of the Junior Recreator program this summer; and

WHEREAS, the Acheson Foundation has agreed to fund the Junior Recreator program;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby acknowledges and publicly thanks the Acheson Foundation and Dr. James C. Acheson for their generosity and support of the City's Recreation Department's mission to provide recreational opportunities for our citizens with their donation of funds.

Adopted.

*R-13. WHEREAS, the State of Michigan allows for a business located in a development district with a population not more than 50,000 to apply for a special liquor license; and

WHEREAS, the Port Huron City Council has received a request for their support in the application for a Tavern license for Casey's Pizza and Sub Shop, 628 Huron Avenue, City of Port Huron; and

WHEREAS, it is the intention of the City Council to prevent further deterioration within the development district and promote economic growth; and

WHEREAS, the Downtown Development Authority conducted a public hearing on May 2, 2006 to hear comments on the proposal;

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk is hereby authorized to schedule a public hearing on the above proposal for May 22, 2006. Notice of said public hearing is to be published in the Times Herald once prior to date set for public hearing.

Adopted.

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 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUND BY OAK, GRISWOLD, 7TH AND 8TH STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) AND R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO A-1 (MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT).

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

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn offered and moved 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. Since that time, a number of students from Port Huron High School and Port Huron Northern High School have participated.

The boards and their student volunteers for the past year/s are listed as follows:

<u>Board</u>	<u>Student and School</u>
Downtown Development Authority	Lynsey Crawford, PHN
Housing Commission	Emily Eppley, PHN
McMorran Auditorium Authority	Brianna Chapman, PHHS
Planning Commission	Chad Fleming, PHHS
Traffic Study Commission	Chelsea Beeler, PHHS
Zoning Board of Appeals	Michael Hayes, PHN

The majority of the students have been participatory and have attended meetings regularly. All of the students will need to be replaced this year and Port Huron Area School District will be notified. Plans are to present the graduating students with Certificates of Recognition at the regular City Council meeting of May 22, 2006.

Motion adopted by the following vote:

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

2. **Councilmember Fisher** encouraged attendance at the Port Huron Civic Theatre production of The King and I at McMorran May 12-14.

3. **Councilmember McCulloch** commented on the great website the City has promoting the Maritime Capital and also the link to the Travel Michigan site that mentions Port Huron. He also commended Major Carmody on the good job he has done in Port Huron and wished him luck in his new position.

4. **Councilmember Sample-Wynn** also congratulated Major Carmody on his new position. She encouraged participants in the "pin design contest" for First Night stating that there is one week left to submit designs for this year's event.

5. **Councilmember Jacobs** congratulated H. C. Snyder on his 10 years of service on the Planning Commission.

6. **Councilmember Haynes** stated he recently attended a real estate conference in Lansing and Port Huron was used as an example of how partnerships work.

On motion (8:15 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Thursday, May 11, 2006, at 8:30 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher at 8:35 a.m.

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

MOTIONS AND MISCELLANEOUS BUSINESS

John Ogden, Director of Finance, summarized the budget for 2006-07 and stated there are no new positions but the blight department has increased over the past couple of years and data processing has had to increase its services internally but does less outside contracting which causes increased costs. Discussion held about data processing and where it is going – continue with main frame, privatization, etc. There has been no money budgeted for Leonard Center, civic theatre and symphony orchestra as well as some cuts in recreation program. The City funds areas used by those outside our boundaries such as McMorran, Lightship, Museum, parks, beaches, etc. Talking with DNR about selling or leasing Water Street Marina to Acheson. Revenue sharing should increase another 2% (\$80,000). John stated that he is comfortable taking \$400,000 from fund balance, which leaves \$300,000 in further reductions.

Discussion with William Corbett, Police Chief, and John Berry, Personnel Director, about need for as many police administrative positions, especially now that the Captain and Major positions are vacant. Talked about cost of overtime, especially court time and special events.

Recessed at 10:25 a.m. and resumed at 10:35 a.m.

Rich Engle and Brian Connelly, DDA members, presented job description of DDA director and history of change in its focus and its mission of generating development rather than promotion. Funds from DDA, Acheson Foundation and Citizens First were offered for director's position in the total amount of \$90,000. Need to hire that person plus assistant, office equipment and operating expenses. Requesting that City offer benefit package with three-year commitment, approximately \$5,000 to \$13,000 per year for health, dental and life insurance depending on whether single or family. They stated support for MainStreet operation but feel it could be combined with another organization; ie, Chamber of Commerce. A proposal outlining actual dollar amount requested will be presented for the meeting of May 22, 2006.

Recessed at 11:40 a.m. and resumed at 12:10 a.m.

Discussion about wages.

Discussion with Bob Eick, Fire Chief, relative to his operation and the restructuring in the fire department. He talked about cost recovery for incidents that the fire department responds to and a proposal to implement such a program. He distributed a draft ordinance. Chief Eick explained their personnel structure as far as officers. Chief Eick offered that he could continue working on eliminating overtime. Discussion held on possibility of having two stations rather than three. Discussion on regionalism. Discussed areas where revenues can be raised and expenses can be lowered in other areas of operation.

Discussion held on reduction in City Manager's budget.

Councilmember Sample-Wynn moved to eliminate \$72,032 in total from City Manager's account 101-172-706-00 and 101-172-710-00 and add \$10,000 to 101-172-818-00.

* Motion adopted by the following vote:

Yes: Councilmembers Jacobs, McCulloch, Neal and Sample-Wynn.

No: Mayor Cutcher; Councilmembers Fisher and Haynes.

Absent: None.

* Corrected at May 22, 2006, regular meeting when minutes were approved.

Discussion on reducing personal deduction for income tax.

Councilmember Neal moved to reduce personal exemption for income tax to \$600, effective January 1, 2007.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch and Neal.

No: Councilmembers Fisher and Sample-Wynn.

Absent: None.

Discussion on charging for boat launch ramps with resident/non-resident permits.

Councilmember Neal moved to have administration look at instituting a fee for boat launch ramp and increase fees at city parks.

Motion adopted unanimously.

Discussion held on reductions that can be made in Recreation Department and Parks Department.

Discussion held on Police Department management positions.

John Ogden, Director of Finance, will make adjustments to budget presented to City Council at the May 22, 2006, to add revenue of \$310,000 (\$100,000 Income tax exemption adjustment; \$80,000 revenue sharing; \$50,000 increase revenues for fees for recreational facilities; \$80,000 TIF close outs) and reducing expenses by reductions previously voted on and reducing administrative (general government, public works, planning and inspection) by 1-1/4%, public safety by 1-1/4% and parks/forestry/recreation by 3%.

On motion (4:30 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, May 22, 2006, 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 Cutcher.

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

The minutes of the regular meeting and the special meeting of May 8, 2006, were approved. The minutes of the special meeting of May 11, 2006, were approved with a correction to be made to the vote for the motion reading "Councilmember Sample-Wynn moved to eliminate \$72,032 in the total from City Manager's account 101-172-706-00 and 101-172-710-00 and add \$10,000 to 101-172-818-00:"

Motion adopted by the following vote:

Yes: Councilmembers Jacobs, McCulloch, Neal and Sample-Wynn
 No: Mayor Cutcher; Councilmembers Fisher and Haynes.
 Absent: None.

PRESENTATIONS

1. Fifth graders Gabrielle Brown, Crull Elementary, and Kevin Hernandez, Harrison Elementary, read their DARE pledges.
2. Certificates of Recognition were presented to the following high school students who served as volunteers on various boards and commissions: Emily Eppley (PHN), Chad Fleming (PHHS), Brianna Chapman (PHHS) and Chelsea Beeler (PHHS). Lynsey Crawford (PHN) was acknowledged but was not in attendance.
3. Proclamation designating June 10, 2006, as River Day was presented to Sherry Faust, St. Clair County Health Department.
4. James L. Wilson, General Manager, Blue Water Area Transportation Commission, made a presentation on the progress of their construction project.
5. Police Chief William Corbett gave an update on the CAPTURE program.

PUBLIC HEARINGS

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

Steve Kulka, Operations Manager, Diemould Tooling Services, appeared requesting City Council support of their application.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request for a special liquor license (tavern license) at Casey's Pizza and Sub Shop, 628 Huron Avenue, as allowed by Act 58 of Public Acts of 1998. (See Resolution #14)

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 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Division.

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Casey and Carrie Harris, 602 Lakeview Avenue, addressed the City Council requesting support for their request for a tavern license at Casey's Pizza and Sub Shop, 628 Huron Avenue.
2. Dick Reynolds, 3268 Krafft Road, Fort Gratiot, addressed the City Council asking they postpone action on Resolution No. 15 until July or August stating that he has walked two or three developers through McMorran that are interested in taking over the management of this facility without City expense. He commended students and DARE graduates for their involvement.
3. Ken Harris, 1521 Wells Street, addressed the City Council asking that public safety reductions do not affect City residents and asking that Resolution No. 15 be tabled until City looks at developer's proposals. Also, he congratulated John Ogden and Bob Clegg on their recognition by DEQ for a job well done.
4. Arica Ben Hossen, 1229 Vamey Street, addressed the City Council relative to renting space at Lakeside Park to sell refreshments.

CONSENT AGENDA

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

Adopted unanimously.

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

- Upcoming events in the City:
 - May 27-28: Feast of the Ste. Claire, Pine Grove Park
 - May 29: Memorial Day Parade, Quay Street to Pine Grove Park (12 noon)
 - June 3: Kidfest, Port Huron High School, and Be A Tourist in Your Own Town
 - June 5: Heritage Park on the Quay Dedication (12 noon)
 - July 13: Port Huron to Mackinac Race (Family Night)
 - July 14: Port Huron to Mackinac Race (Boat Night) and Yard of the Year nominations due
 - July 15: Port Huron to Mackinac Race Day
 - July 31: Spirit of Port Huron nominations due

• Port Huron is celebrating its Sesquicentennial in 2007 and the theme is “Celebrate our past. Imagine our future.” A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Neal moved to receive and file the following communication and request that they present a formal proposal:

Letter From William J. Beaulieu, Managing Member, McMorran Entertainment, LLC, expressing a desire to submit a formal proposal to City Council to enter into a management lease for the operation of McMorran Place Complex.

Adopted unanimously.

UNFINISHED BUSINESS

1. Postponed from March 27, 2006:

WHEREAS, the Downtown Development Authority (DDA) has approved hiring a full-time Executive Director to carry out its new mission statement and goals with a large emphasis to be placed on business recruitment and business retention; and

WHEREAS, the DDA will be setting aside \$30,000 to \$35,000 per year for the next three years for salary expenses and Acheson Ventures and Citizens First Bank have pledged the same three-year commitment; and

WHEREAS, the DDA has requested that the City Council consider becoming a partner in this endeavor to hire a full-time Executive Director by assisting with a benefit package for the new hire for the next three-years (see City Clerk File #06-36); and

WHEREAS, the cost to provide the benefit package for the new DDA Executive Director’s position for the next three years is estimated to range from \$20,300 to \$32,000 per year; and

WHEREAS, the City will benefit from having a full-time director to work with key stakeholders, for the economic, social, and cultural benefit of the Port Huron community;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the budgeting for a benefit package for the Downtown Development Authority Executive Director for a three-year period.

Councilmember Sample-Wynn moved to amend paragraph four to read “range from \$5,000 to \$12,000.”

Adopted unanimously.

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

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

2. Postponed from May 8, 2006:

WHEREAS, it is anticipated that there will be no need to hold the second meetings in the months of June, July and August;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

- a) Suspends its rules and procedures for the regular meetings of June 26, July 24 and August 28, 2006; and
- b) Instructs the City Manager to not prepare an agenda for these regular meetings; and
- c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meetings of June 26, July 24 and August 28, 2006, will not be held.

Councilmember Haynes moved to amend the resolution by stating that only the meetings of July 24 and August 28, 2006, will not be held:

Motion adopted unanimously.

Motion to adopt resolution, as amended, adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember Sample-Wynn offered and moved the adoption of the following City Manager’s recommendation:

Chapter 7, Cemeteries, Section 7-4 of the Code of Ordinances states, “The City Council shall fix the price of cemetery lots and fees and charges for services rendered by the City in connection with its cemeteries.” The cost of operating cemeteries should be totally funded by the revenues they generate from their operations. However, due to the age and size of Lakeside Cemetery, this has not been the case and the General Fund has been required to annually subsidize its operations. The proposed rate adjustment presented below is being recommended to at least offset the increased cost of its operations.

It is recommended that the following schedule of proposed charges for Lakeside Cemetery be adopted and become effective July 1, 2006:

GRAVES AND PERPETUAL CARE

	<u>Present</u>	<u>Proposed</u>
Residents:		
Adult	\$ 600	\$ 630
Child (Babyland, 36" to 59")	350	370
Infant (Babyland, 35" or under)	175	185
Non-residents:		
Adult	1,200	1,260
Child (Babyland, 36" to 59")	700	740
Infant (Babyland, 35" or under)	350	370
Allied Veterans Cemetery: (St. Clair Co. honorably discharged veterans only)		
Resident (within City limits)	Free	Free
Nonresident (within St. Clair County)	600	630

Columbaria:		
Resident (niche holds 2 cremains)	\$ 575	\$ 600
Nonresident (niche holds 2 cremains) . . .	1,150	1,200
Plaque - must be purchased from and installed by City	175*	200*
*Additional fee charged for extra lettering		
Veterans Columbaria: (St. Clair Co. honorably discharged veterans only and spouse)		
Niche (holds 2 cremains)	400	400
Mausoleum:		
Crypt - Resident	1,350	1,350
Crypt - Nonresident	2,700	2,700
Perpetual Care:		
This fee is charged if care not previously paid. (Perpetual care is now included in grave purchase.)	200	220

INTERMENT SERVICE

(complete with chapel committal or graveside)

Prices based on Monday through Friday until 3:30 p.m.

	<u>Present</u>	<u>Proposed</u>
Remains:		
Residents:		
Adult	\$ 650	\$ 685
Child or Infant (up to 59")	350	375
Nonresidents:		
Adult	750	800
Child or Infant (up to 59")	400	450
Overtime charges added to above rates:		
After regular hours, Mon-Fri.	275	285
Saturday burial charge up to 3 p.m.	550	565
Additional charges:		
Charge for setting steel vaults	225	225
Charge for greens and chairs for graveside service	50	50
Cremains:		
Residents:		
Adult, Child or Infant	350	375
Each additional cremains buried at same time, same opening	125	125
Nonresidents:		
Adult, Child or Infant	400	435
Each additional cremains buried at same time, same opening	150	150
Overtime charges added to above rates:		
After regular hours, Mon.-Fri.	150	155
Saturday burial charge up to 3 p.m.	250	260
Additional charges:		
Fee charged for greens and chairs for graveside service	50	50
Columbaria:		
Opening/closing	150	175
Overtime charges for cremains apply when applicable		
Veterans Columbaria:		
Opening/closing	50	50
Overtime charges for cremains apply when applicable		

	<u>Present</u>	<u>Proposed</u>
Mausoleum:		
Remains - opening/closing	700	750
Cremains - opening/closing	300	350
Overtime charges apply when applicable		
Indigent burials (City residents only, rate set by State of Michigan):		
One month and older	192	192
Under one month	45	45
Overtime charges for remain/cremains apply when applicable		
Other Misc. Charges:		
Chapel service using second room	200	200
Chapel service only, no burial (M-F)	200	200
Chapel service only, no burial (Saturday)	350	350
Chapel use for viewing, additional charge	75	75

DISINTERMENTS / REINTERMENTS

Remains:		
Disinterment from Lakeside Cemetery to another cemetery:		
Adult	\$ 650	685
Child or Infant (up to 59")	350	375
Disinterment and Reinterment within Lakeside Cemetery:		
Adult	1,300	1,370
Child or Infant (Up to 59")	700	750
Cremains:		
Disinterment from Lakeside Cemetery to another cemetery:		
Adult, Child or Infant	350	375
Disinterment and Reinterment with Lakeside Cemetery:		
Adult, Child or Infant	500	525

FOUNDATIONS

Infants (35" or under)	50	50
Others (\$.60 per square inch - minimum charge of \$160)	160	160

NOTE: If indigent burial, perpetual care must be paid prior to installing foundations.

Adopted unanimously.

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

On May 4, 2006, the City of Port Huron received two (2) quotes for a laboratory equipment sanitizer for the Water Reclamation Facility:

Lancer USA	\$7,882.00
Miele Inc.	\$8,760.50

It is recommended that the quote of Lancer USA, 3542 State Road 219, Winter Springs, Florida 32708, in the amount of Seven Thousand Eight Hundred Eighty-Two and 00/100 Dollars (\$7,882.00) 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.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Adopted.

***R-2.** WHEREAS, Diemould Tooling Services, 1605 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on May 22, 2006, to hear comments on the application; and

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

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

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

All personal property: 12/31/06 to 12/31/12 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Diemould Tooling Services is located.

Adopted.

***R-3.** WHEREAS, Kopitzke's, Inc., has requested to transfer ownership of 2005 Class C licensed business with dance-entertainment permit, located at 319-321 Huron Ave., Port Huron, Michigan, 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-4.** WHEREAS, Vintage Tavern, LLC, has requested to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 3136 Military Street, Port Huron, Michigan, from Denise R. Gordon; Charles L. Wells, III, Trustee; transfer located to 206 Huron Avenue, Port Huron, Michigan; and request a new entertainment permit;

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(a).** WHEREAS, the City Council of the City of Port Huron determines that it is necessary to specially assess the cost of maintenance for the streetscape project described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

WHEREAS, the City Council determines that the cost of maintaining such project should be paid by special assessment levied against the lots and parcels of land benefitted by such improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager shall make an investigation of the cost of maintaining the project and prepare a report which shall include a budget for maintaining the project for the balance of the 2006-2007 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

***R-5(b).** WHEREAS, in accordance with the City Council resolution dated May 22, 2006, the following is a report of the City Manager regarding the proposed special assessment of the cost of maintaining certain public improvements:

1. The maintenance for the streetscape improvements for which all of the maintenance costs are to be specially assessed are described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

2. The estimated cost of maintaining streetscape improvements for the balance of the 2006-2007 fiscal year is \$30,000.00.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street (See Appendix A - See City Clerk File #06-52).

NOW, THEREFORE, IT IS RECOMMENDED THAT:

1. The City Council tentatively declare the special assessment of the maintenance costs of the streetscape improvements to be of public necessity and proceed with necessary procedures to make such special assessment.

2. Said special assessment district be designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street (See Appendix A).

3. The cost of maintaining said public improvements for the balance of the 2006-2007 fiscal year is estimated to be \$30,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

***R-5(c).** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

2. The cost of operating improvements for the balance of the 2006-2007 fiscal year is estimated to be \$30,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Military Street from the south side of Black River to the north side of Court Street.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

***R-5(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on June 12, 2006, for the purpose of hearing all persons interested in the operation of said streetscape improvements and said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearing once in the Port Huron Times Herald, a newspaper of general circulation in the City of Port Huron, not less than ten (10) full days prior the date of the said hearing and shall further cause notice of the meeting to be sent by first class mail to each owner of or person in interest in property subject to assessment as indicated by the records in the City Assessor's office as shown on the current assessment rolls of the City, at least ten (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said current assessment rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
City of Port Huron
County of St. Clair, Michigan

TAKE NOTICE that the City Council of the City of Port Huron, St. Clair County, Michigan, has determined it to be necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron as follows:

The City Council has determined that all the costs of the above described public improvements shall be assessed against each of the following lots and parcels of land:

Along Military Street from the south side of Black River to the north side of Court Street.

Take Further Notice that the City Council has caused a report concerning said public improvements to be prepared, which report includes estimates of cost of such public improvements for the balance of the 2006-2007 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 12, 2006, 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 12, 2006, 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, MMC
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-6(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 2006-2007 fiscal year, a description of the assessment district, and his recommendation as to what portion of the cost should be paid by special assessment and what portion, if any, should be a general expense of the City, and the lands which should be included in the special assessment district.

2. The foregoing special report, as soon as completed, shall be presented to the City Council.

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

***R-6(b).** WHEREAS, in accordance with the City Council resolution dated May 22, 2006, 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 2006-2007 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 #06-53).

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 2006-2007 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City.

***R-6(c)** WHEREAS, the City Council of the City of Port Huron tentatively determines that it is necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron, more particularly hereinafter described in this resolution; and

WHEREAS, the City Manager has prepared a report concerning the maintenance costs of the streetscape improvements, which includes all the information required to be included by the Special Assessment Ordinance of the City; and

WHEREAS, the City Council has reviewed that report;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby tentatively determines the necessity for and further determines to proceed with special assessment of the cost of the streetscape improvements described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

2. The cost of operating improvements for the 2006-2007 fiscal year is estimated to be \$40,000.00, all of which shall be spread over the special assessment district as hereinafter described, and none of which shall be paid as a general expense of the City, and the aforesaid report of the City Manager is hereby approved.

3. Said special assessment district is tentatively designated as all of the lots and parcels of land described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

4. The report of the City Manager shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

5. The City Assessor shall prepare a special assessment roll spreading that portion of the cost of maintaining the aforesaid streetscape improvements to be borne by the special assessment district against said district according to the benefits received, in conformity with the provisions of the Special Assessment Ordinance of the City and the City Charter. As soon as said roll is prepared, the City Assessor shall file the same with the City Council.

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

***R-6(d).** WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of maintaining streetscape improvements more particularly hereinafter described to the properties specially benefitted by the operation of said public improvements, and the same has been presented to the Council;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed in the office of the City Clerk for public examination and shall be open to public inspection for a period of seven (7) days before the hearing hereinafter provided for.

2. The City Council shall meet at the Municipal Office Center, Port Huron, Michigan, at 7:30 p.m. on June 12, 2006, for the purpose of hearing all persons interested in the operation of said streetscape improvements and said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearing once in the Port Huron Times Herald, a newspaper of general circulation in the City of Port Huron, not less than ten (10) full days prior the date of the said hearing and shall further cause notice of the meeting to be sent by first class mail to each owner of or person in interest in property subject to assessment as indicated by the records in the City Assessor's office as shown on the current assessment rolls of the City, at least ten (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said current assessment rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
City of Port Huron
County of St. Clair, Michigan

TAKE NOTICE that the City Council of the City of Port Huron, St. Clair County, Michigan, has determined it to be necessary to specially assess the cost of maintaining streetscape improvements in the City of Port Huron as follows:

The City Council has determined that all the costs of the above described public improvements shall be assessed against each of the following lots and parcels of land:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard.

Take Further Notice that the City Council has caused a report concerning said public improvements to be prepared, which report includes estimates of cost of such public improvements for the 2006-2007 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 12, 2006, 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 12, 2006, 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, MMC
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-7.** WHEREAS, on February 9, 2004, the City Council established by ordinance a Sister City Commission; and

WHEREAS, it is stated in the Ordinance Code of the City of Port Huron, Chapter 2, Administration, Boards and Commissions, Article IV, Division 8, Section 2-567:

"Sec. 2-567. Membership and terms of office. The membership of the commission shall be composed of nine (9) members appointed by the City Council, from applications on file in the City Clerk's Office, and shall represent persons with a strong interest in and knowledge of foreign countries or cultures, as much as is possible. Members shall serve without compensation.

The members of the commission shall serve terms of three (3) years....."

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the appointment of Kathy Johnson to fill a vacancy (term to expire on April 12, 2009) and the reappointment of Irene Michels (term to expire on April 12, 2009) and John Cruz (term to expire on April 26, 2009) on the Sister City Commission.

Adopted.

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

WHEREAS, on January 23, 2006, City Council authorized a contract with HNTB Ohio, Inc., to perform professional services during design of the 7th Street Bridge Rehabilitation project; and

WHEREAS, \$427,500 of these costs can be funded by Federal Discretionary Bridge Program Funds; and

WHEREAS, the City must enter into a preliminary engineering agreement with the Michigan Department of Transportation (MDOT) for these services to assure grant eligibility;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the preliminary engineering agreement with the Michigan Department of Transportation for the rehabilitation of the 7th Street Bridge and authorizes the appropriate City officials to execute the agreement (See City Clerk File #06-54)

Adopted unanimously.

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

WHEREAS, on January 23, 2006, City Council authorized a contract with HNTB Ohio, Inc., to perform professional services during design of the 7th Street Bridge Rehabilitation project; and

WHEREAS, \$427,500 of these costs can be funded by Federal Discretionary Bridge Program Funds; and

WHEREAS, the Michigan Department of Transportation (MDOT) has reviewed and approved the supplemental contract to the agreement between the City and HNTB Ohio, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the supplemental contract to the agreement with HNTB Ohio, Inc. for engineering services for the rehabilitation of the 7th Street Bridge and authorizes the appropriate City officials to execute the agreement (See City Clerk File #06-55)

Adopted unanimously.

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

WHEREAS, the City must provide potable water distribution to properties in the City; and

WHEREAS, a watermain was installed as part of the Tunnel Area Sewer Separation Project; and

WHEREAS, the City desires to have an easement for utility purposes to relocate the watermain on private property to;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the easement for utility purposes and construction agreement with The Detroit Edison Company and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-56).

Adopted unanimously.

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

WHEREAS, the City of Port Huron approved an agreement with Waste Management to collect residential refuse in the City of Port Huron utilizing five-day-a-week program; and

WHEREAS, Waste Management has proposed to change this service from a five-day-a-week program to a four-day-a-week program at no additional cost in accordance with all other terms of their original contract;

NOW, THEREFORE, BE IT RESOLVED that the City Council establishes the schedule for the collection of residential solid waste by Waste Management with a four-day-a-week schedule in accordance with the attached map. (See City Clerk File #06-57)

Adopted unanimously.

R-12. 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 \$755,984,566, plus \$38,459,234 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, 2006 and ending June 30, 2007 is hereby determined and adopted as follows:

GENERAL FUND:

Means of financing:			
Property taxes	\$	8,325,000	
Income tax		6,350,000	
Business licenses and permits		303,000	
Nonbusiness licenses and permits		345,000	
State shared revenues		4,178,000	
Charges for services		595,500	
Fines and forfeits		215,000	
Investment income		450,000	
Rents		215,000	
Sale of fixed assets		3,000	
Charges to other funds		1,720,005	
Transfer from other funds		<u>80,000</u>	<u>\$ 22,779,505</u>
Estimated requirements:			
Ordinary recurring expenses	\$	22,611,505	
Capital outlay and/or salary adjustments		<u>168,000</u>	<u>\$ 22,779,505</u>

MAJOR STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$	20,498	
State shared revenues		1,835,000	
Trunkline maintenance		310,322	
State grants		1,300,000	
Transfer from Municipal streets to Major streets		<u>2,900,000</u>	<u>\$ 6,365,820</u>
Estimated requirements:			
Ordinary recurring expenses	\$	2,530,820	
Capital outlay and street improvements		<u>3,835,000</u>	<u>\$ 6,365,820</u>

LOCAL STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$	24,329	
State shared revenues		565,000	
Transfer from Major streets to Local streets		470,000	
Transfer from Municipal streets to Local streets		<u>1,650,000</u>	<u>\$ 2,709,329</u>
Estimated requirements:			
Ordinary recurring expenses	\$	1,084,329	
Capital outlay and street improvements		<u>1,625,000</u>	<u>\$ 2,709,329</u>

MUNICIPAL STREETS FUND:

Means of financing:			
Estimated designated fund balance	\$	3,165,839	
Taxes		1,870,000	
Investment income		<u>75,000</u>	<u>\$ 5,110,839</u>
Estimated requirements:			
Ordinary recurring expenses	\$	5,107,189	
Capital outlay		<u>3,650</u>	<u>\$ 5,110,839</u>

CEMETERY FUND:

Means of financing:			
Estimated designated fund balance	\$	92,594	
Foundations		17,100	
Graveside interments		28,800	
Chapel interments		79,600	
Other services		18,100	
Transfer from General fund		54,000	
Transfer from Cemetery perpetual care fund		<u>260,000</u>	<u>\$ 550,194</u>
Estimated requirements:			
Ordinary recurring expenses	\$	547,194	
Capital outlay		<u>3,000</u>	<u>\$ 550,194</u>

GARBAGE AND RUBBISH COLLECTION FUND:

Means of financing:			
Taxes		<u>\$ 2,030,000</u>	
Estimated requirements:			
Ordinary recurring expenses	\$	2,011,328	
Capital outlay and/or other adjustments		<u>18,672</u>	<u>\$ 2,030,000</u>

RENTAL CERTIFICATION FUND:

Means of financing:			
Estimated designated fund balance	\$	24,417	
Charges for services		<u>182,917</u>	<u>\$ 207,334</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 207,334</u>

DOMESTIC PREPAREDNESS FUND:

Means of financing:			
Grants			<u>\$ 200,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$	50,000	
Capital outlay		<u>150,000</u>	<u>\$ 200,000</u>

O.U.I.L. FUND:

Means of financing:			
Fines and forfeits			<u>\$ 1,100</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 1,100</u>

DRUG LAW ENFORCEMENT FUND:

Means of financing:			
Fines and forfeits			<u>\$ 46,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$	6,000	
Capital outlay		<u>40,000</u>	<u>\$ 46,000</u>

LAW ENFORCEMENT FUND:

Means of financing:			
Charges for services			<u>\$ 1,000</u>
Estimated requirements:			
Ordinary recurring expenses			<u>\$ 1,000</u>

ENHANCED 911 FUND:

Means of financing:			
Charges for services			<u>\$ 237,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$	106,976	
Capital outlay		<u>130,024</u>	<u>\$ 237,000</u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Means of financing:			
Grants			<u>\$ 879,334</u>
Estimated requirements:			
Ordinary recurring expenses	\$	177,866	
Capital outlay		<u>701,468</u>	<u>\$ 879,334</u>

NEIGHBORHOOD REHABILITATION FUND:

Means of financing:			
Grant			<u>\$ 347,200</u>
Estimated requirements:			
Ordinary recurring expenses	\$	27,200	
Capital outlay		<u>320,000</u>	<u>\$ 347,200</u>

HOME PROGRAM FUND:

Means of financing:			
Grants			<u>\$ 272,286</u>
Estimated requirements:			
Ordinary recurring expenses	\$	27,229	
Capital outlay		<u>245,057</u>	<u>\$ 272,286</u>

STREETSCAPE MAINTENANCE FUND:

Means of financing:	
Charges for services	\$ 70,000
Estimated requirements:	
Ordinary recurring expenses	\$ 70,000

DOWNTOWN DEVELOPMENT FUND:

Means of financing:	
Estimated designated fund balance	\$ 30,000
Taxes	90,700
State shared revenues	3,800
Other revenue	60,000
Transfer from General fund	12,000
	<u>\$ 196,500</u>
Estimated requirements:	
Ordinary recurring expenses	\$ 114,500
Increase to estimated designated fund balance	82,000
	<u>\$ 196,500</u>

INDUSTRIAL PARK TAX INCREMENT FUND:

Means of financing:	
Estimated designated fund balance	\$ 230,000
Taxes	1,501,000
	<u>\$ 1,731,000</u>
Estimated requirements:	
Ordinary recurring expenses - Taxes not captured	\$ 1,501,000
Contractual services	80,000
Capital outlay	150,000
	<u>\$ 1,731,000</u>

PAPER COMPANY TAX INCREMENT FUND:

Means of financing:	
Taxes	\$ 564,000
Estimated requirements:	
Ordinary recurring expenses - Taxes not captured	\$ 564,000

KRAFFT-HOLLAND TAX INCREMENT FUND:

Means of financing:	
Estimated designated fund balance	\$ 125,000
Taxes	583,000
	<u>\$ 708,000</u>
Estimated requirements:	
Ordinary recurring expenses - Taxes not captured	\$ 708,000

PEERLESS SITE TAX INCREMENT FUND:

Means of financing:	
Taxes	\$ 204,000
Estimated requirements:	
Ordinary recurring expense	\$ 179,000
Capital outlay	5,000
	<u>\$ 204,000</u>

HARRINGTON HOTEL TAX INCREMENT FUND:

Means of financing:	
Estimated designated fund balance	\$ 70,000
Taxes	27,500
	<u>\$ 97,500</u>
Estimated requirements:	
Ordinary recurring expense	\$ 97,500

BANK TAX INCREMENT FUND:

Means of financing:	
Estimated designated fund balance	\$ 115,000
Taxes	41,000
	<u>\$ 156,000</u>
Estimated requirements:	
Ordinary recurring expense	\$ 10,000
Capital outlay	146,000
	<u>\$ 156,000</u>

EDISON REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:	
Taxes	\$ 529,000
Estimated requirements:	
Ordinary recurring expenses	\$ 504,000
Capital outlay	25,000
	<u>\$ 529,000</u>

WATER STREET TAX INCREMENT FUND:

Means of financing:	
Taxes	\$ 420,000
Estimated requirements:	
Ordinary recurring expenses	\$ 395,000
Capital outlay	25,000
	<u>\$ 420,000</u>

MAINSTREET TAX INCREMENT FUND:

Means of financing:	
Estimated designated fund balance	\$ 130,000
Taxes	46,000
Transfer from Land purchase fund	114,000
	<u>\$ 290,000</u>
Estimated requirements:	
Ordinary recurring expense	\$ 10,000
Capital outlay	280,000
	<u>\$ 290,000</u>

INDUSTRIAL PARK EXPANSION TAX INCREMENT FUND:

Means of financing:	
Taxes	\$ 325,000
Estimated requirements:	
Ordinary recurring expenses	\$ 300,000
Capital outlay	25,000
	<u>\$ 325,000</u>

BROWNFIELD REDEVELOPMENT TAX INCREMENT FUND:

Means of financing:	
Taxes	\$ 392,000
Estimated requirements:	
Ordinary recurring expenses	\$ 392,000

BEAUTIFICATION COMMISSION:

Means of financing:	
Estimated designated fund balance	\$ 2,000
Miscellaneous	2,000
Transfer from General fund	3,300
	<u>\$ 7,300</u>
Estimated requirements:	
Ordinary recurring expenses	\$ 7,300

MARINA FUND:

Means of financing:	
Estimated designated fund balance	\$ 102,024
Charges for services	680,500
Transfer from Land purchase fund	75,000
	<u>\$ 857,524</u>
Estimated requirements:	
Ordinary recurring expenses	\$ 857,524

SENIOR CITIZENS HOUSING FUND:

Means of financing:			
Estimated designated fund			
balance	\$ 499,514		
Grants	453,260		
Rent	319,822		
Charges for services	<u>46,404</u>	\$ 1,319,000	
Estimated requirements:			
Ordinary recurring expenses	\$ 665,850		
Capital outlay and/or other adjustments	<u>653,150</u>	\$ 1,319,000	

LAND PURCHASE FUND:

Means of financing:			
Estimated designated fund			
balance	\$ 635,000		
Investment income	225,000		
Rents	270,000		
Other income	50,000		
Transfer from tax increment funds	<u>1,316,733</u>	\$ 2,496,733	
Estimated requirements:			
Ordinary recurring expenses	\$ 2,439,000		
Capital outlay	<u>57,733</u>	\$ 2,496,733	

PARKING FUND:

Means of financing:			
Estimated designated fund			
balance	\$ 173,417		
Street meters	56,900		
Parking lots	62,500		
Annual permits	58,800		
Charges for services	<u>5,400</u>	\$ 357,017	
Estimated requirements:			
Ordinary recurring expenses	\$ 206,917		
Capital outlay	<u>150,100</u>	\$ 357,017	

WATER FUND:

Means of financing:			
Estimated designated fund			
balance	\$ 750,000		
Sale of water	5,121,977		
Charges for services	154,760		
Investment income	150,000		
Proceeds from long-term revenue bonds	9,140,000		
Pro rata share of water administration and meter reading budget reimbursed from Wastewater fund	462,385		
Transfer from Land purchase fund	<u>600,000</u>	\$16,379,122	
Estimated requirements:			
Ordinary recurring expenses	\$ 4,317,652		
Debt service	2,600,000		
Capital outlay	<u>9,461,470</u>	\$16,379,122	

WASTEWATER FUND:

Means of financing:			
Estimated designated fund			
balance	\$ 2,600,000		
Charges for services	7,276,721		
Other income	60,000		
Investment income	180,000		
Grants	850,000		
Reimbursement from other units of government	1,842,000		
Proceeds from long-term revenue bonds	11,795,000		
Transfer from Land purchase fund	<u>1,600,000</u>	\$ 26,203,721	
Estimated requirements:			
Ordinary recurring expenses	\$ 7,502,721		
Debt service	5,726,000		
Capital outlay	<u>12,975,000</u>	\$ 26,203,721	

CENTRAL STORES FUND:

Means of financing:			
Charges for services			\$ 166,924
Estimated requirements:			
Ordinary recurring expenses	\$ 156,924		
Capital outlay	<u>10,000</u>	\$ 166,924	

DATA PROCESSING FUND:

Means of financing:			
Charges for services			\$ 1,053,214
Estimated requirements:			
Ordinary recurring expenses	\$ 994,166		
Capital outlay	<u>59,048</u>	\$ 1,053,214	

MOTOR VEHICLE FUND:

Means of financing:			
Estimated designated fund			
balance	\$ 200,424		
Charges for services	<u>2,488,017</u>	\$ 2,688,441	
Estimated requirements:			
Ordinary recurring expenses	\$ 2,253,191		
Capital outlay	<u>435,250</u>	\$ 2,688,441	

INSURANCE AND FRINGE BENEFIT FUND:

Means of financing:			
Charges for services			\$11,802,351
Estimated requirements:			
Ordinary recurring expenses	\$10,605,851		
Supplies and materials	500		
Contractual services	<u>1,196,000</u>	\$11,802,351	

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
2006-2007

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
GENERAL FUND						
General Government:						
City council	\$ 9,739	\$ 2,330	\$ 98,159	\$ 110,228	\$	\$ 110,228
City manager	280,306	3,130	32,430	315,866		315,866
Elections	60,046	5,000	19,691	84,737		84,737
Finance and accounting	538,167	7,100	116,150	661,417		661,417
Income tax	213,712	23,955	73,340	311,007		311,007
Assessor	326,002	9,150	86,028	421,180		421,180
Legal	210,038	1,525	93,315	304,878		304,878
Clerk	230,570	1,550	14,413	246,533		246,533
Personnel	236,848	3,100	78,173	318,121		318,121
Purchasing	31,096	200	10,220	41,516		41,516
Board of review	1,800		650	2,450		2,450
Treasurer	129,808	9,185	70,626	209,619		209,619
Municipal office center	206,386	33,500	337,034	576,920	6,000	582,920
Promotional		100	23,500	23,600		23,600
	<u>2,474,518</u>	<u>99,825</u>	<u>1,053,729</u>	<u>3,628,072</u>	<u>6,000</u>	<u>3,634,072</u>
Public Safety:						
Police administration	820,062	22,000	207,752	1,049,814		1,049,814
Detectives	812,621	13,924	111,484	938,029		938,029
Patrol	4,690,584	82,400	443,898	5,216,882		5,216,882
Communications	691,758	7,148	84,399	783,305		783,305
Fire	4,963,477	161,410	341,676	5,466,563		5,466,563
	<u>11,978,502</u>	<u>286,882</u>	<u>1,189,209</u>	<u>13,454,593</u>		<u>13,454,593</u>
Public Works:						
Inspection	328,229	3,600	45,321	377,150		377,150
Emergency Management	2,750	6,530	13,936	23,216		23,216
Public works administration	196,091	575	12,310	208,976		208,976
Engineering	326,562	7,200	79,363	413,125		413,125
Street lighting	8,800	3,600	700,029	712,429		712,429
Blight	105,817	2,156	10,622	118,595		118,595
	<u>968,249</u>	<u>23,661</u>	<u>861,581</u>	<u>1,853,491</u>		<u>1,853,491</u>
Senior Citizens:						
Wastewater and water discounts			7,000	7,000		7,000
Senior citizens transportation			15,148	15,148		15,148
			<u>22,148</u>	<u>22,148</u>		<u>22,148</u>
Recreation, Parks and Culture:						
Parks and Forestry	803,555	114,122	347,192	1,264,869	10,000	1,274,869
Recreation	434,976	96,454	132,216	663,646		663,646
20th and Court pool	59,895	12,300	33,370	105,565		105,565
Sanborn pool	71,023	13,250	38,370	122,643		122,643
Lighthouse park	55,622	6,310	4,460	66,392		66,392
Lakeside park	56,972	7,210	12,810	76,992		76,992
Palmer park recreation center	79,337	9,100	33,582	122,019		122,019
Lightship	1,350	1,275	9,956	12,581		12,581
McMorran complex			335,000	335,000		335,000
Library			8,000	8,000		8,000
Museum	640	5,000	113,896	119,536		119,536
	<u>1,563,370</u>	<u>265,021</u>	<u>1,068,852</u>	<u>2,897,243</u>	<u>10,000</u>	<u>2,907,243</u>
Other Functions:						
Planning	213,723	3,700	20,300	237,723		237,723
Telephone service		6,000	30,276	36,276		36,276
Contingencies			50,000	50,000		50,000
Insurance, health and safety	74,160	130	258,369	332,659		332,659
Taxes written off			15,000	15,000		15,000
Demolitions			15,000	15,000		15,000
	<u>287,883</u>	<u>9,830</u>	<u>388,945</u>	<u>686,658</u>		<u>686,658</u>

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2006-2007

	<u>Personal Services</u>	<u>Supplies and Materials</u>	<u>Contractual Services</u>	<u>Total Recurring Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>
Public Improvements:						
Recreation projects	\$	\$	\$	\$	\$ 112,000	\$ 112,000
Available for public improvements and/or salary adjustments					40,000	40,000
					<u>152,000</u>	<u>152,000</u>
Transfer to other funds:						
Cemetery fund			54,000	54,000		54,000
Downtown development fund			12,000	12,000		12,000
Beautification commission fund			3,300	3,300		3,300
			<u>69,300</u>	<u>69,300</u>		<u>69,300</u>
TOTAL GENERAL FUND	<u>17,272,522</u>	<u>685,219</u>	<u>4,653,764</u>	<u>22,611,505</u>	<u>168,000</u>	<u>22,779,505</u>
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	1,152,081	221,040	1,157,699	2,530,820	3,835,000	6,365,820
Local streets	630,022	95,869	358,438	1,084,329	1,625,000	2,709,329
Municipal streets	61,279	20,514	5,025,396	5,107,189	3,650	5,110,839
	<u>1,843,382</u>	<u>337,423</u>	<u>6,541,533</u>	<u>8,722,338</u>	<u>5,463,650</u>	<u>14,185,988</u>
Cemetery fund	385,291	23,025	138,878	547,194	3,000	550,194
Garbage and rubbish collection fund	92,878	600	1,917,850	2,011,328	18,672	2,030,000
Rental certification fund	164,765	6,200	36,369	207,334		207,334
Domestic Preparedness		10,000	40,000	50,000	150,000	200,000
OUIL		600	500	1,100		1,100
Drug law enforcement fund		5,000	1,000	6,000	40,000	46,000
Law enforcement fund		1,000		1,000		1,000
Enhanced 911 fund		1,188	105,788	106,976	130,024	237,000
Community development block grant	147,923	4,813	25,130	177,866	701,468	879,334
Neighborhood rehabilitation	27,200			27,200	320,000	347,200
Home program fund	27,229			27,229	245,057	272,286
Streetscape maintenance	640	1,064	68,296	70,000		70,000
Downtown development fund	90,000	4,500	20,000	114,500	82,000	196,500
Industrial park tax increment fund			1,581,000	1,581,000	150,000	1,731,000
Paper Company tax increment fund			564,000	564,000		564,000
Krafft-Holland tax increment fund			708,000	708,000		708,000
Peerless site tax increment fund			179,000	179,000	25,000	204,000
Harrington Hotel tax increment fund			97,500	97,500		97,500
Bank tax increment fund			10,000	10,000	146,000	156,000
Edison redevelopment tax increment fund			504,000	504,000	25,000	529,000
Water Street tax increment fund			395,000	395,000	25,000	420,000
Mainstreet tax increment fund			10,000	10,000	280,000	290,000
Industrial park expansion tax increment fund			300,000	300,000	25,000	325,000
Brownfield redevelopment tax increment fund			392,000	392,000		392,000
Beautification commission fund		6,570	730	7,300		7,300
TOTAL SPECIAL REVENUE FUNDS	<u>2,779,308</u>	<u>401,983</u>	<u>13,636,574</u>	<u>16,817,865</u>	<u>7,829,871</u>	<u>24,647,736</u>
ENTERPRISE FUNDS						
Marina fund	180,715	300,120	376,689	857,524		857,524
Senior citizens housing fund		12,300	653,550	665,850	653,150	1,319,000
Land purchase fund			2,439,000	2,439,000	57,733	2,496,733
Parking fund	95,132	14,610	97,175	206,917	150,100	357,017

SUMMARY OF ESTIMATED REQUIREMENTS BY BUDGET CLASSES
2006-2007

	Personal Services	Supplies and Materials	Contractual Services	Total Recurring Expenses	Capital Outlay	Total
Water fund:						
Treatment plant	\$ 1,003,442	\$ 123,221	\$ 858,672	\$ 1,985,335	\$ 286,900	\$ 2,272,235
Distribution	787,291	114,729	505,527	1,407,547	9,148,100	10,555,647
Customer accounting	144,843	29,064	112,861	286,768		286,768
Meter reading	383,355	109,674	144,973	638,002	26,470	664,472
Debt service			2,600,000	2,600,000		2,600,000
	<u>2,318,931</u>	<u>376,688</u>	<u>4,222,033</u>	<u>6,917,652</u>	<u>9,461,470</u>	<u>16,379,122</u>
Wastewater fund:						
Treatment plant	2,132,508	457,090	2,474,222	5,063,820	320,350	5,384,170
Collection, general	977,789	105,271	1,307,920	2,390,980	12,654,650	15,045,630
Collection system no. 1			212	212		212
Collection system no. 2	2,642	3,100	17,663	23,405		23,405
Collection system no. 3	3,626	1,500	19,178	24,304		24,304
Debt service			5,726,000	5,726,000		5,726,000
	<u>3,116,565</u>	<u>566,961</u>	<u>9,545,195</u>	<u>13,228,721</u>	<u>12,975,000</u>	<u>26,203,721</u>
TOTAL ENTERPRISE FUNDS	<u>5,711,343</u>	<u>1,270,679</u>	<u>17,333,642</u>	<u>24,315,664</u>	<u>23,297,453</u>	<u>47,613,117</u>
INTERNAL SERVICE FUNDS						
Central stores fund	11,670	49,100	96,154	156,924	10,000	166,924
Data Processing fund	654,514	110,900	228,752	994,166	59,048	1,053,214
Motor vehicle fund	896,452	458,645	898,094	2,253,191	435,250	2,688,441
Insurance and fringe benefit fund	<u>10,605,851</u>	<u>500</u>	<u>1,196,000</u>	<u>11,802,351</u>		<u>11,802,351</u>
TOTAL INTERNAL SERVICE FUNDS	<u>12,168,487</u>	<u>619,145</u>	<u>2,419,000</u>	<u>15,206,632</u>	<u>504,298</u>	<u>15,710,930</u>
TOTAL ALL FUNDS	<u>\$ 37,931,660</u>	<u>\$ 2,977,026</u>	<u>\$ 38,042,980</u>	<u>\$ 78,951,666</u>	<u>\$ 31,799,622</u>	<u>\$ 110,751,288</u>

SCHEDULE OF ESTIMATED EXPENDITURES

2006-2007

	Actual		Budget			
	2003-2004	2004-2005	2005-2006	2006-2007	Increase	Decrease
GENERAL FUND						
General Government:						
City council	\$ 79,937	\$ 86,288	\$ 98,792	\$ 110,228	\$ 11,436	\$
City manager	325,614	348,690	361,192	315,866		45,326
Elections	64,207	70,358	90,405	84,737		5,668
Finance and accounting	561,155	565,249	628,567	661,417	32,850	
Income tax	252,424	261,691	289,730	311,007	21,277	
Assessor	340,449	373,452	413,121	421,180	8,059	
Legal	231,718	276,422	295,750	304,878	9,128	
Clerk	213,081	221,553	235,853	246,533	10,680	
Personnel	275,304	284,537	309,797	318,121	8,324	
Purchasing	32,582	34,485	37,366	41,516	4,150	
Board of review	2,412	2,259	2,450	2,450		
Treasurer	184,144	176,563	190,625	209,619	18,994	
Municipal office center	474,747	606,978	550,394	582,920	32,526	
Promotional	30,019	28,801	25,000	23,600		1,400
	<u>3,067,793</u>	<u>3,337,326</u>	<u>3,529,042</u>	<u>3,634,072</u>	<u>157,424</u>	<u>52,394</u>
Public Safety:						
Police administration	873,354	891,264	1,030,118	1,049,814	19,696	
Detectives	966,966	1,033,116	1,031,343	938,029		93,314
Patrol	4,403,734	4,696,606	4,990,724	5,216,882	226,158	
Communications	621,167	667,211	744,573	783,305	38,732	
Fire	<u>5,072,214</u>	<u>5,458,247</u>	<u>5,260,498</u>	<u>5,466,563</u>	<u>206,065</u>	
	<u>11,937,435</u>	<u>12,746,444</u>	<u>13,057,256</u>	<u>13,454,593</u>	<u>490,651</u>	<u>93,314</u>

SCHEDULE OF ESTIMATED EXPENDITURES

	2006-2007					
	Actual		Budget			
	2003-2004	2004-2005	2005-2006	2006-2007	Increase	Decrease
Public Works:						
Inspection	\$ 325,883	\$ 344,782	\$ 363,886	\$ 377,150	\$ 13,264	\$
Emergency Management	7,564	54,843	17,127	23,216	6,089	
Public works administration	175,086	180,114	198,024	208,976	10,952	
Engineering	201,655	212,586	413,803	413,125		678
Street lighting	621,375	660,426	710,207	712,429	2,222	
Blight	66,699	84,631	123,618	118,595		5,023
	<u>1,398,262</u>	<u>1,537,382</u>	<u>1,826,665</u>	<u>1,853,491</u>	<u>32,527</u>	<u>5,701</u>
Senior Citizens:						
Wastewater and water discounts	4,526	3,811	8,000	7,000		1,000
Senior citizens transportation	9,191	10,084	14,732	15,148	416	
	<u>13,717</u>	<u>13,895</u>	<u>22,732</u>	<u>22,148</u>	<u>416</u>	<u>1,000</u>
Recreation, Parks and Culture:						
Parks and Forestry	1,051,918	1,198,289	1,283,049	1,274,869		8,180
Recreation	566,044	637,649	670,230	663,646		6,584
Leonard center	7,736		10,000			10,000
20th and Court pool	82,057	88,599	106,195	105,565		630
Sanborn pool	118,616	131,551	125,323	122,643		2,680
Lighthouse park	37,524	40,145	66,130	66,392	262	
Lakeside park	55,626	59,015	76,720	76,992	272	
Palmer park recreation center	114,455	121,343	127,904	122,019		5,885
Lightship	9,344	8,089	10,461	12,581	2,120	
McMorran complex	335,000	335,000	335,000	335,000		
Library	8,000	8,000	8,000	8,000		
Museum	77,698	80,774	115,516	119,536	4,020	
Fine arts	1,500	1,500	1,500			1,500
	<u>2,465,518</u>	<u>2,709,954</u>	<u>2,936,028</u>	<u>2,907,243</u>	<u>6,674</u>	<u>35,459</u>
Other Functions:						
Planning	170,105	202,043	218,454	237,723	19,269	
Telephone service	35,367	34,853	46,531	36,276		10,255
Contingencies			50,000	50,000		
Insurance, health and safety	354,006	337,088	351,742	332,659		19,083
Taxes written off	1,751	1,246	15,000	15,000		
Demolitions		1,339	15,000	15,000		
	<u>561,229</u>	<u>576,569</u>	<u>696,727</u>	<u>686,658</u>	<u>19,269</u>	<u>29,338</u>
Public Improvements:						
Recreation projects	23,198	111,369	98,000	112,000	14,000	
Available for public improvement and/or salary adjustments			21,800	40,000	18,200	
	<u>23,198</u>	<u>111,369</u>	<u>119,800</u>	<u>152,000</u>	<u>32,200</u>	
Transfer to other funds:						
Cemetery fund			45,000	54,000	9,000	
Downtown development fund				12,000	12,000	
Beautification commission fund	3,300	3,300	3,300	3,300		
Land purchase fund	600,000	600,000				
	<u>603,300</u>	<u>603,300</u>	<u>48,300</u>	<u>69,300</u>	<u>21,000</u>	
TOTAL GENERAL FUND	<u>20,070,452</u>	<u>21,636,239</u>	<u>22,236,550</u>	<u>22,779,505</u>	<u>760,161</u>	<u>217,206</u>
SPECIAL REVENUE FUNDS						
Street funds:						
Major streets	3,804,012	3,658,118	7,223,860	6,365,820		858,040
Local streets	1,146,932	1,325,952	2,571,863	2,709,329	137,466	
Municipal streets	1,152,588	1,470,634	4,983,917	5,110,839	126,922	
	<u>6,103,532</u>	<u>6,454,704</u>	<u>14,779,640</u>	<u>14,185,988</u>	<u>264,388</u>	<u>858,040</u>
Cemetery fund	458,216	459,549	504,873	550,194	45,321	
Garbage and rubbish collection fund	1,580,988	1,709,142	1,965,000	2,030,000	65,000	
Rental certification fund	166,322	200,077	218,636	207,334		11,302
Domestic preparedness fund	83,372	132,011	80,000	200,000	120,000	

SCHEDULE OF ESTIMATED EXPENDITURES

2006-2007

	Actual		Budget			
	2003-2004	2004-2005	2005-2006	2006-2007	Increase	Decrease
OUIL fund	\$ 5,761	\$ 1,963	\$ 1,100	\$ 1,100	\$	\$
Drug law enforcement fund	65,900	43,067	46,000	46,000		
Law enforcement fund	3,291	3,085	1,000	1,000		
Enhanced 911 fund	75,809	109,825	143,572	237,000	93,428	
Community development block grant fund	1,350,219	1,335,336	977,233	879,334		97,899
Neighborhood rehabilitation fund			15,000	347,200	332,200	
Home program fund	675,122	379,120	268,950	272,286	3,336	
Streetscape maintenance fund	37,328	24,439	40,000	70,000	30,000	
Downtown development fund	64,423	157,414	90,000	196,500	106,500	
Industrial park tax increment fund	2,544,119	1,390,284	1,814,000	1,731,000		83,000
Paper Company tax increment fund	627,143	576,211	566,000	564,000		2,000
Krafft-Holland tax increment fund	531,074	551,066	566,000	708,000	142,000	
Peerless site tax increment fund	197,864	197,158	199,000	204,000	5,000	
Harrington Hotel tax increment fund			71,000	97,500	26,500	
Bank tax increment fund	8,465		115,000	156,000	41,000	
Edison redevelopment tax increment fund	466,382	485,427	507,000	529,000	22,000	
Water Street tax increment fund	672,415	420,074	486,000	420,000		66,000
Mainstreet tax increment fund		6,288	225,000	290,000	65,000	
Industrial park expansion tax increment fund	225,989	185,491	225,000	325,000	100,000	
Brownfield redevelopment tax increment fund	407	68,089	381,000	392,000	11,000	
Beautification commission fund	4,413	5,616	7,300	7,300		
TOTAL SPECIAL REVENUE FUNDS	<u>15,948,554</u>	<u>14,895,436</u>	<u>24,293,304</u>	<u>24,647,736</u>	<u>1,472,673</u>	<u>1,118,241</u>
ENTERPRISE FUNDS						
Marina fund	<u>749,658</u>	<u>782,996</u>	<u>834,910</u>	<u>857,524</u>	<u>22,614</u>	
Senior citizens housing fund	<u>578,232</u>	<u>583,210</u>	<u>933,900</u>	<u>1,319,000</u>	<u>385,100</u>	
Land purchase fund	<u>2,604,259</u>	<u>2,569,593</u>	<u>2,510,733</u>	<u>2,496,733</u>		<u>14,000</u>
Parking fund	<u>156,711</u>	<u>184,071</u>	<u>194,600</u>	<u>357,017</u>	<u>162,417</u>	
Water fund:						
Treatment plant	1,774,184	1,789,926	1,972,257	1,985,335	13,078	
Distribution	1,269,374	1,341,192	1,363,168	1,407,547	44,379	
Customer accounting	216,027	236,852	257,404	286,768	29,364	
Meter reading	467,438	498,007	626,556	638,002	11,446	
Debt service	1,817,959	2,054,093	2,541,000	2,600,000	59,000	
Capital outlay	2,825,000	4,838,444	12,064,300	9,461,470		2,602,830
	<u>8,369,982</u>	<u>10,758,514</u>	<u>18,824,685</u>	<u>16,379,122</u>	<u>157,267</u>	<u>2,602,830</u>
Wastewater fund:						
Treatment plant	4,201,887	4,035,503	4,765,364	5,063,820	298,456	
Collection, general	1,787,315	1,917,878	2,418,010	2,390,980		27,030
Collection system no. 1	11	11	211	212	1	
Collection system no. 2	15,883	13,214	24,431	23,405		1,026
Collection system no. 3	23,005	16,208	21,910	24,304	2,394	
Debt service	4,117,066	4,715,675	5,118,000	5,726,000	608,000	
Capital outlay	14,665,214	10,639,854	13,130,600	12,975,000		155,600
	<u>24,810,381</u>	<u>21,338,343</u>	<u>25,478,526</u>	<u>26,203,721</u>	<u>908,851</u>	<u>183,656</u>
TOTAL ENTERPRISE FUNDS	<u>37,269,223</u>	<u>36,216,727</u>	<u>48,777,354</u>	<u>47,613,117</u>	<u>1,636,249</u>	<u>2,800,486</u>
INTERNAL SERVICE FUNDS						
Central stores fund	140,535	158,983	174,402	166,924		7,478
Data Processing fund	901,907	948,425	1,055,696	1,053,214		2,482
Motor vehicle fund	1,977,098	2,087,916	2,769,219	2,688,441		80,778
Insurance and fringe benefit fund	8,501,106	9,439,542	11,395,880	11,802,351	406,471	
TOTAL INTERNAL SERVICE FUNDS	<u>11,520,646</u>	<u>12,634,866</u>	<u>15,395,197</u>	<u>15,710,930</u>	<u>406,471</u>	<u>90,738</u>
TOTAL ALL FUNDS	<u>\$ 84,808,875</u>	<u>\$ 85,383,268</u>	<u>\$ 110,702,405</u>	<u>\$ 110,751,288</u>	<u>\$ 4,275,554</u>	<u>\$ 4,226,671</u>

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within and between the activity centers of each fund established through this budget, and that all budgetary transfers between funds may be made only by further action of the Council pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act, and

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized and directed to transfer 25% of the fiscal year 2006-07 Motor Vehicle Highway Distribution revenue from the Major Street Fund to the Local Street Fund as provided for in Section 13d of Act 51 of P.A. 1951, and

BE IT FURTHER RESOLVED, that the following schedule of parking fees, rates and charges established by the City Manager during the previous twelve month period and for any prior periods are hereby confirmed by the City Council, in accordance with Ordinance No. 835:

Street Meters

- Various locations - converted 30 minute meters to 1 hour meters
- Various locations - added new meters
- Various locations - removed meters (Streetscape area)

Metered Off Street Lots

- Various locations - converted 3 hour meters to 10 hour meters

(A schedule of parking fees, rates and charges is attached as City Clerk File #06-59.)

BE IT FURTHER RESOLVED, that there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the City of Port Huron, 16.0869 mills for operating purposes, being 11.2696 mills for general operations, 2.8173 mills for the collection of refuse and 2.0000 mills for street improvements, and

BE IT FURTHER RESOLVED, that in accordance with the recommendation of the Downtown Development Authority, there is hereby levied on each dollar of taxable value, against all real and personal taxable property in the Downtown Development District, 1.9874 mills for operating purposes, and

BE IT FURTHER RESOLVED, that said 16.0869 mills for various operating purposes and said 1.9874 mills for operations of the Downtown Development Authority be levied on July 1, 2006, 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, 2006, for a period not extending beyond March 1, 2007 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, 2006, 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, 2006, 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 24, 2006, 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 2006-2007 through 2010-2011 fiscal years, as amended, be adopted as a guide for capital expenditures during this period.

Adopted unanimously.

R-13. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, various sections of the City's Code of Ordinances require that fees to be charged will be set by resolution of the City Council; and

WHEREAS, it has been decided that fees will be reviewed annually and adjusted if necessary;

NOW, THEREFORE, BE IT RESOLVED that the following fee schedule is hereby adopted effective July 1, 2006, incorporating any recommended changes:

Chap/ Sec.	Description	Current Fee	Proposed Fee
6-108	Arcade license		
	Annual fee	55.00	60.00
12-84	Auto-wash establishment license		
	Annual fee	55.00	60.00
46-328 and 46-330	Bicycle tag registration		
	Annual fee	3.00	3.00
	Duplicate tag - replacement fee	1.00	1.00

Chap/ Sec.	Description	Current Fee	Proposed Fee
52-105 and 52-128	Board of Zoning Appeals Fees		
	Variance request	110.00	120.00
	Rezoning request	220.00	240.00
6-3	Bowling alley license - Annual fee		
	First alley	55.00	60.00
	Each additional alley	5.00	5.00
10-32	Building fees		
	<u>Building Permit Fees (based on cost, time and material):</u>		
	\$1 to \$500	23.00	50.00
	\$501 to \$2,000		
	First \$500	23.00	50.00
	For each additional \$100, or fraction of, up to and including \$2,000	3.00	4.00
	\$2,001 to \$25,000		
	First \$2,000	68.00	110.00
	For each additional \$1,000, or fraction of, up to and including \$25,000	14.00	15.00
	\$25,001 to \$50,000		
	First \$25,000	390.00	455.00
	For each additional \$1,000, or fraction of, up to and including \$50,000	9.00	10.00
	\$50,001 to \$100,000		
	First \$50,000	615.00	705.00
	For each additional \$1,000, or fraction of, up to and including \$100,000	7.00	8.00
	\$100,001 to \$500,000		
	First \$100,000	965.00	1,105.00
	For each additional \$1,000, or fraction of, up to and including \$500,000	6.00	7.00
	\$500,001 to \$1,000,000		
	First \$500,000	3,365.00	3,905.00
	For each additional \$1,000, or fraction of, up to and including \$1,000,000	5.00	5.00
	\$1,000,001 and up		
	First \$1,000,000	5,865.00	6,405.00
	For each additional \$1,000 or fraction of	5.00	5.00
	<u>Demolition Permit (based on cost):</u>		
	\$0 to 4,999	100.00	110.00
	\$5,000 to \$19,999	200.00	220.00
	\$20,000 to \$49,999	300.00	330.00
	\$50,000 to \$99,999	400.00	440.00
	\$100,000 and up per \$10,000 of additional cost, add	110.00	110.00
	<u>Other Inspections and Fees:</u>		
	Inspections outside normal business hours (minimum charge - two hours)	55.00	60.00
	Re-inspection	55.00	60.00
	Inspection not specifically listed (minimum charge - one-half hour)	55.00	60.00
	Additional plan review required by changes, additions or revisions to plans	55.00	60.00
	Use of outside consultants for plan checking and inspections or both	55.00	60.00
	All projects subject to Plan Review Fee (up to 65% of building permit fee)		
	Certificate of Occupancy Bond (refundable at issuance of final certificate)	55.00	60.00
	<u>Zoning Permit, 1-5 (see below):</u>	20.00	25.00
	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 4 feet (1219mm) or less in height measured from bottom of footing to top of wall (unless supporting a surcharge or impounding Class I, II, or III-A liquids).		
	4. Platforms, walks and driveways not more than thirty (30") inches (762mm) above grade and not over any basement or story below.		
	5. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927L).		
12-728	Busking permit		
	Per act, semi-annually	10.00	10.00
6-72	Dancehall license		
	Annual fee	55.00	60.00

Chap/ Sec.	Description	Current Fee	Proposed Fee
38-47	Disposal area - permit to operate		
	Annual fee	25.00	30.00
10-32	Electrical fees		
	1. Application Fee (Non-refundable)	35.00	50.00
	2. Service:		
	Through 200 amp	30.00	30.00
	Over 200 amp through 600 amp	35.00	35.00
	Over 600 amp through 800 amp	40.00	40.00
	Over 800 amp through 1200 amp	45.00	45.00
	Over 1200 amp (GFP)	60.00	60.00
	3. Circuits (*include all branch circuits, regardless of load-end termination point)	9.00	9.00
	4. Lighting fixtures (per 25)	20.00	20.00
	5. Stationary appliances-dishwasher, disposal, etc.*	8.00	10.00
	6. Furnace, space heater, boiler, etc.*	8.00	10.00
	7. Electrical heating units - baseboard*	8.00	10.00
	8. Power outlets - ranges, dryers, welders, etc.*	15.00	15.00
	9. Signs:		
	Unit*	30.00	30.00
	Letter*	20.00	20.00
	Neon/each 25 feet	30.00	30.00
	10. Feeders - bus ducts, all underground conducts/circuits, etc. - per 50 feet	15.00	15.00
	11. Additional sub-panel, distribution centers, etc.*	20.00	20.00
	12. Motors, air conditioners, transformers:		
	Up to 20 HP or KVA*	30.00	30.00
	21 to 50 HP or KVA*	35.00	35.00
	51 HP/KVA and over*	40.00	40.00
	13. Fire Alarms:		
	Up to 10 devices	55.00	60.00
	11 to 20 devices	110.00	120.00
	Over 20 devices (each)	8.00	8.00
	14. Energy retrofit - temp controls	55.00	55.00
	15. Conduit only or grounding only	55.00	55.00
	16. Special/safety inspection (per hour)	50.00	55.00
	17. Additional inspection	35.00	50.00
	18. Final inspection	35.00	50.00
	19. Certification fee	20.00	25.00
	20. Plan review (per hour)	55.00	60.00
	21. License registration	25.00	30.00
	* If a new circuit, it must be included in #3		
	** Sub-panel fee is in addition to feeder in #10		
42-59	Engineer's stakes - replacement of		
	Per stake (\$50/min. fee)	2.00	3.00
38-47	Garbage and trash collector's permit		
	Annual fee per vehicle	35.00	40.00
	Transfer of existing license to another vehicle	10.00	15.00
30-33	Lot splits	110.00	120.00
12-289	Massage establishment license		
	Processing fee	25.00	25.00
	Annual license fee	30.00	30.00
12-290	Massagist license		
	Processing fee	25.00	25.00
	Annual license fee	15.00	15.00

Chap/ Sec.	Description	Current Fee	Proposed Fee
10-32	Mechanical fees Application fee (non-refundable) 35.00 50.00 Residential heating system (includes duct and pipe) 55.00 55.00 Gas/oil burning equipment - new and/or conversion units 35.00 35.00 Residential boiler (state boiler license required) 35.00 35.00 Water heater 10.00 10.00 Flue/vent damper 10.00 10.00 Solid fuel equipment (includes chimney) 35.00 35.00 Gas burning fireplace 35.00 35.00 Chimney, factory built - installed separately 30.00 30.00 Solar - set of three panels (includes piping) 25.00 25.00 Gas piping; each opening - new installation 10.00 10.00 Air conditioning (includes split systems) 35.00 35.00 Heat pumps; complete residential 35.00 35.00 Bath, kitchen and dryer exhaust 10.00 10.00 Tanks: Aboveground 25.00 25.00 Underground 30.00 30.00 Humidifiers 15.00 15.00 Piping per foot (minimum \$30.00) 0.05 0.10 Duct per foot (minimum \$30.00) 0.10 0.15 Heat pumps; commercial (pipe not included) 25.00 25.00 Air handlers/heat wheels: Under 10,000 CFM 25.00 25.00 Over 10,000 CFM 65.00 65.00 Commercial hoods 20.00 20.00 Heat recovery units 15.00 15.00 V.A.V. boxes 15.00 15.00 Unit ventilators 15.00 15.00 Unit heaters (terminal units) 20.00 20.00 Fire suppression/protection per head (minimum \$20.00) 1.00 1.00 Evaporator coils 35.00 35.00 Refrigeration (spilt system) 35.00 35.00 Chiller 35.00 35.00 Cooling towers 35.00 35.00 Compressor 35.00 35.00 Special/safety inspection (includes certification fee) 50.00 55.00 Additional inspection 35.00 50.00 Final inspection 35.00 50.00 Certification fee 20.00 25.00 Plan review (per hour) 55.00 60.00 License registration fee 20.00 25.00		
46-104	Parking Violations Bureau <u>Overtime parking:</u> - Per ticket charge for the 1st, 2nd and 3rd parking ticket issued within a calendar year 5.00 5.00 - Four or more parking tickets issued within a calendar year, per ticket 20.00 20.00 <u>Handicapped parking:</u> Per violation in accordance with Act No. 51 of the Public Acts of Michigan of 1982 (MSL 257.907, MSA 49.2607) 100.00 100.00 <u>Lease metered parking space - per violation</u> 10.00 10.00 <u>Violation of any other parking regulation or restriction</u> 10.00 10.00 <u>Overdue ticket fines:</u> - The base parking fine will double for any violator who receives a parking ticket and fails to pay the initial fine within the first ten (10) calendar days following date of issuance. Double Double - Per violation, additional administrative fine for failure to pay parking fine within 30 days after above. 25.00 25.00 <u>Note:</u> The City will maintain the responsibility for penalties and administrative fees being assessed for overdue ticket fines.		
12-346	Pawnbroker's license Annual fee	110.00	120.00

Chap/ Sec.	Description	Current Fee	Proposed Fee
12-406 and 12-408	Peddler's license		
	Processing fee - single applicant	25.00	25.00
	Processing fee - group (up to four applicants)	50.00	50.00
	Each additional applicant	15.00	15.00
	Per month	35.00	40.00
	Three-month fee	80.00	90.00
	Six-month fee		160.00
	Per year	250.00	275.00
	Additional persons from group for the original term of license or renewal period	15.00	20.00
10-32	Plumbing Fees		
	Application fee (non-refundable)	35.00	50.00
	Mobile Home Park Site	10.00	15.00
	Fixtures, floor drains, special drains, water connected appliances	10.00	10.00
	Stacks (soil, waste, vent and conductor)	5.00	5.00
	Sewage ejectors, sumps	10.00	10.00
	Sub-soil drains	10.00	10.00
	Water Service:		
	Less than two inches (2")	10.00	10.00
	Two (2") to six (6") inches	30.00	30.00
	Over six (6") inches	55.00	55.00
	Connection building drain - building sewer	10.00	10.00
	Sewers (sanitary, storm, or combined):		
	Less than six inches (6")	10.00	10.00
	Six inches (6") and over	30.00	30.00
	Manholes, catch basins	10.00	10.00
	Water distributing pipe (system):		
	Three-quarter inch (3/4") water distribution pipe	10.00	10.00
	One inch (1") water distribution pipe	15.00	15.00
	One and one-quarter inch (1-1/4") water distribution pipe	20.00	20.00
	One and one-half inch (1-1/2") water distribution pipe	25.00	25.00
	Two inch (2") water distribution pipe	30.00	30.00
	Over two inch (2") water distribution pipe	35.00	35.00
	Reduced pressure zone back-flow preventer	10.00	10.00
	Special/safety inspection (includes certification fee)	50.00	55.00
	Additional inspection underground plumbing	35.00	50.00
	Final inspection	35.00	50.00
	Certification fee	20.00	25.00
	Plan review (per hour)	55.00	60.00
	License registration fee	20.00	25.00
6-37	Pool room license - Annual fee		
	First pool/billiard table	55.00	60.00
	Each additional table	5.00	5.00
12-541	Precious metal and gem dealers		
	Certificate of registration	55.00	60.00
10-162	Rental - Annual operating fees		
	Per unit fee for the first unit up to 20 units and at the same site	35.00	35.00
	Inspection of every unit thereafter	28.00	28.00
10-164	Rental - Final notice of violation		
	Reinspection fee	100.00	100.00
10-156	Rental - Registration fee		
	One-time fee, each building	10.00	10.00
6-4	Roller skating rink license		
	Annual fee	55.00	60.00
12-502	Secondhand dealers		
	Annual fee	55.00	60.00

Chap/ Sec.	Description	Current Fee	Proposed Fee
12-438 and 12-439	Solicitor's license Processing fee - single applicant Processing fee - group (up to four applicants) Each additional applicant Per month Three-month fee Six-month fee Per year Additional persons from group for the original term of license or renewal period	25.00 50.00 15.00 35.00 80.00 250.00 15.00	25.00 50.00 15.00 40.00 90.00 160.00 275.00 20.00
12-476	Special events vendor permit Processing fee Annual fee	25.00 100.00	25.00 100.00
4-2	Special outdoor consumption license Application fee	No fee	No fee
42-4	Streets, sidewalks and other public places Street pavement breaking Boring, jacking or tunneling Street closure Maintenance & repair of existing utilities Utility lines, new construction or replacement (Per foot, \$50/min. or \$500/max) Residential driveway approach Non-residential driveway approach Sidewalk construction or replacement Excavation in boulevard (commercial) Temporary closure Miscellaneous permits <u>Construction deposits:</u> In addition to the non-refundable fees above, deposits to assure proper replacement and repair of the street surfaces shall be required as follows: Pavement break or open cut (per square foot, \$500/min.) Boring, jacking and tunneling (per linear foot, \$500/min.) <u>Billable inspection charges:</u> Inspector's wages, fringe benefits, vehicle and misc. equipment (one-hour minimum) <u>Penalty charge:</u> The fee shall be double the above scheduled amounts if work is started prior to obtaining the required permit	110.00 110.00 55.00 25.00 0.50 15.00 55.00 15.00 30.00 25.00 25.00 15.00 30.00 Actual cost Double	120.00 120.00 60.00 30.00 0.75 20.00 60.00 20.00 35.00 30.00 30.00 20.00 35.00 Actual cost Double
30-34	Subdivision regulations Fees and development charges	Actual cost	Actual cost
12-660	Taxicab driver's license Annual fee	25.00	30.00
12-636	Taxicab license Annual fee per vehicle Transfer of existing taxicab license to another vehicle	25.00 10.00	30.00 15.00
42-94	Telecommunications permit One-time, non-refundable application fee	500.00	500.00
6-5	Theater license Annual fee per screening room	55.00	60.00
12-467	Transient merchant's license Processing fee Sale period, 30-consecutive days (only 4 sale periods issued per year, per applicant) Additional locations, same applicant and sale period	25.00 45.00 30.00	25.00 50.00 35.00

Chap/ Sec.	Description	Current Fee	Proposed Fee
48-154	Water Department service charges		
	<u>Annual hydrant charge</u>		
	Inside city	40.00	40.00
	Outside city	60.00	60.00
	<u>Meter reading charges</u>		
	Turn on	25.00	25.00
	Turn off	25.00	25.00
	Initial reading (without turn off or on)	20.00	20.00
	Final reading (without turn off or on)	20.00	20.00
	Turn on with initial read	35.00	35.00
	Shut off with final read	35.00	35.00
	Turn off, turn on, same day	40.00	40.00
	Private use of hydrants		
	Connection	25.00	25.00
	Weekly use	25.00	25.00
48-159	Water meter testing		
	Meter found to be accurate	75.00	75.00
48-34	Water system connections and meters, generally		
	Deposit for water system connection charge (after installation, deposit will be deducted from actual time and material costs)	800.00	800.00

Adopted unanimously.

***R-14.** WHEREAS, the State of Michigan offers a special program for liquor licenses in communities with a population of less than 50,000 with little or no population growth; and

WHEREAS, the Port Huron City Council has received a request for their support in the application for a special liquor license (tavern license) for Casey’s Pizza and Sub Shop, 628 Huron Avenue, Port Huron, Michigan; and

WHEREAS, it is the intention of the City Council to prevent further deterioration within the development district and promote economic growth; and

WHEREAS, the City Council conducted a public hearing on May 22, 2006, to hear comments on the proposal;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby supports the application of Casey’s Pizza and Sub Shop, 628 Huron Avenue, as allowed by Act 58 of Public Acts of 1998 for a special liquor license (tavern license) from the State of Michigan.

Adopted.

R-15. Councilmember Neal offered and moved the adoption of the following resolution:

WHEREAS, the term of the Henry McMorran Memorial Auditorium Authority expires August 23,2006; and

WHEREAS, the City Council is desirous of extending the term of the Henry McMorran Memorial Auditorium Authority through December 31, 2007, to facilitate a reorganization of the operation of McMorran Place; and

WHEREAS, it is necessary to amend the Articles of Incorporation of the Authority pursuant to Act No. 31 of the Public Acts of 1948 (1st Ex. Sess.), as amended, in order to accomplish this objective; and

WHEREAS, there has been prepared a Certificate of Amendment to the Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority for the purpose of extending the term of the Authority through December 31, 2007;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the foregoing, the Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority, as amended, are hereby amended as follows:

Section 1. Article IV, Section 9, of the Articles of Incorporation, is amended to read as follows:

Section 9. The term of the authority shall end at 11:59 p..m. E.S.T. December 31, 2007.

Section 2. The remaining provisions of the Articles of Incorporation, as amended, shall remain in full force and effect.

Section 3. This amendment to the Articles of Incorporation shall be conclusively presumed unless questioned in a Court of competent jurisdiction within sixty (60) days after filing of certified copies of this amendment with the Clerk of the St. Clair County and the Secretary of State of the State of Michigan.

BE IT FURTHER RESOLVED that the appropriate City officials are duly authorized to execute said Certificate of Amendment to the Articles of Incorporation of the Henry McMorran Memorial Auditorium Authority and to cause same to be published and certified printed copies to be filed as required by the pertinent provisions of Act No. 31 of the Public Acts of 1948 (1st Ex. Sess.), as amended. (See City Clerk File #06-58)

Adopted unanimously.

***R-16.** WHEREAS, the Blue Water Area Transportation Commission operates a transit system within the Blue Water Area; and

WHEREAS, it was agreed to place the question of additional funding for the transportation system before the voters of each local unit of government in the form of a millage; and

WHEREAS, on May 4, 2004, the voters in the City of Port Huron and the Charter Township of Fort Gratiot approved the Blue Water Area Transportation System operation millage proposal which provided that the limitation on the total amount of all taxes which may be assessed against all property in said two (2) local units of government be increased by up to 0.6294 mills of taxable valuation, as finally equalized, of all real and personal taxable property within said two (2) local units of government for the period of four (4) years for the purpose of providing funds for the operation of the Blue Water Area Transportation System from July 1, 2004, through June 30, 2008; and

WHEREAS, the City of Port Huron has received a recommendation from the Blue Water Area Transportation Commission to levy 0.6245 mills 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, 2006, City levy) which recommendation is within the 0.6294 mills approved by the voters of the City of Port Huron; and

WHEREAS, the amount to be received from the levy of 0.6245 mills by the City of Port Huron, based on the 2006 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, 2006, through June 30, 2007;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron, St. Clair County, Michigan, by the authority of said May 4, 2004, millage approval by the voters of the City of Port Huron, that the City of Port Huron does hereby levy for the period of one (1) year, 0.6245 mills on each dollar of taxable valuations, as finally equalized against all real and personal taxable property in the City of Port Huron for the purpose of the City of Port Huron contributing its share of the said financing of the operation of the Blue Water Area Transportation Commission for the operational period of July 1, 2006, through June 30, 2007; and

BE IT FURTHER RESOLVED that said 0.6245 mills be levied on July 1, 2006; 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.

ORDINANCES

O-1. Councilmember Neal moved that an ordinance introduced May 8, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1266

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUND BY OAK, GRISWOLD, 7TH AND 8TH STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) AND R-1 (SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO A-1 (MEDIUM DENSITY MULTIPLE FAMILY DISTRICT).

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, Article III, District Regulations, Division 1, Generally, Section 52-162 Maps, of the Code of Ordinances of the City of Port Huron is hereby amended as follows:

a. Rezone from a C-1 (General Business) to A-1 (Medium Density Multiple Family) zoning district: Lots 1 through 4, Reid and Stewart Plat, the north 35 feet of Lot 18, Block 32, White Plat, also known as: 702 and 718 Griswold Street, and the south 35 feet of the parking lot on southeast corner of Griswold and 8th Streets; and

b. Rezone from an R-1 (Single- and Two-Family Residential) to an A-1 (Medium Density Multiple Family) zoning district: Lots 5 through 14; and Lots 17 through 21, Reid and Stewart Plat, and the north 40 feet of Lot 15, Lots 16, 17, and the south 15 feet of Lot 18, Block 32, White Plat, also known as: 1611, 1615, and 1621-7th Street, 1611, 1612, 1615, 1616, 1617, 1620, 1623, and 1626 Jay Street, 1616 and 1622 8th Street, and three State Highway parcels which are part of Oak Street right-of-way, City of Port Huron.

PAULINE M. REPP, MMC
City Clerk

ADOPTED: 05/22/06
PUBLISHED: 05/27/06
EFFECTIVE: 05/22/06

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher encouraged attendance at the Salvation Army's Fore Kids Golf Classic being held at Black River Country Club on June 2, 2006.

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

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Tuesday, May 23, 2006, at 5:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 5:40 p.m. by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch (arrived at 5:50 p.m.), Neal and Sample-Wynn (arrived at 6:40 p.m.) .

MOTIONS & MISCELLANEOUS BUSINESS

Don Mitchell, Development Concepts, gave a recap of their Central Business District Economic Study which was previously presented to City Council. He stressed that Port Huron's waterfront is special and that the area between the Fort Gratiot Lighthouse and the Seaway Terminal is one of the foremost maritime collections in United States. Don stated that education is the engine of economic development and that Port Huron needs a university. He believes that the City Council needs to build a consensus of what they expect in the way of development and then market it. Council asked questions of Don about the plan and development strategies.

Council recessed at 7:00 p.m. and resumed at 7:07 p.m. at which time Mayor Cutcher introduced Jim Tischler, a development consultant, who gave a PowerPoint presentation (see City Clerk File #06-60 for a copy). He stated that he has reviewed the various documents sent to him and he will give his opinion on the proposals and give a perspective on where to go from here to make things happen. The areas to be covered in the presentation were: Think Like a Developer, Redevelopment Dynamics, Downtown (Re) Development and Making it Work. He stated that the City needs to do a Target Market Analysis.

The meeting continues on Wednesday, May 24, 2006, at 5:30 p.m. and Mr. Tischler will pick up his presentation at "Making it Work."

On motion (8:35 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Wednesday, May 24, 2006, at 5:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch, Neal and Sample-Wynn (left at 8:40 p.m.).

MOTIONS & MISCELLANEOUS BUSINESS

Jim Tischler, development consultant, continued with his presentation (see City Clerk File #06-60 for copy) picking up where he left off on May 23, 2006.

He again stated that Port Huron needs to do a target market analysis and that it is worth the money. Some of the points he raised were:

- If a developer does not want to go through our process then we should look for someone else.
- That RFQ is the way to proceed and not RFP.
- You need evidence of financial capacity of developer.
- Should proceed with pre-development agreement and adopt resolution endorsing a concept plan before entering a development agreement.
- Explore whether “redevelopment ready.”

Council recessed at 7:15 p.m. and resumed at 7:22 p.m.

Mr. Tischler’s recommendations were:

- Enter into a pre-development process with Terra Land but start in phases, perhaps two or three sites.
- Suspend consideration of the two proposals submitted for the MOC site as they do not meet the standards.
- Consider doing a target market analysis and then issue RFQ and qualify developers

Mr. Tischler stated that he thought Port Huron was a clean city with good services and a great waterfront. He further stated that there was a good amount of building stock but not enough people and activity and that downtown needs more people living there.

Mayor requested that a special meeting be scheduled mid-June/July in order to discuss how to proceed and whether to do a target market analysis.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 12, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Rev. Bill Terry, Sr. St. John's United Church of Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs (arrived 7:35 p.m.), McCulloch and Sample-Wynn.

Absent: Councilmember Neal.

The minutes of the regular meeting of May 22, 2006, and the special meetings of May 23 and 24, 2006, were approved.

PRESENTATIONS

1. Proclamation designating June 17, 2006, as Juneteenth Celebration Day was presented to Muffin Hines of the St. Clair County Chapter of the American Red Cross.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Military Street streetscape project (from the south side of Black River to the north side of Court Street) and for the purpose of reviewing said special assessment roll. (See Resolution #2)

The City Clerk read into the record a letter from Frank J. Sharp, Member, River Investments LCP, L.L.C., 800 Military Street, Suite 401, requesting a reduction in the amount of their special assessment.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments from all persons interested in the maintenance costs of the Huron Avenue streetscape project (from the north side of Black River to the south side of McMorrان Boulevard) and for the purpose of reviewing said special assessment roll. (See Resolution #3)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

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 Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmember Neal.

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

Upcoming events:

- June 14: Big Screen Movie, Palmer Park (The Goonies)
- June 15: Sanborn and Court Street pools open
- June 15: Art in the Park Concert series begins, 10th Street Bridge area, Thursday nights through July 20
- June 22: Big Screen Movie, River Street Marina (Big)
- June 24: Fireworks, Acheson site
- June 28: Big Screen Movie, Lincoln Park (King Kong)
- June 30: Lincoln Park Fun Days, Lincoln Park
- July 1: Canada Day fireworks
- July 13: Port Huron to Mackinac Race (Family Night)
- July 14: Port Huron to Mackinac Race (Boat Night)
- July 14: Yard of the Year nominations due
- July 15: Port Huron to Mackinac Race Day
- July 31: Spirit of Port Huron nominations due

- The St. Clair County Road Commission has scheduled a public hearing on Tuesday, June 13, 2006, at 7:00 p.m. in the multi-purpose room at Roosevelt Elementary School at 1112 - 20th Street regarding the construction work along 24th Street from Dove Road to Lapeer Avenue.

- New solid waste contractor to begin July 3, 2006. The City Clerk read the press release announcing the new schedule.

- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

***C-1.** Notification from the Michigan Municipal League that the Annual Convention will be held September 27-29, 2006, in Marquette, Michigan.

Received and filed and Councilmembers authorized to attend.

FROM THE CITY MANAGER

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

Both the Michigan Uniform Accounting and Budget Act and the City Charter provides that the City Council may make supplemental appropriations and may transfer an unencumbered balance, or portion thereof, from one activity center, department or fund to another.

It is recommended that the budget for the 2005-2006 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following governmental funds:

	As currently Adopted	Per Propose Amendment	Increase (Decrease)
GENERAL FUND:			
Means of financing:			
Estimated designated fund balance	\$ 400,000	\$	\$ (400,000)
Property taxes	8,040,000	8,040,000	
Income tax	6,250,000	6,250,000	
Business licenses and permits	297,900	297,900	
Nonbusiness licenses and permits	314,900	439,900	125,000
Grants	47,000	322,000	275,000
State shared revenues	4,098,000	4,098,000	
Charges for services	519,500	519,500	
Fines and forfeits	200,000	200,000	
Investment income	250,000	450,000	200,000
Rents	200,000	200,000	
Sale of fixed assets	3,000	3,000	
Charges to other funds	1,616,250	1,616,250	
	<u>\$ 22,236,550</u>	<u>\$ 22,436,550</u>	<u>\$ 200,000</u>
Estimated requirements:			
General government	\$ 3,529,042	\$ 3,629,042	\$ 100,000
Public safety	13,057,256	13,332,256	275,000
Public works	1,826,665	1,726,665	(100,000)
Senior citizens	22,732	22,732	
Recreation, parks and culture	2,936,028	2,936,028	
Other functions	696,727	621,727	(75,000)
Public improvements	119,800	119,800	
Transfer to other funds	48,300	48,300	
	<u>\$ 22,236,550</u>	<u>\$ 22,436,550</u>	<u>\$ 200,000</u>
CEMETERY FUND:			
Means of financing:			
Estimated designated fund balance	\$ 45,873	\$ 45,873	\$
Foundations	46,300	46,300	
Graveside interments	38,300	43,300	5,000
Chapel interments	71,500	76,500	5,000
Other services	7,900	17,900	10,000
Transfer from General fund	45,000	45,000	
Transfer from Cemetery Perpetual Care fund	250,000	250,000	
	<u>\$ 504,873</u>	<u>\$ 524,873</u>	<u>\$ 20,000</u>
Estimated requirements:			
Ordinary recurring expenses	<u>\$ 504,873</u>	<u>\$ 524,873</u>	<u>\$ 20,000</u>
DOMESTIC PREPAREDNESS FUND:			
Means of financing:			
Grants	<u>\$ 80,000</u>	<u>\$ 1,150,000</u>	<u>\$ 1,070,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 30,000	\$ 150,000	\$ 120,000
Capital outlay	50,000	1,000,000	950,000
	<u>\$ 80,000</u>	<u>\$ 1,150,000</u>	<u>\$ 1,070,000</u>
ENHANCED 911 FUND:			
Means of financing:			
Charges for services	<u>\$ 143,572</u>	<u>\$ 353,572</u>	<u>\$ 210,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 79,424	\$ 79,424	\$
Capital outlay	64,148	274,148	210,000
	<u>\$ 143,572</u>	<u>\$ 353,572</u>	<u>\$ 210,000</u>
NEIGHBORHOOD REHABILITATION FUND (FORMERLY RENTAL REHABILITATION FUND):			
Means of financing:			
Grants	<u>\$ 15,000</u>	<u>\$ 195,000</u>	<u>\$ 180,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 1,500	\$ 1,500	\$
Capital outlay	13,500	193,500	180,000
	<u>\$ 15,000</u>	<u>\$ 195,000</u>	<u>\$ 180,000</u>

	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
HOME PROGRAM FUND:			
Means of financing:			
Grants	\$ 268,950	\$ 393,950	\$ 125,000
Charges for services		<u>30,000</u>	<u>30,000</u>
	<u>\$ 268,950</u>	<u>\$ 423,950</u>	<u>\$ 155,000</u>
Estimated requirements:			
Ordinary recurring expenses:	\$ 26,895	\$ 26,895	\$
Capital outlay	<u>242,055</u>	<u>397,055</u>	<u>155,000</u>
	<u>\$ 268,950</u>	<u>\$ 423,950</u>	<u>\$ 155,000</u>

STREETSCAPE MAINTENANCE:

Means of financing:			
Charges for services	<u>\$ 40,000</u>	<u>\$ 60,000</u>	<u>\$ 20,000</u>
Estimated requirements:			
Ordinary recurring expense:	<u>\$ 40,000</u>	<u>\$ 60,000</u>	<u>\$ 20,000</u>

Motion adopted by the following vote:

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

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

On May 25, 2006, the City received three (3) quotations for two (2) Thermal Imaging Cameras to be used by the Fire Department. Quotations received are as follows:

Apollo Fire Equipment Co.	\$18,800.00
Fisher Safety	\$23,170.00
Mine Safety Appliance Co.	\$26,330.00

It is recommended that the quotation from Apollo Fire Equipment Company, 12584 Lakeshore Drive, Romeo, MI 48065, in the amount of Eighteen Thousand Eight Hundred and 00/100 Dollars (\$18,800.00) be accepted as the best quotation and be funded from the U.S. Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for FY2005 Assistance to Firefighter Grant award and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

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

On May 23, 2006, the City of Port Huron received three (3) bids for the cathodic protection replacement on the Huron Lightship, Project No. E06-0120:

Great Lakes Compliance Co.	\$23,263.00
CORRPRO Companies, Inc.	\$33,253.00
Structural Preservation System	\$51,250.00

It is recommended that the bid of Great Lakes Compliance Co., P. O. Box 429, Carson City, Michigan, 48811, in the amount of Twenty-Three Thousand Two Hundred Sixty-Three and 00/100 Dollars (\$23,263.00) 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 Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmember Neal.

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

On May 23, 2006, the City of Port Huron received seven (7) unit price bids for the annual sewer cleaning and video inspection, Project No. D06-0010. Based on estimated annual quantities, the following is a comparative summary of the bids received:

	<u>Planned Video Inspections</u>
Downunder Municipal Services	\$ 184,828.59
The Environmental Quality Company	\$ 278,814.19
Michigan Pipe Inspection, Inc.	\$ 301,707.22 *
Doetsch Industrial Service, Inc	\$ 353,825.90
Advanced Underground	\$ 375,136.05 *
R. Roesse Contracting Co., Inc.	\$ 842,920.77
Robinson Pipe Cleaning Company	\$1,349,305.72

*Corrected amount

It is recommended that the unit price bid of Downunder Municipal Services, P. O. Box 369, Mattawan, Michigan 49071, in the estimated amount of One Hundred Eighty-Four Thousand Eight Hundred Twenty-Eight and 59/100 Dollars (\$184,828.59) be accepted as the lowest cost responsive and responsible bid for planned video inspections and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

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

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01).

Motion adopted by the following vote:

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

***R-2.** WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Huron Avenue from the north side of Black River to the south side of McMorran Boulevard; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the 2006-2007 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 #06-61).

5. Payments on said special assessment roll shall be due and payable on or before July 1, 2006.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Adopted.

***R-3.** WHEREAS, the City Council has met after due and legal notice and heard all persons to be affected by the maintenance for the streetscape project and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the maintenance for the streetscape project described as follows:

Along Military Street from the south side of Black River to the north side of Court Street; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll, the Council deems it advisable to proceed with said assessment and deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcels of land assessed; and

WHEREAS, the Council has not received written objection by owners of more than one-half (1/2) of the property to be assessed;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to defray the cost of maintaining the streetscape project by special assessment upon the property specially benefitted in proportion to the benefits to be derived.

2. The City Council hereby approves the estimates of cost of maintaining the aforesaid streetscape project for the 2006-2007 fiscal year, determines the estimated cost of maintaining said streetscape project to be \$30,000.00, 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 \$30,000.00 is hereby confirmed and shall be known as Special Assessment Roll No. S-0002 (See City Clerk File #06-62).

5. Payments on said special assessment roll shall be due and payable on or before July 1, 2006.

6. The City Clerk be and is hereby directed to endorse the date of confirmation on the roll.

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

Adopted.

R-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, 2006; and

WHEREAS, New World Systems Corporation has submitted a standard software maintenance agreement effective September 1, 2006 to August 31, 2009 at a cost of \$51,640.00 for the period of September 1, 2006 to August 31, 2007, \$55,260.00 for the period of September 1, 2007 to August 31, 2008 and \$58,880.00 for the period of September 1, 2008 to August 31, 2009;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the standard software maintenance agreement with New World Systems Corporation, 888 W. Big Beaver, Suite 1100, Troy, Michigan 48084-4749, and authorizes the appropriate City officials to execute the agreement (See City Clerk File #06-63).

Motion adopted by the following vote:

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

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

WHEREAS, the City of Port Huron received a certificate of coverage under the State of Michigan General Storm Water Phase II, National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, the General Storm Water Phase II Permit stipulates that the City implement certain requirements using the watershed based approach; and

WHEREAS, the City Council at their August 11, 2003 meeting authorized the City to enter into three operating agreements with other local communities; and

WHEREAS, these operating agreements require the financial participation from the communities that have entered into the agreements; and

WHEREAS, the cost has been determined to complete the required activities for the second year of the operating agreements, and an equitable method of distribution of these costs amongst the member agencies has been developed; and

NOW, THEREFORE, BE IT RESOLVED that the appropriate City officials be authorized to pay \$1,948.94 to St. Clair County for the City's share of these operating agreement costs.

Motion adopted by the following vote:

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

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

WHEREAS, the City is working cooperatively with the Economic Opportunity Committee of St. Clair County Incorporated and the James C. Acheson Charitable Foundation to facilitate the development of new housing opportunities referred to as Oak Crest; and

WHEREAS, City Council has previously approved the use of CDBG Funds for this purpose; and

WHEREAS, it is necessary to perform professional engineering services for the 2006 CDBG Oak Crest Infrastructure project; and

WHEREAS, BMJ Engineers & Surveyors, Inc., is the engineering firm selected to perform professional services for the Economic Opportunity Committee of St. Clair County; and

WHEREAS, it is in the best interest of the City to have the same professional firm to perform engineering services for the infrastructure components of the project; 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. P06-0130;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with BMJ Engineers & Surveyors, Inc., for professional engineering services for the 2006 CDBG Oak Crest Infrastructure project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-64).

Motion adopted by the following vote:

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

***R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$973.47 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #06-65).

Adopted.

R-8. Councilmember Jacobs 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 and other potential losses; and

WHEREAS, such coverage is necessary for the fiscal year beginning July 1, 2006 and ending June 30, 2007; and thereafter and

WHEREAS, from time to time this benefit is reviewed and analyzed for its appropriateness of coverages, cost effectiveness and other factors; and

WHEREAS, competitive proposals have been solicited from a number of insurance firms which have demonstrated the qualifications, competence and capacity to provide this coverage; and

WHEREAS, the Hartford Insurance Company was selected for property loss coverage, with an estimated annual cost of \$199,315.00, based upon its comprehensiveness of coverage, superior service, exceptional insurance rating and experience with municipalities;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves insurance contracts with the Hartford Insurance Company for property loss coverage in accordance with the insurance requirements of the City and authorizes and directs the proper City officials to execute such agreements.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.

No: None.

Absent: Councilmember Neal.

***R-9.** WHEREAS, the City of Port Huron created a Local Development Finance Authority (LDFA) on May 14, 1990; and

WHEREAS, the LDFA Act stipulates that the City Manager shall appoint seven members from the City of Port Huron subject to approval by the City Council, two members from the Port Huron Area School District, one member from St. Clair County Community College, and one member appointed by the St. Clair County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby confirms the following reappointments to the Local Development Finance Authority with terms to expire as indicated:

Darlene Jacolik - June 11, 2010

Joseph A. Vito - June 11, 2010

Adopted.

***R-10.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 2, Administration, Article VI, Boards and Commissions, Division 5, Construction Board of Appeals, Section 2-511 that the Construction Board of Appeals shall consist of five members who are qualified by experience and training as follows: one master electrician, one master mechanical contractor, one master plumber, and two licensed tradesmen from the construction field such as a licensed architect, a licensed engineer or a licensed general contractor; and

WHEREAS, it is further stated in Chapter 2, Administration, Article VI, Boards and Commission, Division 5, Construction Board of Appeals, Section 2-512, 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 reappoints the following individuals to the Construction Board of Appeals with terms to expire as indicated:

Ronald Bular, master mechanical contractor June 30, 2009

Walter Crosby, Jr., master electrician June 30, 2009

Robert Nelson, licensed general contractor June 30, 2009

Adopted.

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

WHEREAS, the Community Development Division of the City of Port Huron held a public hearing on May 22, 2006, to hear comments on the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2005 (April 1, 2005 through March 31, 2006); 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 Division to submit the Consolidated Annual Performance Evaluation Report (CAPER) for the program year 2005 (April 1, 2005 through March 31, 2006) regarding the use of Community Development Block Grant and HOME funds, to the U.S. Department of Housing and Urban Development for their review and approval (see City Clerk File #06-66).

Motion adopted by the following vote:

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

***R-12.** WHEREAS, the City of Port Huron owns the following described property:

a portion of the Jay Street right-of-way, with the reservation of a full-width public utility easement particularly described as: beginning at the northwest corner of Lot 11, thence south to the southwest corner of Lot 14, thence west to the southeast corner of Lot 21, thence north to the northeast corner of Lot 18, thence east to the point of beginning; abutting Lots 11, 12, 13, 14, 18, 19, 20, and 21, Reid and Stewart Plat; generally described as the southerly 168 feet of Jay Street right-of-way lying between the Griswold Street and Oak Street rights-of-way and abutting the addresses of 1615, 1616, 1617, 1620, 1623, and 1626 Jay Street, City of Port Huron; and

WHEREAS, on June 6, 2006, the City Planning Commission held a public hearing to hear comments on the proposed vacation said property; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (7 ayes; 0 nays; 2 absent; 0 abstain) of the vacation;

WHEREAS, the next step in the vacation process is for the City Council to hold a public hearing on the proposed vacations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for July 10, 2006, to hear comments on the proposed vacation of the above-described streets with the reservation of a full-width utility easement.

Adopted.

***R-13.** WHEREAS, Lear Corporation, 1905 Beard Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, June 26, 2006, in order to hear comments on the application of Lear Corporation for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-14.** 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;”

NOW, THEREFORE, BE IT RESOLVED that Donna K. Schwartz is hereby reappointed to the Henry McMorran Memorial Auditorium Authority for a term to expire on May 24, 2012.

Adopted.

R-15. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (“Part 52”), provides at MCL 324.5204a that the Michigan Municipal Bond Authority (the “Authority”) in consultation with the Michigan Department of Environmental Quality (the “DEQ,” collectively with the Authority, the “State”) shall establish a strategic water quality initiatives grant program to provide assistance to governmental units to complete the application for a loan under the State Revolving Fund (“SRF”) program or Strategic Water Quality Initiatives Fund (“SWQIF”) program; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended (the “Act”), Part 52, and other applicable provisions of law, the Authority, the DEQ, and a governmental unity (the “Governmental Unit”) that is a grant recipient shall enter into a grant agreement (the “S2 Grant Agreement”) that requires the governmental unit to repay the grant under certain conditions as set forth in MCL 324.5204a; and

WHEREAS, the Governmental Unity does hereby determine it necessary to undertake planning and/or design activities related to a future project for which an SRF or SWQIF loan will be sought; and

WHEREAS, it is the determination of the Governmental Unit that at this time, a grant in the aggregate principal amount not to exceed \$680,000 (“Grant”) be requested from the Authority and DEQ to pay for the planning and/or design activities; and

WHEREAS, the Governmental Unit shall obtain this Grant by entering into the S2 Grant Agreement with the Authority and the DEQ;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Robert E. Clegg, P.E., City Engineer, and John H. Ogden, Director of Finance, are each designated as an authorized representative for purposes of the S2 Grant Agreement.

2. The proposed form of the S2 Grant Agreement between the Governmental Unit and the State (attached hereto as Appendix I - see City Clerk File #06-67) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the authorized representative.

3. As stated in the S2 Grant Agreement, the Grant shall become a repayable obligation (the "Repayable Obligation") if any of the following occur:

(a) the Governmental Unit fails to submit an administratively complete loan application for assistance from the SRF or the SWQIF for the project within 3 years of the Grant award;

(b) the project has been identified as being in the fundable range and the Governmental Unit declines loan assistance from the SRF or the SWQIF in that fiscal year; and

(c) the Governmental Unit is unable to, or decides not to, proceed with constructing the project or opts to finance construction by means other than a loan from the SRF or the SWQIF.

4. The Governmental Unit hereby pledges its limited tax full faith and credit for payment of the Repayable Obligation subject to applicable constitutional, statutory and Governmental Unit tax rate limitations.

5. The Governmental Unit shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for general local government administrative activities or activities performed by municipal employees.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the State in connection with the issuance of the Grant. The Authorized Representative is 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 State or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Governmental Unit acknowledges that the S2 Grant Agreement is a contract between the Governmental Unit and the State.

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

Motion adopted by the following vote:

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

***R-16.** WHEREAS, Section 125.33(2) of the Municipal Planning Act (PA 285 of 1931) states in part that: "...the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote."; and

WHEREAS, the Code of Ordinances for the City of Port Huron, Section 2-433 states in part that: "The term of each member of the Planning Commission shall be three years or until his successor takes office."; and

WHEREAS, the Mayor has made the following reappointments:

David M. Schwartz - June 14, 2009

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Mayor's reappointment as listed above.

Adopted.

R-17. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, the Port Huron Housing Commission has requested that the Port Huron Police Department provide additional police services beyond what is normally provided; and

WHEREAS, the additional police services will include the policing of specific Housing Commission locations, providing police reports to the Housing Commission, manning a mini station provided by the Housing Commission to provide a visible police presence, and attending after hour informational meetings to keep the Commission and residents current on neighborhood events/concerns; and

WHEREAS, this is a renewal of a previous agreement between the Port Huron Police Department and Port Huron Housing Commission that was approved at the November 14, 2005, City Council meeting; and

WHEREAS, the Port Huron Housing Commission has agreed to pay the Port Huron Police Department Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) with Seventeen Thousand Five Hundred and 00/100 Dollars (\$17,500.00) being paid July 31, 2006 and the remaining Seventeen Thousand Five Hundred and 00/100 Dollars (\$17,500.00) being paid January 31, 2007, for these police services;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the terms of the Law Enforcement Grant Contract with the Port Huron Housing Commission for additional police services to be provided by the Port Huron Police Department and authorizes the appropriate City officials to execute the necessary documents (see City Clerk File #06-68).

Motion adopted by the following vote:

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

MOTIONS & MISCELLANEOUS BUSINESS

1. **Councilmember Sample-Wynn** asked about what would be the circumstances whereby a special trash pickup was made and charged back to the owner and what items can be put at the curb for pickup. Bob Clegg, City Engineer, responded.

Councilmember Sample-Wynn (8:18 p.m.) moved to go into a closed session to review the applications for the position of City Manager.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Sample-Wynn.

No: None.

Absent: Councilmember Neal.

On motion (9:11 p.m.), meeting reconvened.

On motion (9:12 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Friday, June 23, 2006, at 10:30 a.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher (arrived at 11:00 a.m.), Haynes, Jacobs (arrived at 10:45 a.m.), McCulloch, Neal and Sample-Wynn.

The purpose of the meeting was to interview candidates for the City Manager's position.

The Mayor went over the interview documents and the process to be used for questioning the finalists.

Council recessed from 10:50 a.m. until 11:00 a.m. when the first interview for City Manager began.

Scott Randall (Auburn Hills) was the first candidate.

Council recessed from 12:35 until 1:15 p.m.

Michael Stampfler (Portage) was the next candidate.

Council recessed from 2:30 p.m. until 3:10 p.m.

Karl Tomion (Midland) was the final candidate to be interviewed.

Council recessed from 4:55 to 5:05 p.m.

Discussion was held about the candidates.

Councilmember Neal moved that the City of Port Huron hire Karl Tomion as its City Manager and that negotiations be entered into to come up with a contract.

Motion adopted unanimously.

Attorney Gary Fletcher, Personnel Director John Berry, Mayor Cutcher and Councilmembers Neal and Sample-Wynn to work on a proposed contract and Mayor Cutcher asked that a special Council meeting be scheduled at 6:30 p.m. on Monday, June 26, 2006, in Conference Room 408 to review a proposed contract with the entire City Council with plans to present for adoption at the regular meeting that same night.

On motion (5:45 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 26, 2006, at 6:30 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order at 6:45 p.m. by Mayor Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes (arrived at 7:00 p.m.), Jacobs, McCulloch, Neal and Sample-Wynn.

Council reviewed the proposed contract between Karl Tomion (City Manager) and the City of Port Huron. The Mayor went over the details of the contract and stated that Mr. Tomion's start date would be August 7, 2006.

Mayor Cutcher apologized to Council about the article in the newspaper where he was quoted about the City sharing services with Fort Gratiot stating he had planned on sharing that with everyone before it was made public in the newspaper but hadn't had an opportunity to do so.

On motion (7:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, June 26, 2006, 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 Cutcher.

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

The minutes of the regular meeting of June 12, 2006, 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 #3)

Bruce Seymore, 2910 W. Village Lane, representing EDA and Lear Corporation, appeared in the support of the application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed the City Council concerned about ethics during selection process for City Manager even though he believes the Council chose the right person. Also, he stated he had contact with the postal service relative to their building project and that he and his wife corrected a blight situation at Botsford and Lapeer.

2. Dale Jurk, 1032 - 17th Street, addressed the City Council concerning the water and sewer rates suggesting a way for the customer to save when they water their lawns and plants during the summer months by not charging for the sewer portion when they have a history of increased use during these months. He believes there would be more usage that would compensate for the difference.

CONSENT AGENDA

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

Adopted unanimously.

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

- Effective June 27, 2006, future City Council meetings will be broadcast on Comcast's Channel 12 as all programming currently shown on Channel 3 is being moved to Channel 12.
- Waste Management of Michigan, Inc., will begin the new four-day a week refuse and recycling removal service next week. Pickup will be as follows: Monday - northern City limits south to all of Sedgwick Street; Tuesday - south of Sedgwick Street to all of

Howard/Water Streets; Wednesday - south of Howard/Water Streets to all of Oak Street; and Thursday - south of Oak Street to the southern City limits. Due to the Fourth of July holiday, Tuesday, Wednesday and Thursday pickups will be delayed one day.

- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

Upcoming events:

- June 28: Big Screen Movie, Lincoln Park (King Kong)
- June 30: Community Development Department Annual Home Improvement Contest deadline
- July 1: Canada Day fireworks
- July 4: City offices closed in observance of Independence Day
- July 7-16: McDonagh's Carnival, McMorran parking lot
- July 9: Southside Blues & Jazz Festival, Lincoln Park
- July 12: Rotary International Day Parade, 6:30 p.m., downtown
- July 13-15: Port Huron to Mackinac Race activities (Race Day is Saturday, July 15)
- July 14: Yard of the Year nominations due
- July 21-22: Antique & Classic Auto Parade and Show
- July 31: Spirit of Port Huron nominations due

RESOLUTIONS

***R-1.** BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Adopted.

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

WHEREAS, City Council's acceptance of Thomas J. Hutka's resignation provides that an Acting City Manager be named effective July 1, 2006;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby appoints John H. Ogden as Acting City Manager until such time as the City Manager's position is filled.

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, 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 June 26, 2006, 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: 12/31/06 to 12/31/12 (6 years)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facility known as Lear Corporation is located.

Adopted.

***R-4.** WHEREAS, President George W. Bush has declared the month of June as "National Homeownership Month"; and

WHEREAS, the City of Port Huron recognizes the importance of strong and stable neighborhoods; and

WHEREAS, the City of Port Huron and its partners are committed to working together to provide a variety of homeownership opportunities as a way of creating strong neighborhoods;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council proclaims the month of June 2006 as "National Homeownership Month" in the City of Port Huron.

Adopted.

***R-5.** WHEREAS, First Night® Port Huron 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 First Night® Port Huron as a non-profit organization in the City of Port Huron.

Adopted.

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

WHEREAS, on June 23, 2006, the Port Huron City Council appointed Karl S. Tomion to the position of City Manager and directed that a contract be prepared; and

WHEREAS, there has been prepared an agreement between the City of Port Huron and Karl S. Tomion (see City Clerk File #06-69);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the City Manager's contract between the City of Port Huron and Karl S. Tomion and authorizes the appropriate City officials to execute said agreement.

Adopted unanimously.

On motion (7:47 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, July 10, 2006, 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 Cutcher.

Present: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.

Absent: Councilmembers Jacobs and Neal.

The minutes of the regular meeting of June 26, 2006, and the special meetings of June 23 and 26, 2006, were approved.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the proposed vacation of a portion of Jay Street, located between Griswold, 7th, Oak and 8th Streets, with the reservation of a full-width utility easement. (See Resolution 3)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Laura Newsome, St. Clair Council on Aging, addressed the City Council reminding everyone about the renewal of the senior citizens millage on the August 8, 2006, ballot and encouraging continuance of this funding to assist with their programs. Additionally, she thanked the City of Port Huron, specifically Chief Eick, Bob Clegg, Eric Witter, Fred Kemp and Kevin Harrison, for their cooperation and professionalism during the sewer separation project which affected parking and other services at their facility.

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 Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmembers Jacobs and Neal.

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

Upcoming events:

July 7-16: McDonagh's Carnival, McMorran parking lot
 July 11: Big Screen Movie at Roosevelt School - Chicken Little
 July 12: Rotary International Day Parade, 6:30 p.m., downtown
 July 13-15: Port Huron to Mackinac Race activities (Race Day is Saturday, July 15)

July 14: Lincoln Park Fun Days, Lincoln Park
 July 14: Yard of the Year nominations due
 July 19: Big Screen Movie at Crull School - Madagascar
 July 20: Art in the Park - The Classics, 10th Street Bridge area
 July 21-22: Antique & Classic Auto Parade and Show
 July 21: Lincoln Park Fun Days, Lincoln Park
 July 23: Sand Sculpture Contest, Lighthouse Beach
 July 31: Spirit of Port Huron nominations due
 Aug. 1: National Night Out activities
 Aug. 1: Big Screen Movie at Optimist Park - Wallace & Gromit - The Curse of the Were Rabbit
 Aug. 9: Big Screen Movie at Lincoln Park - Chronicles of Namia
 Aug. 12: Sidewalk sales, downtown

• Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

***C-1.** Report from the Port Huron Beautification Commission outlining their 2005 - 2006 projects and some of their plans for 2006 - 2007.

Received and filed.

FROM THE CITY MANAGER

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

On June 27, 2006, the City of Port Huron received eight (8) bids for the Filter Backwash Treatment Project at the Water Filtration Facility:

Trojan Development Co.	\$1,397,000.00
Boddy Construction Co., Inc.	\$1,471,000.00
Demaria Building Co., Inc.	\$1,543,000.00
Pamar Enterprises, Inc.	\$1,610,990.00
EBI-Detroit, Inc.	\$1,635,000.00
A. Z. Shmina, Inc.	\$1,737,000.00
Raymond Excavating Co.	\$1,785,000.00
W-3 Construction Co.	\$1,818,000.00

It is recommended that the bid of Trojan Development Co., 2260 Metamora Road, Oxford, Michigan 48371-0534, in the amount of One Million Three Hundred Ninety-Seven Thousand and 00/100 Dollars (\$1,397,000.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmembers Jacobs and Neal.

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

On June 28, 2006, the City received a single source quotation for a tri-dimensional, educational, interactive "Hazard House" teaching aid display to be used by the Fire Department for child fire safety presentations and other fire safety exhibits.

Modeltech International, Inc.	\$17,340.00
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It is recommended that the quotation from Modeltech International, Inc., 4820 Rouen Street., Montreal, Quebec H1V3T4, in the amount of Seventeen Thousand Three Hundred Forty and 00/100 Dollars (\$17,340.00) be accepted, with ninety percent (90%) funding from the U.S. Department of Homeland Security Emergency Preparedness and Response Directorate (DHS-EP&R/FEMA) for FY2005 Assistance to Firefighter Grant award, and that the appropriate City officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmembers Jacobs and Neal.

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

On June 27, 2006, the City of Port Huron received two (2) bids for a Hazardous Materials Trailer for use by the Port Huron Fire Department. Bids received are as follows:

IKES Equipment	\$ 29,771.75
SLM Trailers *	

* Did not meet bid specifications

It is recommended that the bid from IKES Equipment, 6560 Dixie Highway, Clarkston, MI 48346, in the amount of Twenty-nine Thousand Seven Hundred Seventy-one and 75/100 Dollars (\$29,771.75) be accepted as the lowest cost responsive and responsible bid with funding from the State of Michigan 2005 Homeland Security Grant Program and that the appropriate City Officials be authorized to execute the necessary documents.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmembers Jacobs and Neal.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
 No: None.
 Absent: Councilmembers Jacobs and Neal.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$4,846.92 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-69).

Adopted.

***R-3.** WHEREAS, the City of Port Huron owns the following described property:

a portion of the Jay Street right-of-way, with the reservation of a full-width public utility easement particularly described as: beginning at the northwest corner of Lot 11, thence south to the southwest corner of Lot 14, thence west to the southeast corner of Lot 21, thence north to the northeast corner of Lot 18, thence east to the point of beginning; abutting Lots 11, 12, 13, 14, 18, 19, 20, and 21, Reid and Stewart Plat; generally described as the southerly 168 feet of Jay Street right-of-way lying between the Griswold Street and Oak Street rights-of-way and abutting the addresses of 1615, 1616, 1617, 1620, 1623, and 1626 Jay Street, City of Port Huron; and

WHEREAS, on July 6, 2006, the City Planning Commission held a public hearing to hear comments on the proposed vacation and recommended approval (7 ayes; 0 nays; 2 absent; 0 abstain); and

WHEREAS, the City Council on July 10, 2006, 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 property is hereby vacated with the reservation of a full-width public utility easement.

Adopted.

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

WHEREAS, there has been a contract (#06-5256) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the reconstruction of Riverside Drive from Sanborn Street to Brandywine Lane; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation Program; and

WHEREAS, the Federal participation ratio for eligible cost items is 81.85%; and

WHEREAS, the total estimated eligible cost of \$516,600 is to be shared as follows:

Federal Aid	\$ 422,800
City	<u>\$ 93,800</u>
	\$ 516,600

WHEREAS, the estimated ineligible cost items for the project are \$197,300; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the reconstruction of Riverside Drive from Sanborn Street to Brandywine Lane; and all together with necessary related work; authorizes a local match of \$93,800.00; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #06-70)

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
- No: None.
- Absent: Councilmembers Jacobs and Neal.

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

WHEREAS, there has been a contract (#06-5269) prepared between the City of Port Huron and the Michigan Department of Transportation (MDOT) for the street improvements along 10th Street from Electric Avenue to Lapeer Avenue; including concrete panel replacement and diamond grinding; and all together with necessary related work; and

WHEREAS, the City of Port Huron has been awarded a Federal Grant under the Surface Transportation Program; and

WHEREAS, the Federal participation ratio for eligible cost items is 80%; and

WHEREAS, the total estimated eligible cost of \$1,114,900 is to be shared as follows:

Federal Aid	\$ 891,900
City	<u>\$ 223,000</u>
	\$1,114,900

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the contract with the Michigan Department of Transportation for the street improvements along 10th Street from Electric Avenue to Lapeer Avenue; including concrete panel replacement and diamond grinding; and all together with necessary related work; and authorizes a local match of \$223,000.00; and authorizes the appropriate City officials to execute said agreement. (See City Clerk File #06-71)

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
- No: None.
- Absent: Councilmembers Jacobs and Neal.

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

WHEREAS, chemical spills occurring on either side of the St. Clair River may expose water treatment plants to contamination creating potential health hazards; and

WHEREAS, the operators of these plants and the citizens served by these plants agree that our drinking water should be protected with a detection and warning system that can produce emergency notification in a timely manner; and

WHEREAS, St. Clair and Macomb Counties are the recipients of a federal grant sponsored by Congresswoman Candice Miller to fund the development of a drinking water monitoring and notification system; and

WHEREAS, this federal grant will be implemented over the period of April 15, 2006 to September 30, 2008; and

WHEREAS, the estimated funding is approximately \$1,800,000, which includes a federal award of nearly \$1 million and a local match of nearly \$800,000, with two counties and nine water treatment plants making contributions toward the local match; and

WHEREAS, the St. Clair County Health Department has indicated that the local match requirement for the City of Port Huron Water Treatment Plant will be a total of \$10,000 divided equally over the next two fiscal years; and

WHEREAS, St. Clair County Health Department has requested that the City of Port Huron remit an initial payment in the amount of \$5,000 for the fiscal year 2006-07 local match requirements;

NOW, THEREFORE, BE IT RESOLVED the City Council authorizes payment in the amount of \$5,000 for the fiscal year 2006-07 local match for the Port Huron Water Treatment Plant share of the drinking water monitoring and notification.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
- No: None.
- Absent: Councilmembers Jacobs and Neal.

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

WHEREAS, it is necessary to perform professional engineering services during the construction and serve as the City's professional representative for the Filter Backwash Project; and

WHEREAS, Fishbeck, Thompson, Carr & Huber, 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 Fishbeck, Thompson, Carr & Huber, Inc., for professional engineering services for Project No. E02-0020;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Fishbeck, Thompson, Carr & Huber, Inc., for professional engineering services during the construction of the Filter Backwash Project and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-72).

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
- No: None.
- Absent: Councilmembers Jacobs and Neal.

***R-8.** WHEREAS, Catch 22, LLC (Stephen Wilhelm), has requested to transfer ownership of 2006 Class C licensed business with dance permit, located in escrow at 408 St. Clair River, Algonac, Michigan, from Down Riggers on the River, Inc., and transfer location to 1229 Seventh Street, Port Huron, Michigan;

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, the City Planning Commission has received a request from Acheson Ventures, LLC to rezone various properties generally located north of Griswold Street, south of Court Street, west of Third Street and east of the St. Clair River, from M-1 (Light Industrial District) to CBD (Central Business District) legally described as:

a parcel of land being a portion of the southwest fractional quarter of Section 11, Town 6 North, Range 17 East, City of Port Huron, St. Clair County, Michigan, described as: commencing at the southwest corner of said Section 11; thence northerly along the west line of Section 11 to the centerline of Court Street; thence easterly along Court Street centerline extended to the westerly bank of the St. Clair River; thence southwesterly along the bank of the river to the north right-of-way line of Griswold Street; thence westerly along said north right-of-way line to the point of beginning of this description. Including the south one-half of Court Street and vacated Court Street right-of-way adjacent, lying between the westerly line of Section 11 and the St. Clair River. Also, including the entire width of Griswold Street right-of-way adjacent, lying between the

westerly line of Section 14 and the St. Clair River, City of Port Huron

WHEREAS, on July 5, 2006, City Planning Commission held a public hearing to hear comments on the proposed rezoning; and

WHEREAS, the City Planning Commission, after due consideration, recommended approval (vote:7 ayes; 0 nays; 1 absent; 1 abstained) of the rezoning;

WHEREAS, the next step in the rezoning process is for the City Council to hold a public hearing on the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for August 14, 2006, to hear comments on the request from Acheson Ventures, LLC, for the rezoning of the above described property.

Adopted.

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

WHEREAS, a request has been received for a special approval use permit for construction of a 20' x 40' garage addition to the existing Lakeview Diagnostics office located at 2001 - 11th Avenue, legally described as: Lot 18 and the south one-half of Lot 17, Lot 6 of Outstanding Lot O, Miles Subdivision, City of Port Huron; and

WHEREAS, on July 5, 2006, the City of Port Huron Planning Commission held a public hearing to hear comments on the proposal; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby, on an affirmative vote, authorizes the Zoning Administrator to issue a special approval use permit for the above request, or in the case of a negative vote, hereby denies the request for construction of a 20' x 40' garage addition to the existing Lakeview Diagnostics office at 2001 - 11th Avenue.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.
- No: None.
- Absent: Councilmembers Jacobs and Neal.

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

WHEREAS, the St. Clair County Treasurer's office has notified the City of the availability of the following tax foreclosed properties located within the City of Port Huron:

- 74-06-343-0022-000
Vacant Lot 2600 Block of Vanness Street
- 74-06-690-0192-000
Vacant Lot 2100 Block of Minnie Street
- 74-06-690-0193-000
Vacant Lot 2100 Block of Minnie Street; and

WHEREAS, in the past, the City of Port Huron has purchased such tax foreclosed properties and, subsequently, through its partnership with the Port Huron Neighborhood Housing Corporation, has used the properties to construct single-family dwellings for sale to first-time home buyers;

WHEREAS, after purchase of the properties, the City agrees to sell them to the Port Huron Neighborhood Housing Corporation for the purpose of creating new single-family dwellings;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Huron hereby authorizes the purchase of the above tax foreclosed properties from the St. Clair County Treasurer in the total amount of Two Thousand, Four Hundred Two Dollars and 32/100 (\$2,402.32), and authorizes and directs the appropriate City officials to enter into and sign the necessary documents to purchase such properties, and convey them to the Port Huron Neighborhood Housing Corporation.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, McCulloch and Sample-Wynn.

No: None.

Absent: Councilmembers Jacobs and Neal.

***R-12.** WHEREAS, Schubert Male Chorus of Port Huron, Inc., has made application to the Bureau of State Lottery for a gaming license to conduct a raffle; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron does hereby recognize Schubert Male Chorus.

Adopted.

On motion (8:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, August 14, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

A welcome reception was held for City Manager Karl S. Tomion in the Municipal Office Center Lobby prior to the Council meeting.

The invocation was given by Pastor Dwight Weber, Colonial Woods Missionary Church, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of July 10, 2006, were approved.

PRESENTATIONS

1. Fred E. Cowles, P.E., President, Michigan Water Environment Association, recognized Frederick J. Kemp, Utilities Manager, for his selection as the 2006 Public Utility Professional of the Year by their association.

2. Robert Clegg, P. E., City Engineer, introduced Joe Denczek, Community and Municipal Relations, Waste Management, who gave a PowerPoint presentation to the allowable size of refuse containers. Mr. Denczek talked about the safety of his workers as it relates to the lifting of larger containers and showed a comparison of the different sized containers as well as a chart depicting the number of containers tagged and stated that they were focused on good, quality service. City Council asked questions including whether using a larger container but not filling it was option, whether they could buy the 32 gallon containers in bulk and pass the cost savings on to the resident and whether they would buy back the 96 gal. containers they sold to the public a few years ago. Mr. Denczek stated they would continue to work with City staff to resolve issues.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone various properties generally located north of Griswold Street, south of Court Street, west of Third Street and west of the St. Clair River from M-1 (Light Industrial District) to CBD (Central Business District). (See Ordinance #1)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Janice Littlefield, 923 Michigan Street, addressed City Council to announce the Bi-National Public Advisory Council's photo contest and congratulated Fred Kemp on his award stating he deserves it.

2. Marjorie Bell, Port Huron, addressed City Council relative to the rezoning of properties of Victor Albert's properties on 11th Street last year stating that she shared concerns about aesthetics and the property's poor condition at that time and now it is even worse. She also mentioned 1037 Beard Street (duplex) and its steps and porch in bad condition. She stated that her graffiti complaint was taken care of in a timely manner.

3. Ken Harris, 1521 Wells Street, addressed City Council relative to Councilmember Tim McCulloch's recent letter in the newspaper and stated that contrary to the letter the west side of Port Huron needs to have more attention by the City.

4. Alice O'Neil, Prospect Place addressed City Council and showed photos of deteriorating conditions in Pine Grove Park and asked that the City look at it.

5. Paul Strickland, 1741 Thomas Street, addressed City Council stating he does not believe there should be a limit on the size of the trash containers as Waste Management picks up heavier items than those.

6. Kathy Silva, 1123 Union Street, addressed City Council stating that she has a larger container (one that is picked up in Goodells but not in Port Huron) and that she has to pay someone to pick up her garbage and thinks that is ridiculous as she pays for it in her taxes.

7. A Waste Management employee addressed City Council stating that residents should just cut oversized container down in size and then they would not have to buy a new one.

8. Michael Thornton, 1322 - 18th Street, addressed City Council stating that he has one of the larger containers purchased from Waste Management and does not understand why they cannot pick it up when their trucks are equipped to do so.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

Aug. 15: Big Screen Movie at Palmer Park - Harry Potter: The Goblet of Fire

Aug. 18-20: "Sail Port Huron" Maritime Festival at the Seaway Terminal and Desmond Marine Dock

Aug. 25-27: U. S. Coast Guard Days

Aug. 26-27: Art on the Avenue, downtown

Sept. 9: Antique & Classic Boat Show, River Street Marina

Sept. 15: Sister City Fundraiser Dinner, Guadalupe Center

Sept. 16: Hobbyfest, Pine Grove Park

Sept. 17: Olde Town Historic Home Tour, Court Street area

- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Fisher moved to receive and file the following communication:

Robert J. Brown, 1023 Miller Street, Apt. 2, requesting the City Council change the way the snow ordinance is enforced or rescind the ordinance altogether.

Received and filed.

C-2. Councilmember Sample-Wynn moved to receive and file the following communication and appoint City Manager Karl Tomion as the voting delegate:

From the Michigan Municipal League requesting designation of one voting and one alternate delegate during the Annual Convention to be held September 27-29, 2006, in Marquette, Michigan.

Received and filed and Karl Tomion appointed as delegate.

C-3. Councilmember McCulloch moved to receive and file the following communication:

From the Michigan Municipal League notification that the City has been selected for the Local Jobs Today Grant Program which will provide match money in the amount of \$1,451,300.00 toward the 7th Street Bridge and Gratiot Avenue projects.

Received and filed.

FROM THE CITY MANAGER

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

On July 25, 2006, the City of Port Huron received two (2) bids for standby generator systems at Fire Stations No. 3 and No. 4. Bids received are as follows:

Stephenson Electric Co.	\$ 53,675.00
B & T Electric, Inc.	\$ 56,500.00

It is recommended that the bid from Stephenson Electric Co, P.O. Box 610841, Port Huron, MI 48061-0841, in the amount of Fifty-three Thousand Six Hundred Seventy-five and 00/100 Dollars (\$53,675.00) be accepted as the lowest cost responsive and responsible bid with funding from the State of Michigan 2005 Homeland Security Grant Program 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 July 17, 2006, the Port Huron Fire Department received the results of the State of Michigan Extended Purchasing Program (MI DEAL) bids to supply one (1) 2007 F-350 4X2 super crew cab pickup truck designated as the prime mover for the HazMat response trailer to be purchased under the State of Michigan 2005 Homeland Security Grant Program as follows:

Gorno Ford	\$ 31,233.00
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It is recommended that the bid of Gorno Ford, 22025 Allen Road, Woodhaven, Michigan 48183 in the amount of Thirty-one Thousand Two Hundred Thirty-three and 00/100 Dollars (\$31,233.00) be accepted in accordance with the State of Michigan Extended Purchasing Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On July 27, 2006, the City of Port Huron received one (1) bid for 42,000 lbs of sodium silicofluoride for the Water Treatment Plant:

KC Industries, LLC	\$13,803.00
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It is recommended that the bid of KC Industries, LLC, P. O. Box 646, Mullberry, Florida 33860, in the amount of Thirteen Thousand Eight Hundred Three and 00/100 Dollars (\$13,803.00) be accepted as the lowest cost responsive and responsible bid and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On August 1, 2006, the City of Port Huron received two (2) bids for demolition work at Water Reclamation Facility, Project No. G06-0100

S. A. Torello Inc.	\$ 8,780.00
Sheldon Construction Inc.	\$14,900.00

It is recommended that the bid of S. A. Torello Inc., 3500 Dove Road, Port Huron, Michigan, 48060, in the amount of Eight Thousand Seven Hundred Eighty and 00/100 Dollars (\$8,780.00) 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.

FROM THE DIRECTOR OF FINANCE

*1. The City of Port Huron Administrative Regulation No. 2.1, "Conflict of Interest Policy", adopted by the City Council on June 14, 1993, provides procedures for reporting of situations where a conflict of interest might exist by certain City officials.

The annual conflict of interest statements were transmitted to each City Council member, the City Manager, department heads, division heads and other individuals required by the City Manager on July 1, 2006. Section 3.D of said administrative regulation states, "At the first City Council meeting in August, the City Council shall be notified of the results of the evaluation of the conflict of interest statements by the Director of Finance. The City Council shall take such action as is appropriate concerning any council member who fails to complete the form."

Please be advised that all conflict of interest statements have been returned and no discrepancies have been noted.

Received and filed.

RESOLUTIONS

R-1. Councilmember Haynes 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 #06-01)

Adopted unanimously.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$5,299.07 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-73).

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 2006 has been called for on Tuesday, September 19 through Thursday, September 21, 2006, at the Amway Grand Plaza Hotel, Grand Rapids, Michigan; and

WHEREAS, the City Clerk has certified the name of John Zielke as employee delegate and the name of Lynda Lynch as employee alternate selected by secret ballot, as prescribed by the Act;

NOW, THEREFORE, BE IT RESOLVED that John H. Ogden be certified as the Officer Delegate and John P. Berry as Officer Alternate, in accordance with the recommendation of the City Manager.

Adopted.

***R-4.** 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;"

NOW, THEREFORE, BE IT RESOLVED that James R. Shaw is hereby reappointed to the Henry McMorran Memorial Auditorium Authority for a term to expire on July 25, 2012.

Adopted.

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

WHEREAS, the Michigan Department of Transportation has improved the area at the southwest corner of Quay Street and Huron Avenue for use as a public park with the continued maintenance being the responsibility of the City of Port Huron; and

WHEREAS, on January 9, 2006, the City Council formally designated this area as Heritage Park on the Quay with a dedication ceremony being held on June 5, 2006; and

WHEREAS, it has been City Council's intent to establish a process for plaques to be installed along the walkway walls to honor either deceased citizens who have been community benefactors, our citywide heritage or historical events and/or people from Port Huron; and

WHEREAS, criteria has been prepared (Attachment "A") so that this process can begin; and

WHEREAS, the recent loss of Helen David, most certainly one of Port Huron's prominent benefactors, surfaces as a prime example of someone who deserves to be recognized;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Adopts the criteria for placement of a plaque in Heritage Park on the Quay (see City Clerk File #06-74).
2. Approves Alan Cutcher's request to begin the process of raising private donations for a plaque honoring Helen David to be installed in Heritage Park on the Quay.

Adopted unanimously.

***R-6.** WHEREAS, Section 601(3) of Public Act 110 of 2006 (MCL 125.3601 et seq) states:

"In appointing a zoning board of appeals, membership of that board shall be composed of not fewer than 5 members..." and "One of the regular members of the zoning board of appeals shall be a member of the zoning commission or of the planning commission if the duties and responsibilities of the zoning commission have been transferred to the planning commission."; and

WHEREAS, Section 601(9) of Public Act 110 of 2006 (MCL 125.3601 et seq) states:

"The terms of office for members appointed to the zoning board of appeals shall be for 3 years, except for members serving because of their membership on the zoning commission...whose terms shall be limited to the time they are members of those bodies."

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby appoints the following Planning Commissioner to the Zoning Board of Appeals with a term to expire as indicated:

David M. Schwartz - term to expire June 14, 2009;

BE IT FURTHER RESOLVED, that the following individual is reappointed to a three-year term on the Zoning Board of Appeals:

Larry McNamara - term to expire July 1, 2009.

Adopted.

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

WHEREAS, the United States Department of Commerce/National Oceanic and Atmospheric Administration has a need and desire to construct, maintain and operate a gauge station next to the Water Reclamation Facility to measure water flow/depth levels used for navigational purposes, measuring of atmospheric conditions and other water resource management activities; and

WHEREAS, the citizens approved a ballot proposal authorizing the lease the said property to the National Oceanic and Atmospheric Administration (NOAA); and

WHEREAS, an agreement between the City of Port Huron and the United States Department of Commerce/National Oceanic and Atmospheric Administration has been negotiated;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached long lease with the United States Department of Commerce/National Oceanic and Atmospheric Administration and authorizes the proper City officials to execute said agreement. (See City Clerk File #06-75)

Adopted unanimously.

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

WHEREAS, the maintenance of 24th Street from Lapeer Avenue to 676 feet north of Dove Road is the responsibility of the St. Clair County Road Commission; and

WHEREAS, the St. Clair County Road Commission is repairing this roadway during the 2006 construction season; and

WHEREAS, the City of Port Huron has utilities under this roadway that serve private property within the City of Port Huron; and

WHEREAS, the City in cooperation with the St. Clair County Road Commission is implementing utility improvements as part of the St. Clair County Road Commission project; and

WHEREAS, the City's share of the cost for the implementation of this agreement is estimated to be \$306,787.00;

WHEREAS, the St. Clair County Road Commission has prepared an agreement with the City of Port Huron to pay for its cost of utility improvements and to pave 676 feet of 24th Street that is under the City's jurisdiction as part of this project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with the St. Clair County Road Commission for the City's share of cost and authorizes the appropriate City officials to execute said agreement (See City Clerk File #06-76)

Adopted unanimously.

***R-9.** WHEREAS, in administering the financial affairs of the City of Port Huron it is necessary to invest funds for various periods of time, in accordance with State law, to maximize the return to the City, and

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

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

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

Adopted.

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

WHEREAS, the City of Port Huron has been given the first right of refusal regarding tax reverted properties within the City limits; and

WHEREAS, the City has acquired a non-buildable, vacant lot through the St. Clair County Treasurer's office, the foreclosing unit of government, located in the 2600 Block of Vanness Street for the acquisition price of \$1,234.96; and

WHEREAS, the owner of a single-family, owner-occupied home adjacent to this vacant lot has expressed an interest in acquiring the property in order to make improvements; and

WHEREAS, it is in the City's best interest to sell the subject property (Parcel Number: 74-06-343-0022-000) to the adjacent property owner for an amount equal to the acquisition price and any other costs incurred by the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes and instructs the appropriate Administrative Official to enter into a purchase agreement and convey by Quit Claim Deed, Parcel Number 74-06-343-0022-000, commonly known as Vacant Lot in the 2600 Block of Vanness Street, to the adjacent property owner (Joseph R. Raska at 2613 Vanness Street) for the purpose of combining both properties to be used as a single-family dwelling unit. (See City Clerk File #-06-77)

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 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES LOCATED NORTH OF GRISWOLD STREET, SOUTH OF COURT STREET, WEST OF THIRD STREET AND WEST OF THE ST. CLAIR RIVER, FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

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

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF COMPLYING WITH PORTIONS OF PUBLIC ACT 110 OF 2006 PERTAINING TO THE ZONING BOARD OF APPEALS.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember McCulloch stated that he was elected to the Executive Committee at SEMCOG and that at a recent meeting Heritage Park on the Quay was mentioned as one of MDOT's successful projects.

2. Councilmember Jacobs asked about Mrs. Bell's concerns raised during Public Audiences. Kim Harmer, Planning Director, stated she noted addresses and would have staff check out the complaints the next day stating that the owner prior to Mr. Albert allowed use of the site by construction company. Robert Clegg, City Engineer, stated that the construction company cleaned up before they left the site and that the debris now there is the responsibility of the current property owner to clean up. City Council stated they would like a written response about this issue.

On motion (9:15 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 11, 2006, 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 Cutcher.

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

The minutes of the regular meeting of August 14, 2006, were approved.

PRESENTATIONS

1. Proclamation designating September 22 - 24, 2006, to be "Hobo Days" in recognition of the Port Huron Museum's Down by the Depot Hobo Festival was presented to Museum representatives.
2. Yard of the Year awards presented by the Beautification Commission (see City Clerk File # 06-78 for list of winners).

PUBLIC AUDIENCES

1. Ken Harris 1521 Wells Street, addressed the City Council questioning whether Council had adopted the change in the refuse collection contract from 5-days a week to 4-days a week.
2. Dick Cummings, Avoca, addressed the City Council applauding Waste Management for protecting their workers and stating that waste haulers are moving targets every day of the year by working in the roadway and their protection should be considered.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming Events:

- Sept. 12: Fall recreation registration for residents, Palmer Park Recreation Center
- Sept. 13: Fall recreation registration for non-residents, Palmer Park Recreation Center
- Sept. 13: New evening fall recreation registration for all from 4:30 - 7:00 p.m.
- Sept. 15: Sister City Fundraiser Dinner, Our Lady of Guadalupe, 4:30 - 7:30 p.m.
- Sept. 16: Hobbyfest, Pine Grove Park, noon to 4 p.m.
- Sept. 17: Olde Town Historic Home Tour, Court Street area, noon to 6 p.m.
- Sept. 20: Spirit of Port Huron Awards, McMorran Place Lounge, 4:30 p.m.
- Sept. 22-24: Down by the Depot Hobo Festival, Edison Depot Museum

- Port Huron is celebrating its Sesquicentennial in 2007 and the theme is "Celebrate our past. Imagine our future." A video project, a book project and planning for a number of citywide events are underway and community organizations are encouraged to incorporate the Sesquicentennial theme into their events. For more information, visit www.ph150.org.

COMMUNICATIONS & PETITIONS

- ***C-1.** Notification from National League of Cities that the 83rd Annual Congress of Cities and Exposition will be held December 5-9, 2006, in Reno, Nevada.

Received and filed and Council authorized to attend.

- ***C-2.** Letter from Museum stating their support of the Fort Gratiot Lighthouse project and encouraging City Council to approve the agreement with Quinn Evans (see Resolution #9) for professional services to complete the historic structures report.

Received and filed.

FROM THE CITY MANAGER

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

REFUSE COLLECTION REPORT

BACKGROUND AND HISTORY

Description of the Solid Waste Program

The City of Port Huron has managed a community-wide solid waste collection program for decades. This program was provided by City staff until July 1, 1996. At that time, a five year contract was awarded to Waste Management to provide those privately. Following that contract, a second five year contract was awarded to World Waste Services and completed by Richfield Management. On July 1, 2006, the contract was awarded to Waste Management.

Under the current program, solid waste is collected on a four day per week schedule. In addition to common household waste, large bulky items such as furniture and appliances are collected on a weekly basis. Containerized, bagged and bundled yard waste is also collected on a weekly basis from April through November. Recycling bins are provided for the weekly collection of recyclable materials. All of the above items are collected without volume limitations.

There is a bulk leaf pick up program in the fall of each year. The bulk leaf program is accomplished using vacuum collection equipment to collect leaves raked to the curb by the residents. This program is provided utilizing an established five day a week schedule. In addition to the services provided by Waste Management, large brush collection is provided through the City's Forestry Department.

The rules and regulations for solid waste removal in the City of Port Huron have not been significantly changed in at least the last 35 years. There are three requirements dealing with container size, weight and design. All three are valid restrictions and should be viewed separately as they do not necessarily have any direct connection to one another.

Weight of Container

City regulations have consistently required the containers weigh 50 pounds or less. A container weighing over 50 pounds becomes unreasonably heavy. Even small containers such as a recycling bin could weigh 50 pounds if heavy materials are placed inside. Therefore, the size of the container, while indicative of how much it can hold, is not a controlling factor in its weight.

Size of Container

The City of Port Huron refuse regulations require that all refuse containers are 30 gallon or less in size. This regulation was in place when city crews collected refuse and has remained constant through each of the three subsequent contracts for refuse service. The maximum container size is specified in contracts throughout the industry. For hand-picked routes a 32-gallon maximum container size is used to protect the health and safety of the collection worker. Many communities across the state use similar restrictions in the size and weight of the containers allowed in their solid waste collection program.

The collection worker is subject to a very high on-the-job injury rate. Many refuse worker injuries are related to the repetitive lifting motions that occur during the collection process. With a 32-gallon container the motion of lifting and dumping the container is impacted, in part, by the total length of the container. As the size of the container increases to a 45 or a 50-gallon container, the container becomes taller. The taller container forces the workers to stretch their arms a greater distance. Coupled with the twisting movement required to dump the container, this can result in an injury to the worker. It is not uncommon for a worker to be injured in this manner. The collection routes in the City of Port Huron require each loader employee to handle 800-900 collection stops per day.

Non-Approved Containers

As stated in the City of Port Huron rules and regulations for solid waste collection, Section 4 (b) "non-approved containers include, but are not limited to the following: Paper bags, cardboard boxes, fiberpacks, wire trash burners, grocery carts. Solid waste containers that do not conform to the provisions of these regulations or that may have jagged or sharp edges, or any other defect liable to hamper or injure the persons collecting the contents thereof, must be promptly replaced by a proper container upon receipt of notice to that effect by the City and, if not so replaced within two weeks after receipt of such notice, such non-conforming or defective container may be collected and removed by the City as solid waste."

When City employees performed solid waste collection service the listed rules and regulations were strictly enforced. This was done for the recognized health and safety benefits of its employees. Fewer employee injuries translated into better service and lower costs for the residents.

Changes Leading to Privatization

Over twenty years ago, a State law was enacted prohibiting the disposal of yard waste in landfills. New freon disposal requirements were being proposed as law. The cost of operating a solid waste disposal collection system with City employees reached the point where it was being subsidized by the general fund. It seemed a perfect time to re-evaluate the program and consider privatization.

As the City prepared bid documents for collection services, the rules and regulations were made a part of the contract to be signed by the contractor. If the contractors chose not to enforce the size, weight or container condition restriction, it would have been considered services provided above those stipulated and paid for in the contract. The City was not aware of these additional services being provided as residents generally will not call to complain about extra services.

96 Gallon Container Introduced

At some point during the 1996-2001 contract awarded to Waste Management the contractor began to offer residents an option of using the 96 gallon containers for their yard waste material. The agreement stated these containers would be replaced if damaged; however, the container would belong to Waste Management and it would need to be surrendered at the end of the contract.

In 2001, the solid waste contract was re-bid and subsequently awarded to World Waste Services, as they were the lowest bidder. Waste Management attempted to collect as many 96 gallon containers as possible at the end of their contract but had limited success with the endeavor.

World Waste Services also began a program of allowing residents to use 96 gallon containers for yard waste. Some units belonged to World Waste. Some belonged to companies other than World Waste and Waste Management. Some residents began using the larger containers for trash collection also. The City's position was always that the containers did not meet the requirements of the collection services. However, the contractor was required to either take the material in the containers, or to tag the containers as non-collectable. The contractor continued to empty the containers instead of placing a tag on them.

About 3-1/2 years into the contract World Waste Services went into bankruptcy. With eighteen months left in the World Waste Services contract, Richfield Management successfully took over the contract and provided the solid waste collection service to the City. Many World Waste Services employees became Richfield employees and the transition went smoothly.

Richfield Management did at times express displeasure with the size of the containers used by some residents; however, chose not to tag the containers but instead to hand empty bags from the larger containers. If the bags were clean, and if the worker could reach the bags in the bottom of the container, you would not know the difference. While this process did work for the most part, we received complaints from residents about bags being left in the containers or loose trash from broken bags. Only through complaint investigation did the City learn of this practice. Although the contractor stated they would like to have control of the can size, they did not feel they wanted to begin a tagging program. We advised Richfield Management they must take the material or tag the containers.

2006 Contract

Richfield Management was the contractor providing solid waste collection services in the previous five year contract at a cost of \$6,798,050.40.

Two bidders responded to the City's request for bids to provide solid waste collection services for five years beginning July 1, 2006. The City asked bidders to provide alternative bids to provide

collection services for a two day a week program and a five day a week program.

The bids received to provide a two day a week program for five years, were as follows:

Waste Management	\$10,199,046.00
Richfield Management	\$ 9,946,566.00

The bids received to provide a five day a week program for five years, were as follows:

Waste Management	\$8,105,032.00
Richfield Management	No Bid

Richfield Management’s bid for two day a week service was 40% higher than their existing contract. The Waste Management bid for a five day a week service was 16% higher than the existing contract, but was the lowest bid received.

The City Council approved the contract with Waste Management to provide the refuse collection services with a five day a week collection program beginning July 2006. This resulted in a savings of \$1,841,533 when compared to the next lowest bid.

Implementation of 2006 Contract

The City worked closely with Waste Management to determine a method to collect refuse in the City on a four day a week basis. Once the program was determined, the City informed its citizens of changes so that each resident would be aware of the new collection schedule.

Waste Management, the first day on the job, expressed concerns regarding the size of the containers used by some residents. Unfortunately, the City and Waste Management were unaware of the extent of the usage of over-sized containers. They began a program of informing residents about this issue by tagging out-of-standard containers. This process continued through all of July and into August 2006.

A list of addresses which identify the size and number of containers tagged was compiled. The City and the contractor were both surprised by the number of containers that did not comply with city regulations. While this was a work in progress, it did help to identify the size of the issue. It confirms that approximately 12% of the 11,887 residential stops were in non-compliance. As the tagging procedure continued, the actual number of out-of-standard containers has been decreasing according to spot surveys completed by the contractor.

Collection Issues

Waste Management representatives have expressed a concern for the health and safety of their employees. Waste Management has submitted information regarding the injury rate to employees in the collection service. They have demonstrated the difference in injury potential when lifting containers above the 32-gallon size (please see the attached letter and bar graph from Waste Management).

The contract signed with Waste Management and the City includes the refuse rules and regulations which clearly state the containers cannot be over 30 gallons in size. Many other communities within the state are also using similar rules and

regulations (list of other communities using a 32-gallon size limit is attached).

There does appear to be a significant number of oversized containers. Waste Management has provided a detailed accounting of the number of cans tagged. We attached Table 1 to show the number of oversized containers found over multiple weeks of collection. It appears that as many as 1,401 households (11.8% of the households served) were using oversized containers when enforcement began. Since Waste Management has been tagging oversized containers this number has dropped to 70 households, as of August 28, 2006.

When the current contract was bid, Waste Management’s bid remained within our available property tax revenues. The Richfield Management bid was \$1.8 million more than the low bid. If the contract with the higher bid was accepted, the City would have had to either reduce other city services to subsidize the refuse collection program or initiate a user-charge system to each residence. The previous contractor, Richfield Management, had also expressed concerns about over-sized containers and would have had a contractual right to enforce the size restriction also.

Questions/Answers

- Q. I have a 96-gallon container with Waste Management’s name on the side. Why can’t I get Waste Management to empty it?
- A. Waste Management has counted a total of 61 of the 96-gallon totes in possession of residents. Some of these containers did come from Waste Management, five to ten years ago, through direct purchase or rental agreements. Some came from other sources. The solid waste collection service provided by Waste Management to the City of Port Huron does not provide a provision for the emptying of these oversized containers. The container far exceeds the allowable container size.
- Q. Will Waste Management exchange their 96- gallon container for an equal volume of appropriate sized containers with wheels?
- A. Waste Management will exchange existing Waste Management 96 gallon containers with up to three 32-gallon containers that meet the specifications of the current solid waste collection agreement subject to the following requirements:
 - The container is clearly identifiable as a Waste Management cart with name and/or logo imprinted on the side.
 - The container was originally purchased from Waste Management and is still in serviceable condition.
 - The container has been identified and recorded in the recent survey of addresses with oversized containers within the City.
 - The resident agrees to surrender the cart in exchange for containers that meet the contract specifications.
 - Residents interested in the exchange program should contact the City of Port Huron at (810) 984-9730 to arrange for exchange through Waste Management’s local office.
- Q. I have a 45-gallon container. If I place a yellow line at the 32-gallon size and do not fill it with more than 50 lbs. will Waste Management empty the container?
- A. No. The 32-gallon size requirement relates to the actual size of the container. The height of the container is an issue in the safety of the workers emptying containers. While weight is

certainly an important issue, the container size restriction is independent of the weight restriction.

- Q. Will Waste Management exchange my out-of-standard can with a new can that meets the requirements of the solid waste rules and regulations?
- A. No. The contractor is under no obligation to replace oversized containers for our residents.
- Q. I have an oversized container. Can I cut the container down to 32 gallon size and still use it?
- A. This would require a significant amount of skill to end with a usable product. We would not encourage any resident to try this procedure.
- Q. Will the contractor or the City develop a program to sell 32 gallon containers to residents?
- A. At this time it is not feasible for either the contractor or the City to provide this service. The expense of beginning and managing the program would be prohibitive. The correct size containers are available locally from retailers at a cost of \$9.00 to \$13.00 each.
- Q: Can Waste Management service containers larger than the 30 gallons under the existing contract?
- A: Waste Management has agreed to service containers up to 35-gallons in size even though they are clearly outside the contract specification; however, anything larger than this cannot be serviced without potential safety issues with their workers. The majority of containers that are not in compliance are in the 40 to 50 gallon range and those are not compatible with the dumping mechanism on their trucks. There is no modification that would allow safe dumping of these oversized containers, which leaves the unsafe practice of manual dumping as the only option. In addition, there are approximately sixty 96-gallon containers that are an issue. While these containers are compatible with their mechanical dumping mechanism, their bid did not assume the added time and corresponding costs associated with purchasing and dumping carts.
- Q: Would Waste Management consider changing its type of City-wide service as currently required in their contract to a semi-automated 96 gallon container service?
- A. Yes. Waste Management would be happy to provide a semi-automated 96 gallon container services to residents; however, this is a significant change from the specification originally bid. Waste Management has already made a large investment in equipment and personnel to service the contract based upon the original specification. A conversion to cart-only collection would require additional capital investment and revised operating assumptions that would affect the cost of services to the City.

Alternatives Considered

- A. Continue the existing service and enforce the container size requirement.
- While 30 gallons is the size limit within the contract, Waste Management has agreed to service up to a 35-gallon size container.
 - Waste Management will initiate a limited time program to trade legal sized containers for oversized containers purchased from Waste Management.
 - Waste Management will continue to honor all other provisions of the contract for the life of the contract.

B. Waste Management could provide a semi-automated collection program using 96 gallon containers. If there is further interest in this program, a detailed proposal could be provided. The following are typical specifications for such a program that significantly deviate from the current contract specifications.

- Weekly collection volume limited to the content of the container.
- All residents would be required to use a Waste Management container
- Container must be placed on street at edge of curb and be unobstructed by vehicles for service.
- Residents limited to one 96 gallon container each week.
- All yard waste collected with paper bags only (containers not permitted).
- Large/bulky items limited to one per month on a specified collection day.
- Waste Management's cost to prepare a detailed proposal would have to be reimbursed by the City.
- The City would need to reimburse Waste Management hundreds of thousands of dollars for the one-time capital investment cost needed to purchase the equipment necessary to implement this program. Once implemented, such program is estimated to cost an additional 30% to 40% more than the cost of operating the current program.
- The cost of implementing this program would exceed the available revenues received through the City's authorized three mill levy.

Recommendation

It is recommended that the City continue its present program with Waste Management and implement the following:

1. Waste Management will accept up to a 35 gallon container.
2. Waste Management will implement a program to replace their old 96 gallon containers with new 32 gallon containers.
3. The City will begin an informational program to better inform the public regarding the solid waste rules and regulations.
4. The City will send flyers to local stores regarding container size allowed in the City of Port Huron and ask stores to place the flyer on display in the appropriate area.
5. The City will develop a small information card detailing the container requirements. These cards could be used in the change of address packages available through the post office. New residents would be sent this information if they use the post offices' change of address system. Also, these cards will be made available in the public areas of the Municipal Office Center as well as through organizations such as the Chamber of Commerce.
6. The City will publish an article in the Insight newsletter regarding the City's waste collection program which will highlight the size and weight restrictions.

NOTE: See City Clerk File #06-79 for attachments.

Adopted unanimously.

(Mr. Horton, Waste Management, addressed City Council during this period relative to the exchange program offered for the 96- gallon containers.)

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

On August 22, 2006, the City of Port Huron received two (2) bids for the roof replacement and mechanical improvements at Central Fire Department; Project No. P07-0010;

Marlette Roofing	\$ 86,397.00
Port Huron Roofing	\$108,900.00

It is recommended that the bid of Marlette Roofing, 2650 VanDyke Road, Marlette, Michigan 48453, in the amount of Eighty-six Thousand Three Hundred Ninety-seven and 00/100 Dollars (\$86,397.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On August 11, 2006, the City of Port Huron received three (3) quotes for the roof replacement at Fire Station Number 4, which are as follows:

S.P. Gates Construction, LLC	\$ 6,700.00
Sherriff-Goslin	\$11,330.00
Zimmer Roofing & Construction, LTD.	\$15,300.00
Precision Construction	\$18,950.00

It is recommended that the quote of S.P. Gates Construction, LLC, 2321 Garfield St., Port Huron, Michigan 48060, in the amount of Six Thousand Seven Hundred and 00/100 Dollars (\$6,700.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On August 29, 2006, the City of Port Huron received two (2) bids for the underground storage tank removal at Grandview Tower:

Sheldon Construction	\$40,650.00
Tamou's Electrical Services, Inc.	\$58,950.00

It is recommended that the bid of Sheldon Construction, 3290 Keewahdin Road, Fort Gratiot, Michigan, 48059, in the amount of Forty Thousand Six Hundred Fifty and 00/100 Dollars (\$40,650.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On August 30, 2006, the City of Port Huron received six (6) bids for the Oak Crest Homes, infrastructure project:

Teltow Contracting, Inc.	\$279,090.71
Pamar Enterprises, Inc.	\$304,186.35
Boddy Construction Co., Inc.	\$316,357.58
Carrigan Development, Inc.	\$347,116.80
Murray Underground Systems, Inc.	\$358,963.85
Raymond Excavating Co.	\$387,307.95

It is recommended that the bid of Teltow Contracting, Inc., 4678 Meldrum Road, Casco, Michigan, 48064, in the amount of Two Hundred Seventy-Nine Thousand Ninety and 71/100 Dollars (\$279,090.71) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-6. Councilmember Jacobs offered and moved the adoption of the following City Manager's recommendation:

On August 7, 2006, the City of Port Huron Utilities Division received a quote from a single-source supplier for water meters and meter reading equipment, including training:

S.L.C. Meter Service, Inc.	\$15,000.00
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It is recommended that the quote of S. L. C. Meter Service, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, in the amount of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-7. Councilmember McCulloch offered and moved the adoption of the following City Manager's recommendation:

On May 23, 2006, the City of Port Huron received five (5) unit price bids for emergency video inspections and sewer cleaning services. Based on estimated quantities, the following is a comparative summary of the bids received:

Michigan Pipe Inspection, Inc.	\$244,425.00
Doetsch Industrial Service, Inc.	\$244,750.00
R. Roesse Contracting Co., Inc.	\$346,750.00
Downunder Municipal Services	*
Advanced Underground Inspection, LLC	*

* Did not meet specifications

It is recommended that the unit price bid of Michigan Pipe Inspection, Inc., 3508 Armour Street, Port Huron, Michigan 48060, in the estimated amount of Two Hundred Forty-Four Thousand Four Hundred Twenty-Five and 00/100 Dollars (\$244,425.00) be accepted for emergency video inspections and sewer cleaning services and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-8. Councilmember Neal offered and moved the adoption of the following City Manager's recommendation:

On August 24, 2006, the City of Port Huron Utilities Division received a quote from the single-source supplier for parts to repair a screw pump mechanism at the Scott-Poplar sanitary pump station:

Applied Industrial Technologies, Inc.	\$6,873.97
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It is recommended that the quote of Applied Industrial Technologies, Inc., 1003 W. Huron Blvd., Marysville Michigan 48040-1255 in the amount of Six Thousand Eight Hundred Seventy-Three and 97/100 Dollars (\$6,873.97) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

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

BE IT RESOLVED that the Finance Director is hereby authorized and directed to pay the attached payments. (See City Clerk File #06-01)

Adopted unanimously.

***R-2.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there are several vacancies that exist;

NOW, THEREFORE, BE IT RESOLVED that Darcy Macke, 3031 W. Woodland Drive, and Donna Kelly, 928 Huron Avenue, are hereby appointed to the Beautification Commission for three year terms to expire on January 30, 2009.

Adopted.

***R-3.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$9,760.14 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-80).

Adopted.

***R-4.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$740.73 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #06-81).

Adopted.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 42-57; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$6,635.10 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #06-82).

Adopted.

***R-6.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #06-002, 721 - 15th Street (see City Clerk File # 06-83) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lot 14, Block 228, Jenks' Lapeer Avenue Plat, also known as: 721 - 15th Street; and

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on September 25, 2006, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the

interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

***R-7.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #06-003, 2607 Wright Street (see City Clerk File # 06-84) from the City's Building Official relating to the following described property and premises within the City of Port Huron, County of St. Clair, State of Michigan:

Lot 187, Block G, Plat of That Portion of the Lighthouse Reservation at Fort Gratiot Sold in Accordance with Act of Congress Approved January 24, 1873, also known as: 2607 Wright Street; and

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on September 25, 2006, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal

description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

***R-8.** WHEREAS, Great Lakes & Seaway Shipping Online Inc., 104 First Street, Port Huron, 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 Great Lakes & Seaway Shipping Online Inc. as a non-profit organization in the City of Port Huron.

Adopted.

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

WHEREAS, the Fort Gratiot Lighthouse is an important landmark in the City of Port Huron; and

WHEREAS, the City is working cooperatively with the Port Huron Museum to secure ownership of the Fort Gratiot Lighthouse property; and

WHEREAS, the United States Department of Interior requires that certain improvements be made to the facilities as a condition of transferring ownership to the City; and

WHEREAS, the City has secured a grant through the National Park Service, United States Department of Interior; and

WHEREAS, this grant requires a 50% match; and

WHEREAS, the City's partners Acheson Ventures and the Port Huron Museum are committed to funding the grant match requirements; and

WHEREAS, the first step in the rehabilitation process is the preparation of the historic structures report; and

WHEREAS, the City and the Port Huron Museum have selected Quinn Evans Architects to provide professional services to assist in the preparation of this historic structures report;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Quinn Evans Architects, for professional services to complete the historic structures report and authorizes the appropriate City officials to execute the agreement (see City Clerk File #85).

Adopted unanimously.

ORDINANCES

O-1. Councilmember Sample-Wynn moved that an ordinance introduced August 14, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1267

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES LOCATED NORTH OF GRISWOLD STREET, SOUTH OF COURT STREET, EAST OF THIRD STREET AND WEST OF THE ST. CLAIR RIVER, FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT) .

THE CITY OF PORT HURON ORDAINS:

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

a parcel of land being a portion of the southwest fractional quarter of Section 11, Town 6 North, Range 17 East, City of Port Huron, St. Clair County, Michigan, described as: commencing at the southwest corner of said Section 11; thence northerly along the west line of Section 11 to the centerline of Court Street; thence easterly along Court Street centerline extended to the westerly bank of the St. Clair River; thence southwesterly along the bank of the river to the north right-of-way line of Griswold Street; thence westerly along said north right-of-way line to the point of beginning of this description. Including the south one-half of Court Street and vacated Court Street right-of-way adjacent, lying between the westerly line of Section 11 and the St. Clair River. Also, including the entire width of Griswold Street right-of-way adjacent, lying between the westerly line of Sections 11 and 14 and the St. Clair River, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 09/11/06
PUBLISHED: 09/16/06
EFFECTIVE: 09/16/06

Adopted unanimously.

O-2. Councilmember Neal moved that an ordinance introduced August 14, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1268

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF COMPLYING WITH PORTIONS OF PUBLIC ACT 110 OF 2006 PERTAINING TO THE ZONING BOARD OF APPEAL.

THE CITY OF PORT HURON ORDAINS:

That Chapter 52, Zoning, of the Code of Ordinances of the City of Port Huron, be amended for the purpose of complying with portions of Public Act 110 of 2006 pertaining to the zoning board of appeals, as follows:

CHAPTER 52. ZONING ARTICLE I. IN GENERAL

Sec. 52-1. to Sec. 52-95.
No changes.

DIVISION 3. ZONING BOARD OF APPEALS

Sec. 52-96. Appointment.

The city council shall appoint a zoning board of appeals, sometimes referred to as "the board," which board shall have the powers and duties prescribed by law and by this Code.

Sec. 52-97. Membership and organization.

(a) The zoning board of appeals shall consist of five members. One of the members shall be a member of the planning commission. The remaining members shall be electors residing within the City and shall be representative of the population distribution and the various interests within the City.

(b) The terms of office for members appointed to the zoning board of appeals shall be for three years, except the term of the member from the Planning Commission shall be limited to the time they serve as a member of the Planning Commission. In any case, members shall serve until a successor is appointed.

(c) A successor shall be appointed not more than one month after expiration of the term of the preceding member. Vacancies for unexpired terms shall be filled for the remainder of the term.

(d) A member of the zoning board of appeals may be removed by the city council for misfeasance, malfeasances, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(e) At a meeting held within 30 days after July 1 each year, the board shall elect one of its members chairperson and one vice-chairperson and shall select and appoint a secretary.

(f) All meetings, transactions and records of the action of the board shall be open to the public. The board shall adopt rules and regulations for the transaction of business.

Sec. 52-98. Appeals.

(a) The zoning board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter. It shall also hear and decide all matters referred to it or upon which it is required to pass under any city ordinance adopted pursuant to Public Act No. 110 of 2006 (MCL 125.3201 et seq.). The concurring vote of two-thirds of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city. Such appeal shall be taken within such time as shall be prescribed by the board by general rule, by the filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the

board all the papers constituting the record upon which the action appealed from was taken.

(b) The board shall also hear appeals filed with it by the owner of any real property in an area for which the city council has adopted an urban renewal development plan. The board may approve a minor deviation in the urban renewal development plan for the area in any case in which such board finds, upon evidence presented to it, that the application of the plan results in unnecessary hardship or practical difficulties and a minor deviation from the development plan is required by consideration of justice and equity, consistent with section 10 of Public Act No. 344 of 1945 (MCL 125.80).

(c) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reason of fact stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Sec. 52-99. Public notice and time of hearings.

(a) Unless otherwise provided in this ordinance, notice of public hearing shall be provided in accordance with Section 103 of Public Act 110 of 2006 (MCL 125.3103 et seq):

1. Notice of hearing shall be published not less than 15 days before the date the application will be considered in a newspaper of general circulation within the City limits; and

2. Notice shall be sent by mail to the property owners of the application and notice shall also be provided to all property owners and occupants of all structures within 300 feet of the property.

Upon the hearing, any party may appear in person or by agent or by attorney. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the board shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment or alteration of buildings or structures, including yard, lot area, lot width, lot coverage, open space and height regulations or the use of land, buildings or structures, so that substantial justice is done.

(b) Before taking any action on an appeal filed with the board by the owner of any real property in an area for which the city council has adopted an urban renewal development plan, the board shall hold a public hearing thereon, at least ten days' notice of the time and place of which shall be given by public notice in a newspaper published or circulated generally in the city and by notice to all property owners within 300 feet of the property in question, such notice to be by mail addressed to the respective owners at the addresses given in the last assessment roll, consistent with section 10 of Public Act No. 344 of 1945 (MCL 125.80).

Sec. 52-100. Interpretation.

The zoning board of appeals shall interpret the words, terms, rules, regulations, provisions and restrictions of this chapter, where there is doubt as to the meaning thereof, and shall determine the location of boundaries of districts where uncertainty exists after the rules for determining such boundaries have been applied. Where this chapter provides that uses similar to those specifically permitted may be permitted in certain districts and that objectionable uses are

prohibited, the board shall determine whether or not questionable uses are similar or are objectionable, as the case may be, in specific instances.

Sec. 52-101. Conditions.

(a) The zoning board of appeals may impose, in connection with any action on any appeal or variance or the approval of any permit, conditions which may include time limits within which a permit acted upon shall be valid or a use shall be conducted and which may establish the following similar requirements for bringing the proposed use into conformity with the character of the district and adjoining properties; for protecting the public health, safety, convenience and welfare; or for preventing traffic congestion:

(1) Specific yard, area, open space and height regulations that shall supersede such regulations in this chapter as would otherwise apply.

(2) Provision of offstreet parking space and spaces or easements for protective planting screens, necessary facilities, and service supplemental to the principal or accessory use of the premises with approval of the planning commission and city council.

(3) Limitation of use and specification of manner of maintaining and conducting such use.

(4) Structural requirements.

(5) Dedication to the city of areas required for any public purposes.

(6) The zoning board of appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements established and permit the location in any use district of a public utility building, structure or use if the board shall find such use, height, area, or building or structure reasonably necessary for the public welfare or public convenience and service.

(b) The board may require a written agreement, bond, or other assurance of faithful performance of any such conditions, the violation of which shall invalidate the permit and shall be subject to the penalties prescribed for a violation of this chapter.

Sec. 52-102. Procedure, vote required.

The concurring vote of two-thirds of the members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the chief inspector or to decide in favor of the applicant on any variance or to approve the issuance of any permit, and before any such action is taken the board shall hold a hearing as provided in this division.

Sec. 52-103. Action.

The zoning board of appeals shall decide on any matter within 30 days after the date of the hearing thereon. A decision in favor of the applicant shall be approval or conditional approval of the matter applied for and shall be an order to the chief inspector to carry out such action, subject to any such conditions. The decision of the board shall not become final until the expiration of five days from the date of entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. All variances granted through the zoning board of appeals shall be valid for six months from the date of final approval and may be transferred with the ownership of the property. Validation requires the action taken, permit obtained and/or other process underway.

Sec. 52-104. Limitation of powers.

The zoning board of appeals, in exercising its powers and authority, as provided by law and by this chapter, shall make

decisions pertaining to specific applications only, except in exercising its power of interpretation, and shall not have the power or authority to change any boundary line of any district or to change any rule, regulation, provision or restriction in this chapter. In exercising its power of interpretation of any word, term, rule, regulation, provision or restriction and of determination of the location of the boundary of any district, the board may act upon application, upon written request by the city council or the planning commission. The zoning board of appeals shall be prohibited from granting use variances. They may grant dimensional variances including, but not limited to, setbacks, height, and lot coverage.

Sec. 52-105. Fees.

The fee for an application and/or appeal to the zoning board of appeals shall be adopted by resolution of the city council and amended, as necessary, by resolution of the city council.

Secs. 52-106--52-834.

No changes.

PAULINE M. REPP, MMC
CITY CLERK

ADOPTED: 09/11/06
PUBLISHED: 09/16/06
EFFECTIVE: 09/16/06

Adopted unanimously.

O-3. 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 12, BUSINESSES, ARTICLE VIII, MASSAGE ESTABLISHMENTS, SECTIONS 12-286 AND 12-288, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF EXEMPTING FROM ITS APPLICATION CERTAIN THERAPEUTIC MASSAGISTS AND MASSAGE ESTABLISHMENTS.

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

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

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, ARTICLE V, OFFENSES AGAINST THE PUBLIC PEACE, DIVISION 1, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROHIBITING TRESPASSING.

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

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn stated she would like to see the City provide lifesaving equipment along the riverfront and that there is a new law with increased penalties to address persons who vandalize such equipment. Mayor Cutcher stated he would add this subject matter to workshop agenda. Additionally, Councilmember Sample-Wynn talked about the great line-up for the 6th Annual First Night in conjunction with the City's Sesquicentennial and encouraged participation in their first Fundraising Golf Outing on September 23.

2. Councilmember Fisher announced the 5th Annual Home Tour, September 17, 12 noon to 6 p.m.

3. Mayor Cutcher announced additional events and talked about the recent Coast Guard Days and the baseball game that the Police Department won. He also announced that there is going to be a press release about 100 new professional jobs in the Industrial Park. Mayor Cutcher also talked about the trolley tour of the City that will take place next month with the City Council, City Manager and staff and encouraged people to call if they have an area they think should be visited.

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

PAULINE M. REPP, MMC
City Clerk

Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, September 25, 2006, 2006, 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 Cutcher.

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

The minutes of the regular meeting of September 11, 2006, were approved.

PRESENTATIONS

1. Winners of the 2006 Home Improvement Contest under the "Revitalizing Port Huron" program were presented their awards.
2. Kristen Jurs, Storm Water Coordinator, St. Clair County Health Department, gave a presentation on the Water Shed Management Plan that will be submitted to the Michigan Department of Environmental Quality on behalf of the Water Shed Community participants (see City Clerk File #06-86 for executive summary of the plan).

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on Code Case #06-002, 721 - 15th Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution # 3)

The City Clerk stated that a certified letter was sent to the owner of the property as well as any other interested party. The property owner refused delivery. Kim Harmer, Planning Director, gave a report on the status of the property.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on Code Case #06-003, 2607 Wright Street, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #4) (**Harmer**)

The City Clerk stated that a certified letter was sent to the owner of the property as well as any other interested party. The property owner's letter was returned as "non-deliverable - no forwarding address." Kim Harmer, Planning Director, gave a report on the status of the property.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

- Festival of International Cultures, Sept. 30, Seaway Terminal
- Port Huron Museum's Lakeside Cemetery Walk, Oct. 1
- Kite Fly for Peace, Thomas Edison Parkway, 2 p.m., Oct. 8
- Happy Apple Days, Oct. 14, downtown, 11 a.m. to 4 p.m.
- Port Huron Central Fire Station Open House for Fire Prevention Week, October 14, noon - 3 p.m.
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

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

On Wednesday, September 20, 2006, the City of Port Huron received the results of the 2006-07 salt bid from the State of Michigan MIDEAL Program:

Early Delivery of 2,500 tons

Detroit Salt Company - \$28.00 per ton

Combined with a bid of:

Backup Delivery of 2,500 tons

Detroit Salt Company - \$27.00 per ton

It is recommended that the bid of Detroit Salt Company at \$28.00 per ton for early salt delivery and the bid from the Detroit Salt Company at \$27.00 per ton for backup salt delivery be accepted through the State of Michigan MIDEAL Program and that the appropriate City officials be authorized to execute the necessary documents.

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 #06-01)

Adopted.

***R-2.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$1,567.44 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-87).

Adopted.

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

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

Lot 14, Block 228, Jenks' Lapeer Avenue Plat; also known as: (721 - 15th Street)

has been brought to the attention of the City Council by the Building Official as Code Case #06-002 (see City Clerk File #06-83) claiming such condition constitutes a nuisance, and

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

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

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

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted September 11, 2006, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Building Electrical Plumbing Heating

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

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

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

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

Adopted unanimously.

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

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

Lot 187, Block G, Plat of that portion of Lighthouse Reservation at Fort Gratiot sold in accordance with Act of Congress approved January 24, 1873, also known as: 2607 Wright Street; and

has been brought to the attention of the City Council by the Building Official as Code Case #06-003 (see City Clerk File #06-84) claiming such condition constitutes a nuisance, and

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

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

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

WHEREAS, after a public hearing and investigation conducted by the City Council in accordance with its resolution adopted September 11, 2006, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Building Electrical Plumbing Heating

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

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

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

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

Adopted unanimously.

***R-5.** BE IT RESOLVED THAT, the following taxi cab licenses for 2006-07 (November 1, 2006 through October 31, 2007) are hereby approved subject to the condition that the licenses are issued only upon receipt of proper application in accordance with Chapter 12 of the Port Huron City Code:

Acme Cab Company (Star Taxi & Transfer, Inc.)	10 Licenses
Peoples City Cab, Inc. (Gary Goulette)	10 Licenses
Port Huron Cab (Donald J. Swinson)	4 Licenses

Adopted.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$92.76 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #06-88).

Adopted.

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

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204a that the Michigan Municipal Bond Authority (the "Authority") in consultation with the Michigan Department of Environmental Quality (the "DEQ," collectively with the Authority, the "State") shall establish a strategic water quality initiatives grant program to provide assistance to governmental units to complete the application for a loan under the State Revolving Fund ("SRF") program or Strategic Water Quality Initiatives Fund ("SWQIF") program; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended (the "Act"), Part 52, and other applicable provisions of law, the Authority, the DEQ, and a governmental unity (the "Governmental Unit") that is a grant recipient shall enter into a grant agreement (the "S2 Grant Agreement") that requires the governmental unit to repay the grant under certain conditions as set forth in MCL 324.5204a; and

WHEREAS, the Governmental Unity does hereby determine it necessary to undertake planning and/or design activities related to a future project for which an SRF or SWQIF loan will be sought; and

WHEREAS, it is the determination of the Governmental Unit that at this time, a grant in the aggregate principal amount not to exceed \$375,000 ("Grant") be requested from the Authority and DEQ to pay for the planning and/or design activities; and

WHEREAS, the Governmental Unit shall obtain this Grant by entering into the S2 Grant Agreement with the Authority and the DEQ;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Robert E. Clegg, P.E., City Engineer, and John H. Ogden, Director of Finance, are each designated as an authorized representative for purposes of the S2 Grant Agreement.

2. The proposed form of the S2 Grant Agreement between the Governmental Unit and the State (attached hereto as Appendix I - see City Clerk File #06-89) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the authorized representative.

3. As stated in the S2 Grant Agreement, the Grant shall become a repayable obligation (the "Repayable Obligation") if any of the following occur:

- (a) the Governmental Unit fails to submit an administratively complete loan application for assistance from the SRF or the SWQIF for the project within 3 years of the Grant award;
- (b) the project has been identified as being in the fundable range and the Governmental Unit declines loan assistance from the SRF or the SWQIF in that fiscal year; and
- (c) the Governmental Unit is unable to, or decides not to, proceed with constructing the project or opts to finance construction by means other than a loan from the SRF or the SWQIF.

4. The Governmental Unit hereby pledges its limited tax full faith and credit for payment of the Repayable Obligation subject to applicable constitutional, statutory and Governmental Unit tax rate limitations.

5. The Governmental Unit shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for general local government administrative activities or activities performed by municipal employees.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the State in connection with the issuance of the Grant. The Authorized Representative is 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 State or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Governmental Unit acknowledges that the S2 Grant Agreement is a contract between the Governmental Unit and the State.

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

Adopted unanimously.

ORDINANCES

O-1. Councilmember Sample-Wynn moved that an ordinance introduced September 11, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1269

AN ORDINANCE TO AMEND CHAPTER 12, BUSINESSES, ARTICLE VIII, MASSAGE ESTABLISHMENTS, SECTIONS 12-286 AND 12-288, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF EXEMPTING FROM ITS APPLICATION CERTAIN THERAPEUTIC MASSAGISTS AND MASSAGE ESTABLISHMENTS.

THE CITY OF PORT HURON ORDAINS:

That Chapter 12, Businesses, Article VIII, Massage Establishments, Sections 12-286 and 12-288, of the Code of Ordinances of the City of Port Huron for the purpose of exempting from its application certain therapeutic massagists and massage establishments is hereby amended as follows:

CHAPTER 12. BUSINESSES ARTICLE VIII. MASSAGE ESTABLISHMENTS

Sec. 12-286. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any person who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

Licensee means the person to whom a license has been issued to own or operate a massage establishment as defined in this section.

Massage means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage.

Massage establishment means any establishment which engages in the practice of massage, as defined in this section, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in the definition of the term "massage." A massage establishment includes but is not limited to a health club, health spa, or any physical fitness club, salon, Turkish bath, steam bath, sauna bath or business that offers massage on occasion or incidental to its principal operation.

Massagist, masseur, masseuse, massage therapist and myomassologist mean any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

Outcall massage service means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment as defined in this section.

Patron means any person over 18 years of age, or any person under 18 years of age who has written permission from a parent or guardian, who receives a massage under such circumstances that it is reasonably expected that the person will pay money or give any other consideration for massage services.

Permittee means the person to whom a permit has been issued to act in the capacity of a massagist, masseur, masseuse or massage therapist as defined in this section.

Recognized school or massage school means a school which is licensed by the State of Michigan with a class hour requirement of at least 500 hours and which requires for admission students with a tenth grade education, or its equivalent, which employs one or more competent massage therapists as instructors, and which has minimum requirements of a continuous course of study and training and consisting of a study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics, and practical massage. A massage instructor must meet the following criteria:

(1) Graduate of a state-licensed school with a minimum of 500 hours of education.

(2) Proof of five years' experience.

(3) Professional certification by the American Massage Therapy Association, International Myomassethics Federation, or Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification.

For the purposes of this article, a correspondence school or a school outside of the United States shall not be construed to be a recognized school.

Sec. 12-287. Massage establishment license and massagist permit required.

No changes.

Sec. 12-288. Exemptions.

(a) This article shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

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

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

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

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

(5) Massagists who meet the following criteria:

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

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

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

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

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

Sec. 12-289 through Sec. 12-313.

No changes.

PAULINE M. REPP, MMC
City Clerk

ADOPTED: 09/25/06
PUBLISHED: 09/30/06
EFFECTIVE: 09/30/06

Adopted unanimously.

O-2. Councilmember Neal moved that an ordinance introduced September 11, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1270

AN ORDINANCE TO AMEND CHAPTER 34, OFFENSES, ARTICLE V, OFFENSES AGAINST THE PUBLIC PEACE, DIVISION 1, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON FOR THE PURPOSE OF PROHIBITING TRESPASSING.

THE CITY OF PORT HURON ORDAINS:

That Chapter 34, Offenses, Article V, Offenses Against the Public Peace, Division 1, Generally, of the Code of Ordinances of the City of Port Huron for the purpose of prohibiting trespassing is hereby amended as follows:

**CHAPTER 34. OFFENSES
ARTICLE V. OFFENSES AGAINST THE PUBLIC PEACE
DIVISION 1. GENERALLY**

Sec. 34-171 through Sec. 34-179.

No changes.

Sec. 34-180. Trespass.

(a) Any person who shall enter and/or remain upon the lands or premises of another without lawful authority, after having been directed not to enter onto or remain on the property through the conspicuous posting of informational signs is trespassing.

(b) Any person who shall willfully enter upon the lands or premises of another without lawful authority after having been forbidden so to do by the owner, occupant, agent or servant of the owner or occupant or a duly authorized police officer, or any person being upon the land or premises of another, upon being notified either verbally or in writing to depart therefrom by the owner, occupant, agent or servant of the owner or occupant or a duly authorized police officer, who without lawful authority neglects or refuses to depart therefrom is trespassing.

(c) The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Owner means the titleholder, land contract purchaser, lessee, tenant, occupant, agent, employee or trustee thereof. For a public, private, or parochial school, the term "owner" includes authorized employees of the school or school district.

(2) Person means any individual adult or minor, partnership, firm and corporation.

(3) Trespass means the unauthorized use of private property not open to the public or any public, private, or parochial school site. The term "trespass" does not include the use of property by the owner thereof and persons lawfully residing upon the property, nor shall it include a person accompanied by the owner or a person lawfully residing upon the property. The term "trespass" does not include a person in the process of entering or on property for the purpose of normal ingress to and egress from a residence; a commercial establishment; any public, private, or parochial school; or other lawful occupancy of the property.

PAULINE M. REPP, MMC
City Clerk

ADOPTED: 09/25/06
PUBLISHED: 09/30/06
EFFECTIVE: 09/30/06

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Jacobs questioned whether the Majestic Lot is completely finished and questioned the size of the parking spaces. Bob Clegg, City Engineer, stated that they are aware of the problem and that the final layer of asphalt is not done yet.

2. Councilmember Haynes stated that he followed up on the complaint about the condition of Pine Grove Park and found that it has been cleaned up but was concerned that there may be some problem with the concrete steps and erosion.

On motion (8:20 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 9, 2006, 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 Cutcher.

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

The minutes of the regular meeting of September 25, 2006, were approved.

PRESENTATIONS

1. Proclamation designating the week of October 16 - 22, 2006, as National Businesswomen's Week was presented to Joanne Niederhauser, National Businesswomen's Association.
2. Michael Szuch, P.E., Engineer/Manager, Blue Water Bridge, gave a presentation showing the proposed landscaping improvements to the security measures implemented under the Blue Water Bridge. (See Resolution #11)

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

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

Adopted unanimously.

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

- New this fall, residents can call the large brush and branch pickup line at 987-6000 to have items picked up at the curb. Refer to the City's newsletter, visit www.porthuron.org or contact the Forestry Dept. at 984-9752 for further details.
- Leaf pickup begins October 16 and ends December 9. For further details, refer to the City's newsletter, visit www.porthuron.org or contact Waste Management toll free at 1-800-796-9696 or the Public Works Dept. at 984-9730.

Upcoming events:

- Oct. 8-14: Fire Prevention Week with an open house on Oct. 14, noon - 3 p.m., at the Port Huron Central Fire Station.
- Oct. 10: Last day to register to vote for Nov. (if not registered)
- Oct. 14: Happy Apple Days, downtown, 11 a.m. to 4 p.m.
- Oct. 20: Halloween outdoor movie, Palmer Park, 9 p.m.
- Oct. 20-21: Miss Michigan USA/Miss Teen USA Pageant, McMorran
- Oct. 24: CAPTURE's Cops & Jocks Spaghetti Fundraiser Dinner, Fogcutter, 4 p.m. to 8 p.m.
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

FROM THE CITY MANAGER

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

On September 18, 2006, the City of Port Huron received five (5) bids for the purchase of a SRT (Special Response Team) equipment trailer for use by the Port Huron Police Department:

Trailer Depot/American Trailer	\$ 8,713.95
SLM Trailer	\$ 8,915.00
Auto Stylers & RV	\$ 8,975.00
Pete's Camping Service	\$10,500.00
Ikes Equipment	\$10,858.00

It is recommended that the bid of Trailer Depot/American Trailer, 3225 West Huron, Waterford, Michigan 48328, in the amount of Eight Thousand Seven Hundred Thirteen and 95/100 Dollars (\$8,713.95) be accepted with funding from the State of Michigan 2005 Homeland Security Grant Program 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 September 25, 2006, the City of Port Huron Fire Department received a single-source quote from Apollo Fire Equipment to provide one (1) concrete cutting rescue saw:

Apollo Fire Equipment	\$6,100.00
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It is recommended that the quote from Apollo Fire Equipment, 12584 Lakeshore Drive, Romeo, MI 48065, in the amount of Six Thousand One Hundred and 00/100 Dollars (\$6,100.00) be accepted with funding from the State of Michigan 2005 Homeland Security Grant Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On September 25, 2006, the City of Port Huron Fire Department received a single-source quote to provide the technical rescue equipment listed below from Alert Emergency Equipment Group:

Raker Shore Kit (1)	\$12,013.00
10 ton rescue airlift kits (2)	\$13,851.00
14 ton rescue airlift kits (2)	<u>\$16,169.00</u>
Total:	\$42,033.00

It is recommended that the quote from Alert Emergency Equipment Group, P.O. Box 470, Portland, MI 48875, in the amount of Forty-two Thousand Thirty-three and 00/100 Dollars (\$42,033.00) be accepted with funding from the State of Michigan 2005 Homeland Security Grant Program 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 August 9, 2006, the City of Port Huron Utilities Division received a quote from a pre-qualified specialty supplier for the repair of a raw sewage pump at the Water Reclamation Facility:

True-Tech Industries Co.	\$25,800.00
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It is recommended that the quote of True-Tech Industries Co., 2967 Interstate Parkway, Kalamazoo, Michigan 49048, in the amount of Twenty-Five Thousand Eight Hundred and 00/100 Dollars (\$25,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On September 26, 2006, the City of Port Huron Utilities Division received a quote from a pre-qualified specialty supplier for the replacement of two grit pans at the Water Reclamation Facility:

Schad Boiler Setting Company	\$43,540.00
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It is recommended that the quote of Schad Boiler Setting Company, 15240 Castleton, Detroit, Michigan 48227-2092, in the amount of Forty-Three Thousand Five Hundred Forty and 00/100 Dollars (\$43,540.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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 #06-01)

Adopted unanimously.

***R-2.** WHEREAS, H. P. Pelzer Automotive Systems, Inc., 2630 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, October 23, 2006, in order to hear comments on the application of H. P. Pelzer Automotive Systems, Inc., for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-3.** WHEREAS, ENSN, Inc., has requested to transfer all stock in Class C licensed business, located at 1501-1503 Eleventh Street, Port Huron, by dropping Norman A. Schattler, deceased, as stockholder through transfer of 10,000 shares of stock to new stockholder, Sandra K. Schattler;

NOW, THEREFORE, BE IT RESOLVED that it is the consensus of the City Council that the application be recommended for issuance by the Michigan Liquor Control Commission

Adopted.

***R-4.** WHEREAS, Pro-Weld Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, October 23, 2006, in order to hear comments on the application of Pro-Weld Inc. for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

***R-5.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for special trash pickup and/or blight cleanup; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$92.32 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #06-90).

Adopted.

***R-6.** WHEREAS, the City Planning Commission has received a request from the City Planning Department to rezone various properties located in the area bound by Court, 4th, Griswold and 7th Streets, from C-1, General Business District, to CBD, Central Business District, legally described as:

Lots 11 and 12 including the west one-half of the vacated alley adjacent; Lots 13, 14, 15,, 16, 31, 33, 35, 36 and 37, and land bounded north by Court Street, east by 6th Street, south by Lots 35, 36, and 37 and west by the alley, including the east one-half of the vacated alley adjacent; Block 43, White Plat; Lots 6, 7, 8, 9, and 10, Block 51, White Plat; Lots 8, 9, 10, 11, 12, 13, and 14, Block 52, White Plat; Lots 8, 9, 10, 11, 12, 13, and 14, Block 53, White Plat; Lots 25, 26, 28, 30, 32, 33, 34, 35, 37, 39, 41, and 43, Block 54, White Plat; Lots 5, 6, 7, 8, 9, 10, 11 and Lot A including the west one-half and south one-half of the vacated alley adjacent, Bank's Subdivision of Lots 28, 29, 31, 33, 34, 36, 38, and 40 of what is now known as Block 61, White's Plat; Lots 37 and 44, Block 61; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 62, White Plat including all of vacated Union Street between Military and 4th Streets; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 63, White Plat, including the west one-half of vacated 4th Street adjacent and the north one-half of vacated White Street adjacent; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 64, White Plat, including the west one-half of vacated 4th Street and the south one-half of vacated White Street adjacent also known as: the area located between Court, 4th, Union and 7th Streets, except 1201 - 4th Street; and the area between Union Street and vacated Union Street, 4th Street and vacated 4th Street, Griswold Street, and bound on the west side by the north-south alley located between Military and 6th Streets, City of Port Huron.

WHEREAS, on October 3, 2006, 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; 0 absent; 1 abstained) of the rezoning;

WHEREAS, the next step in the rezoning process is for the City Council to hold a public hearing on the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 13, 2006, to hear comments on the request from the City Planning Department for the rezoning of the above described property.

Adopted.

***R-7.** WHEREAS, the City Planning Commission has received a request from the City Planning Department to rezone various properties bounded by Lapeer Avenue, 7th, Howard, 8th, Gillett and 9th Streets, from C-1, General Business District, to CBD, Central Business District, legally described as:

Lots 1, 2, 3, 4, 5, and 6, Block 99; White Plat, including the north one-half of vacated and public Gillett Street adjacent; the west 2 feet of the south 65 feet of Lot 2, Lots 3, 4, 5, and 6, Block 98; Lots 1, 2, 3, 4, 5, and 6, Block 105, White Plat; including all of vacated and public Gillett Street adjacent; Lots 1, 2, 3, 4, 5, 6, 7, and 8, Frank M. Stewarts' Subdivision including all of vacated alley number 29 adjacent; also known as: vacant lot in the 700 block of Lapeer Avenue, 708 Lapeer Avenue, 710 Lapeer Avenue, 712 Lapeer Avenue, vacant lot in the 800 block of Gillett Street, 714 and 716 Lapeer Avenue, vacant lot in the 700 block of Lapeer Avenue, 726 Lapeer Avenue (parking lot, no structure), 736 Lapeer Avenue, 802, 804, 806, 808 Lapeer Avenue, 810, 812 Lapeer Avenue, part of 828 Lapeer Avenue, vacant lot in the 700 block of Howard Street, 729 Howard Street, and 821-7th Street, City of Port Huron.

WHEREAS, on October 3, 2006, 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; 1 nays; 0 absent; 0 abstained) of the rezoning;

WHEREAS, the next step in the rezoning process is for the City Council to hold a public hearing on the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for November 13, 2006, to hear comments on the request from the City Planning Department for the rezoning of the above described property.

Adopted.

***R-8.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$1,472.40 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-91).

Adopted.

***R-9.** 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 Monday, October 23, 2006, 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
St. Clair County Regional Educational Service Agency
Downtown Development Authority

Adopted.

***R-10.** WHEREAS, Cross Hüller Ex-Cell-O Lamb, 2555 - 20th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificates for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for October 23, 2006, in order to hear comments on the applications of Cross Hüller Ex-Cell-O Lamb for an Industrial Facilities Exemption Certificates; and

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

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

Adopted.

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

WHEREAS, the Michigan Department of Transportation (MDOT) operates the Blue Water Bridge; and

WHEREAS, since September 11, 2001, the United States has increased its security measures at international border crossings; and

WHEREAS, MDOT installed temporary security measures to protect the bridge piers adjacent to the St. Clair River; and

WHEREAS, the City staff has worked cooperatively with MDOT to develop a permanent security measure that is aesthetically pleasing and does not obstruct the view of the St. Clair River;

NOW, THEREFORE, BE IT RESOLVED that the City Council supports the Michigan Department of Transportation's plan to install landscape and security improvements at the Blue Water Bridge piers adjacent to the St. Clair River.

Adopted unanimously.

ORDINANCES

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

AN ORDINANCE TO AMEND CHAPTER 44, TAXATION, ARTICLE II, UNIFORM CITY INCOME TAX ORDINANCE, SECTION 44-32, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF CHANGING THE PERSONAL EXEMPTION.

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

Yes: Mayor Cutcher; Councilmembers Jacobs, McCulloch and Neal.
No: Councilmembers Fisher, Haynes and Sample-Wynn.
Absent: None.

On motion (8:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Friday, October 20, 2006, at 8:30 a.m., the lobby area, Municipal Office Center.

The meeting was called to order by Mayor Cutcher

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

The Council boarded a bus, along with City Manager Karl Tomion, Police Chief William Corbett, Planning Director Kim Harmer and City Clerk Pauline Repp for a tour of various neighborhoods in the City (see City Clerk File #06-95 for a list of the addresses).

Discussion was held on blight in general, the length of time that building permits are good for without any progress being made, the added time for abatement when they are a bank foreclosure and the possibility of using the County web site to look at foreclosures.

On motion (10:15 a.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 23, 2006, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher.

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

Mayor Cutcher announced that the purpose of this meeting was to go through the list of pending issues before City Council (see City Clerk File #06-96 for a summary of information on these issues from the City Manager).

Pending Issues - Date to be determined

Terra Proposal - There is a meeting scheduled for Friday, October 27, with the Terra Group. Need to decide if project is a viable one. Discussion held on building a parking structure if lots were used for this project and unavailability of funds for this.

Bridge Plaza - It was stated that the federal agencies like the new proposal presented. Time frame for project will probably be completion in 2012 but want to go ahead with the I-94 bridge over Black River prior to that. Working on mitigation of loss of tax base.

Casino - Enabling legislation for a casino at the Thomas Edison Inn is still in committee in Congress but supporters remain optimistic. No further conversations on Defeo casino proposal.

Issues Awaiting Final Resolution (previously discussed by Council)

Marina - Meeting with the State Waterways Commission relative to Water Street Marina being taken over by Acheson did not go well. Discussion held on amount of money that City is subsidizing the Water Street and the River Street marinas and need to address the issue.

MOC proposal - Offers to buy were not substantive.

Pine Grove Park Traffic Control - Nothing further until construction complete next spring.

Merchant/Michigan bicycle path grants - It has been designed and a grant request for funding has been sent out and have talked to County Parks and Rec.

Housing Commission (formalizing operating agreement) - City Manager Karl Tomion met with Housing Director Betty Ward and reached agreement on formula going forward.

Global Warming - This was an issue that Councilmember Sample-Wynn raised and after conversation it was decided that the City would do ongoing energy audits and promote public awareness.

McMorran - Karl Tomion stated that he met with Larry Krabach and the board. Council to schedule a workshop to further discuss recommendation of McMorran committee on how to proceed into the future as the Authority now expires in December of 2007. During this discussion the City Manager reiterated that with the subsidies given McMorran and the marinas the Council will need to consider cuts in the future as projected revenues will not cover existing services.

Goals - It was stated that the Council needs an action plan with measurable goals. Prioritization with milestones is necessary.

Following discussion, the dates of November 20 and December 4 starting at 5 p.m. were decided upon as meeting dates to do this.

Welcome Signs/Wayfarer Signs - Planning Director to meet with parties to determine needs. If signs on public property on Oak Street, the sign ordinance will need to be changed.

U. S. Post Office - City Manager still working toward keeping the post office downtown.

Target Market Analysis - Agreement will be on Council agenda this evening, October 23.

Issues Awaiting Discussion by Council

Tattoo Zoning - Ordinance will be presented at November 13, 2006 City Council meeting.

Water/Sewer Study - City Manager stated this is a high priority and Council should have a workshop on this subject.

Blight Tour - Can take off the list as it was held on October 20.

Zoning Seminar - Planning Director has talked to MML about Port Huron hosting such a seminar sometime after mid-February.

Grandview Tower - There have been some inquiries to purchase and maintain as a subsidy housing but nothing solid so the item can be dropped off the list unless something new comes up.

Leaf Pickup - Discussion on past history. Bob Clegg, City Engineer, stated that arrangements have been made with solid waste collection provider for additional services if weather causes a problem but there would be added costs.

Records Retention - Can take off list. Satisfied with City's policy.

Black River Walk Christmas Decorations (Military to 10th Street) Mayor Cutcher will approach Acheson Ventures about this.

Christmas Decorations (Murphy to Glenwood) No support for this from property owners. City will be putting up Christmas decorations in streetscape area this year and charging to DDA budget (MainStreet used to cover this).

Sister City - This is off the list as the Sister City Commission will pursue whether feasible to have another sister city.

Lifesaving Equipment - Nothing further at this time as there are no grant dollars available.

Educational visit - Mayor Cutcher asked Council whether they were interested in another visit like the one to Holland last year. City Manager to check and see if a commitment had been made to host Holland in return.

The City Manager shared with City Council that the DDA has been meeting and has looked at Kalamazoo's incentive program and it may be something that Port Huron could do. Additionally, he shared that the South Park group may be asking City Council to change the name of Lincoln Park to South Park.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, October 23, 2006, 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 Cutcher.

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

The minutes of the regular meeting of October 9, 2006, were approved.

PRESENTATIONS

1. Certificate of Recognition congratulating the Port Huron Pirates Great Lakes Indoor Football Team on their winning season was presented to the owners of the team, Peter and Janet Norager, and the Quarterback, Shane Franzer.

2. Pauline M. Repp, Sesquicentennial Chairperson, gave a status report on the City's 150th anniversary celebration.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the application of H. P. Pelzer Automotive Systems, Inc., 2630 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #2)

Doug Alexander, Executive Director, EDA, appeared in support of their application.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the application of Pro-Weld Inc., 1720 Dove Street, for an Industrial Facilities Exemption Certificate. (See Resolution #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 application of Rae Manufacturing Co., 1327-1331 Cedar Street, for an Industrial Facilities Exemption Certificate. (Resolution #4)

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 application of Cross Hüller Ex-Cell-O Lamb, 2555 - 20th Street, for an Industrial Facilities Exemption Certificate. (Resolution #5)

Doug Alexander, Executive Director, EDA, appeared in support of their application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. The following residents addressed the City Council relative to their objections to the proposed amendment to the tax ordinance to decrease the personal exemption amount:

- Ken Harris, 1521 Wells Street
- Mark Byrne, 825 Prospect Place
- Alice O'Neil, 807 Prospect Place
- Katie Byrne, 825 Prospect Place (suggested options)

CONSENT AGENDA

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

Adopted unanimously.

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

- Large brush and branch piles can be picked up at the curb by calling 987-6000 and provide a name, address and phone number. Refer to the City's newsletter, visit www.porthuron.org or contact the Forestry Dept. at 984-9752 for further details.
- Leaf pickup at the curb has begun and will continue through December 1. For further details, refer to the City's newsletter, visit www.porthuron.org or contact Waste Management toll free at 1-800-796-9696 or the Public Works Dept. at 984-9730.

Upcoming events:

- Oct. 24: CAPTURE's Cops & Jocks Spaghetti Fundraiser Dinner, Fogcutter, 4 p.m. to 8 p.m.
- Oct. 28: Halloween Stroll, Sanborn Park, 11:30 - 3 p.m.
- Oct. 28: Halloween Parade, downtown, 4 p.m.
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Neal moved to receive and file the following communication and approve the request:

From Billie Sample, First Night® Port Huron, requesting all permit fees and charges for use of the Municipal Office Center's meeting room be waived.

Motion adopted by the following vote:

- Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, Neal and McCulloch.
- No: None.
- Absent: None.
- Abstain: Councilmember Sample-Wynn.

FROM THE CITY MANAGER

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

On September 15, 2006, the City of Port Huron Utilities Division received a quote from a single-source supplier for the replacement of a 16" township master water meter:

S.L.C. Meter Service, Inc.	\$10,867.00
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It is recommended that the quote of S. L. C. Meter Service, Inc., 10375 Dixie Highway, Davisburg, Michigan 48350, in the amount of Ten Thousand Eight Hundred Sixty-Seven and 00/100 Dollars (\$10,867.00) be accepted 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 October 12, 2006, the City of Port Huron received two (2) bids for the electrical feeder replacement at the Water Treatment Facility:

Stephenson Electric Company	\$48,500.00
Detroit Electrical Services, LLC.	\$75,500.00

It is recommended that the bid of Stephenson Electric Company, 2929 Lapeer, Port Huron, Michigan, 48060, in the amount of Forty-Eight Thousand Five Hundred and 00/100 Dollars (\$48,500.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Neal 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 #06-01)

Adopted unanimously.

***R-2.** WHEREAS, H. P. Pelzer Automotive Systems, Inc., 2630 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on October 23, 2006, 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 H. P. Pelzer Automotive Systems, Inc., application for an Industrial Facilities Exemption Certificate 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: 12/31/06 to 12/31/12 (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 H. P. Pelzer Automotive Systems, Inc., is located.

Adopted.

***R-3.** WHEREAS, Pro-Weld Inc., 1720 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

WHEREAS, the Port Huron City Council held a public hearing on October 23, 2006, 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 Pro-Weld 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: 12/31/06 to 12/31/12 (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 Pro-Weld Inc. is located.

Adopted.

***R-4.** 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, the Port Huron City Council held a public hearing on October 23, 2006, 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: 12/31/06 to 12/31/12 (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-5.** WHEREAS, Cross Hüller Ex-Cell-O Lamb, 2555 - 20th Street, Port Huron, Michigan, has applied for Industrial Facilities Exemption Certificates for land and building improvements for 12 years and for machinery, equipment, furniture and fixtures for 12 years with the first two years being a 100% abatement as authorized by Act No. 328, P. A. of 1998 as amended by virtue of Act 20 of 1999; and

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

WHEREAS, the Port Huron City Council held a public hearing on October 23, 2006 to hear comments on the applications; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby approves the Cross Hüller Ex-Cell-O Lamb applications for an Industrial Facilities Exemption Certificate for twelve (12) years on real property and 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 Cross Hüller Ex-Cello-O Lamb, 2555 - 20th Street, Port Huron, is an "eligible business" within an "eligible district" (an Industrial Development District established by resolution of the City Council on December 27, 1976) and is qualified to receive a 100% exemption on personal property for two years as provided by Act No. 328, P. A. of 1998, as amended by virtue of Act 10 of 1999; and

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

- All real property:
 - 12/31/06 to 12/31/18 (12 years)
- All personal property:
 - 12/31/06 to 12/31/08 (2 years - 100% abatement)
 - 12/31/06 to 12/31/18 (12 years - 50% abatement)

BE IT FURTHER RESOLVED that the City of Port Huron does find that the granting of the Industrial Facilities Exemption Certificate (considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force) shall not have the effect of substantially impeding the operation of the City of Port Huron or impairing the financial soundness of any taxing unit levying an ad valorem property tax on the property upon which the facilities known as Cross Huller Ex-Cello-O Lamb is located.

Adopted.

***R-6.** WHEREAS, the City Manager has issued Temporary Traffic Control Order No. 1174 effective August 29, 2006, pursuant to Chapter 46, Article II, of the 2004 Port Huron City Code:

4th STREET -

There shall be a "NO PARKING" zone on the east side of 4th Street, beginning 74 feet north of the northeast corner of 4th Street and Chestnut Street, continuing northerly for 80 feet.

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

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

Adopted.

***R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$170.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-92).

Adopted.

***R-8.** WHEREAS, Chapter 10, Buildings and Building Regulations, Section 10-32, Fees, of the Code of Ordinances states that " A fee schedule for permits and inspections under this article shall be set by resolution of the City Council from time to time;" and

WHEREAS, on May 22, 2006, the Port Huron City Council adopted the annual fee schedule, which included a \$25.00 fee for a mechanical contractors license registration; and

WHEREAS, state law (MCL 338.983) mandates that "Registration shall be granted by all governmental subdivisions in this state to a contractor licensed under this act upon payment of a fee not to exceed \$15.00;"

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts a fee of \$15.00 for a mechanical contractor license registration fee, effective immediately, in order to comply with state regulations.

Adopted.

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

WHEREAS, it is the desire of the City of Port Huron to create a vibrant downtown consisting of both commercial and residential properties; and

WHEREAS, various studies have been conducted in the past regarding downtown needs, but none have identified the target market of potential downtown residents in order to adequately plan for the needs and wants of said residents; and

WHEREAS, at the request of the City Council, the City Planning Department issued a Request for Proposals (RFP) for a *Target Market Analysis of Housing Types for Support of Real Estate Development and Redevelopment Projects Downtown and Adjacent Neighborhoods* with four proposals being received; and

WHEREAS, the specified award of a contract would be based upon: qualifications, referenced and recommendations; understanding of the project; past record of performance on similar projects; experience with downtown housing in project organization and management; as well as cost, scope of work, and proposed schedule; and

WHEREAS, after a careful review of the proposals received, staff recommends the bid of Zimmerman/Volk Associates in the amount of \$30,500, including all expenses, be accepted as the most qualified for the project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the proposal of Zimmerman/Volk Associates in the amount of \$30,500, including all expenses, as the most qualified for the *Target Market Analysis of Housing Types for Support of Real Estate Development and Redevelopment Projects Downtown and Adjacent Neighborhoods*, and authorizes and directs the appropriate City officials to execute the necessary contract documents (see City Clerk File #06-93).

Adopted unanimously.

***R-10.** WHEREAS, a request has been received to transfer ownership of 2006 Class C licensed business, located at 410 Huron Ave., Port Huron, from Helen L. David Estate,; Douglas S. Touma, Personal Representative, to the Brass Rail Bar of Port Huron, LLC;

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

WHEREAS, the City of Port Huron owns an industrial building at 2223 Dove Road in the Port Huron Industrial Park; 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 the City-owned industrial building at 2223 Dove Road in the Port Huron Industrial Park and authorizes and directs the proper City Officials to execute said agreement. (See City Clerk File #06-94)

Adopted unanimously.

ORDINANCES

O-1. Councilmember McCulloch moved that an ordinance introduced October 9, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1271

AN ORDINANCE TO AMEND CHAPTER 44, TAXATION, ARTICLE II, UNIFORM CITY INCOME TAX ORDINANCE, SECTION 44-32, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF CHANGING THE PERSONAL EXEMPTION.

THE CITY OF PORT HURON ORDAINS:

That Chapter 44, Taxation, Article II, Uniform City Income Tax Ordinance, Section 44-32, of the Code of Ordinances of the City of Port Huron for the purpose of changing the personal exemption is hereby amended as follows:

**ARTICLE II.
UNIFORM CITY INCOME TAX ORDINANCE**

Sec. 44-31. Adopted; availability of copies.

No changes.

Sec. 44-32. Amended.

Section 31 of the uniform city income tax ordinance (MCL 141.631) adopted in section 44-31 is hereby amended to read as follows:

- (1) An individual taxpayer in computing his taxable income is allowed a deduction of \$600.00 for tax years beginning after 2006 and prior to 2001, \$1,200.00 for tax years 2001 through 2006, for each personal and dependency exemption under the rules for determining exemptions and dependents as provided in the federal Internal Revenue Code. The taxpayer may claim his or her spouse and dependents as exemptions, but if the taxpayer and the spouse are both subject to the tax imposed by this ordinance, the number of exemptions claimed by each of them when added together shall not exceed the total number of exemptions allowed under this ordinance."
- (2) "For tax years beginning after 1987, an additional exemption is allowed under subsection 31(1) for a taxpayer who is 65 years of age or older or who is blind as defined in section 504 of the income tax act of 1967, Public Act No. 281 of 1967 (MCL 206.504), or if the taxpayer is both 65 years of age or older and blind, two additional exemptions are allowed under subsection 31(1)."

- (3) An exemption is allowed under subsection 31(1) to a person with respect to whom a deduction under section 151 of the Internal Revenue Code is allowable to another federal taxpayer during the tax year and is therefore not considered to have a federal personal exemption under subsection 31(1)."

Pauline M. Repp, MMC
City Clerk

ADOPTED: 10/23/06
PUBLISHED: 10/28/06
EFFECTIVE: 10/28/06

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Jacobs, McCulloch and Neal.
No: Councilmembers Fisher, Haynes and Sample-Wynn.
Absent: None.

MOTIONS & MISCELLANEOUS BUSINESS

- 1. **Mayor Cutcher** offered condolences to Tiny Renaker's family. Additionally, he announced two recent ribbon cuttings - Salon Pizazz, 104 Huron Avenue, and Safe Harbor Book Store, 936 Military Street. The Mayor also stated that he recently visited the Celtic Ray in Punta Gorda, Florida, and welcomed the owner Kevin Doyle who is opening a place in downtown Port Huron.
- 2. **Councilmember Sample-Wynn** announced details of the First Night celebration.
- 3. **Councilmember Fisher** congratulated Councilmember Haynes on the part he played in locating the Celtic Ray here in Port Huron.

On motion (9:10 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 13, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

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

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of October 23, 2006, and the special meetings of October 20 and 23, 2006, were approved.

PRESENTATIONS

1. Proclamation designating the week of November 13-19, 2006, as Homeless Awareness Week was presented to Steve Lindsay, Pathway Shelter Manager.
2. T. J. Gaffney and Dennis Delor, Port Huron Museum, gave a presentation on the restoration of the Fort Gratiot Hospital Building.

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on the request to rezone various properties in the area bound by Lapeer Avenue, 7th, Howard, 8th, Gillett and 9th Streets, from C-1 (General Business District) to CBD (Central Business District). (See Ordinance #1)

Ken Harris, 1521 Wells Street, addressed the City Council in support of this rezoning and the project that is taking place in this area.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the request to rezone various properties in the area bound by Court, 4th, Griswold and 7th Streets from C-1 (General Business District) to CBD (Central Business District). (See Ordinance #2)

No one appeared to be heard.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. Ken Harris, 1521 Wells Street, addressed the City Council requesting that Resolution #9 be explained further as to how much the City has spent on this property at the time that action is taken by Council.
2. Kim Prax, 2525 John L Street, addressed the City Council in response to Councilmember McCulloch's letter to the editor. She stated that his implication that the change in the personal exemption amount for income tax was made because of the recall was not the case and that it was right at the time and that there were excess dollars in the land purchase fund and that some Councilmembers felt that money should be given back to the taxpayers in some form.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming items/events:

- Nov. 15-Dec. 31 - MainStreet, in cooperation with the City, will be offering 2-for-1 parking tokens. Contact MainStreet Port Huron at 985-8843 for more details.
- Nov. 23-24 - City offices will be closed for the Thanksgiving holiday.
- Nov. 24 - Santa Parade will be held in downtown Port Huron at 6 p.m.
- Nov. 24-Dec. 31 - Free parking in the Majestic, East Quay and West Quay parking lots at the short-term meters only is being offered. Additional free parking will be offered in the 400, 500 and 600 blocks of Huron Avenue. Free meters will be covered with festive holiday wrapping.
- Nov. 27 - Last week for pickup of yard waste in containers/bag and large brush/branch piles.
- Nov. 27 - Last week of leaf pickup at curb. See newsletter for zone(s) to be picked up this week.
- Dec. 1 - Snow ordinance begins. Parking is prohibited on City streets between the hours of 2:30 a.m. and 6 a.m. each day during the months of December through March.
- Dec. 31 - First Night Port Huron 2007 will be held.
- Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.

COMMUNICATIONS & PETITIONS

C-1. Councilmember Fisher moved to receive and file the following communication:

Notification from the Michigan Department of Environmental Quality that the City has received a S-2 grant award in the amount of \$222,706.00 to be used for the 21st Street sewer separation project.

Adopted unanimously.

C-2. Councilmember Sample-Wynn moved to receive and file the following communication and approve the request:

Request from the Port Huron Museum to waive the building permit fee for the restoration of the Fort Gratiot Hospital Building

Adopted unanimously.

FROM THE CITY MANAGER

CM-1. Councilmember McCulloch 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 2005-2006 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 2005-2006 fiscal year be amended by adjusting the means of financing and adjusting the estimated requirements for the following funds:

GENERAL FUND:	<u>As currently Adopted</u>	<u>Per Proposed Amendment</u>	<u>Increase (Decrease)</u>
Means of financing:			
Property taxes	\$ 8,040,000	\$ 8,040,000	\$
Income tax	6,250,000	6,250,000	
Business licenses and permits	297,900	297,900	
Nonbusiness licenses and permits	439,900	439,900	
Grants	322,000	447,000	125,000
State shared revenues	4,098,000	4,098,000	
Charges for services	519,500	519,500	
Fines and forfeits	200,000	200,000	
Investment income	450,000	450,000	
Rents	200,000	200,000	
Sale of fixed assets	3,000	3,000	
Charges to other funds	1,616,250	1,616,250	
Total	<u>\$ 22,436,550</u>	<u>\$ 22,561,550</u>	<u>\$ 125,000</u>
Estimated requirements:			
General government	\$ 3,629,042	\$ 3,629,042	\$
Public safety	13,332,256	13,332,256	
Public works	1,726,665	1,721,665	(5,000)
Senior citizens	22,732	22,732	
Recreation, parks and culture	2,936,028	2,936,028	
Other functions	621,727	521,727	(100,000)
Public improvements	119,800	94,800	(25,000)
Transfer to other funds	48,300	303,300	255,000
Total	<u>\$ 22,436,550</u>	<u>\$ 22,561,550</u>	<u>\$ 125,000</u>
LAND PURCHASE FUND:			
Means of financing:			
Estimated designated fund balance	\$ 950,000	\$ 950,000	\$
Investment income	75,000	75,000	
Rents	210,000	210,000	
Other income	50,000	50,000	
Transfer from General Fund		250,000	250,000
Transfer from tax increment funds	1,225,733	1,225,733	
	<u>\$ 2,510,733</u>	<u>\$ 2,760,733</u>	<u>\$ 250,000</u>
Estimated requirements:			
Ordinary recurring expenses	\$ 2,397,000	\$ 2,397,000	\$
Capital outlay:			
Land acquisition, building construction and redevelopment	113,733	113,733	
Capital projects, maintenance and repair		250,000	250,000
	<u>\$ 2,510,733</u>	<u>\$ 2,760,733</u>	<u>\$ 250,000</u>
BEAUTIFICATION COMMISSION:			
Means of financing:			
Estimated designated fund balance	\$ 2,500	\$	\$ (2,500)
Miscellaneous	1,500	1,500	
Transfer from General Fund	3,300	8,300	5,000
	<u>\$ 7,300</u>	<u>\$ 9,800</u>	<u>\$ 2,500</u>
Estimated requirements:			
Ordinary recurring expenses	<u>\$ 7,300</u>	<u>\$ 9,800</u>	<u>\$ 2,500</u>

Adopted unanimously.

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

On October 30 and 31, 2006, the City of Port Huron received two (2) quotes for the purchase of seven (7) Panasonic Toughbook CF-29 laptop computers for use by the Port Huron Police Department:

Panasonic Tough Solutions	\$26,950.00
CDW-G	\$27,243.93
PC Mall	*

* Could not supply requested item

It is recommended that the quote of Panasonic Tough Solutions, 39 Park Place, Suite 300, Appleton, Wisconsin 54914, in the amount of Twenty Six Thousand Nine Hundred Fifty and 00/100 Dollars (\$26,950.00) be accepted with full funding from Homeland Security Grant Funds to enhance the ability of public and private public safety personnel to mount an effective multi-discipline response to terrorist CBRNE/WMD incidents, and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-3. Councilmember Neal offered and moved to receive and file the following City Manager's report:

In accordance with Section 55 of the City Charter, there is submitted herewith a Quarterly Financial report of the City of Port Huron for the three-month period ending September 30, 2006 (see City Clerk File #06-97).

Adopted unanimously.

RESOLUTIONS

R-1. Councilmember Haynes 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 #06-01)

Adopted unanimously.

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

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

WHEREAS, Identix has submitted a maintenance agreement for the maintenance on the TouchPrint TM 3100 equipment that will cover the period from November 11, 2006 to November 20, 2007 at a cost of \$2,318.00; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the agreement with Identix, 5600 Rowland Road, Minnetonka, Minnesota 55343, for fingerprinting system maintenance and authorizes and directs the proper City officials to execute the agreement (See City Clerk File #06-98).

Adopted unanimously.

***R-3.** WHEREAS, it is anticipated that there will be no need to hold the second meeting in the month of December;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

a) Suspends its rules and procedures for the regular meeting of December 26, 2006; and

b) Instructs the City Manager to not prepare an agenda for this regular meeting; and

c) Instructs the City Clerk to place on the bulletin board in the main lobby of the Municipal Office Center a public notice that the regular meeting of December 26, 2006, will not be held.

Adopted.

***R-4.** WHEREAS, a request has been received from Harris Restaurants, Inc. (Casey's) for a new full year tavern license issued under MCL 436.1521(1) (Downtown Development Authority license) to be located at 628 Huron Ave., Port Huron and cancel request for official permit (food);

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 Neal offered and moved the adoption of the following resolution:

WHEREAS, the City of Port Huron will be celebrating its Sesquicentennial in 2007; and

WHEREAS, in 2003 a Sesquicentennial Committee was established as requested by a resolution adopted by City Council on February 10, 2003; and

WHEREAS, various celebrations and commemorative activities have been planned for all of 2007 and funds have been obtained from Acheson Foundation, Citizens First Foundation, Community Foundation of St. Clair County and Port Huron Hospital Foundation; and

WHEREAS, the City Council appropriated \$10,000 in its 2006-07 fiscal year budget approved on May 22, 2006 to assist in the endeavors of the Sesquicentennial Committee;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the transfer of \$10,000.00 to the Sesquicentennial account and further authorizes expenditures aggregating up to this amount for Sesquicentennial activities.

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Haynes, Jacobs, McCulloch, Neal and Sample-Wynn.

No: Councilmember Fisher.

Absent: None.

***R-6.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$418.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-99).

Adopted.

***R-7.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for sidewalk replacement; and

WHEREAS, the costs of sidewalk replacement shall be assessed to the property owner(s) pursuant to City Ordinance 42-57; and

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$2,202.46 for sidewalk replacement upon the lots and premises described in the attached special assessment report (see City Clerk File #06-100).

Adopted.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$164.16 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk File #06-101).

Adopted.

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

WHEREAS, the City Council has approved the sale of the industrial building located at 2223 Dove Street; and

WHEREAS, as a condition of the sale, the purchaser requires that the City prepare a Baseline Environmental Assessment (BEA); and

WHEREAS, City staff has reviewed proposals from multiple firms and recommends the selection of Soil and Material Engineers, Inc.; and

WHEREAS, the purchaser has agreed that Soil and Material Engineers, Inc. is the appropriate engineering firm to provide professional services to develop the BEA; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement with Soil and Material Engineers, Inc. for professional engineering services for the preparation of a Baseline Environmental Assessment for the property located at 2223 Dove Street and authorizes the appropriate City officials to execute the agreement (see City Clerk File #06-102).

Adopted unanimously.

***R-10.** WHEREAS, the City Council of the City of Port Huron has created a Tax Increment Finance Authority consistent with the provisions of Act 450, Public Acts of 1980; and,

WHEREAS, in accordance with the provisions of Act 450, the Authority is under the supervision and control of a board consisting of the City Manager and six (6) members appointed by the City Manager for four-year terms, subject to the confirmation and approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Manager's re-appointment of the following individual is hereby confirmed: Darlene Jacolik, term to expire September 14, 2010.

Adopted.

***R-11.** WHEREAS, the City Council has received and considered the attached Preliminary Code Enforcement Report for Code Case #06-004, 612 Glenwood Avenue (see City Clerk File #06-103) 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:

east 35 feet of west 90 feet of Lot 7, Block 21, Butler Plat, also known as: 612 Glenwood Avenue; and

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

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 10 and Chapter 40 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Port Huron shall conduct a public hearing on December 11, 2006, at 7:30 p.m. in the Public Meeting Room, First Floor, Municipal Office Center, for the purposes and according to the procedures referred to above; and

2. The City Clerk shall:

(a) Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation. The notice shall state that the interested parties will be given the opportunity to state their case for or against bringing this property up to code or demolition of this property, at the time of the public hearing.

(b) Cause a notice to be published in the Times Herald newspaper at least ten days in advance of said hearing. The notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 10, Section 10-211, and Chapter 34, Section 34-3, Code of Ordinance of the City of Port Huron.

(c) Provide for the recording of such hearings.

Adopted.

R-12. Councilmember Neal 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, Section 4(a)(1) of the current Interlocal Agreement entered into in 1983 states that the "Commission shall be composed of one (1) member (Commissioner), from each of the Participating Units of Government comprising the Commission. One (1) member and one (1) alternate member shall be appointed by each Participating Unit. A member's or alternate's place of residence or place of work shall be within the unit he/she represents....;" and

WHEREAS, 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;" and

WHEREAS, the current representative is Councilmember James Fisher and the alternate is Councilmember David Haynes and their terms expire on November 24, 2006;

NOW, THEREFORE, BE IT RESOLVED that Councilmember Fisher is hereby appointed as the City of Port Huron's member Commissioner and Councilmember Haynes as the alternate member Commissioner on the Blue Water Area Transportation Commission for three-year terms to expire November 24, 2009.

Adopted unanimously.

***R-13.** WHEREAS, Advanced Accessory Systems, 2655 - 16th Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, November 27, 2006, in order to hear comments on the application of Advanced Accessory Systems for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUNDED BY LAPEER AVENUE, 7TH, HOWARD, 8TH, GILLET AND 9TH STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

NOTE: Councilmember Fisher brought it to the City Council's attention that he is a member of the advisory board for the Salvation Army and their thrift store is located within these boundaries.

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

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

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUNDED BY COURT, 4TH, GRISWOLD AND 7TH STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

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

MOTIONS & MISCELLANEOUS BUSINESS

1. **Mayor Cletcher** mentioned two recent ribbon cuttings - Serfs Up on Huron Avenue (in Welcome Center building) and Blue Water Area Transportation Commission new bus terminal on Lapeer Avenue - the Straffon-Benedict Bus Terminal.

2. **Councilmember Fisher** mentioned the benefit concert held at Military Street Music Café on November 12 for “Operation Homefront Families” and that CD’s are still available at Salvation Army Citadel.

3. **Councilmember Sample-Wynn** mentioned the orange ribbon she was wearing for “awareness for the homeless.”

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

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 20, 2006, at 5:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher (5:30 p.m.).

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

Mayor Cutcher stated that this meeting was called to further discuss goals established in February of this year and to establish reachable milestones. The general goals were mixed use downtown development, develop vertically, encourage more white collar good paying jobs and quality long term neighborhood development.

Karl Tomion, City Manager, updated the Council on the proposed Terra development. He has met with them and they are still interested in a Port Huron project. Their previous proposal was reviewed by the DDA and found unacceptable. Mr. Tomion will continue to meet with Terra and Acheson Ventures in pursuit of an acceptable project.

Mr. Tomion stated that the City staff understood the Councils' goal of pursuing mixed use development in the downtown and had already presented a recommendation to pursue a housing market study which was accepted. He suggested that the Council consider including an additional objective of providing a downtown business incentive and recruitment program in the Councils' goals. He will submit this with the draft report to be considered by Council at its next goal session on December 4th.

Discussion held on unified downtown strategy and how it could be accomplished through a non-profit organization that would assist in development with tax credits, grants and low interest loans. One similar to the EDA but for commercial rather than industrial development. The City staff will pursue this strategy.

Discussion held on the marinas and their deficit and whether an arrangement with Acheson Ventures can be worked out through the Michigan Waterways Commission for operation of the Water Street marina, as approved by the voters last year. It was requested that this initiative be made part of the draft report.

Discussion held on the sewer separation project and the need to adopt a new multi-year financing plan. The existing plan expires June 30, 2007. Talked about the history of the project and options available to meet the required time line.

Recessed at 7:08 p.m. and returned at 7:15 p.m.

Discussion held on achieving a better image for the City and letting the public know the positive things that are happening and why you would want to live here. The City Manager said that it would take more money to enhance the newsletter and website. Options were discussed for more exposure that doesn't cost money – such as write an opinion letter for the newspaper to publish or write a column in the newsletter or presentations at Council meetings. The Mayor suggested contacting SCCCC for assistance through their marketing department to see how we could better promote the City. Some of the positives mentioned were public safety, parks, waterfront opportunities, cultural center, walking distance to downtown, etc.

Discussion held on McMorran and need to address its future and decision on whether to accept the study committee's recommendation presented to City Council earlier this year.

Council decided to start the special meeting of December 4, 2006 (previously scheduled) at 4:00 p.m. instead of 5:00 p.m. due to scheduling conflicts.

City Manager Karl Tomion will prepare goals with tasks and time lines that correspond with the Council's previously adopted goals for the meeting of December 4.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, November 27, 2006, 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 Cutcher.

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

The minutes of the regular meeting of November 13, 2006, and the special meeting of November 20, 2006, were approved.

PUBLIC HEARINGS

1. The Mayor announced that this was the time to hear comments To hear comments on the application of Advanced Accessory Systems, 2655 - 16th Street, for an Industrial Facilities Exemption Certificate. (See Resolution #7)

Doug Alexander, Executive Director, EDA, appeared in support of this application.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

No one appeared.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

- Nov. 27- Last week for pickup of yard waste in containers/bag and large brush/branch piles.
- Nov. 27 - Last week of leaf pickup at curb. See newsletter for zone(s) to be picked up this week.
- Dec. 1 - Snow ordinance begins. Parking is prohibited on City streets between the hours of 2:30 a.m. and 6 a.m. each day during the months of December through March.
- Dec. 4 - Weather permitting, final sweep of City for leaf pickup at curb.
- Through Dec. 25 - Sesquicentennial book & DVD gift package available for \$35. Call 985-1112 to order.
- Dec. 25-26 - City offices will be closed for the holiday.
- Dec. 31 - First Night Port Huron 2007 will be held.
- Through Dec. 31 - MainStreet, in cooperation with the City, will be offering 2-for-1 parking tokens. Contact MainStreet Port Huron at 985-8843 for more details.
- Through Dec. 31 - Free parking in the Majestic, East Quay and West Quay parking lots at the short-term meters only is being offered. Additional free parking will be offered in the 400, 500 and 600 blocks of Huron Avenue. Free meters will be covered with festive holiday wrapping.

FROM THE CITY MANAGER

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

On November 21, 2006, the City of Port Huron received a quote from a single-source supplier for eighteen 800 MHZ portable radios for use in the Police Department:

Motorola, Inc.	\$67,365.00
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It is recommended that the quote of Motorola, Inc., 925 Alexandria Drive, Lansing, Michigan 48917, in the amount of Sixty-Seven Thousand Three Hundred Sixty-Five and 00/100 Dollars be accepted with funding from the Law Enforcement Terrorism Training Program (LETP) 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 November 14, 2006, the Port Huron Fire Department received a single source quote for two (2) Draeger 4-hour positive pressure closed circuit breathing apparatus and accessories:

Time Emergency Equipment	\$19,802.20
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It is recommended that the quote from Time Emergency Equipment, 2415 West Sunset Drive, Roscommon, Michigan 48653 in the amount of Nineteen Thousand Eight Hundred Two and 20/100 Dollars (\$19,802.20) be accepted with funding from the State of Michigan 2005 Homeland Security Grant Program and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On November 14, 2006, the City of Port Huron received three (3) bids for Lakeside Cemetery Mausoleum roof repair:

William Molnar Roofing, Inc.	\$19,800.00
Marlette Roofing & Sheet Metal Co.	\$20,738.00
Elite Contractors	\$29,800.00

It is recommended that the bid of William Molnar Roofing, Inc., 12455 Hale Street, Riverview, Michigan 48192, in the amount of Nineteen Thousand Eight Hundred and 00/100 Dollars (\$19,800.00) be accepted 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 November 14, 2006, the City of Port Huron received one (1) bid for the wall restoration work at the Water Reclamation Facility:

Sheldon Construction, Inc.	\$16,800.00
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It is recommended that the bid of Sheldon Construction Inc., 3290 Keewahdin Road, Fort Gratiot, Michigan 48059, in the amount of Sixteen Thousand Eight Hundred and 00/100 Dollars (\$16,800.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

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

On August 23, 2006, the City of Port Huron received a quote from a single-source supplier for rebuilding of the cathodic protection system in the south elevated water storage tank.

CORRPRO Companies	\$8,500.00
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It is recommended that the quote of CORRPRO Companies, P. O. Box 933029, Atlanta, Georgia 431193-3029 in the amount of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

Adopted unanimously.

CM-6. Councilmember Neal offered and moved the adoption of the following City Manager's recommendation:

On September 13, 2006, the City of Port Huron received a quote from the factory approved repair facility for repair of a Wemco submersible sewage pump for the 10th Street sanitary pump station:

Birclar Electric & Electronics LLC	\$10,675.00
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It is recommended that the quote of Birclar Electric & Electronics LLC, 12060 Wayne Road, Romulus Michigan 48174 in the amount of Ten Thousand Six Hundred Seventy Five and 00/100 Dollars (\$10,675.00) be accepted and that the appropriate City officials be authorized to execute the necessary documents.

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 #06-01)

Adopted.

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

WHEREAS, the United States Department of Commerce/National Oceanic and Atmospheric Administration has previously entered into a lease agreement, No. 06-2006-LNB-E0012, with the City of Port Huron; and

WHEREAS, the lease agreement provided that the City could cancel the lease upon ninety (90) days written notice if it deemed it in the best interest of the City to cancel the lease; and

WHEREAS, Lessee has now determined that a ninety (90) day notice of cancellation by the City of the lease agreement is insufficient notice to Lessee to comply with necessary governmental requirements for Lessee; and

WHEREAS, an amendment of the Cancellation provision of the Lease has been negotiated extending the notice of cancellation time requirement to six (6) months;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the attached amendment to lease No. 06-2006-LNB-E0012 with the United States Department of Commerce/National Oceanic and Atmospheric Administration and authorizes the appropriate City Officials to execute said lease amendment agreement. (See City Clerk File #06-104)

Adopted unanimously.

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

WHEREAS, it has become evident that the polling place for Precinct 4, Gratiot Village Community Building, 1509 Riverview Street, is not large enough to accommodate the number of voters registered in the precinct; and

WHEREAS, a review of the area was made in order to find a more suitable polling location; and

WHEREAS, it has been determined that the Palmer Park Recreation Center, 2829 Armour Street, would be a better location; and

WHEREAS, such information was referred to the City of Port Huron Election Commission and it is their recommendation that said site be utilized as a polling place for the 4th precinct;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron hereby accepts the recommendation of the Election Commission and designates the Palmer Park Recreation Center, 2829 Armour Street, as the 4th precinct polling place.

Adopted unanimously.

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

WHEREAS, the Port Huron Police Department utilizes New World hardware and software for its existing switching program; and

WHEREAS, it is necessary to upgrade the hardware and software for the switching program which enables Officers to communicate between patrol cars and with Communications; and

WHEREAS, it is also necessary to purchase support services for the hardware and software; and

WHEREAS, New World Systems Corporation has submitted a support service and fee agreement, an agreement for hardware and software services at a total cost of \$43,200.00;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the purchase of hardware, software and support services with New World Systems Corporation, 888 W. Big Beaver, Suite 1100, Troy, Michigan 48084-4749, and authorizes the appropriate City officials to execute the agreement (See City Clerk File #06-105).

Adopted unanimously.

***R-5.** WHEREAS, it is stated in the Code of Ordinances of the City of Port Huron, Chapter 10, Buildings and Building Regulations, Article V, Rental Certification, Section 10-167(b), Appeal Process:

"The rental housing board of appeals shall consist of five persons appointed by the city manager and confirmed by the city council. The members of the rental housing board of appeals shall consist of persons who are qualified by experience to pass on matters pertaining to this article and who are not employees of the city. Specifically, the membership of the board shall be (I) one licensed builder, construction tradesman, licensed engineer, or licensed architect who is not a rental property owner or occupant (tenant; (ii) two current rental property owners; (iii) one current rental property occupant (tenant); and (iv) one resident of the city at large who is neither a rental property owner nor occupant (tenant)."

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby reappoints the following individuals to the Rental Housing Board of Appeals with a term to expire as indicated:

Steve Gurne, landlord	June 10, 2009
Trish Marcoux, tenant	June 10, 2009
Bill Vogan, licensed architect	June 10, 2008

Adopted.

***R-6.** WHEREAS, the United States Department of Housing and Urban Development (HUD) requires entitlement communities to conduct a public hearing regarding the views and comments of citizens as to the housing and community development needs within the City for the next fiscal year beginning April 1, 2007; 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 required to receive comments on the proposed Annual Action Plan; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules a public hearing for Monday, December 11, 2006, to hear views of citizens on the general needs in the community development, housing and special services, utilizing CDBG and HOME funds for the fiscal year beginning April 1, 2007;

BE IT FURTHER RESOLVED that the City Council hereby schedules a second public hearing for February 12, 2007, to hear comments on the proposed 2007 Annual Action Plan.

Adopted.

***R-7.** WHEREAS, Advanced Accessory Systems, 2655 - 16th 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 November 27, 2006, 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 Advanced Accessory Systems 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: 12/31/07 to 12/31/13 (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 Advanced Accessory Systems is located.

Adopted.

ORDINANCES

O-1. Councilmember Sample-Wynn moved that an ordinance introduced November 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1272

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUNDED BY LAPEER AVENUE, 7TH, HOWARD, 8TH, GILLET AND 9TH STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT).

THE CITY OF PORT HURON ORDAINS:

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

Lots 1, 2, 3, 4, 5, and 6, Block 99; White Plat, including the north one-half of vacated and public Gillett Street adjacent; the west two 2 feet of the south 65 feet of Lot 2, Lots 3, 4, 5, and 6, Block 98; Lots 1, 2, 3, 4, 5, and 6, Block 105, White Plat; including all of vacated and public Gillett Street adjacent; Lots 1, 2, 3, 4, 5, 6, 7, and 8, Frank M. Stewarts' Subdivision including all of vacated alley number 29 adjacent; also known as: vacant lot in the 700 block of Lapeer Avenue, 708 Lapeer Avenue, 710 Lapeer Avenue, 712 Lapeer Avenue, vacant lot in the 800 block of Gillett Street, 714 and 716 Lapeer Avenue, vacant lot in the 700 block of Lapeer Avenue, 726 Lapeer Avenue (parking lot, no structure), 736 Lapeer Avenue, 802, 804, 806, 808 Lapeer Avenue, 810, 812 Lapeer Avenue, part of 828 Lapeer Avenue, vacant lot in the 700 block of Howard Street, 729 Howard Street, and 821-7th Street, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 11/27/06
PUBLISHED: 12/02/06
EFFECTIVE: 12/02/06

Adopted unanimously.

NOTE: Councilmember Fisher brought it to the Council's attention that he serves on an advisory board for the Salvation Army and their thrift store is located within these boundaries.

O-2. Councilmember Sample-Wynn moved that an ordinance introduced November 13, 2006, entitled and reading as follows be given its third and final reading and enacted:

ORDINANCE NO. 1273

AN ORDINANCE TO AMEND CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 52-162, MAPS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT HURON, FOR THE PURPOSE OF REZONING VARIOUS PROPERTIES BOUNDED BY COURT, 4TH, GRISWOLD AND 7TH STREETS FROM C-1 (GENERAL BUSINESS DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT)

THE CITY OF PORT HURON ORDAINS:

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

Lots 11 and 12 including the west one-half of the vacated alley adjacent; Lots 13, 14, 15,, 16, 31, 33, 35, 36 and 37, and land bounded north by Court Street, east by 6th Street, south by Lots 35, 36, and 37 and west by the alley, including the east one-half of the vacated alley adjacent; Block 43, White Plat; Lots 6, 7, 8, 9, and 10, Block 51, White Plat; Lots 8, 9, 10, 11, 12, 13, and 14, Block 52, White Plat; Lots 8, 9, 10, 11, 12, 13, and 14, Block 53, White Plat; Lots 25, 26, 28, 30, 32, 33, 34, 35, 37, 39, 41, and 43, Block 54, White Plat; Lots 5, 6, 7, 8, 9, 10, 11 and Lot A including the west one-half and south one-half of the vacated alley adjacent, Bank's Subdivision of Lots 28, 29, 31, 33, 34, 36, 38, and 40 of what is now known as Block 61, White's Plat; Lots 37 and 44, Block 61; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 62, White Plat including all of vacated Union Street between Military and 4th Streets; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 63, White Plat, including the west one-half of vacated 4th Street adjacent and the north one-half of vacated White Street adjacent; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 64, White Plat, including the west one-half of vacated 4th Street and the south one-half of vacated White Street adjacent also known as: the area located between Court, 4th, Union and 7th Streets, except 1201 - 4th Street; and the area between Union Street and vacated Union Street, 4th Street and vacated 4th Street, Griswold Street, and bound on the west side by the north-south alley located between Military and 6th Streets, City of Port Huron.

Pauline M. Repp, MMC
City Clerk

ADOPTED: 11/27/06
PUBLISHED: 12/02/06
EFFECTIVE: 12/02/06

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Fisher announced that the Olde Town Christmas carolers will be performing December 4 and 15 and invited everyone to join them.

2. Councilmember Neal asked City administration to respond to Ken Harris' recent letter to the editor where he questions why the City has not followed through with the sale/lease of the Water Street marina and the development of the Quay Street parking lot as approved by the voters. Karl Tomion, City Manager, explained that the City is still working with Terra Land group (along with Acheson Ventures) on a project in the City but that the West Quay parking lot has some easement issues that deter development (Bob Clegg, City Engineer, further explained that the various utilities would require up to 100 feet of the width of the parking lot). The City Manager stated that the City is moving ahead with the Water Street Marina and that another meeting is scheduled Friday with the Waterways Commission (their permission is needed because the marina was funded with grant monies when it was built).

On motion (8:00 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

Special meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 4, 2006, at 4:00 p.m. in Conference Room 408, Municipal Office Center.

The meeting was called to order by Mayor Cutcher (4:05 p.m.).

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

Mayor Cutcher referred everyone to the draft of the City Council goals prepared for discussion at tonight's meeting, as detailed below (see City Clerk File #06-106 for complete copy):

- Support quality redevelopment.
- Enhance existing neighborhoods.
- Increase quantity and quality of community employment opportunities.
- Maintain City's infrastructure and facilities.
- Maintain the City's strong financial position.
- Improve public safety.
- Maintain regulatory compliance.
- Improve citizen communication.

The City Manager and department heads explained the detail of the particular goals.

Support quality redevelopment - Karl Tomion, City Manager, explained the process that will be followed on this project and how it will be split into two separate projects - the I-94/I-69 Corridor Project (bridge over Black River) and the Bridge Plaza Project. Following discussion under "support quality redevelopment" and, specifically, "develop a Blue Water Bridge Plaza expansion mitigation plan" two members of the audience addressed the City Council with their concerns about the expansion of the plaza into the city: Barbara Kilbourne, Fort Gratiot, and Ken Harris, Port Huron (who further stated that Council needs to do what the County does and meet quarterly with the federal legislators).

Enhance existing neighborhoods - it was mentioned that two homes are sold and two have pending sales in the Oak Crest Homes project. Also it was decided that in the fall of 2007 another blight tour would be held but that it would be called a "city neighborhood tour" instead.

Increase quantity and quality of community employment opportunities - it was mentioned that the City's industrial park was going to be fully occupied following two pending sales and a decision would need to be made whether to continue the "spec building program." It was mentioned that the post office distribution center could end up in the industrial park. Casino project is still waiting for congressional approval.

Maintain City's infrastructure and facilities - Bob Clegg, City Engineer, went over the remaining schedule for sewer separation and also mentioned that we may be able to get an 80% grant for eligible costs for the bicycle path along the waterfront south of Pine Grove Park.

Discussion about relocation of sheriff's office to the township.

Maintain the City's strong financial position - discussion held on Water Street marina and plan to lease to Acheson Ventures if the State Waterways Commission approves. Discussed labor contract negotiation goals. Karl Tomion to inform McMorran study committee that the City staff will be preparing a review of the committee's restructuring recommendation for discussion by City Council in June of 2007.

Improve public safety - discussion was held on whether Council wants to pursue a tattoo parlor regulation ordinance. An ordinance will be presented to Council the first of the year, following meeting with the tattoo parlor owners, that regulates them based on health reasons.

Maintain regulatory compliance - Bob Clegg, City Engineer, explained Watershed Management Plan.

Improve citizen communication - Listed ways to accomplish.

City Manager Karl Tomion to present goals document, including time line for updates, to City Council for formal adoption at a regular meeting.

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

PAULINE M. REPP, MMC
City Clerk

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Regular meeting of the City Council of the City of Port Huron, Michigan, held Monday, December 11, 2006, at 7:30 p.m. in the Public Meeting Room of the Municipal Office Center.

The invocation was given by Rev. Bill Terry, St. John's United Church of Christ, followed by the Pledge of Allegiance.

The meeting was called to order by Mayor Cutcher.

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

The minutes of the regular meeting of November 27, 2006, and the special meeting of December 4, 2006, were approved.

PRESENTATIONS

1. Betty Ward, Executive Director, Port Huron Housing Commission, along with consultant Linda Brockway, President of ECHO and Lansing Affordable Homes, Inc., and Doug Touma, Attorney, gave a presentation regarding a proposal by the Port Huron Housing Commission to purchase Grandview Tower (see City Clerk File #06-107 for a copy of the presentation).
2. Gerald Krueger, President, American Community Developers, Inc., and Frank Carswell, President of Independent Management Services, gave a presentation regarding their proposal to purchase Grandview Tower (see City Clerk File #06-108 for a copy of the presentation).
3. Kim Harmer, Planning Director, presented the staff report and recommendation on the proposed sale of Grandview Tower (see City Clerk File #06-109 for a copy of the presentation and Clerk File #06-110 for a copy of the report).

PUBLIC HEARINGS

1. **The Mayor** announced that this was the time to hear comments on Code Case #06-004, 612 Glenwood Avenue, to ascertain and determine whether it constitutes a nuisance as defined by Chapter 10, Section 10-211, and Chapter 34, Section 34-3, of the Port Huron City Code. (See Resolution #10)

Letter received from Murray McNeill, owner of the property, appealing the demolition (see City Clerk File #06-111 for a copy of the letter).

Kim Harmer, Planning Director, presented the facts (see City Clerk File #06-117).

Murray McNeill, owner of the property, appealed the demolition asking for time to fix the property up.

The Mayor declared the hearing closed.

2. **The Mayor** announced that this was the time to hear comments on the views of citizens on the general needs in community development, housing and special services, utilizing Community Development Block Grant (CDBG) and HOME funds for the fiscal year beginning April 1, 2007.

Jenny Schultz, Executive Director, Safe Horizons, appeared to request funding for their homeless shelter operation.

Bill Johnson, President, Eastern Michigan Rental Housing Association, appeared requesting CDBG funds be used to re-establish the Rental Rehabilitation Program, a \$15,000 per unit matching fund program, citing that the EOC has a program but it excludes Port Huron.

Ken Harris, Wells Street, appeared citing the inadequacy of city sidewalks and requesting that the sidewalk program be expanded.

Sharon Bender, South Boulevard, appeared echoing Mr. Harris' comments and stating that CDBG monies should be used to encourage the people displaced by the Blue Water Bridge Plaza project to remain in the city.

Katie Byrne, 825 Prospect Place, appeared also stating that CDBG monies should be used as an incentive to keep the displaced homeowners in the City.

The Mayor declared the hearing closed.

PUBLIC AUDIENCES

1. David (and Georgina) Witt, purchasers of 215-219 Huron Avenue addressed the City Council relative to their plans to refurbish the property with six lofts and requesting approval of their NEZ application; also, thanks were given to Janice Dubay, Kim Harmer and Randy Fernandez for their assistance.
2. Ralph Panzer, Grandview Tower, Apt. 507, addressed the City Council stating he is happy living there and pleased with its current management and doesn't want a changed.
3. Ken Harris, Wells Street, addressed the City Council stating that Council should decide promptly but cautiously on the sale of Grandview Tower.
4. Sharon Bender, South Boulevard, addressed the City Council inviting the Mayor to come to the Museum board meeting on Wednesday evening regarding controversy over Steve Williams' departure and asking the Mayor to find out for the citizens what is going on.

CONSENT AGENDA

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

Adopted unanimously.

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

Upcoming events:

- Through Dec. 25 - Sesquicentennial book & DVD gift package is available for a special price of \$35. Prices will increase slightly after this date. Call 985-1112 to order. Visit www.ph150.org for details about Port Huron's Sesquicentennial celebration.
- Dec. 25, 26 and Jan. 1 - City offices will be closed for the holiday.
- Dec. 31 - First Night Port Huron 2007 will be held.
- Through Dec. 31 - MainStreet, in cooperation with the City, will be offering 2-for-1 parking tokens. Contact MainStreet Port Huron at 985-8843 for more details.

- Through Dec. 31 - Free parking in the Majestic, East Quay and West Quay parking lots at the short-term meters only is being offered. Additional free parking will be offered in the 400, 500 and 600 blocks of Huron Avenue. Free meters will be covered with festive holiday wrapping.

FROM THE CITY MANAGER

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

In accordance with the requirements of Section 63 of the City Charter, the City's Comprehensive Annual Financial Report for the year ended June 30, 2006, is transmitted herewith (City Clerk File #06-112).

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 #06-01)

Adopted unanimously.

R-2. Councilmember Sample-Wynn offered and moved the adoption of the following resolution:

WHEREAS, as of June 30, 2006, the Marina Fund had total net assets of \$1,631,006 which includes a deficit in the unrestricted portion of net assets of \$714,591; and

WHEREAS, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury whenever such a deficit arises;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Huron adopts the following as the City of Port Huron Marina Fund Deficit Elimination Plan:

The Marina Fund unrestricted deficit is the result of continuing operating losses over a period of years which has had the effect of creating a deficiency in working capital. The Marina Fund operates various downtown marina locations along the Black River with 146 slips and a larger marina (the Water Street Marina) upriver with 374 slips. It is difficult to significantly improve operating results on a short term basis, as marina slip rental rates are generally set by the State of Michigan and most operating expenses are relatively fixed in nature. Two approaches will be pursued on a long term basis to eliminate the operating deficits, a potential sale or lease of the Water Street Marina (approved by voters November 8, 2005) and continuing efforts to improve annual operating results through increased usage from local and transient boaters. As the downtown marinas particularly provide tourism and other commercial benefits to the City, annual subsidies from both the General Fund and the Land Purchase Fund will also continue to offset operating losses on a short term basis.

BE IT FURTHER RESOLVED that the Director of Finance of the City of Port Huron submit the Deficit Elimination Plan to the Michigan Department of Treasury for certification (see attached City Clerk File 06-113) and that the Director of Finance be authorized to act as coordinator to facilitate acceptance of the Deficit Elimination Plan.

Adopted unanimously.

***R-3.** WHEREAS, a 21-member Beautification Commission was established at the City Council meeting of December 9, 1985; and

WHEREAS, there are several vacancies that exist;

NOW, THEREFORE, BE IT RESOLVED that Alice O'Neil, 807 Prospect Place, is hereby appointed to the Beautification Commission to fill an unexpired three year term to expire on January 30, 2009.

Adopted.

***R-4.** WHEREAS, Michigan Metal Coatings Company, 2015 Dove Street, Port Huron, Michigan, has applied for an Industrial Facilities Exemption Certificate for facility expansion (machinery, equipment, furniture and fixtures); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby schedules a public hearing for Monday, January 8, 2007, in order to hear comments on the application of Michigan Metal Coatings Company for an Industrial Facilities Exemption Certificate; and

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

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

Adopted.

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

WHEREAS, McKeough, LLC (Georgina A. Witt), 215 Huron Avenue, Port Huron, has applied for a Neighborhood Enterprise Zone Rehabilitation Certificate as allowed under the authority of P. A. 147 of 1992, as amended; and

WHEREAS, the property (Parcel No. 74-06-298-0106-000) is within Neighborhood Enterprise Zone (NEZ) No. 1, which was designated as such on November 28, 2005, by the Port Huron City Council; and

WHEREAS, the application meets the necessary criteria;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council approves the application from McKeough, LLC (Georgina A. Witt), 215 Huron Avenue, for a Neighborhood Enterprise Zone (NEZ) Rehabilitation Certificate and authorizes 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 period December 31, 2007, through December 31, 2016, the first six years consisting of a full abatement only on the increased value of the rehabilitated portion of a residential unit and the last three years a graduated payment that follows the formula outlined by the State act.

Adopted unanimously.

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

WHEREAS, the City of Port Huron provides post-employment healthcare benefits for retired employees and will provide such benefits for current employees in accordance with bargaining group agreements and personnel policies; and

WHEREAS, the cost of such post-employment healthcare benefits is recognized annually as an expenditure as current premiums are paid (pay as you go method); and

WHEREAS, the Government Accounting Standards Board (GASB) has issued Statement No. 43 regarding Financial Reporting for Post-employment Benefit Plans Other Than Pension Plans and Statement No. 45 regarding Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions which require that governments calculate the cost of post-employment healthcare benefits and recognize the cost of such benefits actuarially over the employees' working careers, similar to pension costs; and

WHEREAS, the Michigan Commission on Pension and Retiree Health Benefits recommends that governments disclose unfunded post-employment healthcare benefit liabilities and begin a program to set aside monies to reduce those unfunded liabilities; and

WHEREAS, it is necessary to have an actuarial valuation of the City's post-employment healthcare benefits performed in order to calculate the amount of the current liability and determine potential funding methods; and

WHEREAS, the Municipal Employees' Retirement System of Michigan (MERS), which provides pension services for the City of Port Huron, has previously requested proposals for actuarial services and has chosen Gabriel, Roeder, Smith & Company Consultants and Actuaries, as a result of this competitive process; and

WHEREAS, Gabriel, Roeder, Smith & Company, as a part of their annual pension actuarial services for MERS and the City of Port Huron, has developed membership characteristics for the City's active members, inactive vested members and retirees and beneficiaries required to make the necessary actuarial assumptions regarding uncertain future events in order that they can complete the pension actuarial valuation; and

WHEREAS, the membership characteristics, demographic assumptions and actuarial methods developed for the annual pension services can also be used for the actuarial valuation of post-employment healthcare benefits, resulting in a significant cost and time advantage for providing the services; and

WHEREAS, MERS has negotiated a discounted price for MERS members from Gabriel, Roeder, Smith & Company for the provision of annual actuarial and consulting services related to post-employment healthcare plans;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the attached agreement with Gabriel, Roeder, Smith & Company, Consultants and Actuaries, to conduct an actuarial valuation of post-employment healthcare benefits for the City of Port Huron and authorizes and directs the proper City officials to execute the agreement and appoints John H. Ogden, Director of Finance, as the Project Coordinator. (See City Clerk File #06-114).

Adopted unanimously.

R-7. Councilmember Neal 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, where utilities require extension to complete a distribution grid; and

WHEREAS, installation of these utilities requires crossing railroad rights-of-way at two locations; and

WHEREAS, CSX Transportation, Inc., the railroad company affected by these installations; requires the City enter into two agreements for access through their rights-of-way and payment of a one time, non-refundable license fee of One Thousand Two Hundred Fifty and 00/100 Dollars (\$1,250.00) for each agreement upon their execution;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes payment of each 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.

Adopted unanimously.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares a single lot special assessment in the total amount of \$510.45 for special trash pickup and/or blight cleanup upon the lots and premises described in the attached special assessment report (see City Clerk file #06-115).

Adopted.

***R-9.** WHEREAS, a report has been submitted for costs incurred by the City of Port Huron for lawn mowing; and

WHEREAS, the costs of weed, brush, or grass removal shall be assessed to the property owner(s) pursuant to Chapter 22, Section 22-108, City of Port Huron Code of Ordinances; and

WHEREAS, the attached special assessment report has been certified by the Planning/Community Development Director and reviewed by the City Council in accordance with the procedures set forth in Chapter 40, Section 40-19, City of Port Huron Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Port Huron City Council hereby confirms and declares single lot special assessments in the total amount of \$255.00 for weed, brush, or grass removal upon the lots and premises described in the attached special assessment report (see City Clerk File #06-116).

Adopted.

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

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

east 35 feet of west 90 feet of Lot 7, Block 21, Butler Plat,
also known as: 612 Glenwood Avenue; and

has been brought to the attention of the City Council by the Building Official as Code Case #06-004 (see City Clerk File #06-103) 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 November 13, 2006, with respect to said property, it is the judgement of the City Council that the condition of said property constitutes a nuisance as defined by Chapter 10, Section 10-211 and Chapter 34, Section 34-3 of the Code of Ordinances of the City of Port Huron;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Building Electrical Plumbing Heating

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

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

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

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

Adopted unanimously.

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

WHEREAS, the City of Port Huron, a Michigan Municipal Corporation, is proposing the construction of a recreation trail connecting the Bridge to Bay trail at Glenwood Avenue and Merchant Street to where the trail resumes at the intersection of Michigan Street and Huron Avenue; and

WHEREAS, the neighborhood through which the trail would lie has expressed support of such a trail; and

WHEREAS, the City of Port Huron has submitted an application to the Michigan Department of Transportation for federal grant funds available through the Transportation Equity Act of 1998 (TEA-21) Enhancement Program for projects such as this in an amount of approximately \$130,000; and

WHEREAS, the City of Port Huron certifies that the matching funding of approximately \$33,000 is secured, available and committed for use in the construction of this project; and

WHEREAS, the City of Port Huron certifies that it owns sufficient rights-of-way to construct this project; and

WHEREAS, the City of Port Huron will implement and fund an operating and maintenance program over the life of the project;

NOW THEREFORE, BE IT RESOLVED that the City of Port Huron certifies the availability of matching funds of approximately \$33,000 for use in the construction of this recreation trail project; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Engineer/Director of Public Works, a position currently held by Robert E. Clegg, P.E., to be designated as the authorized agent for all activities associated with securing funding.

Adopted unanimously.

R-12. Councilmember McCulloch offered and moved the adoption of the following resolution:

WHEREAS, Grandview Tower, a seven-story 111 unit apartment building designed specifically for senior citizens or those with special needs, was constructed in the 1970s by the City of Port Huron at a cost of \$4.4 million; and

WHEREAS, during the current fiscal year, the City of Port Huron has expended nearly \$300,000 to replace the boiler system at Grandview Tower and anticipates additional expenditures in excess of \$1.75 million to repair or replace the windows, elevator, air conditioning units and interior upgrades; and

WHEREAS, an offer to purchase Grandview Tower was received by the City from American Community Developers, Inc., of Harper Woods and a subsequent offer was received from the Port Huron Housing Commission, both utilizing the Michigan State Housing Development Authority (MSHDA) Low Income Housing Tax Credit (LIHTC) program; and

WHEREAS, staff prepared a report for City Council summarizing the specifics of both proposals (see City Clerk File #06-110); and

WHEREAS, after thorough review of both proposals with careful consideration being given to experience with MSHDA LIHTC programs, number of projects successfully managed, firm financial commitment received, and anticipated threshold scoring for a required application to MSHDA, the City Manager recommends that the proposal from American Community Developers, Inc., be approved;

NOW, THEREFORE, BE IT RESOLVED that the City of Port Huron City Council hereby accepts the offer of American Community Developers, Inc. for the purchase of the Grandview Tower building in the amount of \$3.3 million in addition to an agreed upon 75-year land lease and authorizes the appropriate City officials to enter into and execute any necessary documents for the sale of the property. (See City Clerk File #06-118 for copy of agreement.)

Motion adopted by the following vote:

Yes: Mayor Cutcher; Councilmembers Fisher, Haynes, Jacobs, McCulloch and Neal.

No: Councilmember Sample-Wynn.

Absent: None.

R-13. Councilmember Fisher offered and moved the adoption of the following resolution:

WHEREAS, on October 23, 2006, the City Council authorized the expenditure of \$30,500 for a *Target Market Analysis of Housing Types for Support of Real Estate Development and Redevelopment Projects Downtown and Adjacent Neighborhoods* (TMA) with said analysis to be conducted by Zimmerman/Volk Associates; and

WHEREAS, the Michigan State Housing Development Authority (MSHDA) has agreed to provide \$10,000 in grant funds to assist the City in paying for the TMA; and

WHEREAS, in order to receive the grant funds, MSHDA requires the City to enter into an Agreement (see City Clerk File #06-119);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby agrees to and accepts the terms of the Agreement between the Michigan State Housing Development Authority and the City of Port Huron for an award of \$10,000 in grant funds to assist the City in paying for the above mentioned Target Market Analysis and authorizes the appropriate City officials to execute the Agreement.

Adopted unanimously.

MOTIONS & MISCELLANEOUS BUSINESS

1. Councilmember Sample-Wynn gave details of the First Night New Year's celebration.

2. Councilmember Fisher stated that the Olde Towne Neighborhood caroling was a success and that they would be doing it again this weekend in their neighborhood.

On motion (10:15 p.m.), meeting adjourned.

PAULINE M. REPP, MMC
City Clerk

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